

Forest Act, No. 122 of 1984  
PART II  
CONTROL OVER AFFORESTATION

7. Use of land for afforestation.- (1) Without the prior written approval of the director-general no land, including land in the possession of the State-

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

(b) which for a period of more than five years after the removal, harvesting or destruction of a commercial timber crop, has not been so used,

may be used for the planting of trees to produce timber for commercial or industrial purposes.

(2) An owner who intends to establish a commercial timber plantation on any land, shall apply in the prescribed manner for the approval required in terms of subsection (1), and the director-general may in his discretion grant the approval on such conditions as he may deem fit.

(3) An owner who feels aggrieved by the withholding of the approval or by any condition on which approval was granted, may appeal in the prescribed manner and within the prescribed time to the Minister, and he may grant the approval or set aside or vary that condition or impose such conditions as he may deem fit.

(4) Any condition contemplated in subsection. (2) or imposed by the Minister as a result of an appeal in terms of subsection (3) binds every successor in title of the owner of that land.

8. Protection of natural water sources.- (1) The Minister may in respect of land which in terms of this Act is being or may be used for the planting of trees to produce timber, by notice served on the owner of that land or by notice in the *Gazette*, prohibit the planting of trees within an area defined in the notice or the reforestation of such an area after the harvesting or destruction of a timber crop or prohibit any other act or direct the owner to take any other steps which in the opinion of the Minister are necessary for the protection of any natural water source.

(2) An owner of land shall not permit the regeneration of a commercial timber plantation on any part of his land in respect of which a notice in terms of subsection (1) applies, after an existing timber crop has been harvested or destroyed.

9. Registration of afforestation rights against title deeds.- (1) At the request of the director-general the registrar of deeds of the deeds registry in which the title deed is registered of land in respect of which application has been made for the approval required in terms of section 7 (1), must cause a note to be made in his registers and on the office copy of the title deed in question of particulars of any approval withheld or granted, and any condition on which it was granted, and no fees are payable in respect of the making of such note.

(2) A registrar of deeds must cause a note of the particulars mentioned in subsection (1) to be made on the original title deed of the land in question when it is lodged in his office for any purpose.

9A. Loans for planting of trees.- (1) The Minister may from moneys appropriated for that purpose by Parliament, and subject to the provisions of regulations contemplated in section 73 (1) (gA), grant a loan to any person for the planting or replanting of trees to produce timber for any purpose.

[Sub-s. (1) substituted by s. 2 (a) of Act No. 63 of 1995.]

(2) (a) Application for a loan referred to in subsection (1) must be made to the director-general in the prescribed form.

[Para. (b) deleted by s. 2 (b) of Act No. 63 of 1995.]

(3) The director-general may on such conditions as he may deem fit delegate to any officer in the public service any power conferred upon him by or in terms of this Act in respect of the payment or repayment of loans contemplated in subsection (1).

[S. 9A inserted by s. 2 of Act No. 52 of 1987.]