

# ACT

To amend the Forest Act, 1968, so as to regulate further the setting aside of land as nature reserves or protection forests; to provide for the setting aside of land as wilderness areas; to regulate further the clearing of firebelts; to regulate further the duty to prevent the spreading of fires; to apply the said Act in the territory of South-West Africa; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)*  
*(Assented to 13th May, 1971.)*

**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 2 of Act 72  
of 1968.

1. Section 2 of the Forest Act, 1968, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Save as is otherwise provided in this Act, the provisions thereof shall not apply to any land in any area referred to in section 25 (1) of the Bantu Administration Act, 1927 (Act No. 38 of 1927), or any land referred to in section 21 (1) of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), or any land or area referred to in section 4 (1) of the South-West Africa Bantu Affairs Administration Act, 1954 (Act No. 56 of 1954), which is not a demarcated forest.”.

Substitution of  
section 7 of  
Act 72 of 1968.

2. The following section is hereby substituted for section 7 of the Forest Act, 1968:

“Nature  
reserves  
and  
protection  
forests.

7. (1) (a) The Minister may by notice in the *Gazette* set aside any State forest or any defined portion thereof as a nature reserve for the preservation of forests, natural scenery and forest produce, or as a protection forest for the conservation of water supplies or the prevention of sand drift, and the control and management of any State forest or portion thereof so set aside shall vest in the department.

(b) Any such notice shall clearly specify the area set aside and may by like notice be withdrawn or amended.

(2) Subject to the provisions of section 13, no person shall cut, disturb, injure, take, collect, destroy or remove any forest produce on any land set aside under subsection (1): Provided that nothing herein contained shall prevent the Secretary from taking on such land any measures which he may deem necessary for the protection thereof against fire or sand drift, or for the conservation of water, forest produce or veld, or for the eradication of noxious weeds and pests, or for the control of any animals whose presence may in the Minister's

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opinion constitute a nuisance or is or may become detrimental to the objects for which such nature reserve or protection forest has been set aside, or from performing thereon any other acts which are not inconsistent with such objects.”.

Insertion of section 7A in Act 72 of 1968.

3. The following section is hereby inserted in the Forest Act, 1968, after section 7:

“Wilderness areas.

7A. (1) The Minister may, on the recommendation of the National Monuments Council, by notice in the *Gazette* set aside any State forest or any defined portion thereof as a wilderness area for the preservation of forests, natural scenery and forest produce, and the control and management of any State forest or any portion thereof so set aside shall vest in the department.

(2) Any such notice shall clearly define the area set aside and may by like notice be withdrawn or amended.

(3) Subject to the provisions of section 13, no person shall cut, disturb, injure, take, collect, destroy or remove any forest produce on any land set aside under subsection (1): Provided that nothing herein contained shall prevent the Secretary or his deputy from performing on such land any acts or from taking thereon any measures which, in the opinion of the Secretary after consultation with the National Monuments Council, are not inconsistent with the objects of such setting aside.”.

Amendment of section 13 of Act 72 of 1968.

4. Section 13 of the Forest Act, 1968, is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) (a) Subject to the provisions of paragraph (b), nothing in this section contained shall be construed as precluding the Secretary or the owner of any land from entering into an agreement with any local authority or any other authority or person in terms of which the Secretary or such owner or such local authority or such other authority or person undertakes to clear and maintain a fire-belt—

(i) on one side or both sides of a road established or maintained by any person who or authority which by law has the power to establish or maintain roads;

(ii) on any State forest or private forest or land adjacent thereto.

(b) Such agreement shall provide—

(i) for the type, length, width and position of the fire-belt, the manner in which it shall be cleared and maintained and the remuneration payable (if any) for the clearing and maintenance thereof; and

(ii) in the case of fire-belts along public roads, for precautions for the proper protection of the travelling public.”.

Amendment of section 21 of Act 72 of 1968.

5. Section 21 of the Forest Act, 1968, is hereby amended by the substitution for subsection (4) of the following subsection:

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“(4) Any owner, occupier or person in charge of any land who fails—

- (a) to clear beforehand such fire-belts as may be reasonably necessary for preventing any fire that may arise on such land from spreading to any adjacent land; or
  - (b) while there is any fire on such land, to take such steps as in the circumstances are reasonably necessary to extinguish such fire or to confine it to such land or to prevent such fire causing damage to any property on any adjacent land,
- shall be guilty of an offence.”.

Substitution of section 32 of Act 72 of 1968.

6. The following section is hereby substituted for section 32 of the Forest Act, 1968:

“Applica- 32. The provisions of sections 10, 12, 13, 14, 15, tion of Act 16, 17, 20, 21, 22, 23 and 29 (2), (3) and (4) shall to land or an area referred apply also to land in an area referred to in section 25 to in section (1) of the Bantu Administration Act, 1927 (Act No. 25 (1) of Act 38 of 1927), or any land referred to in section 21 (1) section 21 of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), or any land or area referred to in section (1) of Act 18 of 1936 or 4 (1) of the South-West Africa Bantu Affairs Administration Act, 1954 (Act No. 56 of 1954), of Act 56 of which is not a demarcated forest.”.

Insertion of section 32A in Act 72 of 1968.

7. The following section is hereby inserted in the Forest Act, 1968, after section 32:

“Applica- 32A. This Act and any amendment thereof shall tion of Act in also apply in the territory of South-West Africa, South- including the Eastern Caprivi Zipfel.”.

Short title.

8. This Act shall be called the Forest Amendment Act, 1971.