

GN. R. 1045  
GG9238  
25 May 1984

## **CONSERVATION OF AGRICULTURAL RESOURCES ACT, 1983 (ACT 43 OF 1983) BUSH CONTROL SCHEME - ESTABLISHMENT**

I, Gert Jeremias Kotzé, Deputy Minister of Agriculture, acting on behalf of the Minister of Agriculture, hereby establish by virtue of section 8, read with section 9, of the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983), the Bush Control Scheme in the Schedule.

G J KOTZÉ  
Deputy Minister of Agriculture

### **SCHEDULE**

#### **Definitions**

1. Any word or expression in this scheme to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates -

**extension office** means an office of the department established with a view to the rendering of agricultural extension services;

**farm plan** means a farm plan as defined in section 1 of the Soil Conservation Scheme;

**farm unit** means one or more pieces of land, each of which is registered separately in a deeds office, and which is framed as a single unit;

**heavy infestation** in relation to invader plants, means an infestation that is classified in terms of section 6 (1) as a heavy infestation;

**medium infestation** in relation to invader plants, means an infestation that is classified in terms of section 6 (2) as a medium infestation;

**slight infestation** in relation to invader plants, means an infestation that is classified in terms of section 6 (3) as a light infestation;

**Soil Conservation Scheme** means the Soil Conservation Scheme established by virtue of section 8 of the Act;

**sparse infestation** in relation to invader plants, means an infestation that is classified in terms of section 6 (4) as a sparse infestation; and

**the Act** means the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983), and the regulations made thereunder.

**Name of scheme**

2. This scheme shall be known as the Bush Control Scheme.

**Objects of scheme**

3. The objects of this scheme shall be to promote the combating of certain kinds of invader plants with a view to maintaining the production potential of land, and to regulate the payment of subsidies out of moneys appropriated by Parliament for the purposes of this scheme.

**Application of scheme**

4. This scheme shall apply to all land in an area specified in column 1 of the Table, except land referred to in section 2 (1) of the Act, that is invested with invader plants of a kind specified in column 2 of the said Table opposite the area concerned.

**Acts in respect of which subsidies may be paid**

5. Subsidies may be paid in terms of this scheme in respect of the combating in an area referred to in section 4, of invader plants referred to in that section by means of -
  - (a) aerial spraying with a weed killer where the infestation of those invader plants is classified as a heavy, medium or light infestation;
  - (b) hand spraying with or application by hand of a weed killer where the infestation of those invader plants is classified as a light or sparse infestation; or
  - (c) stem burning where the infestation of those invader plants is classified as a light or sparse infestation.

**Classification of infestations**

- 6.(1) An infestation of invader plants may for the purposes of this scheme be classified as a heavy infestation if the executive officer is satisfied that all the crowns of the invader plants in a stand thereof entwine or overlap noticeably and mutual shading as a result of stratification occurs generally throughout that stand.
- (2) An infestation of invader plants may for the purposes of this scheme be classified as a medium infestation if the executive officer is satisfied that only some of the crowns of the invader plants in a stand thereof touch or overlap and shading as a result of stratification occurs to a slight extent only throughout that stand.
- (3) An infestation of invader plants for the purposes of this scheme be classified as a light infestation if the executive officer is satisfied that no crowns of the invader plants in a stand thereof touch or overlap and no shading as a result of stratification occurs in that stand, but such stand is nevertheless so dense that aerial spraying is justified.

- (4) An infestation of invader plants may for the purposes of this scheme be classified as a sparse infestation if the executive officer is satisfied that a stand of such plants has or may have a noticeably detrimental effect on the production potential of veld but is not of such a nature that aerial spraying thereof is justified.

#### **Basis for the determination of subsidies**

- 7.(1) The subsidies that may be paid in terms of this scheme in respect of the combating of invader plants shall be determined in accordance with the applicable tariffs as recorded in a tariff list approved by the Minister with the concurrence of the Minister of Finance and kept at the office of the executive officer for this purpose.
- (2) Such tariff list shall be deemed to form part of this scheme.
- (3) Copies of the tariff list referred to in subsection (1) shall be available for inspection at -
- (a) the office of the executive officer;
- (b) the office of the regional director of a region within which an area referred to in section 4 is situated;
- (c) each extension office within an area referred to in section 4; and
- (d) such other office as the executive officer may determine.

