

REPUBLIC OF SOUTH AFRICA

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**PORTFOLIO COMMITTEE AMENDMENTS  
TO  
NATIONAL FORESTS BILL**

**[B 71B—98]**

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*(As agreed to by the Portfolio Committee on Agriculture, Water Affairs and Forestry  
(National Assembly))*

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**[B 71C—98]**

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REPUBLIEK VAN SUID-AFRIKA

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**PORTEFEULJEFKOMITEE-AMENDEMENTE  
OP  
NASIONALE WETSONTWERP  
OP BOSSE**

**[W 71B—98]**

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*(Soos goedgekeur deur die Portefeuljekomitee oor Landbou, Waterwese en Bosbou  
(Nasionale Vergadering))*

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**[W 71C—98]**

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## AMENDMENTS AGREED TO

### NATIONAL FORESTS BILL [B 71B—98]

#### ARRANGEMENT OF ACT

1. On page 4, in line 15, to omit “on” and to substitute “of”.
2. On page 8, in line 6, to omit “Delegation of powers” and to substitute “Powers”.

#### CLAUSE 1

1. On page 10, in line 15, after “cultural” to insert “, health”.

#### CLAUSE 2

1. On page 10, from line 49, to omit paragraph (a) and to substitute:
  - (a) any living organism, and any product of it, in a forest; and
2. On page 12, after line 7, to insert the following definition:
 

“municipality” means a local council, a metropolitan council, a metropolitan local council, a representative council, a rural council or a district council as defined in section 10B of the Local Government Transition Act, 1993 (Act No. 209 of 1993), and any successor to such a council;
3. On page 12, in line 17, to omit paragraph (c).
4. On page 12, in line 47, after “declared” to insert “to be”.
5. On page 12, in line 48, after “declared” to insert “to be”.
6. On page 14, in line 17, to omit “whose” and to substitute “the”.
7. On page 14, in line 18, after “control” to insert “of which”.
8. On page 16, in line 5, to omit “in the interpretation of any provision of” and to substitute “to interpret”.

#### CLAUSE 3

1. On page 16, in line 47, to omit “preserved” and to substitute “conserved”.
2. On page 18, in line 1, after “social” to insert “, health”.
3. On page 18, in line 10, to omit “preserved” and to substitute “conserved”.

#### CLAUSE 4

1. On page 18, in line 17, after “Minister” to insert “may”.
2. On page 18, in line 18, to omit “may”.

3. On page 18, in line 24, to omit “may”.
4. On page 18, from line 26, to omit paragraph (c).

#### CLAUSE 13

1. On page 26, in line 4, to omit paragraph (b) and to substitute:
  - (b) deliver the notice to—
    - (i) the persons and bodies referred to in section 9(2)(b), in the case of a particular tree or group of trees or woodland;
    - (ii) the bodies referred to in subparagraphs (i) and (ii) of section 9(2)(b), in the case of a species.

#### CLAUSE 20

1. On page 32, in line 23, to omit “may” and to substitute “must”.
2. On page 32, in line 27, to omit“(2)” and to substitute“(1)”.

#### CLAUSE 24

1. On page 36, in line 30, to omit “entered into under” and to substitute “referred to in”.
2. On page 36, in line 45, after “domestic” to insert “, cultural, health or spiritual”.

#### CLAUSE 28

1. On page 40, in line 35, to omit “the agreement” and to substitute:
 

agreement to sell timber or other forest produce, subject to subsection (5)
2. On page 40, in line 47, after “1;” to insert “and”.
3. On page 40, in line 52, to omit “unless the parties agree otherwise;”.
4. On page 40, in line 56, to omit “the depreciated value of”.
5. On page 42, after line 7, to insert the following paragraph:
 

(f) the termination of the agreement in terms of subparagraph (i) of paragraph (a) is not a breach of the agreement.
6. On page 42, from line 12, to omit paragraph (b) and to substitute:
 

(b) does not provide for—

  - (i) compensation for improvements; or
  - (ii) the purchase by the seller of any assets of the purchaser, on termination.

#### CLAUSE 30

1. On page 44, from line 13, to omit subsection (3).

CLAUSE 32

1. On page 46, in line 21, after “nurseries” to insert “and other facilities”.

CLAUSE 35

1. On page 48, in line 56, after the second “Council” to insert:  
with the consent of the Minister of Finance

CLAUSE 36

1. On page 50, in line 11, after “forests” to insert:  
appointed in terms of subsection (9)

CLAUSE 42

1. On page 52, in line 32, to omit “To this end, the” and to substitute “The”.

EXPLANATORY NOTE TO PART 1 OF CHAPTER 6

1. On page 56, in line 7, after “withdraw” to insert “certain powers and”.
2. On page 56, in line 8, to omit “to officials in the Department”.

