

ACT

To amend the Forest Act, 1968, so as to make further provision for the powers of honorary forest officers; to further regulate the demarcation of forests; to extend the permissible granting of rights in respect of State forests; to further regulate the payment of allowances in respect of certain expenses incurred in connection with the business of the Forestry Council; to further regulate the combating and prevention of fires; and to provide for a national hiking way system; and to provide for matters connected therewith.

*(English text signed by the State President,
(Assented to 30 April 1975.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 72 of 1968, as amended by section 1 of Act 45 of 1973.

1. Section 1 of the Forest Act, 1968 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "forest officer" of the following definition:

"forest officer" means the incumbent of a post designated under section 3 (2) or any person designated in terms of section 10 (2) (d) or 31 (2) (b);".

Insertion of heading after section 1 of Act 72 of 1968.

2. The following heading is hereby inserted after section 1 of the principal Act:

"CHAPTER I FORESTS".

Amendment of section 3 of Act 72 of 1968, as amended by section 1 of Act 46 of 1972.

3. Section 3 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (4) of the following paragraph:

"(a) The Secretary may from time to time appoint persons as honorary forest officers and any honorary forest officer so appointed shall in respect of any State forest as well as in respect of any area specified in terms of section 12 or in any notice issued in terms of section 13 (5) (a), have the same powers as a forest officer, save the powers set out in sections 17 (2) and 18 (3): Provided that the powers of any honorary forest officer so appointed who is a minor may be restricted by the Secretary as he may think fit."

Amendment of section 8 of Act 72 of 1968.

4. Section 8 of the principal Act is hereby amended by the substitution for paragraphs (a) and (b) of subsection (1) of the following paragraphs:

"(a) If the Minister is of the opinion that it is necessary for the better achievement of the purposes and objects of this Act that any land which is an undemarcated forest be converted to demarcated forest he shall—

- (i) cause a notice of his intention to declare the land in question a demarcated forest to be published in the *Gazette*;
- (ii) cause a copy of such notice to be sent to the body recognized by him as representing organized agri-

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culture in the district in which the land is situated, as well as to the magistrate of the district in question.

(b) Within a period of one month from the date of the publication of such notice in the *Gazette* any person desiring to object to the demarcation of the land in question, may lodge with the Minister an objection in writing setting out the grounds on which he objects to the proposed demarcation.”.

Amendment of section 9 of Act 72 of 1968.

5. Section 9 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) prohibiting, save in the case of an area set aside under sections 7 and 7A, the granting in accordance with the regulations of any right (whether of a permanent or temporary nature) in respect of any portion of a State forest to any department of State, the South African Railways and Harbours Administration, the Post Office Administration, the National Transport Commission, Provincial Administrations or any local authority for public purposes;”.

Substitution of section 10F of Act 72 of 1968, as inserted by section 2 of Act 45 of 1973.

6. The following section is hereby substituted for section 10F of the principal Act:

“Allowances and expenses of members and alternate members of council, and of certain other persons. 10F. The members and alternate members of the council and the persons referred to in section 10E (2) who are not in the full-time service of the State may, in respect of travelling and subsistence expenses incurred by them in connection with the business of the council, be paid out of the Consolidated Revenue Fund such allowances as may be determined generally or in any particular case by the Minister in consultation with the Minister of Finance.”.

Amendment of section 12 of Act 72 of 1968.

7. Section 12 of the principal Act is hereby amended—

(a) by the insertion after subsection (1) of the following subsection:

“(1A) Whenever the Minister is of the opinion that the destroying of slash by burning in any plantation in any area during any period in any year would give rise to a fire hazard he may by notice in the *Gazette* provide that no person shall destroy slash in any plantation by burning it during any such period specified in such notice in any such area so specified.”; and

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

“(2) Any person who contravenes or fails to comply with any notice published in terms of subsection (1) or (1A) or any condition specified therein shall be guilty of an offence.”.

Amendment of section 21 of Act 72 of 1968, as amended by section 5 of Act 37 of 1971 and section 3 of Act 46 of 1972.

8. Section 21 of the principal Act is hereby amended—

(a) by the substitution for subparagraph (iii) of paragraph (a) of subsection (1) of the following subparagraph:

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

(b) by the addition to subsection (1) (a) of the following subparagraph:

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

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- (c) by the substitution for subparagraph (iii) of paragraph (c) of subsection (1) of the following subparagraph:
 “(iii) wilfully or negligently throws down, puts down or drops any burning match or other burning material or any material capable of spontaneous combustion or self-ignition or starts a fire or sets alight veld and thereby causes a fire which spreads and by which pasturage is burnt down or plant material is burnt or which causes damage to or loss of any other movable or immovable property; or”.