#### **Requirements for payment of subsidies**

8. A subsidy may be paid to a land user in terms of this scheme in respect of the combating of invader plants if -
- (a) that land user is the owner of the farm unit on which such invader plants have been combated;
- (b) the farm unit on which such invader plants have combated -
- (i) is situated within an area referred to in section 4;
- (ii) is infested with invader plants of a kind referred to in section 4; and
- (iii) has been entered for participation in this scheme in terms of section 10 or is deemed to have been thus entered;
- (c) the infestation of such invader plants has been classified in terms of section 6 as a heavy, medium, light or sparse infestation;
- (d) the combating of such invader plants has been indicated as a proposed work in the list of soil conservation works forming part of the farm plan for the farm unit concerned;
- (e) a consent for the combating of such invader plants has been issued or is deemed to have been issued in terms of section 11;

- (f) the portion of that farm unit on which such invader plants have been combated corresponds with the portion thereof specified in the applicable consent issued or deemed to have been issued in terms of section 11;
- (g) the method and technique of combating and, if applicable, the kind of weed killer used and the concentration at which it was applied correspond with the specifications as set out in the applicable consent issued or deemed to have been issued in terms of section 11;
- (h) a statement on the combating of such invader plants has been made or is deemed to have been made in terms of section 12;
- (i) such statement has been accepted by the executive officer in terms of section 14, and moneys appropriated for the purposes of this scheme are available; and
- (j) all the other provisions of this scheme with regard to the combating of such invader plants and the farm unit on which they have been combated have been complied with.

### **Applications for participation in scheme**

- 9.(1) An application for the entry of a farm unit with a view to participation in this scheme shall be made on a form obtainable for this purpose from an extension office in an area referred to in section 4.
- (2) Such an application form shall -
  - (a) subject to the provisions of subsection (4), be completed by the owner of the farm unit concerned; and
  - (b) after being thus completed, be lodged at the extension office for the area within which the farm unit concerned is situated.
- (3) An application form referred to in subsection (2) shall, unless the documents concerned have previously been submitted together with an application for the payment of subsidies or grants in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), or an application for the entry of the farm unit concerned with a view to participation in another scheme, be accompanied by -
  - (a) documentary evidence of the identity of the applicant concerned;
  - (b) a certified copy of the title deed of the land comprising the farm unit concerned;
  - (c) if applicable, a certified copy of-
    - (i) the purchase agreement in respect of the land comprising the farm unit concerned, if that land has not yet been registered in the name of such applicant: Provided that no subsidy shall in such case be payable before a certified copy of the title deed whereby the land concerned was registered in the name of that applicant has been submitted; or
    - (ii) documentary evidence of the usufruct to which the land comprising the farm unit concerned is subject, if such applicant is the usufructuary of that farm unit; and
  - (d) such other applicable documents as may be required in terms of subsection (4).

- (4) If the owner of a farm unit in respect of which an application form referred to in subsection (1) has been completed -
- (a) is a minor, the application form shall be signed by the parent or legal guardian of such minor;
  - (b) is a married woman, the application form shall be countersigned by her spouse as evidence that she is assisted by him;
  - (c) is an estate, the application form shall be signed by the executor or curator of such estate: Provided that such application form shall be accompanied by a certified copy of the letter of appointment of the executor or curator concerned;
  - (d) is a juristic person, the application form shall be signed by a person who is duly authorised thereto: Provided that -
    - (i) the capacity of the person concerned shall be specified on such application form; and
    - (ii) such application form shall be accompanied by a certified excerpt from the minutes containing the resolution whereby that authority was granted;
  - (e) has authorised another person to apply on his behalf, the application form shall be signed by the authorised person concerned: Provided that such application form shall be accompanied by the proxy concerned;
  - (f) is a partnership or such farm unit is owned by more than one person, the application form shall be signed by all the partners or co-owners concerned unless one of the partners or co-owners has a proxy referred to in paragraph (e); or
  - (g) is a trust, the application form shall be signed by the trustee of such trust: Provided that such application form shall be accompanied by certified copies of the documents whereby the trust concerned was created and the trustee concerned appointed.
- (5) An application for the payment of subsidies in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), in connection with the combating of invader plants on a farm unit, that was lodged prior to the date of commencement of this scheme but had not yet been approved on that date shall be deemed to be an application referred to in subsection (1).