CLAUSE 46

1. On page 56, in line 13, after “develop” to insert “and implement”.

CLAUSE 47

1. On page 56, after line 33, to insert the following paragraph:  
(c) until the assignment ends.

CLAUSE 48

1. On page 56, from line 35, to omit “under this Act”.
2. On page 56, in line 37, to omit “in terms of this Act”.

CLAUSE 51

1. On page 58, after line 34, to insert the following paragraphs:  
(a) at the request, or with the consent, of the registered owner;  
(b) on appropriate conditions.

## CLAUSE 52

1. On page 58, in line 37, to omit “such person” and to substitute “the Minister”.

## CLAUSE 53

1. On page 60, in line 4, to omit subparagraph (iii).
2. On page 60, in line 38, to omit “to carry out” and to substitute “the carrying out of”.

## CLAUSE 54

1. On page 62, in line 7, to omit “Minister makes the regulations by publishing” and to substitute:

regulations are effective from the date the Minister publishes

2. On page 62, in line 8, after “Parliament to insert:

, together with any written comments and advice received on them pursuant to subsection (1)

3. On page 62, in line 11, to omit “30” and to substitute “60”.

4. On page 62, from line 12, to omit subsection (5) and to substitute:

(5) If Parliament rejects any regulations, the Minister must—

(a) repeal them; or

(b) table amended regulations in draft form in Parliament, within 60 days of the rejection, or, if Parliament is not then in session, within 60 days after the next session starts, failing which the regulations become invalid.

5. On page 62, in line 17, to omit “amend regulations which have been rejected” and to substitute:

table amended regulations in terms of subsection (5)(b)

6. On page 62, in line 18, to omit “executive committee” and to substitute “Chairperson”.

7. On page 62, in line 19, to omit “(a) and (b)”.

8. On page 62, after line 20, to insert the following subsections:

(7) If Parliament—

(a) accepts the amended regulations, the Minister must publish them within 30 days of Parliament’s acceptance;

(b) rejects the amended regulations, subsections (5) and (6) and this subsection apply.

(8) If the Minister complies with subsection (5)(b), the regulations as originally published continue to apply until amended regulations are accepted by Parliament and published by the Minister in terms of subsection (2).

## CLAUSE 56

9. On page 62, in line 32, to omit “Delegation of powers” and to substitute “Powers”.
10. On page 62, from line 33, to insert the following subsection:
  - (1) The Director-General has those powers—
    - (a) granted by this Act; or
    - (b) delegated to him or her.
11. On page 62, in line 34, to omit “under this Act”.
12. On page 62, in line 34, to omit “in terms of this Act”.
13. On page 62, after line 47, to insert the following subsection:
  - (5) The Director-General may withdraw any delegation.

## CLAUSE 63

1. On page 66, in line 48, before “makes” to insert “without authority,”.
2. On page 66, in line 48, after “vegetation” to insert “in a forest”.
3. On page 68, in line 1, after “litter” to insert “in a forest”.

## CLAUSE 66

1. On page 68, from line 48, to omit subsection (3) and to substitute:
  - (3) A forest officer exercising powers under this Act—
    - (a) is deemed to be a peace officer as defined in section 1 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);
    - (b) must carry with him or her, and produce on request, the prescribed proof of his or her identity and appointment as a forest officer.

## CLAUSE 68

1. On page 70, in line 30, after “vehicle” to insert “in good order”.
2. On page 70, after line 30, to add the following subsection:
  - (8) An item seized under this section must be kept securely and in good order.

## CLAUSE 69

1. On page 70, in line 38, after “necessary” to insert “if the arrest is resisted”.

CLAUSE 71

1. On page 72, after line 15, to insert the following paragraph:  

*(a)* be delivered by hand;
2. On page 72, in line 19, after “business;” to insert “or”.
3. On page 72, in line 23, after “(1)” to insert “*(b)* or *(c)*”.

CLAUSE 77

1. On page 76, in line 10, after “delegated” to insert “or assigned”.
2. On page 76, in line 11, to omit “56” and to substitute “47 or 48”.

SCHEDULE 1

1. On page 78, in the fourth line, after “for” to insert “sections 7, 8 and 9 and”.

