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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 3121

8 March 2023

NATIONAL FORESTS ACT, 1998 (ACT NO. 84 OF 1998)**AMENDMENTS TO THE REGULATIONS ON THE NATIONAL FORESTS ACT, 1998 (ACT NO. 84 OF 1998)**

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries, and the Environment, hereby in terms of sections 53 and 54 of the National Forests Act, 1998 (Act No. 84 of 1998), amend the Regulations on the National Forests Act, 1998 (Act No. 84 of 1998) published under Government Notice R466, Government *Gazette* 32185 of 29 April 2009, as set out in the Schedule hereto.

Members of the public are invited to submit, within thirty (30) days of publication of this notice in the Government *Gazette* or in the newspaper, whichever date is the last date, written comments to the proposed amendments to any of the following addresses:

By post to: The Director-General: Department of Forestry, Fisheries, and the Environment
Attention: Ms Shumani Dzivhani
Private Bag X447
PRETORIA
0001

By hand at: Environment House, 473 Steve Biko Road, Arcadia, 0083

By email at: sdzivhani@dffe.gov.za.

Any enquiries in connection with the draft Notice can be directed to Ms Shumani Dzivhani at 0123095765/0721979264

Comments received after the closing date may not be considered.


BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

Definitions

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act bears that meaning and, unless the context otherwise indicates—
“the Act” means the National Forests Act, 1998 (Act No. 84 of 1998); and
“the Regulations” means the Regulations under the National Forests Act 84 of 1998, published under Government Notice R.466, of Government Gazette 32185 on 29 April 2009.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended by the insertion after the definition of “access”, of the following definitions:
“**appeal administrator**” means the holder of an office in the Department that administers an appeal on behalf of the appeal authority;
“**appeal authority**” means the Minister; or appeal committee;
“**appeal committee**” means a panel of experts with expertise appointed by the Minister;
“**appellant**” means any person who is aggrieved and has submitted an appeal in terms of section 57A of the Act;”;

Amendment of regulation 24 of the Regulations

3. Regulation 24 of the Regulations is hereby amended by the insertion after regulation 24 of the following regulation:

“**24A. Issuing of written notice**
(1) The Minister or a person delegated by him or her, may issue a written notice for contravention of section 7(5) of the Act, by using the form set out in Annexure A to these Regulations.
(2) Before issuing a written notice in terms of subregulation (1), the Minister or a person delegated by him or her, must give the person to whom the written notice is intended -
(a) advance written notice of his or her intention to issue such written notice by using the form set out in Annexure B to these Regulations; and
(b) a reasonable opportunity to make written representations to the Minister or a person delegated by him or her, as to why he or she should not issue the written notice as intended.

- (3) If the Minister or a person delegated by him or her, has reason to believe that giving an advance notice, in accordance with subregulation (2), of the intention to issue a written notice, will cause a delay which may result in significant and sudden harm to the natural forest habitat, the Minister or a person delegated by him or her, may issue a written notice, without compliance with subregulation (2).”.

Amendment of regulation 25 of the Regulations

4. Regulation 25 of the Regulations is hereby amended by the insertion after regulation 25 of the following regulation:

“CHAPTER 11 ADMINISTRATION AND PROCESSING OF APPEALS

25A. Application

- (1) This chapter applies to an appeal against a decision taken in terms of the Act.
(2) No appeal is available if the appeal authority issued the decision being appealed.

25B. Establishment of Appeals Committee

25Ba. Appointment of Appeals Committee

- (1) Whenever it is necessary to appoint the Committee, the Minister must:
- (a) Invite nominations by means of a notice published in at least two nationally distributed newspapers, specifying a period within which the nominations must be submitted;
 - (b) A shortlist of suitable candidates from the nominations should be compiled and submitted to the Minister within one month of receiving the nominations;
 - (c) The Minister must appoint the members of the Committee after considering the short list.
- (2) The Minister may appoint-
- (a) an alternate member for any member of the Committee; and
 - (b) a replacement for any member who vacates his or her office.
- (3) The replacement serves for the balance of the term of the person he or she replaces.
- (4) The Minister must appoint one member of the Committee as chairperson and one member as vice-chairperson.

25Bb. Conditions of appointment of Committee members

- (1) A member of the Committee holds office for a period of-
 - (a) six years in the case of the chairperson of the Committee; and
 - (b) five years in the case of other members.
- (2) At the expiry of his or her term of office, a member may be appointed again.
- (3) A member or alternate member of the Committee must vacate his or her office if –
 - (a) the Minister at any time terminates his or her term of office for good reason after consulting the chairperson of the Committee;
 - (b) he or she can no longer perform his or her duties on the Committee;
 - (c) he or she is convicted of an offence and sentenced to imprisonment without the option of a fine;
 - (d) he or she is absent for more than two consecutive meetings of the Committee without the leave of the chairperson; or
 - (e) he or she resigns by written notice to the Minister.
- (4) Members of the Committee are not to be paid for their services, except for travel and accommodation for the purpose of attending Committee meetings.

25C. Submission of appeal

- (1) An appellant must, within 20 days from the date that a decision is received, submit an appeal—
 - (a) to the appeal administrator using the form set out in Annexure C;
 - (b) to the applicant, where the appellant is not the applicant;
 - (c) where applicable, to any registered, interested and affected party, where the appellant is the applicant; and
 - (d) to any affected organs of state.
- (2) An appeal submitted in terms of sub regulation (1) must—
 - (a) be in writing;
 - (b) be in the form obtainable from the appeal administrator;
 - (c) include a statement setting out the grounds of appeal; and
 - (d) include the supporting documentation, which is referred to in the appeal.
- (3) An applicant must notify and make a copy of the appeal available to registered, interested and affected parties, where applicable, and affected organs of state, within 10 days after receipt of an appeal in terms of subregulation (1)(b).

25D. Responding to an appeal

The appeal authority must within 10 days from the date of receipt of an appeal, respond in writing to the appellant.

25E. Answering to an appeal

The appellant may, within 10 days from the date of receipt of the appeal authority's written response to the appeal, respond in writing to the appeal administrator.

25F. Additional information

The appeal administrator may at any time during an appeal process, request any party participating in the appeal process, to submit additional information.

25G. Decision on appeal

- (1) The appeal administrator must make recommendations to the appeal authority within 20 days of response from the appellant.
- (2) The appeal authority must decide on an appeal, and notify the appellant, applicant, and, where applicable, any registered, interested and affected party and affected organs of state, of its decision within 30 days of receiving recommendations from the appeal administrator.
- (3) An appeal decision must contain written reasons for the decision.

25H. Processing of appeal

- (1) The appeal administrator must acknowledge receipt of an appeal, responding or answering to an appeal, respectively, within five working days after receiving either.
- (2) The appeal administrator must notify the appellant and the applicant, if applicable, within five working days of the appointment of an advisory appeal panel or expert.

