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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

No. 1994. 23 September 1981.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 76 van 1981: Wysigingswet op Bergopvanggebiede, 1981.

OFFICE OF THE PRIME MINISTER

No. 1994. 23 September 1981.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 76 of 1981: Mountain Catchment Areas Amendment Act, 1981.

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Act No. 76, 1981 MOUNTAIN CATCHMENT AREAS AMENDMENT ACT, 1981

GENERAL EXPLANATORY NOTE:

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

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Mountain Catchment Areas Act, 1970, so as to delete the definitions of "department" and "Secretary"; to redefine the word "direction"; to insert a definition of "Director-General"; to substitute certain obsolete designations; to make specific provision as to the coming into operation of certain directions; to extend the powers of the Minister of Water Affairs, Forestry and Environmental Conservation with reference to the control of intruding vegetation; to make further provision as to the constitution of advisory committees and the terms of office of members of such committees; and to effect certain textual improvements; and to provide for matters connected therewith.

(*English text signed by the State President.*)
(*Assented to 9 September 1981.*)

BE IT ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 63 of 1970.

1. Section 1 of the Mountain Catchment Areas Act, 1970 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the deletion of the definition of "department";

(b) by the substitution for the definition of "direction" of the following definition:

"'direction' means any direction declared under section 3 (1) to be applicable with reference to land **[situated in a mountain catchment area under this Act]** contemplated in that section;";

(c) by the insertion after the definition of "direction" of the following definition:

"'Director-General' means the Director-General: Water Affairs, Forestry and Environmental Conservation;";

(d) by the substitution for the definition of "Minister" of the following definition:

"'Minister' means the Minister of **[Forestry]** Water Affairs, Forestry and Environmental Conservation;" and

(e) by the deletion of the definition of "Secretary".

Substitution of section 3 of Act 63 of 1970.

2. The following section is hereby substituted for section 3 of the principal Act:

"Directions with reference to land.

3. (1) The Minister may **[either by notice in the *Gazette* or by written notice to the owner or occupier of]** declare a direction to be applicable with reference to land which is situated—

(a) within any mountain catchment area; or

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ALGEMENE VERDUIDELIKENDE NOTA:

[ ] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Bergopvanggebiede, 1970, ten einde die omskrywings van ,,departement'' en ,,Sekretaris'' te skrap; 'n omskrywing van ,,Direkteur-generaal'' in te voeg; die woord ,,voorskrif'' te heromskryf; sekere verouderde benamings te vervang; uitdruklike voorsiening te maak aangaande die inwerkingtreding van sekere voorskrifte; die Minister van Waterwese, Bosbou en Omgewingsbewaring se bevoegdhede met betrekking tot die beheer van indringergewasse uit te brei; verdere voorsiening te maak aangaande die samestelling van adviserende komitees en die ampstermyne van lede van sodanige komitees; en sekere teksverbeterings aan te bring; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(*Engelse teks deur die Staatspresident geteken.*)
(*Goedgekeur op 9 September 1981.*)

DAAR WORD BEPAAL deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 63 van 1970.

1. Artikel 1 van die Wet op Bergopvanggebiede, 1970 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur die omskrywing van ,,departement'' te skrap;

(b) deur die volgende omskrywing voor die omskrywing van ,,eienaar'' in te voeg:

,,,Direkteur-generaal' die Direkteur-generaal: Waterwese, Bosbou en Omgewingsbewaring;'';

(c) deur die omskrywing van ,,Minister'' deur die volgende omskrywing te vervang:

,,,Minister' die Minister van **[Bosbou]** Waterwese, Bosbou en Omgewingsbewaring;'';

(d) deur die omskrywing van ,,Sekretaris'' te skrap; en

(e) deur die omskrywing van ,,voorskrif'' deur die volgende omskrywing te vervang:

,,,voorskrif' 'n voorskrif wat kragtens **[hierdie Wet ten opsigte van grond geleë in 'n bergopvanggebied]** artikel 3 (1) van toepassing verklaar is met betrekking tot grond beoog in daardie artikel **[van toepassing verklaar]**.''.

Vervanging van artikel 3 van Wet 63 van 1970.

2. Artikel 3 van die Hoofwet word hierby deur die volgende artikel vervang:

"Voorskrifte met betrekking tot grond.

3. (1) Die Minister kan **[òf by kennisgewing in die *Staatskoerant* òf by skriftelike kennisgewing aan die eienaar of bewoner van]** 'n voorskrif van toepassing verklaar met betrekking tot grond wat geleë is—

(a) in 'n bergopvanggebied; of

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(b) outside any mountain catchment area but within a distance of five kilometres from the boundary thereof,

and which is **[mentioned]** specified in such **[notice]** direction, **[declare a direction to be applicable with reference to such land]** relating to—

(i) in the case of land contemplated in paragraph *(a)*—

[*(a)***]** *(aa)* the conservation, use, management and control of such land;

[*(b)***]** *(bb)* the prevention of soil erosion, the protection and **[the]** treatment of the natural vegetation and the destruction of vegetation which is, in the opinion of the Minister, intruding vegetation; and

[*(c)***]** *(cc)* any other matter which he considers necessary or expedient for the achievement of the objects of this Act in respect of such land; and

(ii) in the case of land contemplated in paragraph *(b)*, the destruction of vegetation which is, in the opinion of the Minister, intruding vegetation.

