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No. 16641

THE PRESIDENCY

No. 1340

31 August 1995

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

No. 38 of 1995: National Parks Amendment Act, 1995.



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GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- _____ Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the National Parks Act, 1976, so as to substitute the definition of "Minister"; to provide for the reconstitution of the National Parks Board; and to provide for matters connected therewith.

*(English text signed by the President.)
(Assented to 23 August 1995.)*

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 57 of 1976, as amended by section 1 of Act 23 of 1983, section 1 of Act 43 of 1986, section 1 of Act 23 of 1990, section 1 of Act 114 of 1991 and section 1 of Act 52 of 1992 5

1. Section 1 of the National Parks Act, 1976 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "Minister" of the following definition:

" 'Minister' means the Minister of **[Environment]** Environmental Affairs and Tourism;" 10

Amendment of section 5 of Act 57 of 1976, as substituted by section 5 of Act 23 of 1990

2. Section 5 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

"(1) The **[State]** President shall by notice in the *Gazette* establish a board to be known as the National Parks Board, for the control, management and maintenance of the parks."; 15

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

"(a) The board shall consist **[subject to the provisions of paragraph (b), of the Administrators of the four provinces and eight other]** of 18 members to be appointed by the Minister, of whom— 20

(i) one, who is by virtue of his or her knowledge capable of promoting the objects of the board in an unbiased and unprejudiced manner, shall be nominated by each of the [Wild Life Protection Society of South Africa or, in the event of that Society ceasing to exist, any society designated by the Minister which aims at the protection of wild animal life or, where that 25

- Society or such a society fails to make a nomination, by the Minister] Premiers of the respective provinces; and**
- (ii) **[the remaining] nine [members] shall be [nominated by the Minister] appointed in consultation with the Cabinet or a Cabinet committee after the Minister has by notice in the Gazette invited all interested persons to submit to him or her, within the period mentioned in the notice, the names of persons who in the opinion of such interested persons are suitable to be so appointed, stating the grounds upon which such opinion is based.**”;
- (c) by the deletion of paragraph (b) of subsection (3); and
- (d) by the addition of the following subsection:
- “(4)(a) No member of the government of the Republic or of a provincial government or officer or employee of the Parliament of the Republic or of the legislature of any province or officer or employee contemplated in the Public Service Act, 1994 (Proclamation No. 103 of 1994), shall be appointed as a member of the board.
- (b) In appointing the members contemplated in subparagraph (ii) of subsection (3)(a) the Minister shall ensure that the membership of the board broadly reflects the composition of the population of the Republic as to race and gender.”.

Amendment of section 7 of Act 57 of 1976, as amended by section 6 of Act 97 of 1986

3. Section 7 of the principal Act is hereby amended by the deletion of paragraph (d).

Short title

4. This Act shall be called the National Parks Amendment Act, 1995.