25I. Extension of timeframes

The timeframes contemplated in regulations 25C, 25D, 25E and 25F, may be extended, in writing, by agreement between the appellant, the appeal administrator and where applicable, the applicant.

25J. Complex appeals

- (1) The appeal administrator must make recommendations to the appeal authority within 30 days of response from the appellant.
- (2) Despite regulation 25F, the appeal authority may decide on an appeal and notify the appellant, applicant, and, where applicable, any registered, interested and affected party and affected organs of state, of its decision within 50 days of receiving recommendations from the appeal administrator, if an appeal is complex.
- (3) An appeal is complex if it requires—
 - (a) the appeal administrator to appoint an external expert/ specialist to assist the appeal authority to render a decision;
 - (b) the appeal administrator to undertake a site inspection to properly advise the appeal authority; or
 - (c) more than one appeal administrator to process the appeal due to the volume of its documents or the technical nature of its subject matter.

25K. Delivery of documents

A person may deliver documents in terms of these Regulations by—

- (a) delivering a hard copy by hand to the appeal administrator;
- (b) registered post;
- (c) courier; or
- (c) electronic mail.

25L. Reckoning of days

- (1) When days must be reckoned in terms of these Regulations, the period must be reckoned as from the start of the day following that particular day to the end of the last day of the period, but if the last day of the period falls on a Saturday, Sunday or public holiday, that period must be extended to the end of the next day, which is not a Saturday, Sunday or public holiday, and the period between 15 December to 5 January must be excluded from the reckoning of days.
- (2) Where a prescribed timeframe is affected by one or more public holidays, the timeframe must be extended by the number of public holiday days falling within that timeframe.

5. Short title and commencement

These Regulations are called the National Forests Act Amendment Regulations, 2023, and come into operation on the date of publication in the *Government Gazette*.

**forestry, fisheries
and the environment**

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

ANNEXURE A**WRITTEN NOTICE OF NON-COMPLIANCE**

(in terms of regulation 24A(1))

Ref:
Enquiries:
Physical address:
Tel:
Email:

www.environment.gov.za

[Name of person to be issued a Written notice (non-compliance notice)]

[Address]

[Contact details]

Dear Sir/Madam

WRITTEN NOTICE IN TERMS OF REGULATION 24A FOR CONTRAVENING SECTION 7(5) OF THE NATIONAL FORESTS ACT, 1998 (ACT NO. 84 OF 1998) AS AMENDED IN RESPECT OF [INSERT ILLEGAL ACTIVITY COMMENCED WITH] AT [INSERT PROPERTY/SITE DESCRIPTION ERF/PORTION/STREET NUMBER AND NAME] UNDER [INSERT MUNICIPALITY] ("THE SITE").

1. DECISION

- 1.1. I, [insert name of official], in my capacity as Forest Officer, Grade 2 having considered the matter, am of the view that you, [insert Person's Name/ company name] represented by [insert name of representative] in your capacity as [insert capacity in the company]), as the person who has unlawfully commenced with illegal activities on the Site, have failed to adhere to the provisions of the law in respect of the commenced activities on the Site.
- 1.2. Accordingly, I hereby issue you, [insert Person's Name/ company name] represented by [insert name of representative] as the person who has unlawfully commenced with [list activities] on the Site with

a written notice in terms of Regulation 24A for contravening section 7(5) of the National Forests Act, 1998 (Act No. 84 of 1998) as amended.

2. INTRODUCTION

2.1. I refer to the following:

2.1.1. [Refer to any inspections conducted, the observation made, the notice of intention to issue a written notice, any representations received from the alleged transgressor and any other relevant correspondence].

3. DETAILS OF ACTIVITIES CONSTITUTING A NON-COMPLIANCE

3.1. Section number

Section 7(5) of the National Forests Act, 1998 (Act No.84 of 1998), as amended

3.2. Legal Provision:

3.2.1. Written notice in terms of regulation 24A for contravening section 7(5) of the National Forests Act, 1998 (Act No.84 of 1998) as amended.

3.3. Findings/Site Observations:

3.4. Natural Forest Type and Forest Status e.g., Mangrove Forest is classified as an endangered ecosystem in terms of the National Environmental Management Biodiversity Act, 2004 (Act No.10 of 2004).

3.5. Estimated area of natural forest destroyed in square meters or hectares.

3.6. Geographical Positioning System (GPS) Coordinates of the affected area depicted on a Google Earth or spatial map.

3.7. Tree species disturbed, damaged or destroyed (if identifiable) or possessed, collected, removed, transported, exported, purchased, sold, donated, or in any other manner acquired or disposed of any tree, or any forest product derived from a natural forest

4. INSTRUCTION OR STEPS TO BE TAKEN

In terms of this written notice, I require you to do the following:

- 4.1 [Indicate steps to be taken, insert details in respect of the steps to be taken by the person accused of non-compliance and the period in which these steps must be taken]
- 4.2 [Prohibited conduct: List any acts which may not be performed by the person accused of non-compliance and the period in which the prohibition will remain in force.]

5. PROCEDURAL ARRANGEMENTS

- 5.1. If you would like me to vary this written notice or to extend the period to which it relates, you may make representations to me as the Forest Officer to do so within forty-eight (48) hours of receipt of the written notice, at the following address: [insert physical address or e-mail address]
- 5.2. You may object to the written notice, you may do so by making representations in writing, to the Minister of the Department of Forestry, Fisheries and Environment within 30 days of receipt of the written notice.
- 5.3. You may also make representations to the Minister to suspend the operation of the written notice pending the finalisation of the objection, at the following address: Environment House, Cnr. Steve Biko (previously Beatrix Street) and Soutpansberg Road, 473 Steve Biko, Arcadia, Pretoria, 0083, South Africa.
- 5.4. Irrespective of any representations you may make to me or the Minister, you must comply with the written notice unless the Minister agrees to suspend the operation of the written notice.

6. FAILURE TO COMPLY

Act / Section Number	Offence and penalty
Section 7(5) read with section 62(1) of the National Forests Act, 1998 (Act No.84 of 1998).	<p>Offence: Section 61. Any person who fails to take the steps which he or she has been instructed to take in terms of [section] sections 4(8), 7(5), 8(3), 14(6) and 17(3) within the period or the extended period laid down, is guilty of a fifth category offence.</p> <p>Section 62(1) Any person who contravenes the prohibition of certain acts in relation to trees, indigenous vegetation or any other forest product in natural forests referred to in section 7(1) is guilty of a first category offence.</p> <p>Section 63(5) Any person who contravenes a condition in a license, exemption, or any other authorisation in terms of this Act, in respect of—</p> <p>(a) a protected area, a natural forest, or protected trees, is guilty of a second category offence.</p> <p>(b) any other forest, is guilty of a third category offence.</p> <p>Penalty:</p> <p>Section 58(1) - A person who is guilty of a first category offence referred to in sections 62 and 63 may be sentenced to a fine or imprisonment for a period of up to three years, or to both a fine and such imprisonment.</p> <p>Section 58(2) - A person who is guilty of a second category offence referred to in section 62, 63 and 64 may be sentenced on a first conviction for that offence to a fine or imprisonment for a period of up to two years, or to both a fine and such imprisonment.</p>