Amendment of section 31 of Act 72 of 1968.

9. (1) Section 31 of the principal Act is hereby amended—
 (a) by the substitution for the words “State President”, wherever they occur, of the word “Minister”; and
 (b) by the addition of the following paragraph to subsection (2), the existing subsection (2) becoming paragraph (a) thereof:
 “(b) Such regulations may provide for the inspection of any such forest trees or timber by any person (including the incumbent of any post) designated by the Minister for the purpose.”
 (2) Any regulation made by the State President under section 31 of the principal Act and in force immediately prior to the commencement of this Act, shall be deemed to have been made by the Minister of Forestry under the said section as amended by subsection (1) of this section.

Insertion of Chapter II, sections 31A to 31J and Schedule in Act 72 of 1968.

10. The following chapter is hereby inserted in the principal Act after section 31:

“CHAPTER II

NATIONAL HIKING WAY SYSTEM

Definitions. 31A. In this Chapter, unless the context otherwise indicates—

- (i) “board” means the National Hiking Way Board mentioned in section 31F; (vi)
 (ii) “connecting route” means the connecting route mentioned in section 31B (1); (vii)
 (iii) “fund” means the National Hiking Way Fund established by section 31H; (iii)
 (iv) “hiker” means any person who makes authorized use as walker of the national hiking way system; (ix)
 (v) “hiking way” means any part of the national hiking way system intended for use by a hiker; (viii)
 (vi) “main route” means the primary route of the national hiking way system as determined by the Minister from time to time; (iv)
 (vii) “managing committee” means a managing committee appointed under section 31G; (ii)
 (viii) “national hiking way system” means the national hiking way system mentioned in section 31B; (v)
 (ix) “supplementary route” means the supplementary route mentioned in section 31B (1). (i)

National hiking way system.

31B. (1) There shall be a national hiking way system which shall consist of—

- (a) the main route;
 (b) supplementary and connecting routes;
 (c) walks over State forests constructed in terms of this Act;
 (d) quarters and sites for overnight stays, shelters and essential amenities contemplated in section 31D; and
 (e) route indicators, notices and beacons contemplated in section 31E.

(2) The opening up of the national hiking way system or any part thereof shall be determined by

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the Minister by notice in the *Gazette*: Provided that before such opening is so determined, a notice setting forth the proposed opening shall be published by the Minister in the *Gazette*, together with a notice intimating that it is proposed to determine such opening under this section within a stated period, but not less than six weeks as from the date of the said publication, and inviting interested persons to submit any objections to or representations concerning the proposed opening.

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

(4) The Secretary may, if he deems it expedient, at any time close or divert any part of the national hiking way system mentioned in subsection 1 (a), (b) or (c).

Main route and supplementary and connecting routes.

31C. (1) The Minister may at the expense of the fund construct, and cause to be controlled by the board, any part of the main route and supplementary and connecting routes between parts of the main route.

(2) Any hiking road may, notwithstanding the provisions of sections 7, 7A and 11, be constructed over any State forest.

Quarters and sites for overnight stays, shelters and amenities.

31D. (1) The Minister may at the expense of the fund or otherwise establish and maintain, and cause to be controlled by the Secretary, quarters and sites for overnight stays, shelters or essential amenities along the course of the national hiking way system.

(2) The tariffs in regard to such quarters, sites, shelters and amenities shall be determined from time to time by the Minister in consultation with the Minister of Finance.

National hiking way system in relation to private land.

31E. (1) The powers of—

(a) entry upon, way over and occupation of private land in order to determine the suitable main route or suitable supplementary and connecting routes, and suitable localities for quarters and sites for overnight stays, shelters and essential amenities contemplated in section 31D, in connection therewith; and

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

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

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

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

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

(c) the Secretary may at his discretion install such route indicators and suitable warning and other notices along the course of such hiking way;

(d) the locality of the relevant quarters and sites for overnight stays, shelters and essential amenities

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- shall be indicated by unsurveyed beacons which shall be pointed out to the owner concerned;
- (e) the Secretary shall, notwithstanding the provisions of section 28, be liable for the reparation of soil erosion arising as a result of the existence of the hiking way; and
- (f) the Secretary shall direct the attention of hikers by way of admission permit to the provisions of subsection (7).
- (3) The Secretary shall as soon as practicable furnish the registrar of deeds in whose deeds registry the land in question is registered, with a copy of the said agreement.
- (4) That registrar of deeds shall endorse upon the title deed of the land in question filed in his office, and in the appropriate registers, and upon the owner's title deed as soon as it may for any reason be lodged in his office, a reference to any agreement furnished to him in terms of subsection (3).
- (5) The reparation of soil erosion mentioned in subsection (2) (e) shall be at the expense of the fund.
- (6) The owner concerned shall at all reasonable times admit to his land the Secretary and members of the board or a managing committee in order to enable them to attain or further the objects of this Chapter.
- (7) Hikers on any such hiking way constructed by virtue of the provisions of subsection (1) over private land, shall be liable for any damage caused by them to private property on that land.