(2) A direction shall—

(a) be made known by the Minister by notice in the *Gazette* or communicated by him by written notice to every owner and occupier of the land with reference to which it has been declared applicable;

(b) come into operation on a date specified in the relevant notice; and

(c) be binding on every owner and occupier of the land with reference to which it has been declared applicable, and their successors in title.

(3) The Minister may withdraw, amend or, subject to such conditions as he may determine, suspend a direction.".

Amendment of section 6 of Act 63 of 1970.

3. Section 6 of the principal Act is hereby amended—

(a) by the substitution for paragraph *(b)* of subsection (2) of the following paragraph:

"*(b)* (i) Each of at least two-thirds of the members of such committee shall be appointed by—

(aa) the Minister; or

(bb) a body, institution, group or association which, in the opinion of the Minister, has an interest in the mountain catchment area in question or mountain catchment areas in general and is designated by the Minister, each such body, institution, group or association being entitled to one member to represent it on the committee.

(ii) **[while not exceeding one-third of such members]** The remaining members of such committee shall be elected in the prescribed manner from persons nominated by owners of land situated in the mountain catchment area in question and from persons who are, in the opinion of the Minister, affected by directions which are **[applicable with reference to such land]** connected with that mountain catchment area.

(iii) If a body, institution, group or association referred to in subparagraph (i) *(bb)* for any

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(b) buite 'n bergopvanggebied maar binne 'n afstand van vyf kilometer vanaf die grens daarvan,

en wat in sodanige **[kennisgewing]** voorskrif vermeld word, **['n voorskrif met betrekking tot sodanige grond van toepassing verklaar]** betreffende—

(i) in die geval van grond beoog in paragraaf *(a)*—

[*(a)***]** *(aa)* die bewaring, aanwending, bestuur en beheer van sodanige grond;

[*(b)***]** *(bb)* die voorkoming van gronderosie, die behandeling en beskerming van die natuurlike plantegroei en die vernietiging van gewasse wat na die oordeel van die Minister indringergewasse is; en

[*(c)***]** *(cc)* enige ander aangeleentheid wat hy nodig of dienstig ag ten einde die oogmerke van hierdie Wet ten opsigte van sodanige grond te bereik; en

(ii) in die geval van grond beoog in paragraaf *(b)*, die vernietiging van gewasse wat na die oordeel van die Minister indringergewasse is.

(2) 'n Voorskrif—

(a) word deur die Minister by kennisgewing in die *Staatskoerant* bekend gemaak of by skriftelike kennisgewing aan elke eienaar en bewoner van die grond met betrekking waartoe dit van toepassing verklaar is, meegedeel;

(b) tree in werking op 'n datum in die toepaslike kennisgewing vermeld; en

(c) bind elke eienaar en bewoner van die grond met betrekking waartoe dit van toepassing verklaar is, en hul opvolgers in regte.

(3) Die Minister kan 'n voorskrif intrek, wysig of, onderworpe aan die voorwaardes wat hy bepaal, opskort.".

3. Artikel 6 van die Hoofwet word hierby gewysig— Wysiging van artikel 6 van Wet 63 van 1970.

(a) deur paragraaf *(b)* van subartikel (2) deur die volgende paragraaf te vervang:

„*(b)* (i) Elk van ten minste twee-derdes van die lede van sodanige komitee word aangestel deur—

(aa) die Minister **[aangestel]**; of

(bb) 'n liggaam, inrigting, groep of vereniging wat na die oordeel van die Minister belang by die betrokke bergopvanggebied of bergopvanggebiede in die algemeen het en deur die Minister aangewys is, elke sodanige liggaam, inrigting, groep of vereniging synde geregtig op een lid om hom in die komitee te verteenwoordig.

(ii) **[terwyl hoogstens een-derde van sodanige lede]** Die oorblywende lede van sodanige komitee moet op die voorgeskrewe wyse verkies word uit persone wat benoem word deur eienaars van grond geleë in die betrokke bergopvanggebied en uit persone wat na die oordeel van die Minister geraak word deur voorskrifte wat **[van toepassing is met betrekking tot sodanige grond]** met daardie bergopvanggebied in verband staan.

(iii) Indien 'n liggaam, inrigting, groep of vereniging in subparagraaf (i) *(bb)* vermeld, om die een of ander rede in gebreke bly om 'n persoon as sy verteenwoordiger in sodanige

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reason fails to appoint a person as its representative on such committee, the Minister may appoint any person whom he deems suitable, as such a representative.

