

# ACT

To amend the provisions of the Forest Act, 1968, relating to definitions; and to provide for the establishment of a Forestry Council and a Forestry Industry Fund; for the imposition of a levy in respect of timber and imported timber derivatives; for the extension of the power to make regulations; and for incidental matters.

(Afrikaans text signed by the State President.)  
(Assented to 21st May, 1973.)

**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.

1. Section 1 of the Forest Act, 1968 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the insertion before the definition of “demarcated forest” of the following definition:  
“‘council’ means the Forestry Council established under section 10A;”;
- (b) by the insertion after the definition of “forest produce” of the following definition:  
“‘fund’ means the Forest Industry Fund established under section 10H;”.

Insertion of  
sections 10A, 10B,  
10C, 10D, 10E,  
10F, 10G, 10H,  
10I and 10J in  
Act 72 of 1968.

2. The following sections are hereby inserted in the principal Act after section 10:

“Establishment of Forestry Council. 10A. There is hereby established a juristic person under the name the Forestry Council.

Object of council. 10B. The object of the council shall be to promote and to encourage the development and improvement of the forest and timber industries.

Constitution of council. 10C. (1) The council shall consist of the members appointed by the Minister in terms of subsection (2).

(2) The Minister shall appoint as members of the council—

- (a) three officers of the department, of whom one shall be designated by the Minister as chairman and one as deputy chairman;
- (b) after consultation with the Minister of Economic Affairs, an officer of the Department of Industries;
- (c) six persons from among at least eight persons whose names have been submitted for that purpose by associations which, in the opinion of the Minister, are representative of timber growers;
- (d) five persons from among at least eight persons whose names have been submitted for that purpose by associations which, in the opinion of the Minister, are representative of saw-millers and timber processors;

## Act No. 45, 1973

## FOREST AMENDMENT ACT, 1973.

- (e) one person from among at least three persons whose names have been submitted for that purpose by associations which, in the opinion of the Minister, are promoting the marketing of timber and timber products;
- (f) at such times and for such periods as he may think fit, not more than three other persons.
- (3) If after the expiration of a period of three months from the date on which the Secretary in writing requested the associations referred to in subsection (2) (c), (d) or (e) to submit a list of names as contemplated in subsection (2) (c), (d) or (e), such associations—
- (a) have not yet submitted the said list to the Secretary; or
- (b) have submitted the said list, but the Minister is of opinion that any person whose name is on any such list is, owing to his lack of knowledge or experience, unfit to be a member of the council,
- the Minister shall appoint any suitable person or persons as a member or members of the council in the place of the person or persons he would have appointed if the associations concerned had not so failed to submit the said list or had not so submitted the name or names of any unfit person or persons.
- (4) The Minister may appoint one alternate member in respect of each member of the council.
- (5) The provisions of subsection (2) entitling any person to be consulted or associations to submit names of persons in regard to the appointment of members, and the provisions of subsection (3), shall apply *mutatis mutandis* to the appointment of alternate members.
- (6) The members of the council and alternate members, other than a member referred to in subsection (2) (f) and an alternate member appointed in respect of such member, shall hold office for a period of three years: Provided that any member or alternate member shall, on the expiry of his period of office, but subject to the provisions of subsections (2), (3) and (5), be eligible for reappointment.
- (7) No person shall be appointed as a member or an alternate member of the council if he—
- (a) is an unrehabilitated insolvent; or
- (b) is not a South African citizen permanently resident in the Republic.
- (8) A member or alternate member of the council shall vacate his office if he—
- (a) becomes subject to any disqualification referred to in subsection (7);
- (b) becomes of unsound mind;
- (c) is convicted of an offence and sentenced to imprisonment without the option of a fine; or
- (d) has been absent from more than two consecutive meetings of the council without the leave of the council.
- (9) If any member or alternate member dies, or resigns by notice in writing addressed to the Minister, or ceases to be a member or alternate member in terms of subsection (8), the Minister may, with due regard to the provisions of subsections (2), (3), (4) and (5), appoint a person as successor to such member or alternate member for the unexpired period of office of such member or alternate member.

## Act No. 45, 1973

## FOREST AMENDMENT ACT, 1973.

Functions,  
duties and  
powers of  
council.

**10D.** (1) The functions and duties of the council shall be to do all such things as are necessary for or incidental to the attainment of its objects, and to that end the council shall have power—

- (a) to cause by itself or in collaboration with any person, department of State, university or other institution or association, research or promotional work to be undertaken in respect of any matter which, in the opinion of the council, may affect the forest or timber industry;
- (b) with the consent of the Minister and on such conditions as the Minister may approve, to grant financial assistance to any person, university or other institution or association in respect of any research or promotional work referred to in paragraph (a);
- (c) to advise the Minister in respect of any aspect regarding the forest or timber industry, including legislation applicable to any such industry;
- (d) to advise the Minister in respect of any levy referred to in section 10G;
- (e) to investigate or cause to be investigated any matter regarding the forest or timber industry which the council may deem necessary or which the Minister may refer to the council.

(2) The secretarial work of the council shall be performed by officers of the department.