National
Hiking Way
Board.

31F. (1) As soon as is practicable after the commencement of this Chapter the Minister shall establish a board to be known as the National Hiking Way Board.

- (2) The board shall consist of so many members, but at least twenty and not more than twenty-five, as the Minister may from time to time determine, and such members shall be appointed by the Minister in accordance with the provisions of subsection (3).
- (3) Of the members of the board—
- (a) four shall be officers of the department, one of whom shall be designated as chairman by the Minister;
- (b) one or more shall be officers of the Department of Sport and Recreation;
- (c) one or more shall be officers of the Department of National Education;
- (d) one or more shall be officers of the Department of Tourism;
- (e) one or more shall be members or officers of the National Parks Board of Trustees designated by that Board;
- (f) four shall be officers of the provincial administrations, of whom each shall be an officer of the division of Nature Conservation of a separate province;
- (g) one or more shall be designated by the South African Agricultural Union;
- (h) four shall be members of the Mountain Club of South Africa, of whom one shall be designated by the said club in respect of each province; and
- (i) the other members shall be persons who in the opinion of the Minister are capable of making a substantial contribution to the establishment, development and promotion of the national hiking way system.
- (4) If any body mentioned in subsection (3) (e), (g) or (h) fails or refuses, when called upon by the

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Minister to do so, to designate for appointment to the board an appropriate person or so many appropriate persons as may be required by the Minister to be designated to him for appointment in terms of that subsection, the Minister shall himself appoint a person or persons having the requisite qualifications or whom he deems suitable, as the case may be, in terms of that subsection to be a member or members of the board.

(5) The meetings of the board shall be held at least once every year and at such times and places as the chairman may determine.

(6) The quorum for and the procedure at meetings of the board and, generally, the conduct of its business shall be prescribed by regulation under section 31J.

(7) The secretarial work of the board and of any managing committee shall be performed by officers of the department.

(8) The board—

- (a) shall manage the national hiking way system and maintain the hiking ways;
- (b) may exercise such other powers and shall perform such other functions as are conferred on or assigned to the board by this Chapter;
- (c) shall advise the Minister in regard to any matter affecting the national hiking way system which the Minister may refer to it for its advice;
- (d) may advise the Minister in regard to any matter upon which the board considers it necessary to advise the Minister.

Managing committees.

31G. (1) The Minister may on the recommendation of the board at his discretion appoint managing committees.

(2) A managing committee shall consist of at least four members and shall be appointed out of the owners of relevant private land, hikers and persons who in the opinion of the Minister command special knowledge with regard to the construction of hiking ways on account of training or experience.

(3) Managing committees shall on behalf of the board manage and maintain such parts of the national hiking way system as may be designated by the board.

National Hiking Way Fund.

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

- (a) moneys appropriated by Parliament for the purposes of the fund;
- (b) all moneys collected by way of tariffs in respect of the use of the national hiking way system;
- (c) all other moneys which may accrue to the fund from any other source.

(2) The fund shall be administered by the Secretary, who shall cause proper records to be kept of all moneys received and expended by him.

(3) The moneys in the fund shall, subject to the provisions of sections 31C, 31D and 31E, be utilized to defray the expenses incurred by the board or a managing committee in the performance of its functions and the exercise of its powers.

(4) The Secretary may, subject to such conditions as the Minister in consultation with the Minister of Finance may determine, make moneys in the fund available to the board or a managing committee for

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the maintenance of parts of the national hiking way system.

(5) The records mentioned in subsection (2) shall be audited by the Controller and Auditor-General.

Offences and penalties.