	<p>Section 58(3) - A person who is guilty of a third category offence referred to in section 62 and 63 may be sentenced on a first conviction for that offence to a fine or imprisonment for a period of up to one year, or to both a fine and such imprisonment.</p> <p>Section 58(4) - A person who is guilty of a fourth category offence referred to in section 63 and 64 may be sentenced on a first conviction for that offence to a fine or a community service for a period of up to six months or to both a fine and such service.</p> <p>Section 58(5) - A person who is guilty of a second, third or fourth offence category offence may be sentenced on a second conviction for that offence as if he or she has committed a first, second or third category offence, respectively.</p> <p>Section 58(6) - A person who is guilty of a fifth category offence referred to in section 61 may be sentenced to a fine not exceeding R10 million or imprisonment a period of up to 10 years or to both such fine and imprisonment.</p> <p>Section 58(8)(b) - A court which sentences any person for any offence in terms of this Act, may suspend or revoke a licence granted to the offender under section 7, 15 or 23.</p>
--	--

- 6.1 We wish to make it clear that the instructions contained herein are made in the interest of sustainable forest management and with a view to a cooperative resolution of the issue. The submission of the requested information above does not imply that no further action would be taken against you.
- 6.2 If any licence has been issued, the licence [insert licence number] has been revoked due to the above non-compliance until further notice.
- 6.3 If you are unclear about any aspect of this written notice (non-compliance notice), kindly contact the person indicated for enquiries in writing as soon as possible.

(Insert Name of Forest Officer)

Date:

Acknowledgement of Receipt:

Received by Mr /Ms _____ on behalf of the company _____

On this _____ day of _____, at _____

Signature _____



**forestry, fisheries
and the environment**

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

ANNEXURE B
NOTICE OF INTENTION TO ISSUE A WRITTEN NOTICE
(in terms of regulation 24A(2)(a))

Ref:
Enquiries:
Physical address:
Tel:
Email:

www.environment.gov.za

[Name of person to be issued a Notice of Intention]

[Address]

[Contact details]

Dear Sir/Madam

NOTICE OF INTENTION (PRE-COMPLIANCE) TO ISSUE A WRITTEN NOTICE IN TERMS OF REGULATION 24A FOR CONTRAVENING OF THE NATIONAL FORESTS ACT, 1998 (ACT NO. 84 OF 1998) AS AMENDED IN RESPECT OF [INSERT ILLEGAL ACTIVITY COMMENCED WITH] AT [INSERT PROPERTY/SITE DESCRIPTION ERF/PORCION/STREET NUMBER AND NAME] UNDER [INSERT MUNICIPALITY] ("THE SITE").

1. I, [insert name of official], in my capacity as a Forest Officer, hereby give you written notice of my intention to issue you, [insert name of natural person/company represented by [insert name of representative] in your capacity as [insert capacity of representative in company], as the person who has unlawfully commenced with illegal activities at [insert property description] under [insert relevant Municipality] with a written notice in terms of section 7(5) of the National Forests Act, 1998 (Act No. 84 of 1998) as amended read with regulation 24A of the these Regulations.
2. The written notice that I intend to issue relates to your non-compliance with [indicate relevant legislation / Regulation].

3. I have reasonable grounds for believing that you have commenced, on or after [insert date], with illegal activities in terms of Regulation 24A contravening [insert relevant section of the Act] without a license required in terms of [insert relevant section of the Act].
4. I have reached this opinion because of the following:
 - 4.1 [Refer to any correspondences between the transgressor and the Department, inspections conducted, and the observation made, spatial analysis that was conducted e.g., aerial imagery, and any other relevant correspondence].
 - 4.2 List the illegal activities observed on site in relation to the Act.

5. INTENDED INSTRUCTIONS

- 5.1 In accordance with Regulation 24A of the Regulations read with the Promotion of Administration of Justice Act, 2000 (Act No. 3 of 2000), I hereby afford you the opportunity to make written representations to me within [insert time frame] calendar days of receipt of this Notice, if you are of the view that there are any compelling and substantial reasons for me not to exercise my powers in terms of Regulation 24A contravening [Insert relevant section of the Act] to issue a written notice which will require you to, inter alia:
- 5.2 [insert specific instructions that would be given in the written notice to address the non-compliances]

6. PROCEDURAL ARRANGEMENTS

- 6.1 If you would like me to vary this notice of intention or to extend the period to which it relates, you may make representations to me as the Forest Officer to do so within forty-eight (48) hours of receipt of the notice of intention, at the following address: [insert physical address or e-mail address]
- 6.2 You may lodge an objection to the notice of intention, you may do so by making representations in writing, to the Minister of the Department of Forestry, Fisheries and Environment within 30 days of receipt of the notice of intention.
- 6.3 You may also make representations to the Minister to suspend the operation of the written notice of intention pending the finalisation of the objection, at the following address: Environment House, Cnr. Steve Biko (previously Beatrix Street) and Soutpansberg Road, 473 Steve Biko, Arcadia, Pretoria, 0083, South Africa.
- 6.4 Irrespective of any representations you may make to me or the Minister, you must comply with the written notice of intention unless the Minister agrees to suspend the operation of the written notice of intention.
- 6.5 Should you fail to comply with this written notice of intention above, which is to make representations in writing, a written notice will be issued.
- 6.6 Failure to comply with a written notice when it has been issued, you will have committed an offence in terms of the National Forests Act, 1998 (Act No. 84 of 1998) as amended.
- 6.7 The Department will be entitled to take the required steps on your behalf and to claim from you any costs incurred in so doing.
- 6.8 We wish to make it clear that the instructions contained herein are made in the interest of sustainable forest management and with a view to a co-operative resolution of the issue. Depending on the outcome of the representations made in this regard, the Department will

decide upon a way forward regarding this matter. The submission of the requested information above does not imply that no further action would be taken against you.

- 6.9 If you are unclear about any aspect of this notice of intention, kindly contact the person indicated for enquiries in writing as soon as possible.
- 6.10 You may avail yourself of the remedies contemplated in the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) if you wish to do so, considering the above adverse finding on your matter.

