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29 January 2025

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THE PRESIDENCY

No. 5791 29 January 2025

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

Act No. 39 of 2024: Preservation and Development of Agricultural Land Act, 2024

BOPRESIDENTE

No. 5791 29 Januarie 2025

Go tsebišwa mo gore Mopresidente o amogetše Molao wo o latelago, wo o phataladišwego mo go tshedimošo ka kakaretšo:—

No. 39 ga ya go 2024: Molao wa Poloko
Thabollo ya Naga ya temo, 2024

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(English text signed by the President)
(Assented to 20 December 2024)

ACT

To provide that the Act applies to all agricultural land within the Republic; to provide principles for the management of agricultural land; to provide for agricultural land evaluation and classification; to provide for the preparation, purpose and content of provincial agricultural sector plans; to provide for the declaration of protected agricultural areas; to provide for the general objectives of agro-ecosystem management, agro-ecosystem authorisations, the listing and delisting of activities or areas within agro-ecosystems and the identification of competent authorities; to provide for the establishment of committees and the appointment of technical and other advisers to advise the Minister, MECs and competent authorities; to provide for a performance assessment framework; to provide for the establishment and management of the national agro-eco information system; to provide for appeal procedures; to provide for the appointment and functions of inspectors; to provide for contravention directives and the investigation and gathering of data on property; to provide for the delegation of powers; to enable the Minister to make regulations and determine norms and standards; to provide for offences and penalties; to provide for the amendment of the Subdivision of Agricultural Land Repeal Act, 1998 (Act No. 64 of 1998); and to provide for matters connected therewith.

PREAMBLE

RECOGNISING that it is in the national interest to preserve and promote the sustainable development of agricultural land for the production of food and other agricultural products for the primary purpose of sustaining and enhancing human life for the benefit of present and future generations;

RECOGNISING FURTHER the need for a national regulatory framework to coordinate the preservation and development of agricultural land in a proactive manner, to prevent the fragmentation of agricultural land, to minimise the loss of agricultural land, to promote viable farming units, to encourage the optimal use of agricultural land and to provide for food security;

ACKNOWLEDGING that high value agricultural land is a scarce and non-renewable resource and that the pressures exerted on agricultural land make it increasingly difficult to effectively and sustainably produce sufficient food; and

FURTHER ACKNOWLEDGING that it is the State's obligation to realise the constitutional imperatives in—

(English text signed by the President)
(Assented to 20 December 2024)

MOLAO

Go fana ka dipeelano tša gore Molao wo o šomišwe malebana le naga ka moka ya temo ka gare ga Repabliki; go fana ka metheo yeo e laolago naga ya temo; go fana ka dipeelano tša go lekolwa le go bewa ka magoro ga naga ya temo; go fana ka dipeelano tša tokišo, morero le diteng tša maano a lekala la temo la profense; go fana ka dipeelano tša pego ya mafelo ao a šireleditšwego a temo; go fana ka dinepo ka kakaretšo tša taolo ya lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo, ditumelelo tša go šomiša lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo, go ngwalwa le go tlošwa ga ditiragalo goba mafelo a ka gare ga mafelo ao mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo mmogo le go hlatha bolaodi bjo bo nago le bokgoni; go fana ka dipeelano tša go hlongwa ga dikomiti le go thwalwa ga baeletši ba sethekniki le ba bangwe go eletša Tona, di-MEC le bolaodi bjo ba nago bokgoni; go fana ka tlhako ya tekolo ya phethagatšo ya mešomo; go fana ka peelano ya go hlongwa le go laolwa ga lenaneotshepedišo la bosetšhaba la tshedimošo ya mafelo ao mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo; go fana ka ditshepedišo tša go dira boipiletšo; go fana ka dipeelano tša go thwala le mešomo ya balekodi; go fana ka ditaelo tša malebana le go tshelwa ga molao mmogo le nyakišišo le kgoboketšo ya datha malebana le thoto yeo e lego naga; go fana ka dipeelano tša go fetišetšwa ga maatla go mošomi yo mongwe; go kgontšha Tona go dira melawana le go hlatha maemo le ditlwaedi; go fana ka dipeelano malebana le melato le dikotlo; go fana ka dipeelano tša go fetošwa ga Molao wa go Fediša Karoganyo ya Naga ya Temo, wa 1998 (Molao wa No. ya 64 wa 1998); mmogo le go fana ka dipeelano tša merero ye e swanago le yona.

KETAPELE

KA GO LEMOGA gore ke ka kgahlego ya bosetšhaba go boloka le go tšwetšapele tlhabollo ya go ya go ile ya naga ya temo malebana le tšweletšo ya dijo le ditšweletšwa tše dingwe tša temo ka morero wo mogolo wa go tšwetšapele le go kaonafatša maphelo a batho gore go holege batho ba gabjale le meloko ye e sa tlogo ya batho;

GO LEMOGWA GAPE gore go hlokega tlhako ya bosetšhaba ya tekolo go rulaganya poloko le tlhabollo ya naga ya temo ka tsela yeo e šomago, go thibela karogano ya naga ya temo, go fokotša tahlegelo ya naga ya temo, go tšwetšapele go ba gona ga dikgwebo goba dikoporase, ka maikemišetšo a go tšwetšapele tšhomišo ye kaone ya naga ya temo mmogo le fana ka tšhireletšo ya dijo;

GO DUMELWA gore naga ya temo yeo boleng bja yona bo lego godimo ke mothopo wo o hlokegago ebile woo o ka se mpshafatšwego mmogo le gore dikgatelelo tše di bewago godimo ga naga ya temo di oketša bothata bja gore go kgona-gale go tšweletša dijo tše di lekanego gabotse le tša go ya go ile; le

GO DUMELWA GAPE gore Mmušo o a ganeletšega go nhethagatša dinvakwa tše

- section 24 of the Constitution, to have the environment protected for the benefit of present and future generations through reasonable legislative and other measures that will secure the sustainable development of natural resources; and
- section 27(1)(b) of the Constitution, to ensure that everyone in the Republic has access to sufficient food by taking measures aimed at enhancing the preservation and optimal use of agricultural land for agricultural purposes,

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

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15. Agro-ecosystem authorisations
16. Listing of activity and agricultural area
17. Procedure for listing an activity and agricultural area
18. Procedure for delisting or amending an activity or agricultural area 40
19. Identification of competent authority

- karolo ya 24 ya Molaotheo, gore go be le tikologo yeo e šireleditšwego go hola meloko ya gabjale le ye e sa tlogo ya batho ka go dira molao wo o kwagalago le magato a mangwe ao a tlo bolokago tlhabollo ya go ya go ile ya methopo ya tlhago; le
- karolo ya 27(1)(b) ya Molaotheo, go netefatša gore mang le mang ka gare ga Repabliki o fihlelela dijo tše di lekanego ka go tšea magato ao a lebišitšwego go kaonafatšo ya poloko le tšhomišo ye kaone ya naga malebana le merero ya temo,

BA GONA O DIRWA MOLAO ke Palamente ya Repabliki ya Afrika Borwa, ka tsela ye e latelago:—

PEAKANYO YA DIKAROLO

KGAOLO YA 1

TLHATHOLLO LE DINEPO

5

Dikarolo

1. Ditlhalošo
2. Dinepo tša Molao
3. Tšhomišo ya Molao

KGAOLO YA 2

10

TAOLO YA NAGA YA TEMO

Karolo ya 1

Metheo

4. Metheo

Karolo ya 2

15

Tekolo le go hlatha magoro a naga ya temo

5. Tekolo le go hlatha magoro a naga ya temo

Karolo ya 3

Maano a lekala la temo la profense

6. Tokišo ya maano a lekala la temo la profense
7. Morero wa maano a lekala la temo la profense
8. Diteng tša maano a lekala la temo la profense
9. Maamo a maano a lekala la temo la profense
10. Kobamelo ya maano a lekala la temo la profense

20

Karolo ya 4

25

Mafelo ao a šireleditšwego a temo

11. Pego ya mafelo ao a šireleditšwego a temo
12. Tshepedišo ya go bega mafelo ao a šireleditšwego a temo
13. Tekolo, kgogelonthago le phetošo ya mafelo ao a šireleditšwego a temo

KGAOLO YA 3

30

TAOLO YA LEFELO LEO MEHUTA YA DIPHEDI E ŠOMIŠANAGO MMOGO GO TŠWELETŠA DITŠWELETŠWA TŠA TEMO

14. Dinepo ka kakaretšo tša taolo ya lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo
15. Ditumelero tša go šomiša lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo
16. Go ngwala ditiro le lefelo la temo
17. Tshepedišo ya go ngwala ditiro le lefelo la temo
18. Tshepedišo ya go tloša lenaneong goba go fetošwa ga tiro ya temo
19. Go hlathwa ga bolaodi bio bo nago bokegoni

40

CHAPTER 4 INSTITUTIONAL FRAMEWORK

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CHAPTER 1 INTERPRETATION AND OBJECTS

Definitions

- | | | |
|----|--|----|
| 1. | In this Act, unless the context indicates otherwise— | |
| | “ advisory appeal panel ” means an advisory appeal panel appointed by the Minister in terms of section 28; | 40 |
| | “ agricultural area ” means a cartographically delineated area, with shared agricultural characteristics, based on— | |
| | (a) agricultural land capability; | |
| | (b) agricultural conservation status; | 45 |
| | (c) agricultural potential; | |

KGAOLO YA 4
TLHAKO YA SEHLONGWA

- | | | |
|-----|---|---|
| 21. | Go hlongwa ga dikomiti | |
| 22. | Go thwalwa ga baeletši ba sethekniki le ba bangwe | |
| 23. | Tekolo ya phethagatšo ya mešomo | 5 |

KGAOLO YA 5
LENANEOTSHEPEDIŠO LA BOSETŠHABA LA TSHEDIMOŠO YA
MAFELO AO MEHUTA YA DIPHEDI E ŠOMIŠANAGO MMOGO GO
TŠWELETŠA DITŠWELETŠWA TŠA TEMO

- | | | |
|-----|--|----|
| 24. | Go hlongwa ga lenaneotshepedišo la bosetšhaba la tshedimošo ya mafelo ao mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo | 10 |
| 25. | Dinepo tša lenaneotshepedišo la bosetšhaba la tshedimošo ya mafelo ao mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo | |
| 26. | Diteng tša lenaneotshepedišo la bosetšhaba la tshedimošo ya mafelo ao mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo | 15 |

KGAOLO YA 6
BOIPILETŠO, KOBAMELO LE DITLOLAMOLAO

Karolo ya 1
Ditshepedišo tša go dira boipiletšo

- | | | |
|-----|--|----|
| 27. | Tokelo ya go dira boipiletšo | 20 |
| 28. | Go thwalwa ga phanele ya baeletši ba dikgopelo tša boipiletšo | |
| 29. | Go nyakišišwa le go lekolwa ke phanele ya baeletši ba dikgopelo tša boipiletšo | |
| 30. | Go lekolwa ga boipiletšo ke Tona | |

Karolo ya 2
Ditekolo tša kobamelo le go tshela ditaelo

- | | | |
|-----|---|--|
| 31. | Ditekolo tša kobamelo | |
| 32. | Go tshela ditaelo | |
| 33. | Go dira dinyakišišo le go kgoboketša datha ka ga naga ya temo | |

KGAOLO YA 7
DIPEELANO KA KAKARETŠO LE DITIRAGALO TŠE DINGWE TŠEO DI
SA LETELWAGO

- | | | |
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| 35. | Melawana | |
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| 39. | Thaetlele ye kopana le mathomo | |

Šetule
Phedišo le phetošo ya melao

KGAOLO YA 1
TLHATHOLLO LE DINEPO

Ditlhalošo

1. Ka go Molao wi, ntle le ge diteng di šupa se sengwe—
“phanele ya keletšo ya boipiletšo” era phanele ya keletšoya boipiletšo yeo e thwetšwego ke Tona go ya karolo ya 28;
“lefelo la temo” e ra lefelo leo le hlathilwego bjalo ka la temo mmepeng, leo le nago dika tša lefelo la temo, tšeo di theilwego go—
(a) bokgoni bja naga ya temo;
(b) maemo a nolokego va naga va temo.

- (d) agricultural suitability;
- (e) geographic location; or
- (f) agricultural use;
- “agricultural land”** means all land in the jurisdiction of the Republic, excluding land— 5
- (a) in a township as defined in the Deeds Registries Act, or land for which a township register, separate subdivision register or sectional title register, as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986), has been opened;
- (b) which, immediately prior to the date of commencement of this Act, was lawfully zoned for non-agricultural purposes by an organ of state subject to the conditions of the zoning; 10
- (c) which has been excluded in terms of the Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970), by means of a notice in the *Gazette*; or
- (d) which the Minister excludes in terms of section 5(2); 15
- “agricultural land capability”** means the most intensive long-term use of land for purposes of rain fed farming, determined by the interaction of climate, soil and terrain;
- “agricultural potential”** means a measure of potential productivity per unit area and unit time achieved with specified management inputs which, for a given crop or veld type and level of management, is largely determined by the interaction of climate, soil and terrain; 20
- “agricultural purposes”** means practices associated with the use of agricultural land for crop and animal production, keeping of animals, including wild animals, forestry and logging, fishing and aquaculture, including the use of land for structures, buildings and dwelling units reasonably necessary for, or related to, the agricultural use of land; 25
- “agriculture”** means the science, practice, occupation or economic activity in all its aspects concerned with the keeping or active production of useful plants, fungi or animals for— 30
- (a) bio-fuel;
- (b) fibre;
- (c) food; or
- (d) other agricultural goods or services, 35
- and includes, in varying degrees, the preparation or marketing of the resulting products;
- “agro-ecosystem”** means a spatially and functionally coherent unit of agricultural activity, that can be defined on varying spatial scales, and includes the interactions between the living and non-living components of the unit as contained within larger landscapes; 40
- “agro-ecosystem authorisation”** means the authorisation contemplated in section 15;
- “agro-ecosystem report”** means a report quantifying and qualifying site specific and cumulative impact of land use changes on the productivity, stability, viability, adaptability, resiliency and equitability of an agro-ecosystem; 45
- “competent authority”** means the competent authority identified by the Minister in terms of section 19;
- “Constitution”** means the Constitution of the Republic of South Africa, 1996;
- “Deeds Registries Act”** means the Deeds Registries Act, 1937 (Act No. 47 of 1937); 50
- “Department”** means the national department responsible for agriculture;
- “Director-General”** means the Director-General of the Department;
- “farmer”** means a person or entity who uses agricultural land for agricultural purposes, and excludes a person employed by the farmer;

- (d) go swanelega ga naga go ka lengwa ga yona;
- (e) lefelo leo naga e lego go lona; goba
- (f) tšhomišo ya naga go lema;
- “naga ya temo”** e ra naga ka moka yeo e lego ka fase ga taolo ya Repabliki, go sa akaretšwe naga— 5
- (a) ya ka gare ga toropo yeo e hlalošitšwego ka go Molao wa Rejisetara ya Boingwadišo bja Bongthoto, goba naga yeo e welago ka fase ga rejisetara ya totopo, rejisetara ya dikago tšeo di arotšwego ka dikarolo, bjalo ka ge e hlalošitšwe ka go Molao wa Dithaetlele tša Dikago tše di Arotšwego ka Dikarolo, wa 1986 (Molao wa No. ya 95 wa 1986); 10
- (b) yeo, le semeetseng ka morago ga letšatšikgwedi la go thoma go šoma ga Molao wo, e bego e kgethilwe go ya ka semolao bjalo ka naga yeo e tlo s’omišetšwego morero wa go go lema ke lekala la mmušo ka fase ga mabaka a go kgetha naga;
- (c) yeo e sa akaretšwego go ya ka Molao wa Karoganyo ya Naga ya Temo, wa 1970 (Molao wa No. ya 70 ya 1970), ka go šomiša tsebišo ka go Kuranta ya Mmušo; goba 15
- (d) yeo Tona a sa e akaretšego go ya ka karolo ya 5(2);
- “bokgoni bja naga ya temo”** e ra tšhomišo ye e tseneletšego kudu ya nako ye telele ya naga ya temo malebana le merero ya temo yeo ithekgilego ka pula, ka mohuta wa klaemete, mobu le maemo a naga yeo e kgethetšwego go lema; 20
- “bokgoni bja go ka šomišwa ga naga go lema”** e ra tekano ya bokgoni bja naga go tšweletša malebana le yuniti efe goba efe ya naga ya temo le tšweletšo ye e fihletšwego ke yuniti yeo mmogo le tekano ya nako yeo e tšerego yuniti yeo go tšweletša ka taolo ya ditsenogare tše di bilego gona, tšeo e lego gore go malebana le sebjalo goba mohuta wa lesodi mmogo le maemo a taolo, e laolwa kudu ke tšhomišano ya klaemete, mobu le sebopego sa naga; 25
- “merero ya temo”** e ra ditiro tšeo di amanago le tšhomišo ya naga ya temo ya tšweletšo ya dibjalwa le ya diphoofole, go rua diphoofole, go akaretšwa diphoofole tša hlaga, dithokgwa le go rema dihlare, go rea dihlapa le temothuo ya tša meetseng, go akaretšwa go šomišwa ga naga go aga dikago, meago le diyuniti tša go dula tšeo di hlokegago, goba di amanago le, tšhomišo ya naga ya temo; 30
- “temo”** e ra saentshe, ditiro, mošomo goba tiragalo ya ekonomi le dikarolo tša yona ka moka tšeo di amanago le go dira mošomo wo o bolokago goba wo o dirago gore go phele go na le tšweletšo ya dimela tše di nago le mohola, difankase goba diphoofole tša malebana le— 35
- (a) mafura;
- (b) tlhale;
- (c) dijo; goba
- (d) didirišwa goba ditirelo dife goba dife, ebile e akaretša go abana ka boitokišo goba go bapatša ga ditšweletšwa maemong a go fapafapana; 40
- “lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo”** e ra yuniti ye e nago le sekgoba ebile ye e šomago gabotse, yeo e ks hlalošago maemo a dikgoba tša temo ao a fapafapanego, ebile e akaretša tša kgokagano magareng ga diphedi le diphoofole tše di ka se yuniti yeo e lego ka gare ga dinaga tše kgolo; 45
- “Ditumelelo tša go šomiša lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo”** e ra tumelelo yeo e hlalošitšwego ka go karolo ya 15;
- “pego ya lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo”** e ra pego yeo e lekanyetšago le go netefatša seabe sa tšhomišo ya naga se se itšego goba se se diregago go ya le nako go tšweletšo, tšweletšo ya ka mehla, kgonagalo ya tšweletšo, go fetogafetoga ga maemo a naga, go kgotlelela le go lekalelana ga pego ya lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo; 50
- “bolaodi bjo bo nago bokgoni”** e ra bolaodi bjo bo nago le bokgoni bjo bo kgethilwego ke Tona go ya ka karolo ya 19;
- “Molaotheo”** e ra Molaotheo wa Repabliki ya Borwa Afrika, wa 1996;
- “Molao wa Boingwadišo bja Bongthoto”** e ra Molao wa Boingwadišo bja Bongthoto, wa 1937 (Molao wa No. ya 47 wa 1937); 60
- “Kgoro”** e ra Kgoro ya bosetšhaba yeo e nago maikarabelo a temo;
- “Molaodipharephare”** e ra Molaodipharephare wa Kgoro;
- “molemi”** e ra motho goba sehlonowa seo se šomišago naga ya temo ka merero va

