

NOTICE 1878 OF 2003**DEPARTMENT OF WATER AFFAIRS AND FORESTRY****PUBLICATION OF DRAFT FORESTRY AMENDMENT BILL, 2003 FOR PUBLIC COMMENT**

The draft Forestry Amendment Bill, 2003 is published in terms of section 154(2) of the Constitution of the Republic of South Africa. Organised local government, municipalities and other interested persons may make written representations with regard to the draft. The representations must be sent by mail, E-mail or facsimile to:

Ms Jenny Kock
Directorate: Forestry Regulation
Department of Water Affairs and Forestry
Private Bag X313
Pretoria
0001

E-mail: lag@dwaf.gov.za

Fax: (012) 336-6674

The representations should reach Ms Kock within 30 days of the date of publication of this notice.

Please note:

- 1 Underlined words are insertions
- 2 Words in bold and in square brackets are deletions.

FORESTS 25/04/03

REPUBLIC OF SOUTH AFRICA

FORESTRY AMENDMENT BILL

(MINISTER OF WATER AFFAIRS AND FORESTRY)

[B 01]

REPUBLIEK VAN SUID-AFRIKA

WYSIGINGSWETSONTWERP OP BOSBOU

(MINISTER VAN WATERWESE EN BOSBOU)

[B 01]

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

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

BILL

To amend the National Forests Act, 1998 so as to delete or insert certain words, phrases or expressions; to allow for an exemption for the beneficial use of forest produce or forest products derived from protected trees; to enable the Minister to withdraw, amend or replace any tariff; to authorise the Minister to establish a trust in respect of State forests where certain rights in that land are pending; to enable the Minister to pay lease money in respect of such State forests into a trust account for the benefit of those whose rights in that land are pending; to allow for such money to be paid to them when those rights materialise; to provide for further criminal sanctions in respect of certain activities in forests; to authorise the Minister to release State forests to persons or entities wishing to continue with forestry; to provide for better management of State forests; to extend the Minister's regulation-making powers; and to provide for matters connected therewith.

To amend the National Veld and Forest Fire Act, 1998 so as to insert a certain phrase to allow for a fire danger rating which is more dangerous than "high"; to reduce the number of television channels, radio stations and newspapers on or in which the Minister must broadcast or publish the fire danger; and to provide for matters connected therewith.

To amend the Wattle Bark Industry Act, 1960 so as to repeal some of its provisions and thereby allow for the deregulation of the wattle bark industry; and to provide for matters connected therewith.

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

Amendment of section 7 of Act 84 of 1998

1. Section 7 of the National Forests Act, 1998 (hereinafter referred to as the principal Act) is hereby amended by the deletion of the word "living" in subsection (1).

Amendment of section 8 of Act 84 of 1998

2. Section 8 of the principal Act is hereby amended by the deletion of the word "specially" in subsection (1).

Amendment of section 15 of Act 84 of 1998

3. Section 15 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) No person may—

- (a) cut, disturb, damage, destroy or remove any protected tree; or
- (b) collect, remove, transport, export, purchase, sell, donate or in other manner acquire or dispose of any protected tree, except—
 - (i) under a licence granted by the Minister; or
 - (ii) in terms of an exemption from the provisions of this subsection published by the Minister in the *Gazette* on the advice of the Council.

Amendment of section 27 of Act 84 of 1998

4. Section 27 of the principal Act is hereby amended by the insertion after section 27(3) of the following subsections:

(4) Notwithstanding the provisions of any other law, the Minister may establish a trust in respect of State forests including State forests on land held in trust in terms of the KwaZulu Ingonyama Trust Act, 1994 (KwaZulu Act No. 3 of 1994) under the following circumstances—

(a) where—