Signed on this ____ day of _____ at _____

Name of Forest Officer

Signature

Acknowledgement of Receipt:

Received by Mr /Ms _____ on behalf of the company _____

On this ____ day of _____, at _____ Signature: _____



**forestry, fisheries
and the environment**

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

**ANNEXURE C
APPEAL FORM**
(in terms of regulation 25C)

APPEAL FORM IN TERMS OF THE NATIONAL FORESTS ACT, 1998 (ACT NO. 84 OF 1998)

Environment House, Cnr. Steve Biko (previously Beatrix Street) and Soutpansberg Road, 473 Steve Biko, Arcadia, Pretoria, 0083, South Africa

Enquiries: Mr Avhashoni Renny Madula

Telephone: 012 309 5710

Email: amadula@dfffe.gov.za

Website: <http://www.dfffe.gov.za>

Please submit your completed appeal form and supporting documentation to:

Postal Address:

Private Bag X447

Pretoria

0001

South Africa

Physical Address:

The Minister of Forestry, Fisheries, and the Environment

Department of Forestry, Fisheries, and the Environment

Environment House,

Cnr. Steve Biko (previously Beatrix Street) and Soutpansberg Road,

473 Steve Biko,

Arcadia,

Pretoria, 0083

South Africa

NOTE:

- (1) This form should only be utilized if you are submitting an appeal in terms of any section of the National Forests Act, 1998 (Act No. 84 of 1998 as amended).
- (2) An electronic version of this form may be obtained from the Departmental website at www.dffe.gov.za
- (3) The completed appeal form must be posted or submitted electronically to the above postal/physical/email address.
- (4) Information requested must be provided in the allocated spaces. If the allocated space is insufficient, additional pages may be attached as an Annexure.
- (5) Information should be as brief and clear as possible.
- (6) Where provided with boxes the appropriate box should be ticked.
- (7) The appeal must be submitted to the Minister within 20 (twenty) days after the decision has been granted by the Department and the applicant has been notified in writing of the Department's decision.
- (8) A copy of supporting documents (e.g., reports) must be attached to this form on submission.
- (9) This form must be duly signed by the appellant or the appellant's duly appointed representative.

PART A1. APPELLANT'S DETAILS

Full name of Appellant:

.....

Company Name (if applicable)

.....

Identity document number or passport number (Attach a certified copy):

.....

Physical Address			Postal Address		
	Postal Code			Postal Code	
Tel no. (work)			Tel no. (home)		
Fax number:					
Mobile number:					
Email address:					

PART A2. DULY AUTHORISED REPRESENTATIVE'S DETAILS (if applicable)

Name of person representing the appellant (if applicable)

.....

Identity document number or passport number (Attach a certified copy):

.....

Physical Address			Postal Address		
	Postal Code			Postal Code	
Tel no. (work)			Tel no. (home)		
Fax number:					
Mobile number:					
E-mail address:					

PART B. INFORMATION OF THE DECISION TO BE APPEALED

1. Project Name (where applicable):

2. Property Description (Street Name, ERF number, PTN number, Farm Number, Suburb/Town, Local Municipality, District Municipality, Province):

3. Brief description of the activity:

4. Department's decision on the abovementioned project:

5. Licence number (where applicable):

6. Were you notified of the Department's decision? (Yes/No):

7. If yes, please provide date of decision and proof of correspondence:

PART C: NOTICE OF INTENTION TO APPEAL

1. Have you notified the Department of the intention to appeal the Department's decision? (Yes/No)

2. If yes, provide the date of notice of intention was lodged (attached a copy of the correspondence)

PART D: GROUNDS OF APPEAL

1. Provide a statement setting out the ground/s of your appeal.

2. Does your appeal contain any new information that was not submitted to the Department before the Department's decision? (Yes/No).

3. If yes, please provide the information e.g. why was the information not made available to the Department before the Department's decision and reasons why the Minister should consider it.

4. Please list any attachments that are included in your appeal document:

a. _____

b. _____

c. _____

d. _____

e. _____

Appellant's Signature (Or duly appointed
representative)

Date

FOR OFFICIAL USE:

Appeal received by: _____ Date: _____

Attachments included: YES NO Copies of notifications attached: YES NO

Ref No: _____

Signature

Office of the Minister

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 3121

8 Maart 2023

NASIONALE WET OP BOSSE, 1998 (WET NO. 84 VAN 1998)

WYSIGINGS AAN DIE REGULASIES KRAGTENS DIE NASIONALE WET OP BOSSE, 84 VAN 1998

Ek, Barbara Dallas Creecy, die Minister van Bosbou, Visserye en die Omgewing, gee hierby ingevolge artikel 53(2)(j), gelees met artikel 54, van die Nasionale Wet op Bosse, 1998 (Wet No 84 van 1998), kennis van my voorneme om die Regulasies kragtens die Nasionale Wet op Bosse, 1998 (Wet No. 84 van 1998), afgekondig kragtens Goewermentskennisgewing R.466, van *Staatskoerant* 2185 op 29 April, te wysig soos in die Bylae hierby uiteengesit.

Lede van die publiek word uitgenooi om, binne dertig (30) dae vanaf publikasie van hierdie kennisgewing in die *Staatskoerant* of in die koerant, welke datum ook al die laaste datum is, skriftelike kommentaar op die voorgestelde wysigings by enige van die volgende adresse in te dien:

Per pos na: Die Direkteur-generaal: Departement van Bosbou, Visserye en die Omgewing
Aandag: Me Shumani Dzivhani
Privaat Sak X447
PRETORIA
0001

Per hand by: Environment House, Steve Biko-weg 437, Arkadië, 0083

Per e-pos by: sdzivhani@dffe.gov.za.

Enige navrae oor die Konsepkennisgewing kan aan Me Shumani Dzivhani gerig word by 0123095765/ 0721979264

Kommentaar wat ná die sluitingsdatum ontvang word, sal moontlik nie oorweeg word nie.



BARBARA DALLAS CREECY

MINISTER VAN BOSBOU, VISSERYE EN DIE OMGEWING

BYLAE**Woordomskrywing**

1. In hierdie Regulasies het enige woord of uitdrukking waaraan 'n betekenis in die Wet toegewys is, daardie betekenis en, tensy die samehang andersins aandui, beteken—
“**die Wet**” die Nasionale Wet op Bosse, 1998 (Wet No. 84 van 1998); en
“**die Regulasies**” die Regulasies kragtens die Nasionale Wet op Bosse, Wet 84 van 1998, afgekondig kragtens Goewermentskennisgewing R.466, van *Staatskoerant* 32185 op 29 April 2009.

Wysiging van regulasie 1 van die Regulasies

2. Regulasie 1 van die Regulasies word hierby gewysig deur die volgende omskrywing ná die omskrywing van "toegang" in te voeg:
“**appèladministrateur**” die houer van 'n amp in die Departement wat 'n appèl namens die appèlowerheid administreer;
“**appèlowerheid**” die Minister; of appèlkomitee;
“**appèlkomitee**” 'n paneel kundiges wat deur die Minister aangestel is;
“**appellant**” enige persoon wat te na gekom voel en wat 'n appèl ingevolge artikel 57A van die Wet ingedien het;”.