- “farming unit”** means an institutional unit, in its capacity as a producer of agricultural goods and services, with—
- (a) autonomy in respect of financial and investment decision-making; and
 - (b) authority and responsibility for allocating resources for the production of agricultural goods and services; 5
- “food security”** means physical, social and economic access by all people in the Republic, at all times, to sufficient, safe and nutritious food, which meets their dietary needs for an active and healthy life;
- “HoD”** means the head of the provincial department responsible for agriculture;
- “land owner”** means a natural or juristic person, or a community, who holds a right in land, registered or unregistered, over which such person or community enjoys protection under any law; 10
- “land suitability assessment”** means the assessment of the fitness of a given piece of land for a defined agricultural purpose, determined by the interaction of climate, soil and terrain, the availability of water and the natural fauna and flora, excluding weeds and invasive species; 15
- “land use”** means a series of human activities which are directly related to the land, making use of its resources, or having an impact on it, and “land user” has a corresponding meaning;
- “listed activity”** means an activity contemplated in section 16; 20
- “MEC”** means a member of the Executive Council of a Province responsible for agriculture;
- “Minister”** means the Minister responsible for agriculture, unless stated otherwise;
- “Municipal Systems Act”** means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); 25
- “municipality”**, when referred to as—
- (a) an entity, means a municipality as described in section 2 of the Municipal Systems Act, and includes the municipal council; and
 - (b) a geographical area, means a municipal area determined in the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998); 30
- “national agro-eco information system”** means the national agro-ecology information system established in terms of section 24;
- “optimal agricultural use”** means the maximum productivity per unit area and unit time achievable by the best suited or adapted farming practices in a sustainable manner, with minimum negative impacts on the natural agricultural resources upon which the agricultural economy depends, including soil, water, climate, terrain, natural fauna and flora, but excluding weeds and invasive species; 35
- “prescribe”** means prescribe by regulation;
- “preserve”** means to protect agricultural land from anything that would cause its current agricultural potential, capability, suitability and use to change or deteriorate or cause it to be lost for agricultural production; 40
- “protected agricultural area”** means a national or provincial protected agricultural area, contemplated in Part 4 of Chapter 2, which is a cartographically delineated area of agricultural land— 45
- (a) which is preserved for purposes of ensuring that agricultural land is protected against non-agricultural land uses in order to promote long-term agricultural production and food security; and
 - (b) which includes all areas demarcated as such in accordance with section 11;
- “provincial agricultural sector plan”** means a provincial agricultural sector plan contemplated in Part 3 of Chapter 2; 50
- “provincial department”** means the provincial department responsible for agriculture;

“yuniti ya temo” e ra yuniti ya sehlolongwa, ka bokgoni bja yona bja go tšweletša didirišwa le ditirelo tša temo, ka—

(a) go itaola malebana le go tšea diphetho tša matlotlo le dipeeletšo; le

(b) go laola le go tšea maikarabelo a go aba methopo ya go tšweletšwa ga ditšweletšwa le ditirelo tša temo;

5

“tšhireletšego ya dijo” e ra phihlelelo ya dijo ke setšhaba le ekonomi ka gare ga Repabliki, ebile ka dinako ka moka, moo dijo tšeo e lego tše di lekanego, tše di bolokegilego le tšeo di nago le phepo, tšeo di fihlelelago dinyakwa tša phepo ya bona gore ba be le bophelo bjo bo phelegilego;

“HoD” e ra hlogo ya kgoro ya profense yeo e nago maikarabelo a temo;

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“mong wa naga” e ra motho wa setlwaedi goba sehlolongwa sa semolao, goba setšhaba, seo se nago le tokelo ya naga, yeo e ngwadišitšwego goba e sa ngwadišwago, moo motho goba setšhaba se bjalo se ipshinago ka tšhireletšo ka fase ga molao ofe goba ofe;

“tekolo ya go swanelega ga naga” e ra tekolo ya go swanelega ga karolo ya naga yeo e hlalošitšwego bjalo ka yeo e tlo šomišetšwago morero wa temo, yeo e hlathwago go ya ka maemo a leratadima, mobu le sebopego sa naga, go ba gona ga meetse le diphoofolo tša tlhago le dimela, go sa akaretšwe ngwang le diphedinyana tše di hlaselago;

15

“tšhomišo ya naga” e ra tatelano ya ditiro tša batho tšeo di amanago thwii le naga, go akaretšwa go šomiša methopo ya yona, goba go ba le seabe go yona, ebile lentšu le “mošomiši wa naga” le na le tlhalošo ye e sepelelanago le ye;

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“tiragalo ye e ngwadilwego” e ra tiragalo yeo e hlalošitšwego ka go karolo ya 16;

“MEC” e ra leloko la Lekgotla Phethiši la Profense leo le nago maikarabelo a temo;

25

“Tona” e ra Tona yeo e nago maikarabelo a temo, ntle le ge go ngwadilwe ka tsela ye nngwe;

“Molao wa Mananeotshepedišo a Masepala” e ra Mmušo wa Selegae: Molao wa Mananeotshepedišo a Masepala, wa 2000 (Molao wa No. ya 32 wa 2000);

“masepala” ge o hlalošwa bjalo—

30

(a) ka sehlolongwa, o ra masepala bjalo ka ge o hlalošitšwe ka go karolo ya 2 ya Molao wa Mananeotshepedišo a Masepala, ebile tlhalošo ye e akaretša lekgotla la masepala; le

(b) ka lefelo la tikologo, o ra masepala wa tikologo wa Mmušo wa Selegae: Molao wa Karoganyo ya Mellwane ya Masepala, wa 1998 (Molao wa No. ya 27 wa 1998);

35

“lenaneotshepedišo la bosetšhaba la tshedimošo ya mafelo ao mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo” era lenaneotshepedišo la bosetšhaba la tshedimošo ya mafelo ao mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo leo le hlamilwego go ya ka karolo ya 24;

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“tšhomišo ya go felela ya naga ya naga ya temo” e ra tšweletšo ka moka ya go felela ya yuniti ye nngwe le ye nngwe mmogo le nako ya yuniti yeo e ka fihlelelwago ka go šomiša ditiro tša maleba goba tšeo di amanago le temo ka tsela ya go ya go ile, yeo e nago le ditlamorago tše mpe go methopo ya tlhago ya temo yeo ekonomi ya temo e ithekilego ka yona, go akaretšwa mobu, meetse, leratadima, sebopego sa naga, diphoofolo le dimela tša tlhago, fela go sa akaretšwe ngwang le diphedinyana tše di hlaselago;

45

“laela” e ra go laela go ya ka molawana;

“boloka” e ra go šireletša naga ya temo gotšwa go se sengwe le se sengwe seo se ka hlalago kgonagalo, bokgoni, go swanelega le tšhomišo ya gabjale go fetoga goba go senyega goba go hlola gore naga e lahlegelwe ke tšweletšo ya temo;

50

“lefelo la temo leo le šireleditšwego” e ra lefelo la temo la bosetšhaba goba la profense leo le šireleditšwego, leo le hlalošitšwego ka go Karolo ya 4 ya Kgaolo ya 2, bjalo ka lefelo leo le kgethetšwego temo ka go mmepe wa naga—

55

(a) leo le bolokilwego ka merero wa go netefatša gore naga ya temo e šireleditšwe kgahlanong le tšhomišo ya naga yeo e sego ya temo ka nepo ya go tšwetša pele temo ya lebaka le letelele mmogo le tšhireletšo ya dijo; ebile

(b) leo le akaretšago mafelo ka moka ao a kgethilwego go ya ka karolo ya 11;

“leano la lekala la temo ya profense” e ra leano la lekala la temo ya profense leo le hlalošitšwego ka go Karolo ya 3 ya Kgaolo ya 2;

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“kgoro ya profense” e ra kgoro ya profense yeo e nago maikarabelo a temo;

“monowadiši wa honothoto” e ra monowadiši hialo ka se a hlalošitšwe ka go

- “**registrar of deeds**” means a registrar as defined in the Deeds Registries Act;
- “**Spatial Data Infrastructure Act**” means the Spatial Data Infrastructure Act, 2003 (Act No. 54 of 2003);
- “**Spatial Planning and Land Use Management Act**” means the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013); 5
- “**sustainable agriculture**” means—
- (a) farming practices that—
 - (i) conserve land, water, plant and animal genetic resources; and
 - (ii) are environmentally non-degrading, technically appropriate, economically viable and socially acceptable; and 10
 - (b) an integrated system of plant and animal production practices having a site-specific application that complements ecological and biodiversity conservation and meets present needs without compromising the ability to meet a future need to—
 - (i) satisfy human needs for food and other agricultural products; 15
 - (ii) enhance environmental quality and the natural resource base upon which the agricultural economy depends;
 - (iii) make the most efficient use of non-renewable resources and on-farm resources and integrate, where appropriate, natural biological cycles and controls; 20
 - (iv) sustain the viability of a farming unit; and
 - (v) enhance the quality of life for farmers and society as a whole;
- “**this Act**” includes any regulation made under this Act; and
- “**viable farming unit**” means the minimum area of agricultural land required for a farming unit practising sustainable agriculture that is economically viable and generates sufficient revenue from its agricultural production operations in order to cover— 25
- (a) all variable and fixed costs of production;
 - (b) all appropriate family living expenses; and
 - (c) capital replacement costs, 30
- with an adequate buffer to cater for risks related to climate variability within the specific agro-ecosystem, but excluding declared disasters.

Objects of Act

2. The objects of this Act are to—
- (a) promote the preservation and sustainable development of agricultural land; 35
 - (b) establish evaluation and classification systems for agricultural land;
 - (c) demarcate protected agricultural areas to ensure that agricultural land is preserved and protected against non-agricultural uses in order to promote long-term agricultural production;
 - (d) implement a coordinated national framework, including norms, standards and authorisations for the use of agricultural land to— 40
 - (i) promote and encourage viable farming units from a long-term economic, environmental and social perspective;
 - (ii) discourage land use changes from agricultural to non-agricultural uses to prevent the fragmentation of the agro-ecosystems; and 45
 - (iii) facilitate concurrent land uses on agricultural land without jeopardising long term food security;
 - (e) provide for mitigating measures to counteract the loss of agricultural land and the impact of non-agricultural developments on agricultural production capacity; and 50
 - (f) establish a national agro-eco information system with geo-referenced information to support the objects of this Act.

- “Molao wa Datha ya Mananeokgoparara a Naga”** e ra Molao wa Datha ya Mananeokgoparara a Naga, wa 2003 (Molao wa No. ya 54 wa 2003);
- “Molao wa Thulaganyo ya Naga le Taolo ya Tšhomišo ya Naga”** e ra Molao wa Thulaganyo ya Naga le Taolo ya Tšhomišo ya Naga, wa 2013 (Molao wa No. ya 16 wa 2013);
- “temo ya go ya go ile”** e ra—
- (a) ditiro tša temo tšeo di—
- (i) bolokago methopo ya tlhago ya naga, meetse, dimela le diphoofole; le
- (ii) di sa senyego tikologo, di šomišwago ka mokgwa wa maleba, di thušago ekonomo le tšeo di amogegago setšhabeng; le
- (b) lenaneotshepedišo leo le kopantšwego la ditiro tša go tšweletša dimela le diphoofole leo le šomišwago mafelong ao a itšego go tlaleletša maikemišetšo a go boloka ikholotši le mehutahuta ya diphedi ebile leo le fihlelelago dinyakwa tša gabjale ntle le go senya bokgoni go bja go fihlelelwa ga dinyakwa tša ka moso tša go—
- (i) kgotsofatša dinyakwa tša batho tša dijo le ditšweletšwa tša temo;
- (ii) kaonafatša boleng bja tikologo le methopo ya tlhago yeo ekonomo e ithekgilego godimo ga yona;
- (iii) s’omišwa gabotse ga methopo yeo e sa mpshafatšwego le methopo yeo e lego polaseng mmogo le go kopanya, moo go nyakegago, methopo ya tlhago le taolo;
- (iv) tšwetša pele bokgoni bja go ka šomišwa ga yuniti ya go lema; le
- (v) kaonafatša boleng bja bophelo bja balemirui le setšhaba ka kakaretšo;
- “Molao wo”** o akaretša molawana ofe goba ofe wo o dirilwego ka fase ga Molao wo;
- “yuniti yeo e ka šomišwago go lema”** e ra bonnyane bja naga ya temo bjoo bjo nyakegago malebana go hlola yuniti ya go lema yeo e tšweletšago temo ya go ya go ile yeo e nago bokgoni bja go thuša ekonomo le go tšweletša letseno leo le lekanego gotšwa go mešomo yeo e tšwago go ka maikemišetšo a go kgona go fihlelela—
- (a) ditshenyagalelo tša go fapafapana le tša setlwaedi tša tšweletšo;
- (b) ditshenyagalelo tša boiphedišo tša maleba tša lapa; le
- (c) ditshenyagalelo tša didirišwa tša kgale tša tšweletšo, tšeo di nago le bafara ye e lekanego go thibela dikotsi tšeo di amanago le go loka ga leratadima ka gare ga lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo, fela go sa akaretšwe masetlapelo ao a tsebagaditšwego.

Dinepo tša Molao

2. Dinepo tša Molao wo ke go—
- (a) tšwetšapele polokego le tlhabollo ya go ya go ile ya naga ya temo;
- (b) hloma mananeotshepedišo a go lekola le go aroganya naga ya temo;
- (c) aroganya mellwane ya mafelo ao a šireleditšwego a temo go netefatša gore naga ya temo e a bolokwa le go šireletšwa kgahlanong le go šomišwa ga yona ka morero wo e sego wa temo gore go tšwetšwe pele tšweletšo ya lebaka le le telele ya temo;
- (d) phethagatša tlhako ya bosetšhaba ya thulaganyo, go akaretšwa mabaka, maemo le ditumelelo tša go šomišwa ga naga ya temo go—
- (i) tšwetša pele le go hlohleletša go ba gona ga diyuniti tša temo tše di šomago malebana le tebelelo ya go ya go ile ya ekonomo, tikologo le leago;
- (ii) nyamiša go ba gona ga diphetogo go tšhomišo ya naga bjalo ka ya temo go ya go yeo e sa šomišetšwego go lema ka go thibela go senyega ga mafelo ao mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo; le
- (iii) nolofatša tšhomišo ya naga ka tatelano ntle le go bea kotsing tšhireletšego ya dijo;
- (e) fana ka magato a go fokotša ao a tlo šomišwago go lwantšha tahlegelo ya naga ya temo le ditlamorago tša tlhabollo yeo e sego ya temo go bokgoni bja tšweletšo ya temo; le
- (f) hloma lenaneotshepedišo la bosetšhaba la tshedimošo ya mafelo ao mehuta va diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo leo le

Application of Act

3. (1) This Act applies to all agricultural land within the Republic.
 (2) This Act binds all organs of state in the—
 (a) national and local spheres of government; and
 (b) provincial sphere of government, subject to section 146 of the Constitution. 5
 (3) This Act applies in conjunction with the application of any other law, including national and provincial legislation, but not limited to, the Spatial Planning and Land Use Management Act.

CHAPTER 2**AGRICULTURAL LAND MANAGEMENT**

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Part 1**Principles****Principles**

4. (1) The following principles apply to all agricultural land within the Republic:
 (a) The principle of agro-ecosystem management, where— 15
 (i) an agro-ecosystem is a function of its natural environment and farming system;
 (ii) activities that affect agricultural land must be assessed in the context of an agro-ecosystem; and
 (iii) the site specific and the cumulative impact of activities on the living and non-living components within an agro-ecosystem must be assessed; 20
 (b) the principle of productivity, where—
 (i) the quantity of food and other agricultural goods and services delivered per unit area and unit time is directly related to agricultural productivity, determined by the interaction between climate, soil and terrain variables, spatial location and management; 25
 (ii) land with high agricultural productivity is severely limited within the country; and
 (iii) all developmental frameworks and policies must address the preservation of land, with a high agricultural productivity, for agricultural use; 30
 (c) the principle of stability, where—
 (i) food insecurity adversely affects the stability of society and sustained food production depends on stable agro-ecosystems;
 (ii) land development procedures must prevent destructive land use changes and include provisions to secure and maintain the long-term optimal functioning of agro-ecosystems; and 35
 (iii) actual or potential conflicts between organs of state should be resolved through conflict resolution procedures;
 (d) the principle of resiliency, where—
 (i) agro-ecosystem resiliency is determined by its capacity to recover its functionality, structure and feedback mechanisms after a disturbance; and 40
 (ii) activities or events with a significant disturbance on agro-ecosystems and agricultural productivity must be avoided, or where they cannot be avoided, minimised, mitigated and remedied; 45

Tšhomišo ya Molao

3. (1) Molao wo o šoma go naga ya temo ka moka ka gare ga Repabliki.
 (2) Molao wo o tlama makala ka moka a mmušo ka go—
 (a) makala a bosetšhaba le a selegae a mmušo; le ka go
 (b) lekala la profense la mmušo, go ya ka karolo ya 146 ya Molaotheo. 5
 (3) Molao wo o šoma ka kopano le tšhomišo ya molao ofe goba ofe wo mongwe, go akaretšwa molao wa bosetšhaba le profense, eupša sego fela Molao wa Thulaganyo ya Naga le Tšhomišo ya Naga.

KGAOLO YA 2**TAOLO YA NAGA YA TEMO**

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Karolo ya 1**Metheo****Metheo**

4. (1) Metheo e šomišwa go naga ka moka ya temo ka go Repabliki:
 (a) Motheo wa go laola lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo, moo— 15
 (i) lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo e lego mošomo wa tlhago ya tikologo le lenaneotshepedišo la temo;
 (ii) ditiro tšeo di amago naga ya temo di swanetše go lekolwa go ya lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo; le 20
 (iii) ditiragalo tšeo di nago le seabe ka kakaretšo le tšeo di diregagao lefelong leo le itšego fela go dikarolo tša diphedi le tšeo e sego tša diphedi ka gare ga lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo di swanetše go lekolwa; 25
 (b) motheo wa tšweletšo, moo—
 (i) tekano ya palo ya dijo le ditšweletšwa tše dingwe tša temo mmogo le ditirelo tšeo di abjago ke yuniti ye nngwe le ye nngwe ya nako ya yuniti yeo di amana thwii le tšweletšo ya temo, yeo e laolwago ke tšhomišano magareng ga diphetogo tša leratadima, mobu le sebopego sa naga, lefelo leo naga e lego go lona le go hlokomelwa ga lona; 30
 (ii) naga ya temo yeo e nago le tšweletšo ya godimo ke ye nnyane kudu ka gare ga naga; le
 (iii) ditlhako le dipholisi tša tlhabollo ka moka di swanetše go šetšana le go bolokwa ga naga, yeo e nago le tšweletšo ye kgolo ya temo, gore e šomišwe go lema; 35
 (c) motheo wa go ba maemong ao a tiilego, moo—
 (i) go se šireletšege ga dijo go amago ga mpe go ba maemong ao a tiilego a setšhaba ebile moo tšweletšo ya dijo ya go ya go ile e ithekgilego ka lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo le tiilego; 40
 (ii) ditshepedišo tša tlhabollo ya naga di swanetše go thibela diphetogo tšeo di tlo senyago naga ebile di swanetše go akaretša dipeelano tša go šireletša le go hlokomela go šoma gabotse ga lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo lebaka le le telele; le 45
 (iii) dithulano tša nnete goba tšeo di ka bago gona magareng ga makala a mmušo di swanetše go rarollwa ka ditshepedišo tša go rarolla dithulano;
 (d) motheo wa go kgona go kgotlelela, moo— 50
 (i) go kgona go kgotlelela ga lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo go laolwa ke bokgoni bja lona bja go ka boela la dira mošomo wa lona gape, sebopego le mekgwa ya tšweletšo ka morago ga tšhitišo; le
 (ii) mediro goba ditiragalo tšeo di hlolago tšhitišo ye kgolo go lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo mmogo le go tšweletšo va temo di swanetše go efogwa. goba moo 55

- (e) the principle of viability, where—
 - (i) the long term survival, profitability and growth of the agricultural sector is a function of viable farming units, farming systems and farming enterprises; and
 - (ii) the impact of activities on the viability of farming units, farming systems and farming enterprises must be considered, assessed and evaluated and decisions must be appropriated according to such consideration, assessment and evaluation; and
- (f) the principle of equitability, where—
 - (i) all activities on agricultural land are subjected to a fair, equal and just assessment and treatment;
 - (ii) decisions take into account the interests, needs and values of all interested and affected parties; and
 - (iii) all farmers have the opportunity to develop the skills and capacity required for the emergence of productive, viable and resilient farming units, and the participation by vulnerable and disadvantaged farmers or potential farmers are ensured.
- (2) The principles in subsection (1) must be applied when—
 - (a) assessing applications for agro-ecosystem authorisations;
 - (b) determining norms and standards;
 - (c) developing provincial agricultural sector plans;
 - (d) declaring protected agricultural areas; and
 - (e) all actions and decisions made in respect of agricultural land.