### **Entry of farm units**

- 10.(1) If the executive officer approves an application for the entry of a farm unit with a view to participation in this scheme, he shall notify the applicant concerned thereof in writing: Provided that an application shall not be thus approved unless a farm plan in respect of the farm unit concerned has previously been provided to the applicant concerned.
- (2) Each notice referred to in subsection (1) shall be accompanied by a list of works provided by the executive officer, in which the camps on the farm unit concerned in which the combating of invader plants in respect of which subsidies may be paid in terms of this scheme, should take place, and the classification of the infestation in each such camp are specified.
  - (3) A list of works referred to in subsection (2) shall be deemed to be an additional to the list of soil conservation works forming part of the farm plan for a farm unit.

- (4) A farm unit shall be deemed to have been entered for participation in this scheme is -
- (a) an application by the current owner of the farm unit for the payment of subsidies in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), in connection with the combating of invader plants thereon was approved in terms of the said Act prior to the date of commencement of this scheme, and such approval is still in force, and
  - (b) a document which is deemed to be a list of works referred to in subsection (2) has been provided to such owner prior to the date of commencement of this scheme and such list of works is still in force.
- (5) The entry of a farm unit for participation in this scheme shall lapse if -
- (a) The entry of a farm unit for participation in this scheme shall lapse if -
    - (i) has notified the executive officer in writing of his intention to withdraw the farm unit from participation in this scheme; and
    - (ii) has repaid to the executive officer the subsidies, if any, that were paid to him in terms of this scheme or in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), in respect of the combating of invader plants on that farm unit, or such portion of those subsidies as the executive officer may determine; or
  - (b) the person to whom a notice in terms of subsection (1) or an approval referred to in section (4) (a) was issued is no longer the owner of the farm unit concerned.

### **Consent to combat invader plants**

- 11.(1) The combating of invader plants specified in a list of works referred to in section 19 (2) shall not commence before the executive officer has consented thereto in writing.
- (2) An application for a consent referred to in subsection (1) shall be made on a form obtainable for this purpose from an extension office in an area referred to in section 4.
- (3) Such an application form shall -
- (a) subject to the provisions of section 9 (4), be completed by the owner of the farm unit concerned;
  - (b) after being thus completed, be lodged at the extension office for the area within which the farm unit concerned is situated; and
  - (c) be thus lodged before the first day of the month of August preceding the growing season during which the invader plants concerned will be combated.
- (4) Separate application forms shall be thus lodged in respect of different portions of a farm unit on which invader plants will be combated during different growing seasons, and each such application shall apply to not more than 25 per cent or 500 hectares, whichever is the lesser, of the total infested area of such farm unit: Provided that if the area of a particular camp or group of camps exceeds the said maximum, an allowance of 10 per cent or 50 hectares, as the case may be, shall be permissible in order to enable the land user concerned to combat invader plants in that camp or group of camps as a whole.

- (5) An application for a consent for the combating of invader plants in respect of which subsidies would have been payable in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), that was lodged prior to the date of commencement of this scheme but had not yet been approved on that date, shall be deemed to be an application referred to in subsection (2).
- (6) If the executive officer approves an application referred to in subsection (2), he shall issue written consent to the applicant concerned to combat the invader plants concerned.
- (7) Such consent shall -
  - (a) specify the growing season to which it relates;
  - (b) subject to the provisions of subsection (4), specify the camps in which invader plants are to be combated during the growing season concerned;
  - (c) specify the expiry date thereof;
  - (d) specify the method and technique of combating which are to be applied; and
  - (e) if applicable, specify the kind of weed killer to be used and the concentration at which it is to be applied.
- (8) Notwithstanding the provisions of subsection (6), an application for a consent referred to in subsection (2) shall not be approved if -
  - (a) any subsidies have previously been paid in terms of this scheme, or in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), or any act has previously been performed by the Minister in terms of section 11 of the Act in connection with the combating of invader plants on the portion of a farm unit to which such application relates; or
  - (b) all the proposed soil conservation works that are classified as veld utilisation works in the list of soil conservation works forming part of the farm plan for a farm unit have not yet been completed.
- (9) A consent for the combating of invader plants in respect of which subsidies would have been payable in terms of section 6 of the soil Conservation Act, 1969 (Act 76 of 1969), that was issued prior to the date of commencement of this scheme shall, if it is still in force on such date, be deemed to be a consent referred to in subsection (1).