Meetings of  
council.

**10E.** (1) The council shall meet at such times and places as the chairman or, if he is absent, the deputy chairman may determine, but not less than twice per year.

(2) The quorum for and the procedure at any meeting of the council, including the attendance of and the participation in the proceedings of the council by any person who is not a member or alternate member of the council, shall be prescribed by the Minister by notice in the *Gazette*.

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) 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.

Imposition  
of levy.

**10G.** (1) The Minister shall by notice in the *Gazette*, after consultation with the council and subject to the provisions of subsection (4), impose in respect of any timber or imported timber derivative a levy not exceeding twenty cents per cubic metre in the round, and may in like manner amend or withdraw any such notice.

(2) Any notice referred to in subsection (1) shall—

- (a) state the amount of the levy imposed;
- (b) designate the person or persons by whom or class or classes of persons by which any such levy shall be paid;
- (c) determine the stage at which any such levy shall become payable;
- (d) designate the persons (including any association referred to in section 10C (2)) by whom any such levy shall be collected;

## Act No. 45, 1973

## FOREST AMENDMENT ACT, 1973.

- (e) prescribe the manner in, and the period within, which any person who is responsible for the payment of any levy shall pay it to any person designated under paragraph (d);
- (f) prescribe the manner in, and the period within, which any money collected under this section shall be paid into the fund;
- (g) prescribe the manner in which the round wood equivalent of any timber or imported timber derivative shall be calculated.

(3) Any notice issued under this section may differ in respect of different kinds or uses of any timber or imported timber derivatives or different persons or classes of persons.

(4) The provisions of section 10 (4) shall apply *mutatis mutandis* in respect of any notice referred to in this section.

(5) Any notice issued under this section may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding the penalties prescribed in section 24.

Establishment and control of Forestry Industry Fund.

10H. (1) There is hereby established a fund to be known as the Forestry Industry Fund, into which shall be paid—

- (a) all moneys collected by virtue of the provisions of section 10G;
- (b) moneys appropriated by Parliament for the purposes of the council;
- (c) all moneys derived from any investments;
- (d) all other moneys which may accrue to the fund from any other source.

(2) The fund shall be administered by the council, and the moneys in the fund shall, subject to the provisions of subsection (3), be utilized to defray the expenses incurred by the council in the performance of its functions and the exercise of its powers: Provided that any moneys or other goods donated or bequeathed to the council shall be utilized by the council in accordance with the conditions of such donation or bequest.

(3) The council shall not incur any expenses, except in accordance with an estimate of expenditure approved by the Minister in terms of subsection (4).

(4) Once in every financial year (which shall end on 31 March), at such time as the Minister may direct, the council shall submit to the Minister, for his approval, estimates of the income and expenditure of the council during the ensuing financial year, and the council may also, during the course of a financial year, submit to the Minister, for his approval, supplementary estimates of expenditure for that year.

(5) Any moneys in the fund which are not required for immediate use shall be invested with the Public Debt Commissioners and may be withdrawn when required for use.

(6) Any unexpended balance in the fund at the end of any financial year shall be carried forward as a credit in the fund to the ensuing financial year.

Keeping of records, preparation of statements of account and balance sheet, and audit.

10I. (1) The council shall cause proper records to be kept of all moneys received or expended by it, and of all its assets and liabilities and of all its financial transactions, and shall as soon as possible after the end of each financial year cause statements of account and a balance sheet to be prepared showing, with all appropriate particulars, the

Act No. 45, 1973

## FOREST AMENDMENT ACT, 1973.

moneys received and the expenditure incurred by it during, and its assets and liabilities at the end of, the financial year.

(2) The records, statements of account and balance sheet referred to in subsection (1) shall be audited by the Controller and Auditor-General, at such remuneration as may be agreed upon or, in the absence of agreement, as the Minister of Finance may determine.

Reports by  
council.

10J. (1) The Council shall, as soon as possible after the end of each financial year, furnish the Minister with a report in respect of—

(a) its work during that financial year, together with a balance sheet and a full statement of its income and expenditure for that financial year; and

(b) any other matter which the Minister may request it to deal with in the report.

(2) Every report furnished under subsection (1) shall be laid upon the Table of the Senate and of the House of Assembly by the Minister within fourteen days after receipt thereof by him, if Parliament is in ordinary session or, if Parliament is not in ordinary session, after the commencement of its next ensuing ordinary session.”

Amendment of  
section 29 of  
Act 72 of 1968.

3. Section 29 of the principal Act is hereby amended by the substitution for subparagraph (iii) of paragraph (b) of subsection (2) of the following subparagraph:

“(iii) provide for the collection of data by owners of plantations or forests and persons engaged in the sawing, manufacturing or processing, distribution or selling of any forest produce, and the records which shall be kept and the returns (other than returns relating to processing techniques) which shall be rendered to the Secretary by such owners or persons and the dates and times before or on which such returns shall be rendered.”

Substitution of  
long title of  
Act 72 of 1968.

4. 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; and to provide for other incidental matters.”

Short title.

5. This Act shall be called the Forest Amendment Act, 1973.