

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1994.

23 September 1981.

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:—

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

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

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

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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(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; 10

[(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 15

[(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 20

(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 25

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 30 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 35 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) 40 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 45

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, 50 institution, group or association being entitled to one member to represent it on the committee.

(ii) [while not exceeding one-third of such 55 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 60 directions which are [applicable with reference to such land] connected with that mountain catchment area.

(iii) If a body, institution, group or association 65 referred to in subparagraph (i) (bb) for any

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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)."; 5
- (b) by the substitution for subsection (3) of the following subsection:
 "(3) A member of an advisory committee shall **[be appointed] hold office—** 10
 (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 15
 (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].**"; 20 25
- (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 30
- (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." 35 40 45

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". 50

Short title.

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