### **Statements on combating of invader plants**

- 12.(1) The executive officer shall be provided with a statement in connection with the combating of invader plants in terms of a consent referred to in section 11.
- (2) A statement referred to in subsection (1) shall be made on a form obtainable for this purpose from an extension office in an area referred to in section .
- (3) Such a statement shall -
  - (a) subject to the provisions of section 9 (4), be made by the owner of the farm unit concerned;

- (b) be thus made -
  - (i) in the presence of an officer of the department employed at the extension office for the area within which the farm unit concerned is situated; and
  - (ii) on or before the expiry date specified in the applicable consent referred to in section 11;
- (c) specify the date on which or the period during which the invader plants concerned were combated; and
- (d) contain a confirmation that -
  - (i) the combating of the invader plants concerned was undertaken in the camp or camps, in accordance with the methods and techniques and, if applicable, with the kind of weed killer specified in the consent concerned; and
  - (ii) the deponent is aware that any subsidies paid to him on the basis of the statement concerned shall immediately be repayable by him if it appears that any particulars in such statement are incorrect.
- (3) If invader plants have been combated by means of aerial spraying with a weed killer, the invoice of the firm that undertook such aerial spraying shall be attached to the applicable statement referred to in subsection (1).
- (4) If a statement on the combating of invader plants is not made on or before the expiry date referred to in section 11 (7) (c), the executive officer may -
  - (a) refuse to pay any subsidy in respect of the combating concerned; or
  - (b) postpone the payment of the subsidy in respect of the combating concerned for such period as he may determine.
- (5) A statement on the combating of invader plants in respect of which subsidies would have been payable in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), that was made prior to the date of commencement of this scheme shall, if such subsidies had not yet been paid on that date, be deemed to be a statement referred to in subsection (1).
- (6) Each statement referred to in subsection (1) shall be checked by the executive officer and be tested against the applicable documents referred to in sections 9, 10 and 11 and the applicable provisions of this scheme in order to determine whether a subsidy is payable in respect of the combating of the invader plants concerned.
- (7) If it appears from the checking of a report in terms of subsection (6) that there is a shortcoming in the combating of invader plants because they have not been combated in accordance with the methods or techniques specified in the applicable consent referred to in section 11 or that such combating does not qualify for the payment of a subsidy for any other reason -
  - (a) the executive officer shall notify the person who made the statement concerned in writing of such shortcoming or reason;
  - (b) no subsidy shall be payable in respect of the combating of those invader plants before such shortcoming has been rectified or such reason eliminated; and



- (c) a fresh statement may be made in terms of subsection (1) after such shortcoming has been rectified or such reason eliminated.

### **Extensions of validity of consents**

- 13.(1) If the combating of invader plants will probably not be completed in time to ensure that a statement referred to in section 12 (1) can be furnished on or before the expiry date referred to in section 11 (7) (c), the executive officer may on application postpone that expiry date.
- (2) The provisions of section 11 with regard to an application for a consent to combat invader plants shall apply mutatis mutandis with regard to an application for the postponement of the expiry date specified in such consent: Provided that such application shall reach the extension office concerned not later than the expiry date specified in the consent concerned.
- (3) When the executive officer approves an application for the postponement of the expiry date specified in a consent referred to in section 11, he shall issue a fresh consent for the combating of the invader plants concerned.

### **Payment of subsidies**

- 14.(1) If the executive officer accepts a statement that has been checked in terms of section 12 (6), he shall calculate the amount which is payable as subsidy in respect of the combating of the invader plants concerned.
- (2) An amount referred to in subsection (1) shall be calculated according to the applicable tariffs which are recorded in the tariff list referred to in section 7, that were in force on the date on which such statement was made.
- (3) The subsidy thus calculated shall subject to the provisions of subsections (4) and (5) and with due regard to the availability of moneys appropriated for the purposes of this scheme, be paid as soon as is practicable to the owner of the farm unit on which the invader plants concerned have been combated.
- (4) The owner of a farm unit may request the executive officer in writing to pay any subsidies due to him to a person specified in such request.
- (5) If the executive officer has been notified that assistance by way of a loan in terms of section 10 of the Agricultural Credit Act, 1966 (Act 28 of 1966), has been rendered to a land user for the combating of invader plants, the subsidy payable in respect of such combating shall be used as payment or part payment of the amount (including any interest thereon) due the State on account of such assistance.

### **15. Erroneous payments**

- (1) If the executive officer, as a result of an inspection in terms of section 18 of the Act in connection with the combating of invader plants in respect of which a subsidy was paid in terms of this scheme or in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), is satisfied that no subsidy should have been paid in respect of the combating of those invader plants, the executive officer shall direct the owner of the farm unit concerned in writing to repay to the executive officer the subsidy concerned, together with interest thereon calculated on the basis set out in subsection (2).