Wysiging van regulasie 24 van die Regulasies

3. Regulasie 24 van die Regulasies word hierby gewysig deur die volgende regulasie ná regulasie 24 in te voeg:

“**24A. Uitreiking van skriftelike kennisgewing**
(1) Die Minister of 'n persoon deur hom of haar gedeleer, kan 'n skriftelike kennisgewing uitreik vir die oortreding van artikel 7(5) van die Wet, deur die vorm in Aanhangsel A by hierdie Regulasies, te gebruik.
(2) Voordat 'n skriftelike kennisgewing ingevolge subregulasie (1) uitgereik word, moet die Minister of 'n persoon deur hom of haar gedeleer, die persoon vir wie die skriftelike kennisgewing bestem is—
(a) vooraf skriftelike kennisgewing gee van sy of haar voorneme om sodanige skriftelike kennisgewing uit te reik deur die vorm in Aanhangsel B by hierdie Regulasies te gebruik; en
(b) 'n redelike geleentheid om skriftelike verhoë aan die Minister of aan 'n persoon deur hom of haar gedeleer, te maak, oor hoekom sy of hy nie die skriftelike kennisgewing soos voorgeneem moet uitreik nie.
(3) Indien die Minister of 'n persoon deur hom of haar gedeleer, rede het om te glo dat die gee van 'n voorafkennisgewing, ooreenkomstig subregulasie (2), van die voorneme om 'n skriftelike kennisgewing uit te reik, 'n vertraging sal veroorsaak wat beduidende en skielike skade aan die natuurlike boshabitat tot gevolg kan hê, kan die Minister of 'n persoon deur hom of haar gedeleer, 'n skriftelike kennisgewing uitreik sonder om aan subregulasie (2) te voldoen.”.

Wysiging van regulasie 25 van die Regulasies

4. Regulasie 25 van die Regulasies word hierby gewysig deur die volgende regulasie na regulasie 24 in te voeg:

**“HOOFSTUK 11
ADMINISTRASIE EN VERWERKING VAN APPÈLLE**

25A. Toepassing

- (1) Hierdie hoofstuk is van toepassing op 'n appèl teen 'n besluit wat ingevolge die Wet geneem is.
- (2) Geen appèl is beskikbaar indien die appèlowerheid die besluit gemaak het waarteen appèl aangeteken word nie.

25B. Stigting van Appèlkomitee**25Ba. Aanstelling van Appèlkomitee**

- (1) Wanneer dit ook al nodig is om die Komitee aan te stel, moet die Minister:
 - (a) Benoemings aanvra by wyse van 'n kennisgewing gepubliseer in ten minste twee koerante met nasionale sirkulasie, waarin 'n tydperk gespesifiseer word waarbinne die benoemings ingedien moet word;
 - (b) 'n Kortlys van geskikte kandidate vanuit die benoemings moet saamgestel word en by die Minister ingedien word binne een maand sedert ontvangs van die benoemings;
 - (c) Die Minister moet die lede van die Komitee aanstel nadat die kortlys oorweeg is.
- (2) Die Minister kan—
 - (a) 'n alternatiewe lid vir enige lid van die Komitee aanstel; en
 - (b) 'n plaasvervanger aanstel vir enige lid wat sy of haar amp ontruim.
- (3) Die plaasvervanger dien vir die res van die termyn van die persoon wat hy of sy vervang.
- (4) Die Minister moet een lid van die Komitee as voorsitter en een lid as ondervoorsitter aanstel.

25Bb. Aanstellingsvoorwaardes van Komiteeledes

- (1) 'n Lid van die Komitee beklee die amp vir 'n tydperk van—
 - (a) ses jaar in die geval van die voorsitter van die Komitee; en
 - (b) vyf jaar in die geval van ander lede.
- (2) By die verstryking van sy of haar ampstermyn, kan 'n lid weer aangestel word.
- (3) 'n Lid of alternatiewe lid van die Komitee moet sy of haar amp ontruim indien—
 - (a) die Minister te eniger tyd sy of haar ampstermyn met goeie rede beëindig na oorlegpleging met die voorsitter van die Komitee;
 - (b) hy of sy nie meer sy of haar pligte op die Komitee kan verrig nie;
 - a. hy of sy aan 'n misdryf skuldig bevind word en tot gevangenisstraf sonder die opsie van 'n boete gevonnissen word;
 - b. hy of sy sonder die toestemming van die voorsitter van meer as twee agtereenvolgende vergaderings van die Komitee afwesig is; of
 - (c) hy of sy by skriftelike kennisgewing aan die Minister bedank.
- (4) Lede van die Komitee word nie vir hul dienste vergoed nie, behalwe reis- en akkommodasie met die doel om Komiteevergaderings by te woon.

25C. Indiening van appèl

- (1) 'n Appellant moet, binne 20 dae vanaf die datum waarop 'n beslissing ontvang word, 'n appèl indien—
 - (a) om by die administateur appèl aan te teken met gebruik van die vorm in Aanhangsel C;
 - (b) by die aansoeker, waar die appellant nie die aansoeker is nie;
 - (c) waar van toepassing, by enige geregistreerde, belanghebbende en geraakte party, waar die appellant die aansoeker is; en
 - (d) by enige geraakte staatsorgane.

- (2) 'n Appèl ingevolge subregulasie (1) ingedien, moet—
 - (a) skriftelik wees;
 - (b) in die vorm wees wat van die appèladministrateur verkry kan word;
 - (c) 'n verklaring insluit wat die gronde vir appèl uiteensit; en
 - (d) die stawende dokumentasie insluit, waarna in die appèl verwys word.
- (3) 'n Applikant moet geregistreerde, belangstellende en geraakte partye, waar van toepassing, en geraakte staatsorgane in kennis stel en 'n afskrif van die appèl aan hulle beskikbaar stel binne 10 dae sedert ontvangs van 'n appèl ingevolge subregulasie (1)(b).

25D. Reaksie op 'n appèl

Die appèlowerheid moet die appellant binne 10 dae vanaf die datum van ontvangs van 'n appèl, skriftelik antwoord.

25E. Antwoord op 'n appèl

Die appellant kan, binne 10 dae vanaf die datum van ontvangs van die appèlowerheid se skriftelike reaksie op die appèl, 'n skriftelike reaksie aan die appèladministrateur voorlê.

25F. Bykomende inligting

Die appèladministrateur kan te eniger tyd tydens 'n appèlproses, versoek dat enige party wat aan die appèlproses deelneem, bykomende inligting voorlê.

25G. Beslissing oor appèl

- (1) Die appèladministrateur moet aanbevelings by die appèlowerheid maak binne 20 dae vanaf reaksie van die aansoeker af.
- (2) Die appèlowerheid moet 'n beslissing oor 'n appèl vel, en die appellant, aansoeker, en, waar van toepassing, enige geregistreerde, belangstellende en geraakte party en geraakte staatsorgane in kennis stel van hul besluit binne 30 dae vanaf ontvangs van aanbevelings van die appèladministrateur.
- (3) 'n Appèlbeslissing moet skriftelike rede vir die beslissing bevat.

25H. Verwerking van appèl

- (1) Die appèladministrateur moet ontvangs van 'n appèl erken, reaksie of antwoord op 'n appèl, onderskeidlik, binne vyf werksdae na ontvangs.
- (2) Die appèladministrateur moet die appellant en die aansoeker, indien van toepassing, binne vyf werksdae in kennis stel van die aanstelling van 'n adviserende appèlpaneel of -kundige.