Part 2

Agricultural land evaluation and classification

Agricultural land evaluation and classification

5. (1) The Minister, after consultation with the MECs, may—
- (a) establish evaluation and classification systems to appraise the agricultural land capability, suitability, potential and use of agricultural land at national, provincial and local levels, to promote the preservation and sustainable development of agricultural land; and
 - (b) spatially delineate agricultural areas according to shared characteristics in agricultural land capability, suitability, potential, use, location or any combination thereof.
- (2) The Minister may exclude land from agricultural land, after consultation with any other Minister or MEC with jurisdiction over the land concerned, by means of a notice in the *Gazette* and other media.

Part 3

Provincial agricultural sector plans

Preparation of provincial agricultural sector plans

6. (1) The Minister must prescribe criteria for the compilation of a provincial agricultural sector plan to ensure that it—
- (a) is based on agricultural science;
 - (b) promotes sustainable agriculture;
 - (c) promotes food security;
 - (d) preserves agricultural land;
 - (e) promotes synergy between provincial agricultural sector plans; and
 - (f) is compiled in a participatory manner.
- (2) The MEC, with the concurrence of the Minister and after consulting the public, must publish a provincial agricultural sector plan in the *Gazette* and other media within five years of the commencement of this Act and at intervals of not more than five years thereafter.

- (e) motheo wa go kgona go ka šomišwa, moo—
- (i) go šoma lebaka le letelele, go dira letseno le kgolo ya lekala la temo go dirwa ke ge go na le diyuniti tša temo tše di šomago, mananeotshepedišo a temo dikgwebo tša temo; le
 - (ii) ditlamorago tša ditiro malebana le go kgona go šoma ga diyuniti tša temo, mananeotshepedišo a temo le dikgwebo tša temo di swanetše go šetšwa, go lekolwa le go hlahlobja gomme diphetho di swanetše go tšewa go ya ka go šetša, go lekola goba tlhahlobo ye bjalo; le
- (f) motheo wa tekatekano, moo—
- (i) ditiro ka moka tše di dirwago go naga ya temo di swanetše swarwa le go lekolwa ka tsela ye e lokilego le ye e lekanago; 10
 - (ii) diphetho di swanetše go dirwa ka go šetšana le dikgahlego, dinyakwa le metheo ya batho bao ba nago le kgahlego ebile bao ba amegilego; le
 - (iii) go netefatšwe gore balemirui ka moka ba na le sebaka sa go hlabolla mešomo le bokgoni bjo bo nyakegago malebana le go tšweletša diyuniti tša temo tše di kgonago go tšweletša, tše di šomago le tše di kgonago go kgotlelela, mmogo le go kgathatema ga balemirui bao ba lego kotsing le bao ba hlokago goba bao ba nyakago go ba balemirui. 15
- (2) Metheo yeo e ngwadilwego ka go karolwana ya (1) e swanetše go šomišwa ge—
- (a) go lekolwa dikgopelo tša ditumelelo tša go šomiša lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo; 20
 - (b) go hlathwa mabaka le dipeelano;
 - (c) go hlanguwa maano a lekala la profense la temo;
 - (d) go tsebatšša mafelo ao a šireleditšwego a temo; le
 - (e) ditiro le diphetho ka moka tše di dirilwego malebana le naga ya temo. 25

Karolo ya 2

Tekolo le go hlatha magoro a naga ya temo

Tekolo le go hlatha magoro a naga ya temo

5. (1) Tona, ka morago ga therišano le di-MEC, a ka—
- (a) hloma mananeotshepedišo a tekolo le a go arolwa ga naga ka magoro go sekaseka ge e ba e na le bokgoni, go swanelega, mmogo le kgonagalo ya gore naga ya temo e ka šomišwa maamong a bosetšhaba, profense le dinagamagaeng, go tšwetšapele polokego le tlhabollo ya go ya go ile ya naga ya temo; le 30
 - (b) hlatha mafelo a temo mmepeng go ya ka dika tša wona tše di swanago tše di akaretšago bokgoni, go swanelega, kgonagalo ya go ka šomišwa, moo lefelo le lego gona goba kopano ya dika dife goba dife tše di swanago tša naga ya temo. 35
- (2) Tona a ka na a se akaretše naga go tšwa nageng ya temo, morago ga go rerišana le Tona goba MEC efe goba efe yeo e nago maatla a taolo nageng yeo e amegago, ka go tsebatšša ka tsebišo ka go Kuranta ya Mmušo le ka kgokagano ye nngwe ya go aba ditaba. 40

Karolo ya 3

Maano a lekala la temo la profense

Tokišo ya maano a lekala la temo la profense

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6. (1) Tona o swanetše go hlatha dinyakwa tše di swanetšego go fihlelelwa ge go kgoboketšwa leano la lekala la temo la profense go netefatša gore le—
- (a) theilwe godimo ga saentshe ya tša temo;
 - (b) tšwetšapele temo ya go ya go ile;
 - (c) tšwetšapele tšhireletšego ya dijo; 50
 - (d) boloka naga ya temo;
 - (e) tšwetšapele tšhomišano magareng ga maano a makala a temo a profense; le
 - (f) obamelwa ka tsela ye e nago le tšhomišano.
- (2) MEC, ka tumelelano le Tona ebile ka morago ga go rerišana le setšhaba, o swanetše go gatiša leano la lekala la temo la profense ka go Kuranta ya Mmušo le ka kgokagano ye nngwe ya go aba ditaba ka gare ga mengwaga ye hlano morago ga go thoma go šoma ga Molao wa le ka gare ga dinako tše di sa fetego menawaga ye 55

- (3) Before publishing a provincial agricultural sector plan, the MEC must—
- (a) give notice of the proposed provincial agricultural sector plan in the *Gazette* and other media;
 - (b) invite the public to submit written representations thereon within a period of at least 30 days of such notice; and
 - (c) consider all such written representations received.
- (4) The MEC must, in compiling a provincial agricultural sector plan, take into consideration any provincial agricultural sector plans of adjacent provinces and any development plans of other organs of state which may impact on the agricultural sector in the province.
- (5) The Minister may, on written request from the MEC, extend the period contemplated in subsection (2) for publishing a provincial agricultural sector plan for a period not exceeding 12 months and must publish the extension in the *Gazette* and other media.

Purpose of provincial agricultural sector plans

7. The purposes of a provincial agricultural sector plan are to—
- (a) coordinate and harmonise agricultural land use policies, plans, programmes and decisions of organs of state aimed at promoting, achieving and preserving a sustainable agricultural environment, in order to—
 - (i) minimise the duplication of procedures and functions; and
 - (ii) promote consistency in the exercise of functions that may affect the agricultural sector;
 - (b) give effect to the principle of cooperative government in accordance with Chapter 3 of the Constitution;
 - (c) contribute to securing the preservation and development of agricultural land across the country as a whole; and
 - (d) enable the Minister to monitor achievements in the preservation and development of agricultural land.

Content of provincial agricultural sector plans

8. A provincial agricultural sector plan must include—
- (a) the spatial demarcation of agricultural areas, per municipality, according to shared characteristics in agricultural land capability, suitability, potential, use and location, or any combination thereof;
 - (b) a description of agricultural opportunities and planned interventions to enable the optimal agricultural use of an agricultural area;
 - (c) such planning measures, controls, performance criteria and other matters as may be prescribed; and
 - (d) a programme for the implementation of the plan and its costing.

Status of provincial agricultural sector plans

9. (1) A provincial agricultural sector plan comes into effect on the date of its publication in the *Gazette* and other media.
- (2) A provincial agricultural sector plan must be taken into consideration by the Department and provincial department in the allocation of financial and other resources for purposes of preserving and developing agricultural land.
- (3) A municipality must take into consideration the content of any applicable provincial agricultural sector plan when preparing, reviewing or amending its—
- (a) municipal spatial development framework, as contemplated in section 20 of the Spatial Planning and Land Use Management Act;
 - (b) integrated development plan, as contemplated in Chapter 5 of the Municipal Systems Act; and
 - (c) land use scheme, as contemplated in Chapter 5 of the Spatial Planning and Land Use Management Act.
- (4) The content of any applicable provincial agricultural sector plan must be taken into consideration when preparing, reviewing or amending a national, provincial or regional spatial development framework as contemplated in Chapter 4 of the Spatial Planning and Land Use Management Act.

(3) Pele a gatiša leano la lekala la temo la profense, MEC o swanetše go—

- (a) fana ka tsebišo ya leano la lekala la temo la profense leo le šišintšwego ka go Kuranta ya Mmušo le ka kgokagano ye nngwe ya go aba ditaba;
- (b) laletša setšhaba go tliša ditlhagišo tše di ngwadilwego tša malebana le tsebišo ka gare ga tekano ya nako ya bonnyane bja matšatši a 30 a tsebišo ye bjalo; le
- (c) lekola ditlhagišo tše di ngwadilwego tše di amogetšwego.

(4) MEC, ge a kgoboketša leano la lekala la temo la profense, o swanetše go ela tlhoko leano lefe goba lefe la lekala la temo la profense la diprofense tše di bapilego mmogo le maano afe goba afe a tlhabollo a makala a mangwe a mmušo ao a ka amago lekala la temo la profense.

(5) Tona, ka kgopelo ye e ngwadilwego gotšwa go MEC, a ka katološa nako yeo e hlalošitšwego ka go karolwana ya (2) ya go gatišwa ga leano la lekala la temo la profense nako yeo e sa fetego dikgwedi tše 12 ebile o swanetše go gatiša katološo yeo ka go Kuranta ya Mmušo le ka kgokagano ye nngwe ya go aba ditaba.

Morero wa maano a lekala la temo la profense

7. Merero ya leano la lekala la temo la profense ke go—

- (a) rulaganya le go kopanya dipholisi, maano, mananeo le diphetho tša makala a mmušo tša gore naga ya temo e tlo šomišwa bjang, tše nepo ya tšona e lego tšwetšapele, go fihlelela le go boloka tikologo ya temo go ya go ile, moo maikemišetšo e lego go—
 - (i) fokotša go dirwa gantši ga ditshepedišo le mešomo; mmogo le
 - (ii) tšwetšapele go dirwa ga mešomo yeo e amanago le lekala la temo ka go swana;
- (b) fana ka peelano ya gore go phethagatšwe motheo wa pušo tirišano go ya ka Kgaolo ya 3 ya Molaotheo;
- (c) tsenya letsogo go tšhireletšo ya poloko le tlhabollo ya naga ya temo go ralala le naga ka moka; le
- (d) kgontšha Tona go hlokomela diphihlelelo tša poloko le tlhabollo ya naga ya temo.

Diteng tša maano a lekala la temo la profense

8. Leano la lekala la temo la profense le swanetše go akaretša—

- (a) mafelo a temo ao a arotšwego ka mellwane, go ya ka mebasepala, go ya ka dika tša go swana tša bokgoni, go swanelega, kgonagalo ya bokgoni bja go lema mmogo le tšhomišo ya le lefelo, goba dika dife goba dife tše di swanago;
- (b) tlhalošo ya menyetla ya temo le ditsenogare tše di rulagantšwego go kgontšha tšhomišo ya go felelela ya naga ya temo lefelong leo;
- (c) magato a maano, ditaolo, dinyakwa tša phethagatšo ya mešomo mmogo le merero ye mengwe yeo e ka laelwago; le
- (d) lenaneo la go phethagatša leano le ditshenyagalelo tša lona.

Maemo a maano a lekala la temo la profense

9. (1) Leano la lekala la temo la profense le thoma go šoma ka letšatšikgwedi leo le gatišitšwego ka go Kuranta ya Mmušo le ka kgokagano ye nngwe ya go aba ditaba.

(2) Kgoro le kgoro ya bosetšhaba di swanetše go ela tlhoko leano la lekala la temo la profense malebana le kabo ya matlotlo le methopo ye mengwe ka merero ya go boloko le go hlabolla naga ya temo.

(3) Masepala o swanetše go ela tlhoko diteng dife goba dife tša leano la lekala la temo la profense tše di o amago ge o lokišetša, o sekaseka goba o fetoša—

- (a) tlhako ya tlhabollo ya lefelo, bjalo ka ge go hlalošitšwe ka go karolo ya 20 ya Molao wa Peakanyo ya Naga le Tšhomišo ya Naga;
- (b) leano la tlhabollo leo le kopantšwego, bjalo ka ge go hlalošitšwe ka go Kgaolo ya 5 ya Molao wa Mananeotshepedišo a Masepala; le
- (c) sekema sa tšhomišo ya naga, bjalo ka ge go hlalošitšwe ka go Kgaolo ya 5 ya Molao wa Peakanyo ya Naga le Tšhomišo ya Naga.

(4) Diteng tša leano lefe goba lefe la lekala la temo la profense leo le šomišwago di swanetše go elwa hloko ge go lokišetšwa, go sekasekwa goba go fetošwa tlhako ya tlhabollo va lefelo la bosetšhaba. la profense goba la selete bialo ka ge go hlalošitšwe ka

Compliance with provincial agricultural sector plans

10. (1) The MEC must monitor compliance with the provincial agricultural sector plan by the province and by municipalities within the province and must report thereon on an annual basis to the Minister and by publication in the *Gazette* and other media.

(2) The MEC may promote compliance with the provincial agricultural sector plan by implementing training programmes, publishing manuals and guidelines and coordinating procedures for compliance. 5

Part 4***Protected agricultural areas*****Declaration of protected agricultural areas 10**

11. (1) The Minister, by notice in the *Gazette* and other media, may—

(a) declare as a national protected agricultural area, the geographic area specified in the notice; and

(b) assign a name to such national protected agricultural area.

(2) A declaration under subsection (1)(a) may only be issued to— 15

(a) protect high value agricultural land capable of producing significantly higher levels of agricultural goods or best suited to produce acceptable levels of high value agricultural goods within a defined geographical area, in a sustainable manner, and includes—

(i) an agricultural land capability rating of above moderate; 20

(ii) agricultural land with an agricultural potential of above moderate;

(iii) unique agricultural land; and

(iv) irrigated agricultural land;

(b) preserve the area primarily for food and other agricultural production.

(3) The MEC, with the approval of the Minister and by notice in the *Gazette* and other media, may— 25

(a) declare as a provincial protected agricultural area, the geographic area specified in the notice; and

(b) assign a name to a provincial protected agricultural area.

(4) A declaration under subsection (3)(a) may only be issued to— 30

(a) protect an area of significant agricultural importance in a province that falls outside of national protected agricultural areas; and

(b) preserve the area primarily for agricultural purposes.

Procedure to declare protected agricultural areas

12. (1) Before the Minister or the MEC declares a protected agricultural area in terms of section 11— 35

(a) the Minister or the MEC must—

(i) give notice of the intention to declare the protected agricultural area in the *Gazette*, other media and in at least two national newspapers distributed in the affected area; 40

(ii) invite the public to submit written representations or objections to the intended declaration within a period of at least 30 days of the publication of such notice;

(iii) consider all such written representations received; and

(iv) consult with the municipality or municipalities in which the provincial protected agricultural area falls; 45

(b) the Minister must consult the MEC of the province or provinces in which the national protected agricultural area falls; and

(c) the MEC must consult with the Minister and obtain his or her approval.

Kobamelo ya maano a lekala la temo la profense

10. (1) MEC o swanetše go hlokomela gore leano la lekala la temo la profense le obamelwa ke profense le mebasepala ka gare ga profense ebile o swanetše go bega ngwaga ka ngwaga go tloga moo go Tona le ka kgatišo ka go Kuranta ya Mmušo le ka kgokagano ye nngwe ya go aba ditaba. 5

(2) MEC e ka tšwetšapele gore go be le kobamelo ya leano la lekala la temo la profense ka go hlola mananeo a tlhahlo, go gatiša dimanyuale le dipuku tša tlhahlo mmogo le ditshepedišo tše di kopantšwego gore di obamelwe.

Karolo ya 4**Mafelo ao a šireleditšwego a temo**

10

Pego ya mafelo ao a šireleditšwego a temo

11. (1) Tona, ka tsebišo ka go Kuranta ya Mmušo le ka kgokagano ye nngwe ya go aba ditaba, a ka—

(a) bega lefelo leo le hlathilwego ka gare ga tsebišo, bjalo ka lefelo la bosetšhaba leo le šireleditšwego la temo; ebile 15

(b) kgetha leina la lefelo la bosetšhaba leo le šireleditšwego la temo.

(2) Pego yeo e lego ka fase ga karolwana ya (1)(a) e ka ntšhwa fela ge go—

(a) šireletšwa naga ya temo yeo e lego ka gare ga lefelo leo le hlathilwego, moo naga ye bjalo e nago le boleng bja godimo ebile e kgonago go tšweletša ditšweletšwa tša temo tša palo ya godimo kudu goba yeo e lego maleba go ka tšweletšwa palo ya godimo yeo e amogelegago ya ditšweletšwa tša temo go ya go ile, yeo e akaretšago— 20

(i) naga ya temo yeo e nago le bokgoni bja go tšweletša ditšweletšwa tša temo tša palo ya ka godimo ga ya magareng;

(ii) naga ya temo yeo e nago bokgoni bja go ka tšweletšwa palo ya ka godimo ga magareng ya ditšweletšwa tša temo; 25

(iii) naga ya temo ya moswananoši; le

(iv) naga ya temo yeo e nošeditšwego;

(b) lebaka la thwii la go boloka lefelo leo e le gore go kgonwe go tšweletšwa dijo le ditšweletšwa tše dingwe tša temo. 30

(3) MEC, ka tumelelo ya Tona le ka tsebišo ka go Kuranta ya Mmušo le ka kgokagano ye nngwe ya go aba ditaba, a ka—

(a) bega lefelo leo le hlathilwego ka gare ga tsebišo, bjalo ka lefelo la profense leo le šireleditšwego la temo; ebile

(b) kgetha leina la lefelo la profense leo le šireleditšwego la temo. 35

(4) Pego yeo e lego ka fase ga karolwana ya (3)(a) e ka ntšhwa fela ge go—

(a) šireletšwa lefelo la temo leo le lego bohlokwa kudu ka gare ga profense yeo e welago ka ntle ga msafelo a temo ao a e šireleditšwego; ebile

(b) boloka lefelo leo gore le tlo šomišetšwa fela tša temo.

