

THE FORESTS PRESERVATION ACT

(AGRICULTURE: ACT 14/1910)

Date of commencement: 8th April, 1910.

An Act to make provision for the preservation of trees and forests growing on Government land, and on Swazi nation land constituted under the Concessions Partition Act No. 2811907.

Short title.

1. This Act may be cited as the Forests Preservation Act.

Interpretation.

2. In this Act, unless the context otherwise requires —

"brushwood" means any bushes, underwood or similar growths on Government land or on Swazi nation land which are not included in the terms "indigenous timber" or "government timber";

"Government land" means all land vested in the Government;

"government timber" means any trees and bushes planted under the direction of the Minister on government land or on Swazi nation land;

"indigenous timber" means forest trees or their saplings growing on Government land or on Swazi nation land, not planted by human agency;

"mineral concession" means a concession giving a right to precious or base metals, precious stones, minerals or mineral products on any area granted by or on behalf of the King or the Ngwenyama, and confirmed either by the late Chief Court or by the High Commissioner under the provisions of the Concessions Act No. 31/904;

"Minister" means the Minister for Agriculture;

"prior-dated mineral concession" means a mineral concession earlier in date than a concession by which land on the same area, or a lease of such land, is granted;

"private forest" means a forest, plantation or tree situate on land not owned by the Government, or on Swazi nation land;

"Swazi nation land" means any piece of Swazi nation land set apart under the Concessions Partition Act.

Protection of indigenous timber.

3. No person shall cut down, damage, remove, sell or purchase indigenous or government timber without the permission of the Minister or of a district officer or other person authorised by the Minister to grant such permission: Provided that —

(a) the proprietor of a prior-dated mineral concession may without such permission—

(i) cut down, destroy or remove any indigenous or government timber growing on the area of such concession where such cutting, destruction or removal is necessary for the carrying out of mining operations subject in the case of government timber to the payment of compensation to the Government;

(ii) cut down and use indigenous timber in pursuance of any right to timber under any such concession;

(b) nothing in this section shall prevent persons living on Swazi nation land from cutting brushwood or taking decayed or dead wood on such areas for use as fuel.

Cultivation of land.

4. No person shall clean, break up or cultivate any Government land or Swazi nation land on which or within thirty yards of which indigenous timber or government timber is growing, except with the permission of the Minister or of a district officer or other person authorised by the Minister to grant such permission.

Application to private forests.

5. (1) Upon the written request of the owner of any private forest the Minister, if he is satisfied that the public interest will not be prejudiced thereby, may, by notice in the Gazette apply to that private forest all or any of the provisions of this Act which relate to government timber and brushwood and which he deems necessary for the better preservation of such private forest and for the better protection of the timber and brushwood therein.

(2) Such notice shall specify the area affected and may, at the discretion of the Minister, be at any time withdrawn or with the consent of the owner amended.

Malicious or negligent burning.

6. Any person who maliciously or by willful neglect or recklessly sets fire to or kindles any fire which by spreading sets fire to any indigenous or government timber or brushwood shall be guilty of an offence. Penalty.

7. Any person contravening any provision of this Act and any person who gives any other person instructions calculated to lead to a contravention of any such provision shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand or in default of payment thereof to imprisonment for a period not exceeding twelve months or to imprisonment alone or to both fine and imprisonment.

Onus of proof.

8. In a prosecution for a contravention of this Act the burden of proving that the permission mentioned in sections 3 and 4 has been obtained shall be upon the person charged.