25I. Verlenging van tydsbestekke

Die tydsbestekke in regulasies 25C, 25D, 25E en 25F, beoog, kan skriftelik verleng word, by ooreenkoms tussen die appellant, die appèladministrateur en waar van toepassing, die aansoeker.

25J. Ingewikkelde appèlle

- (1) Die appèladministrateur moet aanbevelings aan die appèlowerheid doen binne 30 dae van ontvangs van 'n reaksie van die appellant.
- (2) Ondanks regulasie 25F, kan die appèlowerheid oor 'n appèl beslis en die appellant, aansoeker en, waar van toepassing, enige geregistreerde, belanghebbende en geraakte party en geraakte staatsorgane, in kennis stel van hul beslissing binne 50 dae nadat aanbevelings van die appèladministrateur ontvang is, indien 'n appèl ingewikkeld is.
- (3) 'n Appèl is ingewikkeld indien dit verg—
 - (a) dat die appèladministrateur 'n eksterne kundige/spesialis aanstel om die appèlowerheid by te staan om 'n beslissing te vel;
 - (b) dat die appèladministrateur 'n terreininspeksie doen om die appèlowerheid behoorlik van raad te bedien; of
 - (c) dat meer as een appèladministrateur die appèl verwerk weens die volume dokumente of die tegniese aard van die onderwerp daarvan.

25K. Aflewering van dokumente

'n Persoon kan dokumente ingevolge hierdie Regulasies aflewer—

- (a) deur 'n harde kopie per hand by die appèladministrateur af te lewer;
- (b) per geregistreerde pos;
- (c) per koerier; of
- (c) per elektroniese pos.

25L. Berekening van dae

- (1) Wanneer dae ingevolge hierdie Regulasies bereken moet word, moet die tydperk vanaf die begin van die dag wat op daardie bepaalde dag volg tot die einde van die laaste dag van die tydperk bereken word, maar as die laaste dag van die tydperk op 'n Saterdag, Sondag of openbare vakansiedag val, moet daardie tydperk verleng word tot aan die einde van die volgende dag, wat nie 'n Saterdag, Sondag of openbare vakansiedag is nie, en die tydperk tussen 15 Desember tot 5 Januarie moet van die berekening van dae uitgesluit word.
- (2) Waar 'n voorgeskrewe tydsbestek deur een of meer openbare vakansiedae geraak word, moet die tydsbestek verleng word met die getal openbare vakansiedae wat binne daardie tydsbestek val.

5. Kort titel en inwerkingtreding

Hierdie Regulasies heet die Nasionale Wet op Bosse Wysigingsregulasies, 2023, en tree in werking op die datum van publikasie in die Staatskoerant.



forestry, fisheries
and the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

AANHANGSEL A

GESKREWE KENNISGEWING VAN NIENAKOMING

(ingevolge regulasie 24A(1))

Verw:
Navrae:
Fisiese adres:
Tel:
E-pos:

www.environment.gov.za

[Naam van persoon aan wie 'n skriftelike kennisgewing uitgereik moet word]

[Adres]

[Kontakbesonderhede]

Geagte Meneer/Mevrou

SKRIFTELIKE KENNISGEWING INGEVOLGE REGULASIE 24A VIR OORTREDING VAN ARTIKEL 7(5) VAN DIE NASIONALE WET OP BOSSE, 1998 (WET NO. 84 VAN 1998), SOOS GEWYSIG TEN OPSIGTE VAN [VOEG ONTWETTIGE AKTIWITEIT WAARMEE BEGIN IS, IN] TE [VOEG BESKRYWING VAN EIENDOM/TERREIN, ERF/GEDEELTE/STRAATNOMMER EN NAAM IN] ONDER [VOEG MUNISIPALITEIT IN] ("DIE TERREIN").

1. **BESLUIT**

- 1.1. Ek, [voeg die beampte se naam in], in my hoedanigheid as Bosbeampte, Graad 2, ná oorweging van die aangeleentheid, is van mening dat u, [voeg persoon se naam/ maatskappynaam in], verteenwoordig deur [voeg naam van verteenwoordiger in] in u hoedanigheid as [voeg hoedanigheid in die maatskappy in], as die persoon wat wederregtelik met onwettige aktiwiteite op die Terrein begin het, versuim het om aan die wetsbepalings ten opsigte van die aktiwiteite wat op die Terrein begin is, te voldoen.
- 1.2. Dienooreenkomstig reik ek hierby aan u, [voeg persoon se naam/maatskappynaam in] verteenwoordig deur [voeg verteenwoordiger se naam in] as die persoon wat wederregtelik begin het met [lys aktiwiteite] op die

Terrein, 'n skriftelike kennisgewing ingevolge Regulasie 24A uit vir die oortreding van artikel 7(5) van die Nasionale Wet op Bosse, 1998 (Wet No. 84 van 1998), soos gewysig.

2. **INLEIDING**

2.1. Ek verwys na die volgende:

- 2.1.1. [Verwys na enige inspeksies wat gedoen is, die waarnemings wat gemaak is, die kennis van voorneme om 'n skriftelike kennisgewing uit te reik, enige vertoë van die beweerde oortreder ontvang en enige ander tersaaklike korrespondensie].

3. **BESONDERHEDE VAN AKTIWITEITE WAT 'N NIEVOLDOENING DAARSTEL**

3.1. **Artikelnommer**

Artikel 7(5) van die Nasionale Wet op Bosse, 1998 (Wet No. 84 van 1998), soos gewysig

3.2. **Wetsbepaling:**

- 3.2.1. Skriftelike kennisgewing ingevolge regulasie 24A vir oortreding van artikel 7(5) van die Nasionale Wet op Bosse, 1998 (Wet No. 84 van 1998), soos gewysig.

3.3. **Bevindinge/Terreinwaarnemings:**

- 3.4. Natuurlike Bostipe en Bosstatus, bv. wortelboombose is as 'n bedreigde ekosisteme geklassifiseer ingevolge die "National Environmental Management Biodiversity Act, 2004" (Wet No. 10 van 2004).

- 3.5. Geraamde gebied van natuurlike bos wat vernietig is, in vierkante meter of hektaar.

- 3.6. Geografiese Posisioneringstelsel (GPS) -koördinate van die geraakte gebied op 'n Google Earth- of ruimtelike kaart uitgebeeld.