Tshepedišo ya go bega mafelo ao a šireleditšwego a temo

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12. (1) Pele ga ge Tona goba MEC a bega lefelo la temo bjalo ka leo le šireleditšwegopot go ya ka karolo 11—

(a) Tona goba MEC o swanetše go—

(i) fana ka tsebišo malebana le maikemišetšo a go bega lefelo la temo leo le šireleditšwego ka go Kuranta ya Mmušo le ka kgokagano ye nngwe ya go aba ditaba le ka go bonnyane bja dikuranta tša bosetšhaba tše pedi tše di abjago lefelong leo; 45

(ii) laletša setšhaba go tliša ditlhagišo le dikganetšo tše di ngwadilwego malebana le pego yeo ka gare ga matšatši a 30 morago ga kgatišo ya tsebišo ye; 50

(iii) lekola ditlhagišo ka moka tše di nhwadilwego; ebile

(iv) rerišane le masepala goba mebasepala moo lefelo la temo leo le šireleditšwego le lego gona;

(b) Tona o swanetše go rerišana MEC ya profense goba diprofense tše lefelo la temo leo le šireleditšwego le welago ka fase ga yona; le 55

(c) MEC o swanetše go rerišana le Tona go hwetša tumelelo va gagwe.

(2) After the Minister or the MEC declares a protected agricultural area in terms of section 11, the Minister or the MEC must—

- (a) compile and maintain a register listing all agricultural land included in the protected agricultural areas;
- (b) compile and publish in the *Gazette* and other media a map indicating the geographic area of the protected agricultural area; and
- (c) notify the relevant registrar of deeds in writing.

(3) On receipt of the notification referred to in subsection (2), the relevant registrar of deeds must record the declared protected agricultural area, or any amendment thereto, in the relevant registers and documents in terms of section 3(1)(v) of the Deeds Registries Act.

Review, withdrawal and amendment of protected agricultural areas

13. (1) The Minister or the MEC must review a protected agricultural area at least every five years.

(2) The Minister, or the MEC with the approval of the Minister, may by notice in the *Gazette* and other media—

- (a) withdraw the declaration of a protected agricultural area;
- (b) add any area or exclude any area from the protected agricultural area; and
- (c) assign a different name to the protected agricultural area.

(3) Before the Minister or the MEC withdraws or amends the declaration of a protected agricultural area in terms of subsection (2), the Minister or the MEC must follow the procedures prescribed in section 12, with the changes required by the context.

CHAPTER 3

AGRO-ECOSYSTEM MANAGEMENT

General objectives of agro-ecosystem management

14. (1) The general objectives of agro-ecosystem management are to—

- (a) promote the integration of the principle of agro-ecosystem management set out in section 4, into decisions which may have a significant effect on an agro-ecosystem;
- (b) identify, predict and evaluate the actual and potential impact of activities on the agro-ecosystem, the risks, consequences, alternatives and options for mitigation of activities, with a view to minimising negative impacts, maximising benefits and promoting compliance with the principle of agro-ecosystem management set out in section 4;
- (c) ensure that the effects of activities on the agro-ecosystem receive adequate consideration before actions are taken in connection with them;
- (d) ensure public participation in decisions that may affect the agro-ecosystem;
- (e) ensure the consideration of agro-ecosystem attributes in management and decision making which may have a significant effect on the agro-ecosystem; and
- (f) promote methods of agro-ecosystem management which ensure that particular activities are pursued in accordance with the principle of agro-ecosystem management set out in section 4.

(2) Ka morago ga ge Tona goba MEC a begile lefelo la temo leo le šireleditšwego go ya ka karolo ya 11, Tona goba MEC o swanetše go—

- (a) hlama le go hlokomela rejisetara yeo e ngwadilego naga ya temo ka moka yeo e akareditšwego ka go mafelo a temo ao a šireleditšwego; 5
 - (b) hlama le go gatiša ka go Kuranta ya Mmušo le ka kgokagano ye nngwe ya go aba ditaba mmepe woo o hlathago moo lefelo la temo leo le šireleditšwego le lego gona; le
 - (c) tsebiša mongwadiši wa bongthoto yo a amegago ka go ngwala.
- (3) Ge a amogela tsebišo ye go bolelwago ka yona ka go karolwana ya (2), mongwadiši wa bongthoto yo a amegago o swanetše go ngwala lefelo la temo leo le begilwego bjalo ka leo le šireleditšwego, goba phetošo efe goba efe yeo e lego gona, ka gare ga direjisetara goba dingwalwa tše di amegago go ya ka karolo ya 3(1)(v) ya Molao wa Dingwadišo tša Bongthoto. 10

Tekolo, kgogelonthago le phetošo ya mafelo ao a šireleditšwego a temo

13. (1) Tona goba MEC o swanetše lekola lefelo la temo leo le šireleditšwego ka gare ga bonnyane bja mengwaga ye mengwe le ye mengwe ye mehlano. 15

(2) Tona, goba MEC ka tumelelo ya Tona, ka tsebišo ka go Kuranta ya Mmušo le ka kgokagano ye nngwe ya go aba ditaba, a ka—

- (a) gogela morago pego ya gore lefelo la temo ke leo le šireleditšwego;
 - (b) akaretša goba a ntšha lefelo lefe goba lefe bjalo ka lefelo leo le šireleditšwego; ebile 20
 - (c) kgetha leina leo le fapanego leo e tlabago leina la lefelola temo leo le šireleditšwego.
- (3) Pele ga ge Tona goba MEC a gogela morago goba a fetolapego ya gore lefelo la temo ke leo le šireleditšwego go ya ka karolwana ya (2), Tona goba MEC o swanetše go latela ditshepedišo tšeo di laetšwego go ya ka karolo ya 12, ka diphetogo tšeo di nyakegago go ya ka diteng. 25

KGAOLO YA 3

TAOLO YA LEFELO LEO MEHUTA YA DIPHEDI E ŠOMIŠANAGO MMOGO GO TŠWELETŠA DITŠWELETŠWA TŠA TEMO 30

Dinepo ka kakaretšo tša taolo ya lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo

14. (1) Dinepo ka kakaretšo tša taolo ya lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo ke go—

- (a) tšwetšapele go tsenywa tirišong ga motheo wa taolo ya lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo yeo e hlalošitšwego ka go karolo ya 4, wo o tlo šomišwago go tšea diphetho tšeo di ka bago le khuetšo ye kgolo go lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo; 35
- (b) hlaola, akanya le go lekola seabe seo se ka bago gona le sa nnete go lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo, dikotsi, ditlamorago, goba dikgetho le mekgwa ye mengwe ya go fokotša ditiragalo, ka ponelopelo ya go fokotša ditlamorago tše mpe, go oketša dikholego le go tšwetšapele kobamelo ya motheo wa taolo ya lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo woo o hlalošitšwego ka go karolo ya 4; 40
- (c) netefatša gore ditlamorago tša ditiro tša taolo ya lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo di elwa hloko mo go lekanego pele go e ba le ditiragalo tšeo di dirwago malebana le tšona; 45
- (d) netefatša gore setšhaba se tšea karolo go diphetho tšeo di ka amaga lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo; 50
- (e) netefatša go elwa hloko ga dika tša lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo ka go taolo le go tšewa ga diphetho moo go ka bago le khuetšo ye kgolo go taolo ya lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo; le 55
- (f) tšwetšapele mekgwa ya lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo yeo e netefatšago gore ditiro tše di itšego di dirwa go ya ka motheo wa taolo ya lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo wo o hlalošitšwego

(2) The Director-General must coordinate the activities of organs of state referred to in this Act and may assist them in giving effect to the objectives of this Chapter, and such assistance may include training, the publication of manuals and guidelines and the coordination of processes required by this Act.

Agro-ecosystem authorisations

5

15. (1) Subject to section 16(1)(d), a person who wishes to commence with a listed activity, as contemplated in section 16(1)(a), on agricultural land, including agricultural land in a protected agricultural area, must apply to the competent authority, in the prescribed manner, for an agro-ecosystem authorisation.

(2) The competent authority may grant an agro-ecosystem authorisation for the commencement of a listed activity on agricultural land, subject to subsections (3) to (6). 10

(3) In order to give effect to the general objectives of agro-ecosystem management laid down in this Chapter, the potential consequences for or impacts on the agro-ecosystem of listed activities must be considered, investigated and assessed by the competent authority, who must report thereon to the Minister, except in respect of those activities contemplated in section 16(1)(d), that may commence without having to obtain an agro-ecosystem authorisation. 15

(4) Every applicant for an agro-ecosystem authorisation must comply with the requirements prescribed in terms of this Act in relation to—

- (a) any action to be taken before submitting an application; 20
- (b) the content of any prescribed report required to be submitted with the application;
- (c) any procedure relating to public consultation and information gathering;
- (d) any applicable provincial agricultural sector plan;
- (e) the submission of an application for an agro-ecosystem authorisation and any other information required by the competent authority; and 25
- (f) the undertaking of any agro-ecosystem report where required.

(5) Compliance with the procedures prescribed in terms of this Act does not absolve a person from complying with any other statutory requirement to obtain authorisation from any organ of state charged by law with authorising, permitting or otherwise allowing the implementation of the activity in question. 30

(6) Authorisations obtained under any other law for an activity listed in terms of this Act does not absolve the applicant from obtaining an agro-ecosystem authorisation in terms of this section.

Listing of activity and agricultural area

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16. (1) The Minister may, by notice in the *Gazette* and other media, list—

- (a) activities which may not commence on agricultural land, including agricultural land in national and provincial protected agricultural areas, without an agro-ecosystem authorisation from the competent authority;
- (b) agricultural areas in which listed activities may not commence without an agro-ecosystem authorisation from the competent authority; 40
- (c) agricultural areas in which listed activities may be excluded from agro-ecosystem authorisation by the competent authority; and

(2) Molaodipharephare o swanetše go kgokaganya ditiro tša makala a mmušo ao go bolelwago ka wona ka go Molao wo ebile a ka a thuša go phethagatša dinepo tša Kgaolo ye, gomme thušo ye bjalo e ka akaretša tlhahlo, kgatišo ya dimanyuale le ditlahlhi mmogo le tshepedišo ya thulaganyo yeo e nyakegago go ya ka Molao wo.

Ditumelelo tša go šomiša lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo 5

15. (1) Go ya ka karolo ya 16(1)(d), motho yo a ratago go dira tiro ye e ngwadilwego, bjalo ka ge go hlalošitšwe ka go karolo ya 16(1)(a), nageng ya temo, go akaretšwa naga ya temo yeo e lego lefelong leo le šireleditšwego, o swanetše go dira kgopelo go bolaodi bjo bo nago le bokgoni, ka mokgwa wo o laetšwego, go hwetša tumelelo ya go šomiša lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo. 10

(2) Bolaodi bjo bo nago le bokgoni bo ka fana ka tumelelo ya go šomiša lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo malebana le go thoma go dira tiro yeo e ngwadilwego ka go naga ya temo, go ya ka dikarolwana tša (3) go fihla go (6). 15

(3) Gore go fihlelelwe dinepo ka kakaretšo tša go šomišwa ga lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo tšeo di ngwadilwego ka go Kgaolo ye, kgonagalo ya ditlamorago tšeo di ka bago gona goba khuetšo ya ditiro tše di ngwadilwego go lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo e swanetše go šetšwa, go nyakišišwa le go lekolwa ke bolaodi bjo bo nago le bokgoni, bjo bo swanetšego go bega ka morago ga moo go Tona, ntle le ge e ba go dirwa ditiro tšeo di hlalošitšwego ka go karolo ya 16(1)(d), tšeo di ka thomago ntle le go swanelwa ke go kgopela tumelelo go taolo ya lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo. 20

(4) Mokgopedi ofe goba ofe yo a kgopelago tumelelo ya taolo ya lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo o swanetše go obamela dinyakwa tšeo di laetšwego go ya ka Molao wo malebana le— 25

- (a) kgato efe goba efe yeo a swanetšego go e tšea pele a romela kgopelo;
- (b) diteng tša pego efe goba efe yeo e laetšwego gore e romelwe le kgopelo;
- (c) tshepedišo efe goba efe yeo e amanago le therišano le setšhaba le kgoboketšo ya tshedimošo; 30
- (d) leano lefe goba lefe la lekala temo la profense leo le šomišwago;
- (e) go tlišwa ga kgopelo ya tumelelo ya taolo ya lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo mmogo le tshedimošo efe goba efe ye nngwe yeo e nyakegago; le 35
- (f) go dira pego efe goba efe ka gare ga lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo moo go nyakegago.

(5) Go obamela ditshepedišo tšeo di laetšwego go ya ka Molao wo ga go lokolle motho gore a se obamele dinyakwa tša molao ofe goba ofe wo mongwe go hwetša tumelelo go lekala la mmušo leo le filwego maatla ke molao go dumelela goba go tlogela tiro yeo go bolelwago ka yona. 40

(6) Ditumelelo tšeo di hweditšwego ka fase ga molao ofe goba ofe wo mongwe malebana le tiro ye e ngwadilwego go ya ka Molao wo ga di lokolle mokgopedi gore a se hwetše tumelelo ya go šomiša lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo go ya ka karolo ye. 45

Go ngwala ditiro le lefelo la temo

16. (1) Tona, ka tsebišo ka go Kuranta ya Mmušo le ka kgokagano ye nngwe ya go aba ditaba, a ka ngwala lenaneo la—

- (a) ditiro tšeo di ka sego tša swanela go thongwa go naga ya temo, go akaretšwa naga ya temo mafelong a bosetšhaba le a profense ao a šireleditšwego, ntle le go hwetša tumelelo ya taolo ya lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo go bolaodi bjo bo nago le bokgoni; 50
- (b) mafelo a temo moo ditiro tše di ngwadilwego di sego tša swanela go thoma ntle le tumelelo ya taolo ya lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo go bolaodi bjo bo nago le bokgoni; 55
- (c) mafelo a temo moo ditiro tše di ngwadilwego di ka se akaretšwego bjalo ka tšeo di hlokago tumelelo va taolo va lefelo leo mehuta va diphedi e

- (d) activities which may commence without an agro-ecosystem authorisation, and such activities must also comply with prescribed norms and standards.
- (2) For the purpose of subsection (1), the Minister may only identify activities which may have a permanent negative impact on the agricultural potential, capability, suitability or use of agricultural land. 5
- (3) Where a listed activity falls under the jurisdiction of another minister, a decision in respect of subsection (1) must be taken by the Minister in consultation with the relevant minister.
- (4) The Minister must compile information and maps that specify the attributes of agricultural areas and agro-ecosystems, including the interrelationship between productivity, stability, resiliency, viability and equitability which must be taken into account by every competent authority. 10

Procedure for listing an activity and agricultural area

17. Before listing any activity or agricultural area in terms of section 16, the Minister must— 15
- (a) publish a notice in the *Gazette* and other media—
- (i) specifying the activity or agricultural area that is proposed to be listed; and
 - (ii) inviting interested parties to submit written comments on the proposed listing within a period of at least 30 days of such notice; 20
- (b) consider all written comments received from interested parties in terms of paragraph (a)(ii);
- (c) in respect of listing an activity in a provincial protected agricultural area, consult the relevant MEC of the province in which the provincial protected agricultural area falls; and 25
- (d) in respect of the listing of an agricultural area—
- (i) consult the relevant MEC of the province or provinces in which the area falls; and
 - (ii) consult the municipality or municipalities in which the agricultural area falls. 30

Procedure for delisting or amending an activity or agricultural area

18. (1) The Minister may delist or amend an activity or agricultural area identified in terms of section 16.
- (2) The Minister must comply with section 17, with the changes required by the context, before delisting or amending an activity or agricultural area in terms of this section. 35

Identification of competent authority

19. (1) When listing activities in terms of section 16, the Minister must identify the competent authority responsible for granting agro-ecosystem authorisations in respect of those activities. 40
- (2) The Director-General is the competent authority in terms of subsection (1) if the activity is within a national protected agricultural area.
- (3) The HoD is the competent authority in terms of subsection (1) if the activity is within an area of the province falling outside a national protected agricultural area.

Consideration of application by competent authority 45

20. (1) The competent authority, when considering an application for an agro-ecosystem authorisation, must ensure—

- (d) ditiro tšeo di ka thomago go dirwa ntle le go hwetša tumelelo ya taolo ya lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo, ebile ditiro tše di swanetše go obamela metheo le ditlwaedi.
- (2) Ka morero wa karolwana ya (1), Tona a ka hlatha fela ditiro tšeo di ka bago le ditlamorago tše mpe go bokgoni bja go tšweletša, bokgoni, go swanelega goba go omišwa ga naga ya temo. 5
- (3) Moo tiro yeo e ngwadilwego e welago ka fase ga maatla a taolo ya Tona ye nngwe, sephetho sa malebana le karolwana ya (1) se swanetše go tšewa ke Tona karišano le Tona ye e amegago.
- (4) Tona, o swanetše go kgoboketša tshedimošo le memepe yeo e hlathago le go laetša dika tša mafelo a temo le mafelo ao mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo, go akaretšwa le kamano magareng ga tšweletšo, go tielela, go kgotlelela, go šoma le go lekalekana mo go swanetšego go elwa hloko ke bolaodi bjo bo nago le bokgoni. 10

Tshepedišo ya go ngwala ditiro le lefelo la temo 15

17. Pele a ngwala tiro goba lefelo lefe goba lefe la temo go ya ka karolo ya 16, Tona o swanetše go—

- (a) gatiša tsebišo ka go Kuranta ya Mmušo le ka kgokagano ye nngwe ya go aba ditaba—
- (i) go hlatha tiro goba lefelo la temo leo le šišintšwego gore le tlo ngwalwa; 20
le
- (ii) go laetša bao ba nago le kgahlego go romela ditshwayotshwayo tše di ngwadilwego malebana le tšhišinyo ya go ngwala ga ditiro goba mafelo a temo ka gare ga matšatši a 30 morago ga go gatišwa ga tsebišo ye 25
bjalo;
- (b) lekola ditshwayotshwayo ka moka tše di ngwadilwego tšeo di amogetšwego gotšwa go batho bao ba nago le kgahlego go ya ka temana ya (a)(ii);
- (c) rerišana le MEC yeo e amegago ya profense malebana le go ngwalwa ga tiro ka go lefelo leo le šireleditšwego la temo la profense yeo lefelo leo le welago go yona; mmogo le 30
- (d) gore maleban le go ngwala lefelo la temo—
- (i) rerišana le MEC yeo e amegago ya profense goba diprofense tšeo lefelo le welago ka fase ga tšona; le
- (ii) rerišana le masepala goba mebasepala yeo lefelo le welago ka fase ya yona. 35

Tshepedišo ya go tloša lenaneong goba go fetošwa ga tiro ya temo

18. (1) Tona a ka tloša leina lenaneong goba go fetoša tiro goba lefelo la temo leo le hlathilwego go ya ka karolo ya 16.

(2) Tona o swanetše go obamela karolo ya 17, ka diphetogo tšeo di nyakegago go ya ka diteng, pele a tloša leina lenaneong goba go fetošatiro goba lefelo la temo go ya ka karolo ye. 40

Go hlathwa ga bolaodi bjo bo nago bokgoni

19. (1) Ge a ngwala ditiro go ya ka karolo ya 16, Tona o swanetše go hlatha bolaodi bjo bo nago le bokgoni bjo bo nago maikarabelo a go fana ka ditumelelo tša go šomiša lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo malebana le ditiro tšeo. 45

(2) Molaodipharephare o na le bolaodi bjo bo nago le bokgoni go ya ka karolwana ya (1) ge e ba tiro yeo e dirwa ka gare ga naga ya bosetšhaba yeo e šireleditšwego.