(iv) The Minister may at any time withdraw any designation made by him under subparagraph (i).";

(b) by the substitution for subsection (3) of the following subsection:

"(3) A member of an advisory committee shall **[be appointed]** hold office—

(a) in the case of a member appointed by the Minister under subsection (2) *(b)* (i) *(aa)*, for such period, not exceeding three years, as the Minister may determine at the time of his appointment; and

(b) in the case of any other member, for such period as the Minister may prescribe by regulation.";

(c) by the substitution for subsection (4) of the following subsection:

"(4) Whenever any member of an advisory committee vacates his office before the **[expiration of the period for which he was appointed]** expiry of his term of office, the Minister may appoint a person to fill the vacancy for the unexpired portion of the **[period]** said term of office **[of such vacating member]**.";

(d) by the substitution for subsection (5) of the following subsection:

"(5) Notwithstanding the provisions of subsection (3), a member of an advisory committee may at any time be removed from office by the Minister."; and

(e) by the substitution in subsection (6) for the word "period" of the word "term".

Amendment of section 12 of Act 63 of 1970.

4. The following section is hereby substituted for section 12 of the principal Act:

"Minister may perform certain acts.

12. The Minister may, from money appropriated by Parliament for the purpose, perform or cause to be performed on any land **[situated in a mountain catchment area]** contemplated in section 3 (1) any act which he deems necessary in order to achieve any object of this Act, including any act which has been ordered in terms of any direction or, in the case of any land situated in a mountain catchment area, any provision of a fire protection plan, and shall for that purpose also have the powers conferred by section 11 on persons mentioned in that section.".

Substitution of certain word in Act 63 of 1970.

5. The principal Act is hereby amended by the substitution for the word "Secretary", wherever it is used with reference to the Secretary as defined in section 1 of the said Act immediately prior to the amendment of that section by section 1 of this Act, of the word "Director-General".

Short title.

6. This Act shall be called the Mountain Catchment Areas Amendment Act, 1981.

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komitee aan te stel, kan die Minister enige persoon wat hy geskik ag, as so 'n verteenwoordiger aanstel.

(iv) Die Minister kan te eniger tyd 'n aanwysing deur hom kragtens subparagraaf (i) gedoen, intrek.".

(b) deur subartikel (3) deur die volgende subartikel te vervang:

,,(3) 'n Lid van 'n adviserende komitee **[word aangestel]** beklee sy amp—

(a) in die geval van 'n lid deur die Minister kragtens subartikel (2) *(b)* (i) *(aa)* aangestel, vir die tydperk, maar hoogstens drie jaar, wat die Minister ten tyde van sy aanstelling bepaal; en

(b) in die geval van enige ander lid, vir die tydperk wat die Minister by regulasie voorskryf.";

(c) deur subartikel (4) deur die volgende subartikel te vervang:

,,(4) Wanneer 'n lid van 'n adviserende komitee sy amp ontruim voor die verstryking van **[die tydperk waarvoor hy aangestel is]** sy ampstermyn, kan die Minister 'n persoon aanstel om die vakature te vul gedurende die onverstreke deel van **[die]** genoemde ampstermyn **[van sodanige lid wat sy amp ontruim]**.";

(d) deur subartikel (5) deur die volgende subartikel te vervang:

,,(5) Ondanks die bepalings van subartikel (3) kan 'n lid van 'n adviserende komitee **[kan]** te eniger tyd deur die Minister van sy amp onthef word."; en

(e) deur in subartikel (6) in die Engelse teks die woord ,,period" deur die woord ,,term" te vervang.

Wysiging van artikel 12 van Wet 63 van 1970.

4. Artikel 12 van die Hoofwet word hierby deur die volgende artikel vervang:

"Minister kan sekere handelinge verrig.

12. Die Minister kan, uit geld deur die Parlement vir die doel bewillig, op grond **[geleë in 'n bergopvanggebied]** beoog in artikel 3 (1) 'n handeling verrig of laat verrig wat hy nodig ag ten einde 'n doelstelling van hierdie Wet te bereik, met inbegrip van 'n handeling wat uit hoofde van 'n voorskrif of, in die geval van grond geleë in 'n bergopvanggebied 'n bepaling van 'n brandbeveiligingsplan beveel is, en het vir dié doel ook die bevoegdhede wat deur artikel 11 aan persone in daardie artikel vermeld, verleen word.".

Vervanging van sekere woord in Wet 63 van 1970.

5. Die Hoofwet word hierby gewysig deur die woord ,,Sekretaris", waar dit ook al gebruik word met verwysing na die Sekretaris soos omskryf in artikel 1 van genoemde Wet onmiddellik voor die wysiging van daardie artikel deur artikel 1 van hierdie Wet, deur die woord ,,Direkteur-generaal" te vervang.

Kort titel.

6. Hierdie Wet heet die Wysigingswet op Bergopvanggebiede, 1981.