- 3.7. Boomspeesies versteur, beskadig of vernietig (indien identifiseerbaar) of besit, ingesamel, verwyder, vervoer, uitgevoer, gekoop, verkoop, geskenk, of op enige ander wyse verkry of van die hand gesit, of enige bosprodukt wat aan 'n natuurlike bos ontleen is

4. **INSTRUKSIE OF STAPPE WAT GEDOEN MOET WORD**

Ingevolge hierdie skriftelike kennisgewing, vereis ek dat u die volgende doen:

- 4.1 [Dui stappe aan wat gedoen gaan word, voeg besonderhede in ten opsigte van die stappe wat gedoen moet word deur die persoon wat van nienakoming aangekla word en die tydperk waarin hierdie stappe gedoen moet word]

- 4.2 [Verbode gedrag: Lys enige handeling wat nie deur die persoon wat van nienakoming aangekla word, verrig mag word nie en die tydperk waarvoor die verbod van krag sal bly.]

5. PROSEDURELE REËLINGS

- 5.1. As u wil hê ek moet hierdie skriftelike kennisgewing verander of die tydperk verleng waarop dit van toepassing is, kan u versoë aan my as die Bosbeampte rig om dit te doen binne agt-en-veertig (48) uur vanaf ontvangs van die skriftelike kennisgewing, by die volgende adres: [voeg fisiese adres of e-posadres in]
- 5.2. U kan beswaar aanteken teen die skriftelike kennisgewing deur skriftelik versoë te rig aan die Minister van die Departement van Bosbou, Visserye en Omgewing binne 30 dae vanaf ontvangs van die skriftelike kennisgewing.
- 5.3. U kan ook versoë rig aan die Minister om die werking van die skriftelike kennisgewing op te skort hangende die afhandeling van die beswaar, by die volgende adres: Environment House, H/v Steve Biko (voorheen Beatrixstraat) en Soutpansbergweg, Steve Biko 473, Arkadië, Pretoria, 0083, Suid-Afrika.
- 5.4. Ongeag enige versoë wat u aan die Minister kan maak, moet u aan die skriftelike kennisgewing voldoen tensy die Minister instem om die werking van die skriftelike kennisgewing op te skort.

6. VERSUIM OM TE VOLDOEN

Wet / Artikelnummer	Misdryf en straf
<p>Artikel 7(5) gelees met artikel 62(1) van Nasionale Wet op Bosse, 1998 (Wet No. 84 van 1998).</p>	<p>Misdryf: Artikel 61. Enige persoon wat versuim om die stappe te doen wat hy of sy ingevolge artikels 4(8), 7(5), 8(3), 14(6) en 17(3) opdrag gegee is om te doen binne die tydperk of verlengde tydperk wat gestel is, is skuldig aan 'n kategorie 5-misdryf.</p> <p>Artikel 62(1) Enige persoon wat 'n verbod op sekere handeling rakende bome, inheemse plantegroei of enige ander bosprodukt in natuurlike bosse oortree in artikel 7(1) bedoel, is skuldig aan 'n kategorie 1-misdryf.</p> <p>Artikel 63(5) Enige persoon wat 'n voorwaarde in 'n lisensie, vrystelling, of enige ander magtiging ingevolge hierdie Wet oortree, ten opsigte van—</p> <p>(a) 'n beskermde gebied, 'n natuurlike bos, of beskermde bome, is skuldig aan 'n kategorie 2-misdryf.</p> <p>(b) enige ander bos, is skuldig aan 'n kategorie 3-misdryf.</p> <p>Straf:</p> <p>Artikel 58(1) - 'n Persoon wat aan 'n kategorie 1-misdryf bedoel in artikels 62 en 63 skuldig is, kan tot 'n boete of gevangenisstraf vir 'n tydperk van tot en met drie jaar, of met beide 'n boete en sodanige gevangenisstraf gevonnissen word.</p> <p>Artikel 58(2) - 'n Persoon wat aan 'n kategorie 2-misdryf bedoel in artikel 62, 63 en 64 skuldig is, kan by 'n eerste skuldigbevinding aan daardie misdryf met 'n boete of gevangenisstraf vir 'n tydperk van tot en met twee jaar gevonnissen word, of met beide 'n boete en sodanige gevangenisstraf.</p> <p>Artikel 58(3) - 'n Persoon wat aan 'n kategorie 3-misdryf in artikel 62 en 63 bedoel skuldig is, kan by eerste skuldigbevinding aan daardie misdryf met 'n boete of gevangenisstraf vir 'n tydperk van tot een jaar, of met beide 'n boete en sodanige gevangenisstraf gevonnissen word.</p> <p>Artikel 58(4) - 'n Persoon wat skuldig is aan 'n kategorie 4-misdryf bedoel in artikel 63 en 64, kan by 'n eerste skuldigbevinding aan daardie misdryf met 'n boete of 'n gemeenskapsdiens vir 'n tydperk</p>

	<p>van tot ses maande of met beide 'n boete en sodanige diens gevonniss word.</p> <p>Artikel 58(5) - 'n Persoon wat skuldig is aan 'n kategorie 2-, 3- of 4-misdryf kan gevonniss word op 'n tweede skuldigbevinding vir daardie misdryf asof hy of sy 'n kategorie 1-, 2 of 3-misdryf, onderskeidelik, gepleeg het.</p> <p>Artikel 58(6) - 'n Persoon wat skuldig is aan 'n kategorie 5-misdryf in artikel 61 bedoel, kan met 'n boete van hoogstens R10 miljoen of gevangenisstraf vir 'n tydperk van tot 10 jaar of met beide sodanige boete en gevangenisstraf gevonniss word.</p> <p>Artikel 58(8)(b) - 'n Hof wat enige persoon vonnis vir enige misdryf ingevolge hierdie Wet, kan 'n lisensie wat kragtens artikel 7, 15 of 23 aan die oortreder toegestaan is, opskort of intrek.</p>
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- 6.1 Ons wil dit duidelik stel dat die instruksies hierin vervat in die belang van volhoubare bosbestuur gemaak word en met die oog op 'n samewerkende oplossing van die kwessie. Die voorlegging van die aangevraagde inligting hierbo impliseer nie dat geen verdere aksie teen u gedoen sal word nie.
- 6.2 Indien enige lisensie uitgereik is, is die lisensie [voeg lisensienommer in] tot verdere kennisgewing teruggetrek weens die nievoldoening.
- 6.3 Indien enige aspek van hierdie skriftelike kennisgewing (nievoldoeningskennisgewing) nie vir u duidelik is nie, tree asseblief so gou as moontlik skriftelik in verbinding met die persoon vir navrae aangedui.

(Voeg Naam van Bosbeampte in)

Graad 2-bosbeampte

Datum:

Ontvangserkenning:

Ontvang deur Mnr/Mev _____ namens die maatskappy _____

Op hierdie _____ dag van _____, te _____

Handtekening _____



forestry, fisheries
and the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

AANHANGSEL B
KENNISGEWING VAN VOORNEME OM 'N SKRIFTELIKE KENNISGEWING UIT TE REIK
(ingevolge regulasie 24A(2)(a))

Verw:
Navrae:
Fisiese adres:
Tel:
E-pos:

www.environment.gov.za

[Naam van persoon aan wie 'n Kennisgewing van Voorneme uitgereik gaan word]

[Adres]

[Kontakbesonderhede]

Geagte Meneer/Mevrou

KENNISGEWING VAN VOORNEME (VOORVOLDOENING) OM 'N SKRIFTELIKE KENNISGEWING INGEVOLGE REGULASIE 24A UIT TE REIK VIR OORTREDING VAN DIE NASIONALE WET OP BOSSE, 1998 (WET NO. 84 VAN 1998), SOOS GEWYSIG TEN OPSIGTE VAN [VOEG ONWETTIGE AKTIWITEIT WAARMEE BEGIN IS, IN] TE [VOEG BESKRYWING VAN EIENDOM/TERREIN, ERF/GEDEELTE/STRAATNOMMER EN NAAM IN] ONDER [VOEG MUNISIPALITEIT IN] ("DIE TERREIN").