- (2) Interest which is payable in terms of subsection (1) shall be calculated -
  - (a) at a rate equal to the rate determined in terms of section 26 (1) of the Exchequer and Audit Act, 1975 (Act 66 of 1975), and which is applicable on the date on which the executive officer directed the repayment of the amount concerned in writing; and
  - (b) from the date on which the subsidy concerned was paid until the last day of the month preceding the month of repayment of such due amount.
- (3) If at any time it appears that an error other than an error referred to in subsection (1) has been made in the calculation of a subsidy paid in terms of this scheme, the executive officer may direct the owner of the farm unit concerned in writing to repay to the executive officer the amount erroneously paid to him.
- (4) An amount repayable in terms of subsection (3) shall be paid to the executive officer within 60 days of the date on which he directed the repayment thereof in writing.
- (5) If the owner of a farm unit fails to pay the amount repayable by him in terms of subsection (3) within the period referred to in subsection (4), interest shall be payable on the amount due at a rate equal to the rate determined in terms of section 26 (1) of the Exchequer and Audit Act, 1975 (Act 66 of 1975), and that was applicable on the date on which the executive officer directed the repayment concerned in writing.

### **Conditions on which subsidies are paid**

- 17.(1) A subsidy in terms of this scheme in respect of the combating of invader plants shall be paid on the following conditions:
  - (a) The owner concerned shall keep all regrowth and seedlings of the invader plants in respect of which such subsidy has been paid under control at his own expense in order to comply with the provisions of section 12 (1) (b) of the Act.
  - (b) The farming practices pursued on the farm unit on which the invader plants concerned have been combated shall comply with the provisions of the management programme forming part of the farm plan for that farm unit.
  - (c) The number of animals being kept on the veld of the farm unit on which the invader plants have been combated shall not exceed the number that may be kept thereon in terms of the Act.
  - (d) Neither the State nor any of its officers shall be liable in respect of any damage or loss that could in any manner whatsoever be attributed to weed killers recommended for use in terms of this scheme.
- (2) If the owner of a farm unit refuses or fails to comply with any of the conditions set out in subsection (1), the executive officer shall direct the owner concerned to repay to the executive officer the subsidies paid to him in terms of this scheme in respect of the combating of invader plants.
- (3) An amount which is repayable in terms of subsection (2) shall be paid to the executive officer within 60 days of the date on which he has directed the repayment thereof in writing.

- (4) If the owner of a farm unit fails to pay the amount repayable by him in terms of subsection (2) within the period referred to in subsection (3), interest shall be payable on the amount due at a rate equal to the rate determined in terms of section 26 (1) of the Exchequer and Audit Act, 1975 (Act 66 of 1975), and that was applicable on the date on which the executive officer directed the repayment concerned in writing.

**Commencement**

18. This scheme shall come into operation on 1 June 1984.

**TABLE  
AREAS WITHIN WHICH AND INVADER PLANTS TO WHICH SCHEME APPLIES**

Area	Kind of invader plant	
	Botanical name	Common name
1	2	
1. Magiserial districts of Kuruman, Postmasburg and Vryburg	<i>Acacia erubescens</i> Welw. ex Oliv. <i>Acacia fleckii</i> Schinz. <i>Acacia hebeclada</i> DC subsp. hebeclada <i>Acacia karroo</i> Hayne <i>Acacia mellifera</i> (Vahl) Benth. subsp. <i>desinens</i> (Burhc.) Brenan <i>Acacia nilotica</i> (L.) Willd. ex Del. subsp. <i>kraussiana</i> (Brenth.) Brenan <i>Acacia reficiens</i> Wawra subsp. <i>reficiens</i> <i>Acacia senegal</i> (L.) Willd. var. <i>rostrata</i> Brenan <i>Acacia tortilis</i> (Forsk.) Hayne subsp. <i>heteracantha</i> (Burhc.) Brenan <i>Dichrostachys cinerea</i> (L.) Wight & Arn. subsp. <i>africana</i> Brenan & Brumm. <i>Terminalia sericea</i> Burch. Province, ex DC.	Blue thorn, plate thorn, geelhaak Mouse bush, candle thorn Sweet thorn Black thorn Red heart, scented thorn False umbrella thorn Three-thorned acacia, three-hook acacia Umbrella thorn Chinese lantern tree, bastard acacia, sickle bush Silver cluster-leaf, Transvaal silverleaf, Silverleaf Terminalia