

**DEPARTMENT OF WATER AFFAIRS AND FORESTRY
DEPARTEMENT VAN WATERWESE EN BOSBOU**

No. 773

24 August 2007

**EXEMPTIONS IN TERMS OF SECTIONS 7(1) AND 15(1) OF THE NATIONAL
FORESTS ACT, 1998 (ACT NO. 84 OF 1998), AS AMENDED**

By virtue of the powers vested in me by sections 7(1) and 15(1) of the National Forests Act, 1998, (Act No. 84 of 1998) as amended, I, Lindiwe Benedicta Hendricks, Minister of Water Affairs and Forestry, hereby exempt certain activities regarding –

- a) trees in natural forests, and
- b) trees declared as protected species in terms of section 12(1),

and their products, from the licensing provisions of these sections, as set out in Schedule A and B hereunder:

SCHEDULE A

Exemption in terms of Section 15(1) of the National Forests Act, 1998, as amended, applicable to protected trees declared in terms of Section 12(1):

ACTIVITY / TREE / PRODUCTS	EXEMPTION
1. Cutting, disturbing, damaging or destroying (including pruning, de-limbing, uprooting and transplanting) standing trees (alive or dead), in mainly rural areas.	<p>a) Trees established <u>artificially</u> in the form of plantations, woodlots, orchards, arboreta, windbreaks and shelterbelts, avenues, and for rehabilitation of degraded sites and waste areas. This particular exemption will not apply to established urban areas zoned for residential, business and industrial land uses, and gardens around any homesteads, where trees have been planted for ornamental and greening purposes.</p> <p>b) Maintenance management of vegetation and infrastructure in public botanical gardens.</p> <p>c) Maintenance management of vegetation and infrastructure, according to approved management plans, in formally declared public conservation areas.</p>
2. Pruning or de-limbing of trees on municipal (public) land.	Any pruning or de-limbing of trees, growing as street trees, avenues, ornamentals or shade trees (including municipal parks), by local authorities or their authorised agents, for maintenance purposes, but without mutilating such. Trees growing in a natural forest are excluded from this exemption.

ACTIVITY / TREE / PRODUCTS	EXEMPTION
3. Pruning or de-limbing of trees on private property in established urban areas and around any homesteads.	Up to a maximum of 25% of the crown, without mutilating the tree. Topping of tree crowns <i>i.a.</i> obstructing views, and trees growing in a natural forest ecosystem, are excluded from this exemption.
4. Possess, transport, purchase, sell, donate, receive, cultivate, or transplant into containers tree seedlings raised for purposes of the propagation of a tree species.	<p>a) Plants raised artificially in nurseries from seed or cuttings, for commercial purposes;</p> <p>b) plants raised artificially from seed or cuttings on a small scale for non-commercial purposes;</p> <p>c) naturally regenerated seedlings originating from artificially established trees in artificial environments, (e.g. private gardens in urban areas), transplanted into containers.</p>
5. Collect, remove, transport or possess fruits and seed for various purposes.	Small quantities for non-commercial (domestic) use, up to a maximum of 50% of the fruit or seed of any tree in natural and semi-natural environments in rural areas and up to 100% of any tree on municipal or private land in artificial urban environments.
6. Collect, remove, transport or possess leaves for various purposes.	Small quantities for non-commercial use, except from naturally growing <i>Catha edulis</i> (Bushman's tea), which is not exempted.
7. Possess, purchase, sell or donate bark or roots.	Acquisition or disposal of these components beyond the collection (harvesting) and removal stages.
8. Collect, remove, transport or possess firewood.	Small quantities of dead wood for non-commercial (domestic) use, either scattered debris, standing, or fallen-over dead trees.
9. Purchase, possess or sell cut and split firewood for the commercial market.	The retail dealer at the end of the marketing chain, and the consumer, but the retail dealer has to be in possession of a valid certified copy of the supplier's / distributor's licence.
10. Purchase, possess, transport or sell charcoal for the commercial market.	The complete marketing chain beyond the processing / manufacturing stage, and the consumer.
11. Possess, transport, purchase, sell or donate processed timber products.	<p>a) Timber products processed beyond the rough sawn plank, beam or billet stage, including planks, beams and billets worked into more refined stages and end products, like planed planks, doors and windows and their frames, furniture, arts and crafts.</p> <p>b) The consumer regarding rough sawn planks, beams or billets for own use.</p>

SCHEDULE B

Exemptions in terms of Section 7(1) of the National Forests Act, 1998, as amended, applicable to trees in natural forests:

ACTIVITY / TREE / PRODUCT	EXEMPTION
1. Collect, remove, transport or possess fruits and seed for various purposes.	Small quantities for non-commercial (domestic) use, up to a maximum of 50% of the fruit or seed on any tree.
2. Possess, purchase, sell or donate bark or roots.	Acquisition or disposal of these components beyond the collection (harvesting) and removal stages.
3. Possess, transport, purchase, sell or donate processed timber products.	a) Timber products processed beyond the rough sawn plank, beam or billet stage, including planks, beams and billets worked into more refined stages and end products, like planed planks, doors and windows and their frames, furniture, arts and crafts. b) The consumer regarding rough sawn planks, beams or billets for own use
4. Collect, remove, transport or possess firewood.	Small quantities of dead wood for non-commercial (domestic) use, either scattered debris, standing or fallen-over dead trees, but excluding these activities in formally declared strictly protected forest areas.

MRS L B HENDRICKS, MP
MINISTER OF WATER AFFAIRS AND FORESTRY