31I. Any person who—

- (a) contravenes or fails to comply with any provision of this Chapter or any regulation made under section 31J;
- (b) damages, removes, alters, obstructs, shifts or interferes with any route indicator, notice, quarters for overnight stays or shelter established or installed under this Chapter, or obstructs entrance to the national hiking way system or disturbs or causes to be disturbed hikers on a hiking way;
- (c) damages, destroys, alters, shifts, removes or interferes with any beacon, boundary mark or fence on land over which the national hiking way system is constructed;
- (d) without authority takes, removes, damages, destroys or interferes with livestock, any building or crops on land over which the national hiking way system is constructed;
- (e) lights or assists in lighting or uses, rekindles or adds fuel to any fire along or on the national hiking way system, except at a place designated for the purpose;
- (f) without authority in any manner hunts or destroys or catches or attempts to hunt or destroy or catch game, birds or other animals along or on the national hiking way system;
- (g) without authority cuts, damages, destroys, collects or removes trees, shrubs or other vegetation along or on the national hiking way system;
- (h) is, without authority, on the national hiking way system with a vehicle or animal for recreational purposes;
- (i) wilfully places marks or signs or carves upon a rock, building, tree or other vegetation along or on the national hiking way system; or
- (j) leaves or deposits rubbish, refuse or empty containers on the national hiking way system or land traversed by it, at any place other than that set aside therefor,

shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

Regulations.

31J. The Minister may make regulations—

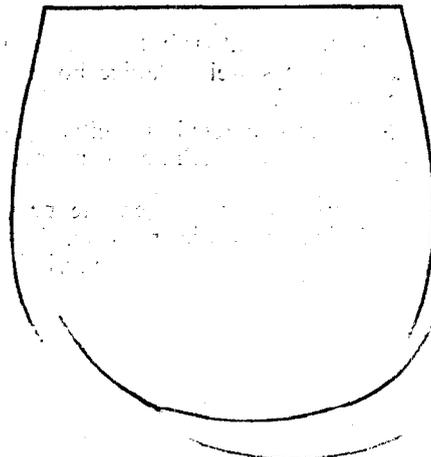
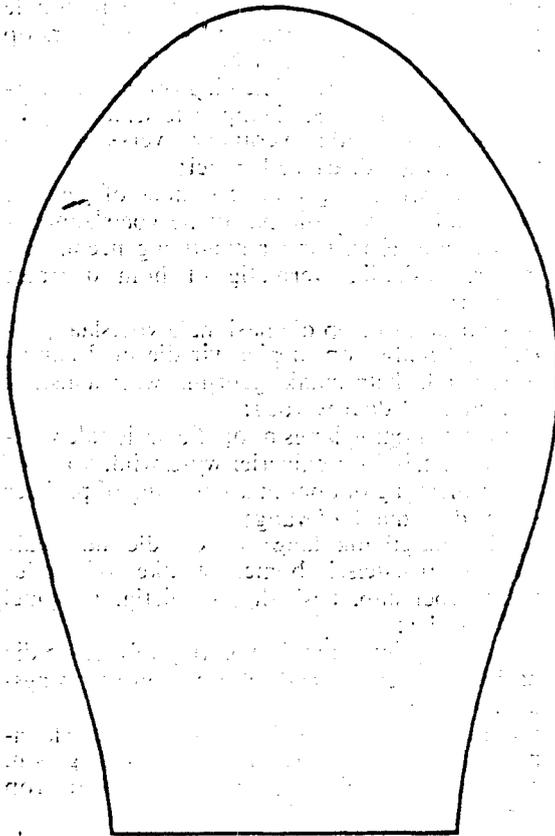
- (a) as to the constitution of managing committees;
- (b) as to the quorum for and the procedure at meetings of the board and managing committees, their powers and the performance of their functions;
- (c) in consultation with the Minister of Finance, prescribing allowances payable to members of the board and of managing committees;
- (d) in consultation with the Minister of Finance, prescribing the construction, maintenance and administration of the national hiking way system, including the determination of tariffs in regard to the use thereof;

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(e) prescribing codes of conduct for hikers and the manner of use of the national hiking way system, and, in general, with regard to any matter which the Minister considers necessary or expedient to prescribe or regulate in order to attain or further the objects of this Chapter, and the generality of this provision shall not be limited by the preceding paragraphs of this section."

Schedule to Chapter II



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Insertion of heading before section 32 of Act 72 of 1968.

11. The following heading is hereby inserted before section 32 of the principal Act:

“CHAPTER III
GENERAL”.

Substitution of long title of Act 72 of 1968, as substituted by section 4 of Act 45 of 1973.

12. The following long title is hereby substituted for the long title of the principal Act:

“ACT

To consolidate and amend the laws relating to the tenure, demarcation, protection, management and utilization of forests, the combating and prevention of fires, and the regulation and control of trading in and the removal, exportation or importation of forest produce; to provide for the establishment of a Forestry Council and a Forestry Industry Fund and the imposition of levies in respect of timber and imported timber derivatives; to provide for a national hiking way system; and to provide for other incidental matters.”.

Short title.

13. This Act shall be called the Forest Amendment Act, 1975.

