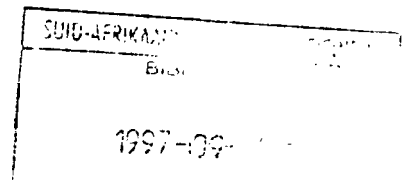


REPUBLIC OF SOUTH AFRICA

NATIONAL PARKS AMENDMENT BILL

(As introduced)

(MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM)



[B 73—97]

REPUBLIEK VAN SUID-AFRIKA

WYSIGINGSWETSONTWERP OP NASIONALE PARKE

(Soos ingedien)

(MINISTER VAN OMGEWINGSAKEEN TOERISME)

[W 73—97]

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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.
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BILL

To amend the National Parks Act, 1976, so as to substitute the definition of “board”; to change the name of the National Parks Board, established under that Act, to that of “South African National Parks”: to regulate anew the power of the board to borrow money; to provide that the board may co-operate with certain persons or organisations prepared to volunteer their assistance in order to further the objects of the Act; and to provide that certain weapons declared forfeited shall be delivered to the South African Police Service for disposal; and to provide for matters connected therewith.

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, section 1 of Act 52 of 1992 and section 1 of Act 38 of 1995 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 “board” of the following definition:

“ ‘board’ means the board known as South African National Parks [Board established in terms of] referred to in section 5(1):”.

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Amendment of section 5 of Act 57 of 1976, as substituted by section 5 of Act 23 of 1990 and amended by section 2 of Act 38 of 1995

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

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

“(1) As from the date of commencement of the National Parks Amendment Act, 1997, the National Parks Board, established under this subsection as it was in force immediately before the substitution thereof by section 2(a) of the said Act, shall be known as South African National Parks.”.

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(b) by the insertion after subsection (1) of the following subsection: 20

- “(1A) Any reference to the National Parks Board in any law, deed or other document shall, unless clearly inappropriate, be construed as a reference to South African National Parks.”; and
- (c) by the substitution for the proviso to subsection (2) of the following proviso: 5
 “Provided that no loan shall be raised by the board [**without the authority of the Minister**] in excess of the total amount which the Minister shall in respect of each year approve on the conditions which he or she may determine with the concurrence of the Minister of Finance.”.

Insertion of section 14A in Act 57 of 1976

3. The principal Act is hereby amended by the insertion after section 14 of the following section: 10

“Co-operation with certain persons and organisations

14A. The board may, in order to further the objects of this Act and in the manner prescribed by regulation, co-operate with any person who or organisation which— 15

(a) has an interest in the activities of the board;

(b) is prepared to assist the board on a voluntary basis; and

c) co-replies with the requirements so prescribed.”.

Amendment of section 24 of Act 57 of 1976, as amended by section 6 of Act 23 of 1983 and section 8 of Act 23 of 1990 20

4. Section 24 of the principal Act is hereby amended by the substitution for subsection (10) of the following subsection:

“(10) (a) Any weapon which is an armament referred to in section 32(1) of the Arms and Ammunition Act, 1969 (Act No. 75 of 1969), declared forfeited in terms of subsection (9), shall be delivered to the South African Police Service to be disposed of. 25

(b) Any fine paid or recovered in respect of an offence under this Act committed within a park, and any weapon, excluding a weapon contemplated in paragraph (a), explosive, trap, poison, animal, article, vehicle or vessel declared forfeited in terms of subsection (9), shall be paid over or delivered to the board.”. 30

Amendment of section 29, as amended by section 3 of Act 60 of 1987, section 10 of Act 23 of 1990 and section 11 of Act 52 of 1992

5. Section 29 of the principal Act is hereby amended by the insertion after paragraph (n) of subsection (1) of the following paragraph:

“(nA) with regard to any person or organisation contemplated in section 14A— 35

(i) the conditions for co-operation with and appointment of any such person;

(ii) the requirements with regard to the establishment, organisation and conditions of membership of, and the conditions for co-operation with, any such organisation; 40

(iii) the responsibilities, functions and benefits of any such person or organisation; and

(iv) the appointment of honorary rangers or friends of the park or the assignment of any other name to any such person or organisation;”.

Short title 45

6. This Act shall be called the National Parks Amendment Act, 1997.

MEMORANDUM ON THE OBJECTS OF THE NATIONAL PARKS
AMENDMENT BILL, 1997

1. The National Parks Board has decided after a process of consultation, that its name should be changed to that of "South African National Parks." Clauses 1 and 2(u) of the Bill seek to give effect to this decision. There has always been some confusion among the public at large on whether the name National Parks Board refers to the organisation as a whole or only to the board members. A new representative board, which had been appointed in October 1995, decided on the new name in order to change the corporate image of the National Parks Board.

2. At present, under the National Parks Act, 1976 (Act No. 57 of 1976 — hereinafter called "the Act"), the board requires the Minister's permission on an *ad hoc* basis to raise any loan. Clause 2(c) seeks to amend the Act to empower the board to borrow money without the Minister's consent, but subject to the total limit in respect of each year approved by the Minister on the conditions which he or she may determine with the concurrence of the Minister of Finance. The board desires this amendment because it is committed to placing its affairs on a business footing and regards it as essential that it be free to raise loans to a maximum amount. A similar provision in respect of a parastatal is contained in section 16 of the Eskom Act, 1987 (Act No. 40 of 1987).

3. Clause 3 of the Bill seeks to empower the board to co-operate with persons who or organisations which have an interest in the activities of the board and are prepared to assist the board on a voluntary basis. Such persons and organisations will have to comply with certain requirements which will be prescribed by regulation (see clause 5). These requirements relate to the conditions for co-operation and appointment and the responsibilities, functions and benefits of, and the assignment of a name (such as "honorary ranger" or "friends of the park") to, such persons and organisations.

4. The Act at present provides that weapons used in contravening any provision of the Act and declared forfeited, shall be delivered to the board. However, some weapons confiscated are armaments referred to in section 32(1) of the Arms and Ammunition Act, 1969 (Act No. 75 of 1969). These are armaments normally used for war, such as machine guns or machine rifles and which should be delivered to the South African Police Service for disposal. Clause 4 is intended to give effect to an appropriate amendment.

5. The following were consulted on the Bill:

- * The employees of the National Parks Board;
- * the broad public (invited by notice in the national newspapers to comment on the change of name);
- * the South African Police Service.

6. The Department of Environmental Affairs and Tourism and the State Law Advisers are of the view that the procedure set out in section 75 of the Constitution should be followed with regard to the Bill.