(3) HoD o na le bolaodi bjo bo nago le bokgoni go ya ka karolwana ya (1) ge e ba tiro yeo e dirwa ka gare ga naga ya profense yeo e welago ka ntle ga lefelo la bosetšhaba la temo leo le šireleditšwego. 50

Go lekolwa ga kgopelo ke bolaodi bjo bo nago bokgoni

20. (1) Bolaodi bjo bo nago le bokgoni, ge bo lekola kgopelo ya tumelelo ya lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo, bo swanetše go tšweletša 55

- (a) with respect to every such application—
- (i) coordination and cooperation between organs of state in the consideration of assessments where a listed activity falls under the jurisdiction of or impacts one or more organs of state;
 - (ii) the investigation of the potential impacts of a listed activity on the agro-ecosystem and the assessment of the significance of such potential impacts; 5
 - (iii) that the findings and recommendations flowing from an investigation in terms of subparagraph (ii), the general objectives of agro-ecosystem management laid down in this Act and the principle of agro-ecosystem management set out in section 4 are taken into account; 10
 - (iv) public information and participation procedures which provide all interested and affected parties, including all organs of state in all spheres of government that may have jurisdiction over any aspect of the listed activity, with a reasonable opportunity to participate in those information and participation procedures; and 15
 - (v) any information and maps compiled in terms of section 16(4) are taken into account; and
- (b) that every agro-ecosystem report, where required, includes—
- (i) an investigation of the potential consequences and impacts of the listed activity and alternatives to the listed activity on the agro-ecosystem and assessment of the significance of those potential consequences and impacts, including the option of not performing the activity; 20
 - (ii) an investigation of mitigation measures to keep adverse consequences or impacts to a minimum; 25
 - (iii) reporting on gaps in knowledge regarding the potential consequences and impacts of the listed activity and alternatives to the listed activity, the adequacy of predictive methods and underlying assumptions, and uncertainties encountered in compiling the required information; 30
 - (iv) an investigation and formulation of arrangements for the monitoring and management of consequences for and impacts on the agro-ecosystem, and the assessment of the effectiveness of such arrangements after their implementation; and 35
 - (v) consideration of agro-ecosystem attributes identified in the information and maps contemplated in section 16(4). 35
- (2)(a) The competent authority must consider an application for an agro-ecosystem authorisation and provide the applicant with a decision in respect of such application within 30 days of receipt of the application, or within a reasonable time as may be prescribed for certain specified agro-ecosystem authorisations and must, in the case of a refusal, provide written reasons for such refusal. 40
- (b) The competent authority must keep and maintain a written record of all applications submitted for agro-ecosystem authorisations and the reasons for his or her decisions in respect of such applications.
- (3) The written record referred to in subsection (2)(b) must be accessible to members of the public during normal office hours at a publicly accessible office of the competent authority. 45

- (a) gore malebana le kgopelo ye nngwe le ye nngwe ye bjalo—
- (i) go ba le kgokagano le tšhomišano magareng ga makala a mmušo ge go lelolwa tiro yeo e ngwadilwego yeo e welago ka fase ga lefelo leo le laolago goba leo le nago le khuetšo go makala a mmušo ago feta le tee;
 - (ii) go ba le dinyakišišo malebana le kgonagalo ya go ba gona ga ditlamorago tša tiro yeo e ngwadilwego ka go lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo mmogo le tekolo ya bogolo bja khuetšo ya ditlamorago tšeo;
 - (iii) go elwa hloko dipelo le ditšhišinyo tšeo di tšwago go nyakišišo yeo go bolelwago ka yona ka go temana ya (ii), dinepo ka kakaretšo tša taolo ya lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo yeo e adilwego ka gare ga Molao wo mmogo le motheo wa taolo ya lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo yeo e hlalošitšwego ka go karolo ya 4;
 - (iv) tshedimošo ya setšhaba le ditshepedišo tša go tšea karolo tšeo di akaretšago batšeakarolo ka moka bao ba nago le kgahlego, go akaretšwa makala ka moka a mmušo ka go mafapha ka ka moka a mmušo ao a ka bago le maatla a taolo go karolo efe goba efe ya tiro yeo e ngwadilwego, ka monyetla wo o kwagalago wa go tša karolo go ditshepedišo tša go kgoboketša tshedimošo le tša go tšea karolo; le
 - (v) tshedimošo le memepe efe goba efe yeo e kgobokeditšwego go ya ka karolo ya 16(4) e elwa hloko; le
- (b) gore pegu ye nngwe le ye nngwe ya lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo, moo go nyakegago, e akaretša—
- (i) dinyakišišo tša kgonagalo ya go ba gona ga ditlamorago le dikhuetšo tša tiro ye e ngwadilwego mmogo le ditiro tše dingwe tšeo di ka dirwago ntle le tše, tšeo di ngwadilwego ka go lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo le tekolo ya bogolo bja ditlamorago le dikhuetšo tšeo, go akaretša kgetho ya go se dire tiro yeo;
 - (ii) dinyakišišo tša magato a phokotšo go fokotša ditlamorago goba dikhuetšo tše mpe gore di be maemong a fase;
 - (iii) go bega ka dikgoba tša tsebo malebana le kgonagalo ya go ba gona ga ditlamorago le dikhuetšo tša tiro yeo e ngwadilwego le ditiro tše dingwe tšeo di ka dirwago ntle le tše, go lekana ga mekgwa ya go šomišwa go ukama le dikgonono tše di lego gona, le ditiragalo tšeo di sa letelwago tšeo go ka itemogelwago tšona ge go kgoboketšwa tshedimošo yeo e nyakegago;
 - (iv) dinyakišišo le tlhamo ya dithulaganyo tša go kgona go lekola le go laola ditlamorago le dikhuetšo go lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo, le tekolo ya go šoma gabotse ga dithulaganyo tše bjalo ka morago ga phethagatšo ya tšona; le
 - (v) go elwa hloko ga dika tša lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo tšeo di hlathilwego ka go tshedimošo le mmepe wo o hlalošitšwego ka go karolo ya 16(4).
- (2)(a) Bolaodi bjo bo nago le bokgoni bo swanetše go lekola kgopelo ya tumelelo ya lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo ebile bo fe mkgopedi sephetho malebana le kgopelo ye bjalo mo matšatšing a 30 morago ga go amogela kgopelo, goba mo nakong ye e kwagalago yeo e ka hlathwago ka go lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo ebile, ge bo gana kgopelo, bo swanetše go fana ka mabaka ao a ngwadilwego malebana le go gana go bjalo.
- (b) Bolaodi bjo bo nago le bokgoni bo swanetše go boloka le hlokomela rekoto ye e ngwadilwego ya dikgopelo ka moka tšeo di rometšwego tša ditumelelo tša go šomiša lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo mmogo le mabaka a bjona malebana le diphetho tša dikgopelo tše bjalo.
- (3) Rekoto ye e ngwadilwego ye go bolelwago ka yona ka go karolwana ya (2)(b) e swanetše go fihlelelwa ke maloko a setšhaba nakong ya tlwaelo ya diiri tša ofisi moo e bonagalago ga bonolo gore e ka fihlelelwa ofising ya bolaodi bjo bo nago le bokgoni.

CHAPTER 4

INSTITUTIONAL FRAMEWORK

Establishment of committees

21. (1) The Minister may, by notice in the *Gazette* and other media, establish an advisory committee to advise the Minister, on request or of its own accord, on— 5
- (a) achieving the objects of this Act; and
 - (b) any other matter concerning the preservation and sustainable development of agricultural land.
- (2) The advisory committee consists of not more than 10 members appointed by the Minister for a period not exceeding five years from the date of nominations received in terms of subsection (3), which must include— 10
- (a) not more than two members from nominations received from farmers' organisations;
 - (b) not more than five members, each with knowledge and expertise in one of the following fields: agricultural development, agricultural economics, environmental management, spatial information or law; 15
 - (c) not more than two members with knowledge and experience in agriculture at provincial government level; and
 - (d) a member with knowledge and experience in local government.
- (3) The Minister must invite nominations for members of the advisory committee by notice in the *Gazette*, other media and in at least two nationally distributed newspapers, specifying the period within which nominations must be submitted. 20
- (4) The Minister must appoint the chairperson of the advisory committee from the members referred to in subsection (2).
- (5) The Minister may, by notice in the *Gazette* and other media, establish technical committees to advise the Minister, the MECs or competent authorities on— 25
- (a) agro-ecosystem reports;
 - (b) provincial agricultural sector plans;
 - (c) protected agricultural areas; and
 - (d) guidelines, norms and standards. 30
- (6) The notice referred to in subsection (5) must—
- (a) stipulate the advisory mandate of the technical committee within the context of this Act; and
 - (b) determine the duration and composition of the technical committee, which may consist of officials of the Department and independent technical advisers appointed in terms of section 22. 35
- (7) A person may not be appointed as a member of the advisory or technical committee if such person—
- (a) is not a South African citizen;
 - (b) does not permanently reside in the Republic; 40
 - (c) is a member of Parliament, any provincial legislature or any municipal council;
 - (d) is an unrehabilitated insolvent;
 - (e) has been declared of unsound mind by a court in the Republic;
 - (f) has been convicted of an offence after the date of commencement of the Constitution and sentenced to imprisonment without the option of a fine; or 45
 - (g) is disqualified from serving as a director of a company in terms of section 69 of the Companies Act, 2008 (Act No. 71 of 2008).
- (8) If any member of the advisory committee or a technical committee, or his or her spouse, partner or associate, has or may have a direct or indirect interest in any matter before the advisory or a technical committee, he or she must disclose such interest and must not participate in any discussion or decision regarding such matter. 50

KGAOLO YA 4 TLHAKO YA SEHLONGWA

Go hlongwa ga dikomiti

21. (1) Tona, ka tsebišo ka go Kuranta ya Mmušo le ka kgokagano ye nngwe ya go aba ditaba, a ka hloma komiti ya keletšo go eletša Tona, ge a kgopela goba ntle le go kgopelwa, malebana le go— 5
- (a) fihlelela dinepo tša Molao wo; mmogo le
 - (b) morero ofe goba ofe wo mongwe wa malebana le go boloka le go hlabolla naga ya temo go ya go ile.
- (2) Komiti ya keletšo e na le maloko ao a sa fetego a 10 ao a kgethilwego ke Tona lebaka la nako yeo e sa fetego mengwaga ye mehlano gotšwa letšatšikgwedi leo dikgetho di amogetšwego go ya ka karolwana ya (3), moo e lego gore maloko ao a swanetše a akaretše— 10
- (a) maloko a go se fete a mabedi a bonkgetheng bao ba amogetšwego gotšwa go mokgatlo wa balemi; 15
 - (b) maloko a go se fete a mahlano, moo yo mongwe le yo mongwe a nago le tsebo le bokgoni bja ye tee ya makala ao a latelago: tlhabollo ya temo, ekonomi ya temo, taolo ya tikologo, tshedimošo ya malebana le peakanyo ya naga goba molao;
 - (c) maloko ao a sa fetego a mabedi ao a nago le tsebo le maitemogelo a temo maemong a mmušo wa profense; le 20
 - (d) leloko leo le nago le tsebo le maitemogelo a mmušo wa selegae.
- (3) Tona o swanetše go laletša dikgetho tša bonkgetheng ba maloko a komiti ya keletšo ka go gatiša tsebišo ka go Kuranta ya Mmušo, ka kgokagano ye nngwe ya go aba ditaba le ka go gatiša ka go bonnyane bja dikuranta tše pedi tša bosetšhaba, yeo e hlathago nako yeo ka gare ga yona dikgetho di swanetšego go ba di rometšwe. 25
- (4) Tona o swanetše go kgetha modulasetulo wa komiti ya keletšo gotšwa go maloko ao go bolelwago ka yona ka go karolwana ya (2).
- (5) Tona, ka tsebišo ka go Kuranta ya Mmušo le ka kgokagano ye nngwe ya go aba ditaba, a ka hloma dikomiti tša sethekniki go eletša Tona, di-MEC goba bolaodi bjo bo nago le bokgoni ka ga— 30
- (a) dipego tša lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo;
 - (b) maano a lekala la temo la profense;
 - (c) mafelo a temo ao a šireleditšwego; le 35
 - (d) ditlhahli, ditlwaedi le maemo.
- (6) Tsebišo ye go bolelwago ka yona ka go karolwana ya (5) e swanetše go—
- (a) laetša maikemišetšo a keletšo ya komiti ya sethekniki go ya ka tebelelo ya Molao wo; le
 - (b) hlatha nako le sebopego sa komiti ya sethekniki, yeo e ka bopago ke bahlankedi ba gotšwa ka gare ga Kgoro mmogo le baeletši ba sethekniki ba go ikema bao ba kgethilwego go ya ka karolo ya 22. 40
- (7) Motho ga se a swanelwa go kgethwa bjalo ka leloko la komiti ya keletšo goba ya sethekniki ge e ba motho yo bjalo—
- (a) ga se modudi wa Afrika Borwa; 45
 - (b) ga se modudi wa ruri wa Repabliki;
 - (c) ke leloko la Palamente, la lekgotlatheramelao lefe goba lefe la profense goba lekgotla lefe goba lefe la masepala;
 - (d) ke motho yo a palelwago ke go lefa dikoloto tša gagwe;
 - (e) o begilwe bjalo ka yo a sego a felela monaganong ke kgorotsheko ya Repabliki; 50
 - (f) o bonwe molato ka morago ga letšatšikgwedi la go thoma go šoma ga Molaotheo ebile a romelwa kgolegong ntle le kgetho ya go ka lefišwa faene; goba
 - (g) o thibetšwe gore a ka šoma bjalo ka molaodi wa khamphani go ya ka karolo ya 69 ya Molao wa Dikhamphani, wa 2008 (Molao wa No. ya 71 wa 2008). 55
- (8) Ge e ba leloko lefe goba lefe la komiti ya keletšo goba komiti ya sethekniki, goba mosadi goba monna wa gagwe, molekane goba modirišani, a na le goba a ka ba le kgahlego ya thwii goba ye e sego ya thwii tabeng efe goba efe yeo e lego pele ga komiti va keletšo goba va sethekniki. o swanetše go utolla kgahlego veo ebile ga se a swanela 60

(9) The Minister must determine, in consultation with the Minister of Finance, the remuneration payable to any member of the advisory committee or a technical committee who is not in the full-time employ of an organ of state.

Appointment of technical and other advisers

22. (1) The Minister may appoint technical or other advisers to advise the Minister or a competent authority on the performance of their functions under this Act. 5

(2) An adviser referred to in subsection (1) is not a decision-making authority in terms of this Act.

(3) The Minister must determine, in consultation with the Minister of Finance, the remuneration payable to any adviser who is not in the full-time employ of an organ of state. 10

Performance assessment framework

23. (1) The Minister must, by notice in the *Gazette* and other media, after consultation with the relevant MECs, publish a monitoring, evaluation and assessment framework on the effective and efficient administration of the Act, to ensure that all competent authorities— 15

- (a) exercise their powers;
- (b) perform their functions; and
- (c) carry out their duties,

in terms of this Act. 20

(2) The framework referred to in subsection (1) must include performance indicators that facilitate the assessment of achievements in the preservation and sustainable development of agricultural land as contemplated in this Act.

(3) The competent authority must, where such competent authority is the Director-General, within a period not exceeding three months after the end of each financial year, report in writing to the Minister on compliance with the monitoring, evaluation and assessment frameworks referred to in subsections (1) and (2) during the year in question. 25

(4) The competent authority must, where such competent authority is an HoD, within a period not exceeding three months after the end of each financial year, report in writing to the relevant MEC on compliance with the monitoring, evaluation and assessment frameworks referred to in subsections (1) and (2) during the year in question, and the relevant MEC must deliver such report to the Minister. 30

(5) The Minister must publish a national report based on the reports referred to in subsections (3) and (4) within a period not exceeding six months after the end of each financial year. 35

CHAPTER 5

NATIONAL AGRO-ECO INFORMATION SYSTEM

Establishment of national agro-eco information system

24. (1) The Minister must, by notice in the *Gazette* and other media, establish the national agro-eco information system to facilitate the capture, management, maintenance, integration, distribution and use of information on agricultural land in the Republic. 40

(2) The Director-General is responsible for administering the national agro-eco information system and must provide the personnel and resources necessary to establish, operate, maintain and update the national agro-eco information system. 45

(9) Tona, karišano le Tona ya Matlotlo, o swanetše go hlatha moputso wo o ka lefelwago leloko lefe goba lefe la komiti ya keletšo goba ya sethekniki yo a sa thwalwago nako ya go ya go ile ka go lekala la mmušo.

Go thwalwa ga baeletši ba sethekniki le ba bangwe

22. (1) Tona a ka thwala baeletši ba sethekniki le ba bangwe go eletša Tona goba bolaodi bjo bo nago le bokgoni malebana le phethagatšo ya bona ya mešomo ka fase ga Molao wo. 5

(2) Moeletši yo go bolelwago ka yena ka go ka karolwana ya (1) ga se boloadi bjo bo tšeago go ya ka Molao wo.

(3) Tona, karišano le Tona ya Matlotlo, o swanetše go hlatha moputso wo o ka lefelwago moeletši ofe goba ofe yo a sa thwalwago nako ya go ya go ile ka go lekala la mmušo. 10

Tekolo ya phethagatšo ya mešomo

23. (1) Tona, ka tsebišo ka go Kuranta ya Mmušo le ka kgokagano ye nngwe ya go aba ditaba, morago ga therišano le di MEC tše di amegago, o swanetše go gatiša tlhako ya tlhokomelo, tekolo le tlhahlobo ya tshepedišo ye e šomago gabotse ya Molao, go netefatša gore bolaodi bjo bo nago le bokgoni ka moka bo— 15

(a) šomiša maatla a bona;

(b) phethagatša mešomo ya bona; le

(c) rwala maikarabelo a bona, 20

go ya ka Molao wo.

(2) Tlhako yeo go bolelwago ka yona ka go karolwana ya (1) e swanetše go akaretša ditšhupetšo tša phethagatšo tše di tlo nolofatšago tekolo ya diphihlelelo ka go poloko le tlhabollo ya go ya go ile naga ya temo bjalo ka ge e hlalošitšwe ka go Molao wo.

(3) Bolaodi bjo bo nago le bokgoni, moo bokgoni bjo bjalo e lego Molaodipharephare, o swanetše gore ka gare ga nako ye e sa fetego dikgwedi tše tharo ka morago ga go fela ga ngwaga wo mongwe le wo mongwe wa ditšhelete, a ngwale pego ya go ya go Tona ya malebana le kobamelo ya ditlhako tša tlhokomelo, tekolo le tlhahlobo tše go bolelwago ka tšona ka go dikarolwana tša (1) le (2) gareng ga ngwaga wo go bolelwago ka wona. 25 30

(4) Bolaodi bjo bo nago le bokgoni, moo bokgoni bjo bjalo e lego HoD, o swanetše gore ka gare ga nako ye e sa fetego dikgwedi tše tharo ka morago ga go fela ga ngwaga wo mongwe le wo mongwe wa ditšhelete, a ngwale pego ya go ya go MEC ye e amegago ya malebana le kobamelo ya ditlhako tša tlhokomelo, tekolo le tlhahlobo tše go bolelwago ka tšona ka go dikarolwana tša (1) le (2) gareng ga ngwaga wo go bolelwago ka wona, gomme MEC yeo e amegago e swanetše go romela pego ye bjalo go Tona. 35

(5) Tona o swanetše go gatiša pego ya bosetšhaba yeo e theilwego godimo ga dipego tše di go bolelwago ka tšona ka go dikarolwana tša (3) le (4) ka gare ga nako ye e sa fetego dikgwedi tše tshela ka morago ga go fela ga ngwaga wo mongwe le wo mongwe wa ditšhelete. 40

KGAOLO YA 5

LENANEOTSHEPEDIŠO LA BOSETŠHABA LA TSHEDIMOŠO YA MAFELO AO MEHUTA YA DIPHEDI E ŠOMIŠANAGO MMOGO GO TŠWELETŠA DITŠWELETŠWA TŠA TEMO

Go hlongwa ga lenaneotshepedišo la bosetšhaba la tshedimošo ya mafelo ao mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo 45

24. (1) Tona, ka tsebišo ka go Kuranta ya Mmušo le ka kgokagano ye nngwe ya go aba ditaba, o swanetše go hloma lenaneotshepedišo la bosetšhaba la tshedimošo ya mafelo ao mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo go nolofatša poloko, taolo, tlhokomelo, kopanyo, phatlalatšo le tšhomišo ya tshedimošo ya naga ya temo ka go Repabliki. 50

(2) Molaodipharephare o na le maikarabelo a go laola lenaneotshepedišo la bosetšhaba la tshedimošo ya mafelo ao mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo ebile o swanetše go fana ka bašomi le methopo ye e lego bohlokwa go hlama, sepediša, hlokomela le go mpshafatša lenaneotshepedišo la bosetšhaba la tshedimošo va mafelo ao mehuta va dinhedi e šomišanago mmogo go 55

(3) The Director-General must—

- (a) ensure that the national agro-eco information system is maintained and up to date;
- (b) on an annual basis, review the functionalities and requirements of the national agro-eco information system and ensure the updating of required functionalities, hardware, software and the incorporation of relevant new or updated spatial data sets; and 5
- (c) ensure that the national agro-eco information system is accessible to the public.

(4) A data custodian appointed under the Spatial Data Infrastructure Act and any other organ of state in possession of spatial data sets and other information related to agricultural land must, on the written request of the Minister and in the form requested, make such information available to the Department for incorporation into the national agro-eco information system. 10

(5) The Minister must pay such fees, costs or charges as are applicable under the Spatial Data Infrastructure Act for the spatial data sets and other information referred to in subsection (4). 15

Objectives of national agro-eco information system

25. The objectives of the national agro-eco information system are to—

- (a) store and provide geo-referenced data and information on the preservation, development, use and management of agricultural land; 20
- (b) provide information for the implementation, management and administration of this Act;
- (c) provide electronic document management functionalities and data applications to enhance service delivery; and 25
- (d) provide information to government, land owners and the public—
 - (i) for research and development purposes;
 - (ii) for provincial agricultural sector planning, agro-ecosystem reports or other related reports;
 - (iii) on the agricultural potential, capability, suitability, the conservation status and use of agricultural land; 30
 - (iv) on the preservation and development of agricultural land; and
 - (v) on the loss of agricultural land over time.

Content of national agro-eco information system

26. The national agro-eco information system may contain the following information: 35

- (a) A record of all agricultural land;
- (b) a record of all agricultural areas;
- (c) a record of all protected agricultural areas;
- (d) data sets on the agricultural potential, capability, suitability, conservation status and use of agricultural land; 40
- (e) spatial information on agricultural land, including—
 - (i) agricultural potential, capability, suitability, conservation status and use; and
 - (ii) socio-economic information;
- (f) per farming unit— 45
 - (i) the use of agricultural land; and
 - (ii) subject to the provisions of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013), information on the land owner and land user

(3) Molaodipharephare o swanetše go—

- (a) netefatša gore lenaneotshepedišo la bosetšhaba la tshedimošo ya mafelo ao mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo le hlokometšwe ebile le dula le mpshafaditšwe;
- (b) ngwaga ka ngwaga, a lekole go šoma ga le dinyakwa tša lenaneotshepedišo la bosetšhaba la tshedimošo ya mafelo ao mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo ebile a netefatše go mpshafatšwa ga dinyakwa tše di nyakegago gore le šome, didirišwa tše di šomišwago gore le šome, softewere le go tsenywa tirišong ga datha ye mpsha goba yeo e mpshafaditšwego ya peakanyo ya naga; le
- (c) netefatša gore lenaneotshepedišo la bosetšhaba la tshedimošo ya mafelo ao mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo le fihlelelwa ke setšhaba.

(4) Mohlokomedi wa datha yo a kgethilwego ka fase ga Molao wa Datha ya Peakanyo ya Mananeokgoparara a Naga mmogo le lekala lefe foba lefe le lengwe la mmušo leo le swerego didirišwa tša go swara tshedimošo mmogo le tshedimošo ye nngwe yeo eamanago le naga ya temo a swanetše gore, ka kgopelo ye e ngwadilwego ya Tona le ka mokgwa wo o laetšwego, a dire gore tshedimošo ye bjalo e a hwetšagala go Kgoro go tsenywa ka gare ga lenaneotshepedišo la bosetšhaba la tshedimošo ya mafelo ao mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo.

(5) Tona o swanetše go lefa ditefelo, ditshenyagalelo goba ditefišo tšeo di šomišwago ka fase ga Molao wa Datha ya Peakanyo ya Mananeokgoparara a Naga ya didirišwa tša go swara tshedimošo yeo go bolelwago ka yona ka go karolwana ya (4).

Dinepo tša lenaneotshepedišo la bosetšhaba la tshedimošo ya mafelo ao mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo

25. Dinepo tša lenaneotshepedišo la bosetšhaba la tshedimošo ya mafelo ao mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo ke go—

- (a) boloka le go fana ka datha yeo e bontšhago peakanyo ya naga mmogo le tshedimošo malebana le poloko, tlhabollo, tšhomišo le taolo ya naga ya temo;
- (b) fana ka tshedimošo ya phethagatšo, taolo le tshepedišo ya Molao wo;
- (c) fana ka didirišwa tša go kgona go bula dingwalwa tša mohuta wa elektroniki mmogo le didirišwa tša go šomiša datha go kaonafatša kabo ya ditirelo; le
- (d) fana ka tshedimošo go mmušo, beng ba naga mmogo le setšhaba—
 - (i) ka morero wa go dira dinyakišišo le go hlabolla;
 - (ii) go tla ka maano a lekala la temo a profense, dipego tša lenaneotshepedišo la bosetšhaba la tshedimošo ya mafelo ao mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo goba dipego tša dingwe tše di amanago;
 - (iii) ka ga kgonagalo, bokgoni, go swanelega, le maemo a polokego ya naga ya temo;
 - (iv) ka ga poloko le tlhabollo ya naga ya temo; le
 - (v) ka ga tahlegelo ya naga ya temo go ya le nako.

Diteng tša lenaneotshepedišo la bosetšhaba la tshedimošo ya mafelo ao mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo

26. Lenaneotshepedišo la bosetšhaba la tshedimošo ya mafelo ao mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo le ka akaretša tshedimošo ye e latelago:

- (a) rekoto ya naga ya temo ka moka;
- (b) rekoto ya mafelo a temo ka moka;
- (c) rekoto ya mafelo a temo ao a šireleditšwego;
- (d) didirišwa tša tshedimošo ka ga kgonagalo, bokgoni, go swanelega, maemo a poloko le tšhomišo ya naga ya temo;
- (e) tshedimošo ya peakanyo ya naga ya temo, go akaretšwa—
 - (i) kgonagalo, bokgoni, go swanelega, maemo a poloko le tšhomišo ya naga ya temo; le
 - (ii) tshedimošo ka ga ekonomi ya leago;
- (f) yuniti ye nngwe le ye nngwe ya temo—
 - (i) tšhomišo ya naga ya temo; le
 - (ii) go ya ka dipeelano tša Molao wa Tšhireletšo ya Tshedimošo ya Bomotheo wa 2013 (Molao wa No. 4 wa 2013) tshedimošo ka ga

- and where such land owner or land user is a natural person, the nationality and gender of such land owner or land user; and
 (g) any other information as may be prescribed.

CHAPTER 6

APPEALS, COMPLIANCE AND CONTRAVENTIONS

5

Part 1

Appeal procedures

Right to appeal

27. (1) Any person who is aggrieved by any decision of a competent authority, in respect of an application for an agro-ecosystem authorisation, may lodge an appeal with the Minister against such decision in the prescribed manner. 10

(2) An appeal lodged in terms of subsection (1) suspends any agro-ecosystem authorisation which is the subject of the appeal, pending the finalisation of the appeal.

Appointment of advisory appeal panel

28. (1) The Minister may appoint an advisory appeal panel to investigate and consider any appeal contemplated in section 27. 15

(2) An advisory appeal panel must consist of at least three members appointed by the Minister, of whom—

- (a) one person must be appointed on account of his or her knowledge in the relevant fields of law; and 20
- (b) two or more persons must have expert knowledge in respect of agriculture and the potential impact of listed activities on agro-ecosystems.

(3) The person referred to in subsection (2)(a) must be designated as the chairperson of the advisory appeal panel.

(4) The remuneration of a member of an advisory appeal panel must be determined by the Minister in consultation with the Minister of Finance. 25

(5) Any person appointed in terms of subsection (2) must recuse himself or herself as member of an advisory appeal panel if he or she has any direct or indirect personal interest in the outcome of an appeal.

Investigation and consideration by advisory appeal panel

30

29. (1) The Minister may refer an appeal lodged in terms of section 27 to an advisory appeal panel.

(2) Where the Minister has referred an appeal to an advisory appeal panel to investigate and consider an appeal lodged in terms of section 27, the appeal must be heard by the advisory appeal panel in the prescribed manner. 35

(3) The chairperson of an advisory appeal panel, for the purpose of the hearing of an appeal, may—

- (a) summon any person who may have material information concerning the subject of the hearing, or who has in his or her possession or custody or under his or her control any document which has any bearing upon the subject of the hearing, to appear before the advisory appeal panel at a date, time and place specified in the summons, to be questioned or to produce that document, and the chairperson may retain, for examination, any document so produced; and 40
- (b) administer an oath to or accept an affirmation from any person called as a witness at the hearing. 45

(4) A person who lodges an appeal in terms of section 27, as well as the relevant competent authority, may have legal representation.

- modiriši wa yona e lego motho wa tlhago, naga ya matswalo le bong bja mong wa naga le modiriši; le
- (g) tshedimošo efe goba efe ye nngwe yeo e ka laelwago.

KGAOLO YA 6**BOIPILETŠO, KOBAMELO LE DITLOLAMOLAO**

5

Karolo ya 1***Ditshepedišo tša go dira boipiletšo*****Tokelo ya go dira boipiletšo**

27. (1) Motho ofe goba ofe yo a ngongoregago ka sephetho sefe goba sefe sa bolaodi bjo bo nago le bokgoni, malebana le kgopelo ya tumelelo ya lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo, a ka dira boipiletšo le Tona kgahlanong le sephetho se se bjalo ka mokgwa wo o laetšwego. 10

(2) Boipiletšo bjo bo dirilwego go ya ka karolwana ya (1) bo fega tumelelo efe goba efe ya lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo leo go dirilwego boipiletšo malebana le lona, go fihlela go phethwa tshepedišo ya boipiletšo. 15

Go thwalwa ga phanele ya baeletši ba dikgopelo tša boipiletšo

28. (1) Tona a ka thwala phanele ya keletšo ya boipiletšo go nyakišiša le go lekola boipiletšo bofe goba bofe bjo bo hlalošitšwego go ya ka karolo ya 27.

(2) Phanele ya keletšo ya boipiletšo e swanetše go ba le bonnyane bja maloko a mararo ao a kgethilwego ke Tona, ao e lego gore— 20

(a) motho o tee o swanetše go ba a kgethilwe ka lebaka la tsebo ya gagwe ya makala ao a amegago a molao; le

(b) batho ba babedi goba go feta ba swanetše go ba le tsebo ya setsebi malebana le temo mmogo le kgonagalo ya khuetšo ya ditiro tše di ngwadilwego ka go mafelo ao mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo. 25

(3) Motho yo go bolelwago ka yena ka go karolwana ya (2)(a) o swanetše go kgethwa bjalo ka modulasetulo wa phanele ya keletšo ya boipiletšo.

(4) Moputso wa leloko la phanele ya keletšo ya boipiletšo o swanetše go hlathwa ke Tona karišano le Tona ya Matlotlo. 30

(5) Motho ofe goba ofe yo a thwetšwego go ya ka karolwana ya (2) o swanetše go itokolla bjalo ka leloko la phanele ya keletšo ya boipiletšo ge e ba o na le kgahlego efe goba efe ya thwii goba yeo e sego ya thwii go dipoelo tša boipiletšo.

Go nyakišišwa le go lekolwa ke phanele ya baeletši ba dikgopelo tša boipiletšo 35

29. (1) Tona a ka fetišetša boipiletšo bjo bjo dirilwego go ya ka karolo ya 27 go phanele ya keletšo ya boipiletšo.

(2) Moo Tona a fetišeditšwego boipiletšo go phanele ya keletšo ya boipiletšo go nyakišiša le go lekola boipiletšobjo bo dirilwego go ya ka karolo ya 27, phanele ya keletšo ya boipiletšo e swanetše go theeletša boipiletšo ka mokgwa wo o laetšwego. 40

(3) Modulasetulo wa phanele ya keletšo ya boipiletšo, ka morero wa go theeletšwa ga boipiletšo, a ka—

(a) bitša motho ofe goba ofe yo a ka bago a na le tshedimošo ye bohlokwa yeo e amanago le hlogotaba ya ditheeletšo, goba yo a swerego, a hlokometšego goba a laolago sengwalwa sefe goba sefe seo se nago le seabe godimo ga hlogotaba ya theeletšo, gore a tšwelele pele ga phanele ya keletšo ya boipiletšo ka letšatšikgwedi, nako le lefelo leo le laeditšwego ka go pitšo, gore a tlo botšišwa goba go tšweletša sengwalwa, ebile modulasetulo, ka morero wa gore se hlahlobje, a ka tšea sengwalwa sefe goba sefe seo se tšweleditšwego; le 50

(b) dira kano goba go amogela tiišetšo gotšwa go motho ofe goba ofe yo a biditšwego bjalo ka hlatse ka go theeletšo yeo.

(4) Motho yo a dirago boipiletšo go ya ka karolo ya 27, mmogo le bolaodi bjo bo nago le bokgoni a ka ba le kamedi ya semolao.

- (5) If a member of an advisory appeal panel—
- (a) dies during the investigation of the appeal, or soon before the commencement of the investigation, and the vacancy cannot be filled in time;
 - (b) is unable to act and another person cannot be appointed in time; or
 - (c) is, after the investigation has commenced, unable to continue therewith,
- the parties may agree that the investigation be continued by the remaining members of the advisory appeal panel. 5
- (6) Where the member of an advisory appeal panel who has died or has become incapacitated as envisaged in subsection (5) was or is the chairperson of the advisory appeal panel, the Minister must designate one of the remaining members of the advisory appeal panel to act as chairperson. 10
- (7) An advisory appeal panel must provide the Minister with a written report setting out its findings and recommendations in respect of an appeal lodged in terms of section 27.

Consideration of appeal by Minister 15

30. (1) The Minister must consider an appeal lodged in terms of section 27 and he or she may—
- (a) confirm, set aside or vary the decision of the competent authority; and
 - (b) order the competent authority to execute the decision in connection therewith.
- (2) Where the Minister has referred an appeal to an advisory appeal panel, the Minister must regard the findings and recommendations of the advisory appeal panel before making a decision in terms of subsection (1). 20
- (3) The decision of the Minister, together with the reasons for such decision, must be in writing and a copy thereof must be furnished to the competent authority and the appellant. 25
- (4) If the Minister—
- (a) sets aside any decision by the competent authority, the prescribed fee paid by the appellant in respect of the appeal must be refunded to him or her; or
 - (b) varies any decision by the competent authority, the Minister may direct that the whole or any part of such fee, be refunded to the appellant. 30

Part 2

Compliance inspections and contravention directives

Compliance inspections

31. (1) A competent authority—
- (a) may designate an official in the Department or an officer in a provincial administration, or appoint any other person, as an inspector to investigate any non-compliance with this Act; and
 - (b) must issue each inspector with a written designation or appointment in the prescribed form, stating that the person has been appointed in terms of this Act. 35 40
- (2) When an inspector contemplated in subsection (1) performs any function of an inspector in terms of this Act, the inspector—
- (a) must on request, produce his or her written designation or appointment; and
 - (b) may not be a person having a direct or indirect personal or private interest in the matter to be investigated. 45
- (3) An inspector contemplated in subsection (1), subject to subsection (6), may—
- (a) enter any agricultural land at any reasonable time without prior notice for the purpose of ascertaining an issue required to ensure compliance with this Act;

(5) Ge e ba leloko la phanele ya keletšo ya boipiletšo—

(a) le hlokofala nakong ya ge go dirwa dinyakišišo tša boipiletšo, goba ka pela pele ga ge go thongwa ka dinyakišišo, ebile moo go ka se kgonegego gore sekgoba se tlatšwe ka ka nako;

(b) ga go kgonege gore le ka ba motšwaoswere ebile go ka se kgonege gore motho yo mongwe a a thwalwe ka nako; goba

(c) ka morago ga ge dinyakišišo di thomile, le palelwago go tšwela pele ka dinyakišišo tšeo,

batšeakarolo ba ka dumelelana gore dinyakišišo di tšwetšepile ke maloko a phanele ya keletšo ya boipiletšo.

(6) Moo leloko la phanele ya keletšo ya boipiletšo leo le hlokofetšego goba leo le ka se sa kgonago go dira mošomo bjalo ka ge go akantšwe ka go karolwana ya (5) e be e le modulasetulo wa phanelele ya keletšo ya boipiletšo, Tona o swanetše go kgetha o tee wa maloko ao a šetšego bjalo modulasetulo wa phanele ya keletšo ya boipiletšo.

(7) Phanele ya keletšo ya boipiletšo e swanetše go fa Tona pegi yeo e ngwadilwego yeo e hlalošago dikhwetšo le ditšhišinyo malebana le boipiletšo bjo bo dirilwego go ya ka karolo ya 27.

Go lekolwa ga boipiletšo ke Tona

30. (1) Tona o swanetše go lekola boipiletšo bjo bo dirilwego go ya ka karolo ya 27 gomme morago a ka—

(a) netefatša, a beela ka thoko goba a ntšha sephetho seo se fapanago le sa bolaodi bjo bo nago le bokgoni; le

(b) laela bolaodi bjo bo nago le bokgoni go phethagatša sephetho seo se amegago.

(2) Moo Tona a fetšeditšego kgopelo ya boipiletšo go phanele ya keletšo ya boipiletšo, Tona o swanetše go lekola dikhwetšo le ditšhišinyo tša phanele ya keletšo ya boipiletšo pele a dira sephetho go ya ka karolwana ya (1).

(3) Sephetho sa Tona, mmogo le mabaka a go tšewa ga sephetho se bjalo, se swanetše go ngwalwa gomme khopi ya sengwalwa seo e swanetše go fiwa bolaodi bjo bo nago le bokgoni le mongongoregi.

(4) Ge e ba Tona o—

(a) beela ka thoko sephetho sefe goba sefe seo se tšerwego ke bolaodi bjo bo nago le bokgoni, tekano ya tefišo ya tšhelete yeo e lefetšwego ke mongongoregi malebana le go dira kgopelo ya boipiletšo e swanetše e bušetšwe go yena; goba

(b) tšea sephetho seo se fapanago le sa bolaodi bjo bo nago le bokgoni, Tona a ka laela gore ka moka goba karolo ya tefišo ye bjalo, e bušetšwe go mongongoregi.

Karolo ya 2

Ditekolo tša kobamelo le go tshela ditaelo

Ditekolo tša kobamelo

31. (1) Bolaodi bjo bo nago le bokgoni bo—

(a) ka kgetha mohlankedi wa Kgoro goba mohlankedi ka go taolo ya profense, goba a ka thwala motho ofe goba ofe yo mongwe, bjalo ka molekodi go dira dinyakišišo malebana le go se obamele gofe goba gofe gwa Molao wo; le

(b) swanetše go fa molekodi yo mongwe le yo mongwe lengwalo la go kgethwa goba la go thwalwa ka mokgwa wo o laetšwego, leo le bolelago gore motho yoo o thwetšwe go ya ka Molao wo.

(2) Ge e ba molekodi yo a hlalošitšwego ka go karolwana ya (1) o dira mošomo ofe goba ofe wa molekodi go ya ka Molao wo, molekodi yoo o—

(a) swanetše gore ge a kgopelwa, a tšweletše lengwalo la gagwe la go kgethwa goba go thwalwa; le

(b) ga se a swanela e be motho yo a nago le kgahlego ya thwii goba yeo e sego ya thwii goba a ba le kgahlego ya ka sephiring go taba ye e tlo nyakišišwago.

(3) molekodi yo a hlalošitšwego ka go karolwana ya (1) go ya ka karolwana ya (6), a ka—

(a) tsena lefelong lefe goba lefe la naga ya temo ka nako efe goba efe yeo e kwagalago ntle le go tsebiša go tla ga gašwe nele ka morero wa go netefatša

- (b) question any person who is or was on such agricultural land, either alone or in the presence of any other person, on any matter to which this Act relates;
 - (c) require from any person who has control over or custody of a book, record or other document on such agricultural land, to produce to the inspector forthwith, or at such time and place as may be determined by the inspector, such book, record or other document; 5
 - (d) examine any such book, record or other document or make a copy thereof or an extract therefrom;
 - (e) require from such a person an explanation of any entry in such book, record or other document; 10
 - (f) inspect any article, substance, plant or machinery which is or was on the agricultural land, or any work performed on the land or any condition prevalent on the land, or remove for examination or analysis any article, substance, plant or machinery or a part or sample thereof;
 - (g) seize any book, record or other document or any article, substance, plant or machinery or a part or sample thereof which in his or her opinion may serve as evidence at the trial of any person charged with an offence under this Act or the common law: Provided that the user of the article, substance, plant or machinery concerned, as the case may be, may make copies of such book, record or document before such seizure; and 15 20
 - (h) direct any person to appear before him or her at such time and place as may be determined by the inspector and question such person either alone or in the presence of any other person on any matter to which this Act relates.
- (4) When an inspector enters any agricultural land in terms of subsection (3), the owner or person in control of the land must at all times provide such facilities as are reasonably required by the inspector to enable him or her to perform his or her functions effectively. 25
- (5) When an inspector removes or seizes any article, substance, plant, machinery, book, record or other document as contemplated in subsection (3)(f) or (g), he or she must issue a receipt to the owner or person in control thereof and return it as soon as practicable after achieving the purpose for which it was removed or seized. 30
- (6) An inspection of a private dwelling may only be carried out by an inspector when authorised in terms of a warrant issued by a judge of the High Court or a magistrate who has jurisdiction over the agricultural land on which the private dwelling is situated.
- (7) An inspector may, where necessary, be accompanied by a police official or any other person reasonably required to assist him or her in conducting the inspection. 35
- (8) An inspector who enters and searches any agricultural land or private dwelling under this section, must conduct such search or seizure with strict regard for decency and order, and with regard for each person's right to dignity, freedom, security and privacy. 40

Contravention directives

32. (1) If a competent authority considers that a person is contravening or is about to contravene a provision of this Act or an agro-ecosystem authorisation issued under this Act, the competent authority may issue a directive.

(2) A directive issued in terms of subsection (1) may provide that any requirements imposed therein must be complied with in the manner or within the period specified in the directive. 45

(3) A directive issued in terms of subsection (1) must be contained in a written notice and served upon the person concerned, by—

- (a) delivering the notice to that person personally; 50
- (b) delivering the notice to the owner or person in control of the agricultural land mentioned in the directive;
- (c) affixing the notice to the entrance of the concerned agricultural land mentioned in the directive; or
- (d) any other prescribed manner. 55

- (b) botšiša motho ofe goba ofe yo a lego goba a bego a le lefelong le le bjalo la naga ya temo, yo a bego a le tee lefelong leo goba a na le motho yo mongwe, malebana le taba efe goba efe yeo yeo e amanago le Molao wo;
- (c) nyaka gore motho ofe goba ofe yo a nago le taolo ya goba yo a swerego puku, rekoto goba sengwalwa se sengwe sa malebana le naga ya temo, a se tliše go molekodi ka nako yeo, goba ka nako le lefelo leo le ka hlathwago ke molekodi; 5
- (d) hlahloba puku, rekoto goba sengwalwa se sengwe goba a ka dira khopi ya sona goba a ntšha tshedimošo yeo e lego ka moo;
- (e) nyaka tlhalošo go tšwa go motho yo bjalo malebana le tshedimošo efe goba efe yeo e ngwadilwego ka gare ga puku, rekoto goba sengwalwa se bjalo; 10
- (f) lekola athikele, sedirišwa, semela goba metšhene yeo e lego goba yeo e bego e le ka go naga ya temo, goba mošomo ofe goba ofe wo o dirilwego go naga goba maemo afe goba afe ao a lego nageng, go tlošwa ga athikele, sedirišwa, semela goba metšhene goba karolo ya yona goba sampole ya yona malebana le go e hlahloba le go e lekola; 15
- (g) tšea puku, rekoto goba sengwalwa se sengwe goba athikele, sedirišwa, semela goba metšhene goba karolo ya yona goba sampole ya yona yeo go ya ka yena e ka šomago bjalo ka bohlatse tshekong ya motho ofe goba ofe yo a latofadišwego ka molato ka fase ga Molao wo goba molao wa setlwaedi: Ge fela e le gore mošomiši wa athikele, sedirišwa, semela goba metšhene wo o amegago, go ya le ka mokgwa wo go tlabago go le ka gona, a ka dira dikhopi tša puku, rekoto goba sengwalwa se bjalo pele a se tšea; le 20
- (h) laela motho ofe goba ofe go tšwelela pele ga gagwe ka nako le lefelo leo le beilwego ke molekodi ebile a ka botšiša motho yo bjalo dipotšišo a le noši goba goba a na le motho yo mongwe malebana le taba efe goba efe yeo e amanago le Molao wo. 25
- (4) Ge molekodi a tsena lefelong lefe goba lefe la temo go ya ka karolwana ya (3), mong goba motho yo a laolago lefelo leo o swanetše go fana ka dinolofatši ka dinako ka moka tšeo di hlokegago ka mo go kwagalago ke molekodi go mo kgontšha go phethagatša mešomo ya gagwe gabotse. 30
- (5) Ge molekodi a tloša goba a tšea athikele, sedirišwa, semela, metšhene, puku, rekoto goba sengwalwa se sengwe seo se hlalošitšwego ka go karolwana ya (3)(f) goba (g), o swanetše go ntšha rasiti yeo a tlo e fago mong goba motho yo a laolago lefelo leo yeo e ngwadilwego dilo tše di di tšerwego ebile a di bušetše ka pela ka mo go kgonegago morago ga go fihlelela morero wo di bego di tšeešwe wona. 35
- (6) Tekolo ya bodulo bja poraebete e ka dira ke molekodi fela ge e le gore seo se dumeletšwego ya ka tagafala yeo e ntšhitšwego ke moahlodi wa Kgorotsheko ya Godimo Kgorotsheko goba masepala wo o nago maatla a taolo lefelong la temo leo bodulo bja poraebete bo lego go lona. 40
- (7) Molekodi, moo go nyakegago, a ka felegetšwa ke mohlankedi wa maphodisa goba motho ofe goba ofe yo mongwe mo go kwagalago gore a mo thuše ygo dira tekolo.
- (8) Molekodi yo a tsenago le go phuruphutša lefelo lefe goba lefe la naga ya temo goba bodulo bja poraebete ka fase ga karolo ye, o swanetšego phuruphutša le go tšea mo go bjalo ka ela hloko tlhompho le tsela ya go dira dilo, yeo e hlompago tokelo ya motho ya seriti, tokologo, tšhireletšo le sephiri. 45

Go tshela ditaelo

32. (1) Ge e ba bolaodi bjo bo nago le bokgoni bo bona gore motho o tshela peelano goba o kgauswi le go tshela peelano ya Molao wo goba tumelelo ya lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo yeo e ntšhitšwego ka fase ga Molao wo, bolaodi bjo bo nago le bokgoni bo ka ntšha taelo. 50

(2) Taelo yeo e ntšhitšwego go ya ka karolwana ya (1) e ka fana ka dipeelano tša gore dinyakwa dife goba dife tšeo di laetšwego ka gare ga sengwalwa seo di swanetše go obamelwa ka mokgwa goba ka gare ga nako yeo e laeditšwego ka gare ga taelo yeo.

(3) Taelo yeo e ntšhitšwego go ya ka karolwana ya (1) e swanetše go akaretšwa ka go tsebišo ye e ngwadilwego le go fiwa motho yo a amegago, ka go— 55

(a) iša tsebišo yeo ka letsogo go motho yoo;

(b) iša tsebišo go mong goba motho yo a laolago naga ya temo yo a ngwadilwego ka go taelo yeo;

(c) gomaretša tsebišo yeo go mojako wa naga ye e amegago ya temo yeo e nowadilwego ka go taelo yeo goba 60

(4) Any directive which has been served—

(a) is binding upon the person specified therein and his or her successor in title in relation to the land mentioned in the directive; and

(b) may be withdrawn or amended by the competent authority by the serving of a written notice on the person concerned or his or her successor in title. 5

(5) A directive issued in terms of subsection (1) may direct the owner or person in control of the agricultural land, in relation to which the contravention occurs, to take any action specified in the directive to rectify the contravention within a period as specified in the directive.

(6) The competent authority may, upon receipt of a written request from the owner or person in control of the concerned agricultural land, extend the period specified in a directive issued in terms of subsection (1) to rectify a contravention. 10

(7) If the action is not taken within the time specified in the directive, or within the extended period referred to in subsection (6), the competent authority may—

(a) carry out any works and take any other action necessary to rectify the contravention and recover its reasonable costs from the person upon whom the notice was served; or 15

(b) apply to a competent court for appropriate relief.

Investigation and gathering of data on agricultural land

33. A competent authority may, in writing, authorise a person or persons with the necessary skills or experience to— 20

(a) enter or cross a particular portion of agricultural land at any reasonable time with the prior consent of the owner or occupier of the land; and

(b) carry out surveys and investigations to gather data on the agricultural land's capability, suitability, potential, current infrastructure and use thereof. 25

CHAPTER 7

GENERAL AND MISCELLANEOUS PROVISIONS

Delegations

34. (1) The Minister may delegate any power or duty vested in him or her in terms of this Act, other than a power or duty referred to in subsection (5), and the performance of any duties of the Minister, to— 30

(a) the Director-General;

(b) an MEC; or

(c) any organ of state.

(2) A delegation referred to in subsection (1)— 35

(a) must be in writing;

(b) may be made subject to conditions;

(c) does not prevent the exercise of the power or the performance of the duty by the Minister;

(d) may include the power to sub-delegate; and 40

(e) may be withdrawn by the Minister.

(3) The Minister must give notice in the *Gazette* and other media of any delegation of a power or duty to an MEC or an organ of state.

(4) The Minister may confirm, vary or revoke any decision taken in consequence of a delegation or sub-delegation in terms of this section, subject to any rights that may have accrued to a person as a result of the decision. 45

(4) Taelo efe goba efe yeo e filwego motho—

- (a) e tlama motho yoo a ngwadilwego ka gare ga yona mmogo le mohlhlami wa gagwe maemong a mošomo woo o amanago le naga yeo e ngwadilwego ka go taelo yeo; le
- (b) e ka gogelwa morago goba ya fetošwa ke bolaodi bjo bo nago le bokgoni ka go fa motho yo ngwadilwego ka go taelo yeo goba mohlhlami wa gagwe lengwalo la tsebišo. 5

(5) Taelo yeo e ntšhitšwego go ya ka karolwana ya (1) malebana le ge taelo ye e ka tshelwa, e ka laela mong goba motho yo a laolago naga ya temo go tšea kgato efe goba efe yeo e ngwadilwego ka go taelo go lokiša go tshelwa ga taelo yeo ka gare ga nako ye e laeditšwego. 10

(6) Bolaodi bjo bo nago le bokgoni, ka morago ga go amogela kgopelo yeo e ngwadilwego gotšwa go mong goba motho yo a laolago naga ya temo yeo e amegago, bo ka katološa nako yeo e laeditšwego ka go taelo yeo e ntšhitšwego yo ya ka karolwana ya (1) ya malebana le go lokišwa ga go tshelwa ga taelo. 15

(7) Ge e ba kgato ga se ya tšewa ka gare ga nako yeo e laeditšwego ka go taelo, goba ka gare ga nako yeo e katološitšwego go ya ka karolwana ya (6), bolaodi bjo bo nago le bokgoni bo ka—

- (a) dira mešomo efe goba efe mmogo le go tšea kgato efe goba efe ye nngwe yeo e hlokegago go lokiša go tshelwa ga taelo le go lefiša motho yo a filwego tšbišo ditshenyagalelo malebana le tokišo yeo; goba 20
- (b) dira kgopelo go kgorotsheko yeo e nago le bokgoni go hwetša kimollo ya maleba.

Go dira dinyakišišo le go kgoboketša datha ka ga naga ya temo

33. Bolaodi bjo bo nago le bokgoni, ka go ngwala, bo ka dumelela motho goba bathobao ba nago le mabokgoni goba maitemogelo ao a hlokegago go— 25

- (a) tsena goba go feta ka gare ga karolo yeo e itšego ya naga ya temo ka nako efe goba efe yeo e kwagalago ge a hweditše tumelelo pele ya mong goba modudi wa naga yeo; le
- (b) dira ditekolo le dinyakišišo go kgoboketša datha malebana le bokgoni, go swanelega, kgonagalo, mananeokgoparara a gabjale le tšhomišo ya wona. 30

KGAOLO YA 7

DIPEELANO KA KAKARETŠO LE DITIRAGALO TŠE DINGWE TŠEO DI SA LETELWAGO

Phetišetšo ya mešomo 35

34. (1) Tona a ka fetišetša maatla goba mošomo ofe goba ofe woo a filwego wona go ya ka Molao wo, ntle le maatla goba mošomo woo go bolelwago ka wona ka go karolwana ya (5), go akaretšwa le phethagatšo ya mešomo efe goba efe yeo e dirago ke Tona, go—

- (a) Molaodipharephare; 40
- (b) MEC; goba
- (c) lekala lefe goba lefe la mmušo.

(2) Phetišetšo yeo go bolelwago ka yona ka go karolwana ya (1)—

- (a) e swanetše go ngwalwa; 45
- (b) e ka ba le mabaka;
- (c) ga e šitiše Tona go šomiša maatla goba go phethagatša mošomo wa gagwe;
- (d) e ka akaretša go fiwa ga mošomi maatla a go fetišetša mošomi wa ka fase ga gagwe mošomo; le
- (e) e ka gogelwa morago ke Tona.

(3) Tona o swanetše fana ka tsebišo ka go Kuranta ya Mmušo le ka kgokagano ye nngwe ya go aba ditaba yeo e hlalošago maatla goba mošomo woo o fetišeditšwego go MEC goba lekala la mmušo. 50

(4) Tona a ka tiišetša, a fapana le goba a fediša sephetho sefe goba sefe seo se tšerwego ka go šomiša maatla ao a filwego motho goba motho wa ka fase ga gagwe go ya ka karolo ye, go ya ka tokelo efe goba efe yeo e ka bago e filwe motho yo bjalo go ya ka sephetho. 55

- (5) The Minister may not delegate a power or duty vested in the Minister in terms of this Act to—
- (a) make regulations and develop policies;
 - (b) publish notices in the *Gazette* and other media; or
 - (c) appoint a member of an advisory appeal panel, or a member of an advisory or technical committee. 5
- (6) The Director-General may delegate a power or duty vested in him or her by or under this Act to—
- (a) an official in the Department; or
 - (b) an officer in a provincial administration, by agreement with the HoD. 10
- (7) A delegation referred to in subsection (6)—
- (a) must be in writing;
 - (b) may be subject to conditions;
 - (c) does not prevent the exercise of the power or the performance of the duty by the Director-General; 15
 - (d) may include the power to sub-delegate; and
 - (e) may be withdrawn by the Director-General.

Regulations

35. (1) The Minister, after consultation with the MECs, may make regulations—
- (a) dealing with any matter which under this Act may or must be dealt with by regulation; 20
 - (b) for the procedure to be followed in applying for, the issuing of, and monitoring compliance with, agro-ecosystem authorisations, including the reasonable time within which a competent authority may consider and respond to applications for certain specified agro-ecosystem authorisations; 25
 - (c) for the procedure to be followed in respect of—
 - (i) the efficient administration and processing of agro-ecosystem authorisations;
 - (ii) fair decision-making and conflict management in the consideration and processing of applications for agro-ecosystem authorisations; and 30
 - (iii) consultation with land owners, lawful occupiers and other interested or affected parties;
 - (d) specifying the functions in relation to the administration and processing of agro-ecosystem authorisations that may be performed only by an agricultural professional and the procedures to be followed by such agricultural professional; 35
 - (e) for the procedures to be followed for the preparation, evaluation and adoption of—
 - (i) provincial agricultural sector plans;
 - (ii) agricultural areas; 40
 - (iii) protected agricultural areas;
 - (iv) agro-ecosystem reports; and
 - (v) norms and standards;
 - (f) prescribing the contents of the national agro-eco information system;
 - (g) for the procedures concerning the lodging of any appeals and the consideration and decision of such appeals in terms of this Act; 45
 - (h) prescribing fees, after consultation with the Minister of Finance, to be paid for—
 - (i) the consideration and processing of applications for agro-ecosystem authorisations; 50

- (5) Tona ga se a swanela go fetišetša maatla goba mošomo woo o filwego Tona go ya ka Molao wo go—
- (a) dira melawana le go hlama dipholisi;
 - (b) gatiša ditsebišo ka go Kuranta ya Mmušo le ka kgokagano ye nngwe ya go aba ditaba; goba 5
 - (c) kgetha leloko la phanele ya keletšo ya boipiletšo, goba leloko la komiti ya keletšo goba ya sethekniki.
- (6) Molaodipharephare a ka fetišetša maatla goba mošomo wa gagwe wo a o filwego go ya ka Molao wo go—
- (a) mohlankedi ka go Kgoro; goba 10
 - (b) mohlankedi ka go pušo ya profense, ka tumelelo ya HoD.
- (7) Phetšhetšo yeo go bolelwago ka yona ka go karolwana ya (6)—
- (a) e swanetše go ngwalwa;
 - (b) e ka ba le mabaka;
 - (c) ga e šitiše Molaodipharephare go šomiša maatla goba go phethagatša 15 mošomo wa gagwe;
 - (d) e ka akaretša go fiwa ga mošomi maatla a go fetišetša mošomi wa ka fase ga gagwe mošomo; le
 - (e) e ka gogelwa morago ke Molaodipharephare.

Melawana 20

35. (1) Tona, ka morago ga go rerišana le di-MEC, a ka dira melawana—
- (a) yeo e šetšanago le taba efe goba efe yeo e ka bago ka fase ga Molao wo goba yeo go swanetšego go šetšanwa le yona ka go šomiša molawana;
 - (b) ya tshepedišo yeo e swanetšego go latela ge go dirwa kgopelo ya, go ntšhwa ga, mmogo le tlhokomelo ya kobamelo ya, ditumelelo tša go šomiša lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo, go akaretšwa le tekano ya nako yeo ka yona boloadi bjo bo nago le bokgoni bo swanetšego go lekola le go fetola dikgopelo malebana le ditumelelo tša di itšego tša lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo; 25 30
 - (c) ya tshepedišo yeo e swanetšego go latelwa malebana le—
 - (i) go šoma gabotse ga taolo le tshepedišo ya go lekola dikgopelo tša ditumelelo tša go šomiša lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo;
 - (ii) gore go tšewe diphetho tše di lokilego ebile go be le taolo ya thulano ge go lekolwa tshepedišo ya dikgopelo tša ditumelelo tša go šomiša lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo; le 35
 - (iii) therišano le beng ba naga, badudi ba naga boa ba lego molaong mmogo le batho bao bangwe bao ba nago le kgahlego goba ba amegilego; 40
 - (d) yeo e laetšago mešomo yeo e amanago le taolo le tshepedišo ya go lekola dikgopelo tša ditumelelo tša go šomiša lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo yeo e ka dirwago fela ke motho yo profesene ya gagwe e lego temo mmogo le ditshepedišo tšeo di swanetšego go latelwa ke motho yo bjalo; 45
 - (e) ya ditshepedišo tšeo di tlo latelwago malebana le tokišo, tekolo le go amogelwa ga—
 - (i) maano a lekala la temo a profense;
 - (ii) mafelo a temo;
 - (iii) mafelo a temo ao a šireleditšwego; 50
 - (iv) dipego tša lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo; le
 - (v) ditlwaedi le maemo;
 - (f) yeo e laelago diteng tšeo di swanetšego go ba gona ka go lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo; 55
 - (g) ya ditshepedišo malebana le go tliša boipiletšo bofe goba bofe mmogo le go lekolwa le go tšewa ga diphetho malebana le boipiletšo bjoo go ya ka Molao woo;
 - (h) yeo e hlathago ditefišo, morago ga therišano le Tona ya Matlotlo, tšeo di tlo lefelwago malebana le— 60
 - (i) tekolo le tshenedišo va go šetšana le dikgopelo tša lefelo leo mehuta ya

- (ii) the review of documents, processes and procedures by specialists on behalf of the competent authority; and
 - (iii) the consideration and processing of appeals;
- (i) prescribing minimum criteria for agro-ecosystem reports in order to ensure a consistent quality and to facilitate efficient evaluation of agro-ecosystem reports; 5
- (j) dealing with the appointment, remuneration and terms of reference of advisory committees;
- (k) dealing with the appointment, remuneration and functions of technical and other experts; and 10
- (l) any ancillary or incidental administrative procedural matter that it is necessary to prescribe for the proper implementation and administration of this Act.
- (2) Any regulations made under subsection (1) may provide that any person who contravenes or fails to comply with a provision thereof is guilty of a criminal offence and liable on conviction to a fine not exceeding R250 000, or to a term of imprisonment for a period not exceeding two years, or to both such fine and such imprisonment. 15
- (3) The norms and standards referred to in subsection (1)(e)(v) must, amongst others, be informed by—
 - (a) soil surveys;
 - (b) rangeland surveys; 20
 - (c) land use surveys;
 - (d) land capability assessments;
 - (e) land suitability assessments;
 - (f) agricultural potential assessments; and
 - (g) impact assessments. 25
- (4) (a) The Minister, after consulting the MECs, may—
 - (i) determine norms and standards for listing activities, in terms of section 16, or for any part of an activity or for a combination of activities;
 - (ii) prescribe norms and standards to achieve and measure compliance with the objects of this Act; 30
 - (iii) prescribe reporting and monitoring requirements; and
 - (iv) prescribe procedures and criteria to be used by the competent authority for the monitoring of listed activities in order to determine compliance with the prescribed norms and standards.
- (b) The norms and standards referred to in subsection (1)(e)(v) must provide for rules, guidelines or characteristics— 35
 - (i) that may commonly and repeatedly be used; and
 - (ii) against which the performance of listed activities or the results of such listed activities may be measured for the purposes of achieving the objects of this Act. 40
- (c) The norms and standards referred to in subsection (1)(e)(v) may apply—
 - (i) nationwide;
 - (ii) in a specific province; or
 - (iii) in a specific demarcated geographical area only.
- (d) The process of developing and adopting norms and standards referred to in subsection (1)(e)(v) must include the— 45
 - (i) publication of the draft norms and standards for comment in the *Gazette* and other media;
 - (ii) consideration of comments received; and
 - (iii) publication of the norms and standards in the *Gazette* and other media. 50
- (5) Before making any regulations under this Act, the Minister must—
 - (a) publish a notice in the *Gazette* and other media—
 - (i) setting out the draft regulations; and

- (ii) go lekolwa ga dingwalwa, ditshepetšo le ditshepedišo tšeo di dirwago ke ditsebi legatong la bolaodi bjo bo nago le bokgoni; le
- (iii) go lekolwa le tshepedišo ya go šettšana le dikgopelo tša boipilešo;
- (i) yeo e laelago bonnyane bja dinyakwa tveo di swanetšego go akaretšwa ka go dipego tša lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo ka maikemišetšo a go netefatša kwano ya boleng ya tshepedišo mmogo le go nolofatša tshepedišo ya tekolo ya dipego tša lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo; 5
- (j) yeo e šetšanago le go thwala, moputso mmogo le dipeelano tša tshepedišo ya dikomiti tša keletšo; 10
- (k) yeo e šetšanago le go thwala, moputso le mešomo ya sethekniki le ditsebi tše dingwe; le
- (l) taba efe goba efe ya thušo goba yeo e diregago ka lebaka la tshepedišo yeo e hlokegago gore e laelwe gore go be le phethagatšo le tshepedišo ye e swanetšego ya Molao wo. 15
- (2) Melawana efe goba efe yeo e dirilwego ka fase ga karolwana ya (1) e ka fana ka peelano ya gore motho ofe goba ofe yo a tshelago goba yo a palelwago ke go obamela peelano ye bjalo o na le molato wa bosenyi ebile ge a ka bonwa molato o na le maikarabelo go tefišo ya faene yeo e sa fetego R250 000, goba a ka golegwa tekano ya lebaka leo le sa fetego mengwaga ye mebedi, goba bobedi go lefišwa faene le kgolego. 20
- (3) Ditlwaedi le maemo ao go bolelwago ka wona ka go karolwana ya (1)(e)(v) a swanetše gore, magareng ga tše dingwe, a huetšwe ke—
- (a) ditekolo tša mobu;
- (b) ditekolo tša naga ya mafulo; 25
- (c) ditekolo tša tšhomišo ya naga;
- (d) ditekolo tša bokgoni bja naga ya temo;
- (e) ditekolo tša go swanelega ga naga ya temo;
- (f) ditekolo tša kgonagalo ya tšweletšo ya naga ya temo; le
- (g) ditekolo tša dikhuetšo. 30
- (4) (a) Tona, ka morago ga go rerišana le di-MEC, a ka—
- (i) hlatha ditlwaedi le maemo ao a nyakegago malebana le ditiro tšeo di ka ngwalwago, go ya ka karolo ya 16, goba malebana le karolo efe goba efe ya tiro goba ditiro tšeo di kopanego;
- (ii) fana ka dippeelano tša ditlwaedi le maemo ao a nyakegago go fihlelela le go lekola kobamelo ya dinepo tša Molao wo; 35
- (iii) fana ka dipeelano tša dinyakwa tša go dira ditekolo le tlhokomelo; le
- (iv) fana ka dipeelano tša ditshepedišo le dinyakwa tšeo di tlo šomišwago ke bolaodi bjo bo nago le bokgoni go hlokomela ditiro tšeo di ngwadilwegoka nepo ya go hlatha ge e ba ditlwaedi le maemo a obamelwa. 40
- (b) Ditlwaedi le maemo ao go bolelwago ka wona ka go karolwana ya (1)(e)(v) a swanetše go fana ka ditaelo, ditlhahli goba dika—
- (i) tšeo di ka šomišwago gantši le ka tlwaelo; le
- (ii) tšeo phethagatšo ya mešomo yeo e ngwadilwego ka go lenaneopalo la ditiro e ka lekanyetšwago kgahlanong le tšona ka morero wa go fihlelela dinepo tša Molao wo. 45
- (c) Ditlwaedi le maemo ao go bolelwago ka wona ka go karolwana ya (1)(e)(v) a ka omišwa—
- (i) naga ka bophara;
- (ii) ka go profense yeo e itšego; goba 50
- (iii) ka go naga yeo e kgethilwego fela ye itšego.
- (d) Tshepedišo ya go hlama le go amogela ditlwaedi le maemo ao go bolelwago ka wona ka go karolwana ya (1)(e)(v) e swanetše go akaretša—
- (i) kgatišo ya sethalwatšhišinyo sa ditlwaedi le maemo seo se nyakago ditshwayotshwayo ka go Kuranta ya Mmušo le ka kgokagano ye nngwe ya go aba ditaba; 55
- (ii) go lekolwa ga ditshwayotshwayo tšeo di amogetšwego; le
- (iii) kgatišo ya ditlwaedi le maemo ka go Kuranta ya Mmušo le ka kgokagano ye nngwe ya go aba ditaba.
- (5) Pele a dira melawana efe goba efe ka fase ga Molao wo, Tona o swanetše go— 60
- (a) gatiša tsebišo ka go Kuranta ya Mmušo le ka go kgokagano ye nngwe ya go aba ditaba—

- (ii) inviting written comments to be submitted on the proposed regulations within a specified period mentioned in the notice; and
 - (b) consider all such comments received.
- (6) Regulations made in terms of this Act must be published in the *Gazette* and other media for public comment. 5

Offences

36. A person is guilty of an offence if that person—
- (a) contravenes the restrictions imposed on the use of agricultural land within a protected agricultural area in terms of section 11;
 - (b) commences with an activity listed in terms of section 16 without an agro-eco system authorisation from a competent authority; 10
 - (c) fails to comply with or contravenes a condition of an agro-eco system authorisation granted by a competent authority in terms of section 15;
 - (d) refuses or fails to comply with a directive issued by a competent authority in terms of section 32; 15
 - (e) hinders or obstructs an inspector in the performance of any function in terms of this Act;
 - (f) pretends to be an inspector or an assistant to an inspector;
 - (g) furnishes false or misleading information when complying with a request by an inspector; 20
 - (h) fails to comply with a request by an inspector;
 - (i) unlawfully and intentionally or negligently commits an act or omission which detrimentally affects agricultural land; or
 - (j) makes a false disclosure on any matter required in terms of this Act.

Penalties 25

37. (1) Any person convicted of an offence referred to in section 36 is liable to a fine or imprisonment, subject to subsection (3) and (4), as determined by a court of law.
- (2) A court, in an appropriate case, may—
- (a) order that the land be rehabilitated or restored to its previous agricultural state or potential, whichever is the most achievable; or 30
 - (b) in the absence of full disclosure of the information required in terms of this Act, order the person concerned to comply with the prescripts of this Act.
- (3) A person convicted of an offence in terms of subsection (1) may be sentenced to a fine not exceeding R10 million or a term of imprisonment for a period not exceeding 10 years or to both such fine and such imprisonment. 35
- (4) A person convicted of an offence under this Act who, after conviction, continues with the conduct for which he or she was so convicted, is guilty of a continuing offence and liable on conviction to a fine not exceeding R250 000 or to a term of imprisonment for a period not exceeding three months, or to both such fine and such imprisonment.

Repeal and amendment of laws 40

38. The Subdivision of Agricultural Land Repeal Act, 1998 (Act No. 64 of 1998), is hereby amended to the extent reflected in the Schedule.

Short title and commencement

39. This Act is called the Preservation and Development of Agricultural Land Act, 2024, and comes into operation on a date fixed by the President by proclamation in the *Gazette*. 45

- (ii) yeo e laletšago thomelo ya ditshwayotshwayo tšeo di tlo tlišwago malebana le melawana yeo e šišintšwego ka gare ga nako yeo e beilwego yeo e ngwadilwego ka gare ga tsebišo; le
- (b) lekola ditshwayotshwayo tše bjalo ka moka tšeo di amogetšwego.
- (6) Melawana ye e dirilwego go ya ka Molao wo e swanetše go gatišwa ka go Kuranta ya Mmušo le ka kgokagano ye nngwe ya go aba ditaba go hwetša ditshwayotshwayo. 5

Melato

36. Motho o na le molato ge e ba motho yoo—

- (a) o tshela dithibelo tšeo di gapeleditšwego tša malebana le go šomišwa ga naga ya temo ka gare ga lefelo la temo leo le šireleditšwegogo ya ka karolo ya 11; 10
- (b) o thoma go dira tiro yeo e lego ka go lenaneopalo la ditiro te di ngwadilwego go ya ka karolo ya 16 ntle le go hweta tumelelo ya lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo gotšwa go bolaodi bjo bo nago le bokgoni;
- (c) o palelwa ke go obamela goba o tshela peelano ya tumelelo ya lefelo leo mehuta ya diphedi e šomišanago mmogo go tšweletša ditšweletšwa tša temo yeo e ntšhitšwego ke bolaodi bjo bo nago le bokgoni go ya ka karolo ya 15; 15
- (d) o gana goba o palelwa ke go obamela taelo yeo e ntšhitšwego ke bolaodi bjo bo nago le bokgoni go ya ka karolo ya 32;
- (e) o šitiša goba o thibela molekodi go phethagatša mošomo ofe goba ofe go ya ka Molao wo; 20
- (f) o itira eka ke yena molekodi goba mothuši wa molekodi;
- (g) o fana ka tshedimošo ya maaka goba yeo e lahletšago ge a obamela kgopelo ya gotšwa go molekodi;
- (h) o palelwa ke go obamela kgopelo ya molekodi; 25
- (i) o dira tiro ya go goba o tlogela go dira tiro ka tsela ye e sego molaong, ya ka boomo le ye e hlokomologago naga ya temo gomme seo sa ama naga ya temo ga mpe; goba
- (j) o utolla tshedimošo ya maaka malebana le taba efe goba efe yeo e nyakegago go ya ka Molao wo. 30

Dikotlo

37. (1) Motho ofe goba ofe yo a bonwego molato wo go bolelwago ka wona ka go karolo ya 36 o swanetše go lefišwa faene goba go golegwa, go ya ka karolwana ya (3) le (4), bjalo ka ge go hlathilwe ke kgorotsheko ya molao.
- (2) Kgorotsheko, ka go molato wa maleba, e ka— 35
- (a) laela gore naga e tsošološwe goba e bušetšwe sekeng ka mokgo e bego e le ka gona peleng goba bokgoning bja yona bja pele, ye nngwe le ye nngwe yeo e ka fihlelelwago; goba
- (b) ge go sena kutollo yeo e feleletšego ya tshedimošo yeo e nyakegago go ya ka Molao wo, laela motho yo a amegago go obamela ditaelo Molao wo. 40
- (3) Motho yo a bonwego molato go ya ka karolwana ya (1) a ka ahlolwa ka go lefišwa faene yeo e sa fetego dimillione tše 10 (R10 million) goba a ka golegwa lebaka la nako yeo e sa fetego mengwaga ye 10 goba bobedi faene le kgolego ye bjalo.
- (4) Motho yo a bonwego molato wa ka fase ga Molao wo, yo ka morago ga go bonwa molato, a tšwelago pele ka maitshwaro ao a bonwego molato ka lebak la wona, o tšwela pele go dira molato ebile ge a bonwa molato a ka lefišwa faene yeo e sa fetego R250 000 goba go golegwa lebaka la nako ye e sa fetego dikgwedi tše tharo, goba bobedi faene le kgolego ye bjalo. 45

Phedišo le phetošo ya melao

38. Molao wa go Fediša Karoganyo ga Naga ya Temo, wa 1998 (Molao wa No. ya 64 wa 1998), o a fetošwa go fihlela bokgole bjo bo ngwadilwego ka go Šetule ye. 50

Thaetlele ye kopana le mathomo

39. Molao wo o bitšwa Molao wa Poloko le Tlhabollo ya Naga ya Temo, wa 2024, ebile o thoma go šoma ka letšatšikgwedi leo le beilwego ke Mopresidente ka pego ka go Kuranta ya Mmušo. 55

GENERAL EXPLANATORY NOTE:

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

SCHEDULE**REPEAL AND AMENDMENT OF LAWS: SECTION 38**

Act no.	Year	Title	Extent of amendment or repeal
64	1998	Subdivision of Agricultural Land Repeal Act	1. The Subdivision of Agricultural Land Repeal Act is hereby amended by the insertion after section 1 of the following section: “Transitional arrangements 1A. (1) Any application or other process in terms of the Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970), that at the commencement of this Act has not been decided or otherwise disposed of, must be continued and disposed of as if the Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970), had not been repealed. (2) Any consent granted or deemed to have been granted in terms of the Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970), remains valid for the specified period or if not specified, for a period of five years from the date of the commencement of this Act.”.

TLHALOŠO KA KAKARETŠO:

Mantšu ao a thaletšwego ka mothaladi o moso a bontšha melawana yeo e tsentšwego go melao yeo e šetšego e le gona.

ŠETULE**PHEDIŠO LE PHETOŠO YA MELAO: KAROLO YA 38**

Molao wa No. ya	Ngwaga	Thaetlele	Katološo ya phetošo goba phedišo
64	1998	Molao wa go Fediša Karoganyo ya Naga ya Temo	1. Molao wa go Fediša Karoganyo ya Naga ya Temo o a fetošwa ka go tsenywa ga karolo ye e latelago ka morago ga karolo ya 1: “Dipeakanyo tša go fetogela go melao ye meswa 1A. (1) Kgopelo goba tshepedišo efe goba efe ye nngwe yeo e dirwago go ya ka Molao wa go Fediša Karoganyo ya Naga ya Temo, wa 1970 (Molao wa No. ya 70 wa 1970), yeo ge go thoma go šoma ga Molao wo, go sego gwa tšewa sephetho sa gore e a šomišwa goba e a tlogelwa, e swanetše go tšwetšwa pele ebile e ka tlogelwa bjalo ka ge eka Molao wa go Fediša Karoganyo ya Naga ya Temo, wa 1970 (Molao wa No. ya 70 wa 1970), ga se wa fedišwa. (2) Tumelelo efe goba efe yeo e filwego goba e tšewago bjalo ka yeo e filwego go ya ka Molao wa go Fediša Karoganyo ya Naga ya Temo, wa 1970 (Molao wa No. ya 70 wa 1970), e sa šoma tekano ya lebaka leo le laeditšwego goba ge le se la laetšwa, e ka šoma tekano ya lebaka la mengwaga ye mehlano go tloga ka letšatšikgwedi la go thoma go šoma ga Molao wo.”

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