1. Ek, [voeg die beampte se naam in], in my hoedanigheid as 'n Bosbeampte, gee u hierby skriftelike kennisgewing van my voorneme om aan u, [voeg naam van natuurlike persoon/maatskappy verteenwoordig deur [voeg naam van verteenwoordiger in] in u hoedanigheid as [voeg hoedanigheid van verteenwoordiger in maatskappy in], as die persoon wat wederregtelik begin het met onwettige aktiwiteite by [voeg beskrywing van eiendom in] onder [voeg tersaaklike munisipaliteit in] 'n skriftelike kennisgewing uit te reik ingevolge artikel 7(5) van die Nasionale Wet op Bosse, 1998 (Wet No. 84 van 1998), soos gewysig en gelees met regulasie 24A van hierdie Regulasies.
2. Die skriftelike kennisgewing wat ek voornemens is om uit te reik, hou verband met u nievoldoening aan [dui tersaaklike wetgewing/ Regulasie aan].

3. Ek het redelike gronde om te glo dat u begin het, op of na [voeg datum in], met wederregtelike aktiwiteite ingevolge Regulasie 24A in stryd met [voeg tersaaklike artiëkl van die Wet in] sonder 'n lisensie vereis ingevolge [voeg tersaaklike artikel van die Wet in].
4. Ek het hierdie opinie op grond van die volgende bereik:
 - 4.1 [Verwys na enige korrespondensie tussen die oortreder en die Departement, inspeksies wat uitgevoer is, en die waarneming wat gemaak is, ruimtelike analise wat gedoen is, bv. lugfoto's, en enige ander tersaaklike korrespondensie].
 - 4.2 Lys die onwettige aktiwiteite wat op die terrein waargeneem is in verband met die Wet.

5. VOORGENOME INSTRUKSIES

- 5.1 Ooreenkomstig Regulasie 24A van die Regulasies gelees met die "Promotion of Administration of Justice Act, 2000" (Wet No. 3 van 2000), gee ek u hierby die geleentheid om skriftelike vertoë aan my te rig binne [voeg tydsbestek in] kalenderdae vanaf ontvangs van hierdie Kennisgewing, as u van mening is dat daar enige dwingende en weselike redes vir my is om nie my bevoegdhede ingevolge Regulasie 24A uit te oefen nie vir oortreding van [voeg tersaaklike artikel van die Wet in], om 'n skriftelike kennisgewing uit te reik wat sal vereis dat u, onder meer:
 - 5.2 [voeg spesifieke instruksies in wat in die skriftelike kennisgewing gegee sal word om die nievoldoening aan te spreek]

6. PROSEDURELE REËLINGS

- 6.1 As u wil hê ek moet hierdie kennisgewing van voorneme verander of die tydperk verleng waarop dit van toepassing is, kan u vertoë aan my as die Bosbeampte rig om dit te doen binne agt-en-veertig (48) uur vanaf ontvangs van die kennisgewing van voorneme, by die volgende adres: [voeg fisiese adres of e-posadres in].
- 6.2 U kan beswaar aanteken teen die kennisgewing van voorneme deur skriftelik vertoë te rig aan die Minister van die Departement van Bosbou, Visserye en Omgewing binne 30 dae vanaf ontvangs van die kennisgewing van voorneme.
- 6.3 U kan ook vertoë rig aan die Minister om die werking van die skriftelike kennisgewing op te skort hangende die afhandeling van die beswaar, by die volgende adres: Environment House, H/v Steve Biko (voorheen Beatrixstraat) en Soutpansbergweg, Steve Biko 473, Arkadië, Pretoria, 0083, Suid-Afrika.
- 6.4 Ongeag enige vertoë wat u aan die Minister kan maak, moet u aan die skriftelike kennisgewing voldoen tensy die Minister instem om die werking van die kennisgewing van voorneme op te skort.
- 6.5 Indien u versuim om aan hierdie skriftelike kennisgewing van voorneme te voldoen, met ander woorde deur nie skriftelike vertoë te rig nie, sal 'n skriftelike kennisgewing uitgereik word.
- 6.6 Versuim om aan 'n skriftelike kennisgewing te voldoen wanneer dit uitgereik is, stel 'n misdryf ingevolge die Nasionale Wet op Bosse, 1998 (Wet No. 84 van 1998), soos gewysig, daar.
- 6.7 Die Departement is geregtig om die vereiste stappe namens u te doen en om enige koste wat sodoende aangegaan word van u te eis.
- 6.8 Ons wil dit duidelik stel dat die instruksies hierin vervat in die belang van volhoubare bosbestuur en met die oog op 'n samewerkende oplossing van die kwessie gegee word. Afhangende van die uitslag van die vertoë in hierdie opsig gemaak, sal die Departement besluit hoe die aangeleentheid verder gevoer sal word. Die voorlegging van die aangevraagde inligting hierbo impliseer nie dat geen verdere aksie teen u gedoen sal word nie.
- 6.9 Indien u meer duidelikheid benodig oor enige aspek van heirdie kennisgewing van voorneme, tree asseblief so gou as moontlik skriftelik in verbinding met die persoon vir navrae aangedui.
- 6.10 U kan van die regsmiddele beoog in die "Promotion of Administrative Justice Act, 2000" (Wet No. 3 van 2000), gebruik maak indien u wil, met inagneming van die bogenoemde ongunstige bevinding oor u aangeleentheid.

Geteken op hede die ____ dag van _____ te _____

Naam van Bosbeampte

Handtekening

Ontvangserkenning:

Ontvang deur Mnr/Mev _____ namens die maatskappy _____

Op hierdie ____ dag van _____, te _____ Handtekening: _____



AANHANGSEL C
APPÈLVORM
(ingevolge regulasie 25C)

APPÈLVORM INGEVOLGE DIE NASIONALE WET OP BOSSE, 1998 (WET NO. 84 VAN 1998)

Environment House, H/v Steve Biko (voorheen Beatrixstraat) en Soutpansbergweg, Steve Biko 473, Arkadië, Pretoria, 0083, Suid-Afrika.

Navrae: Mnr. Avhashoni Renny Madula

Telefoon: 012 309 5710

E-pos: amadula@dfpe.gov.za

Webwerf: <http://www.dffe.gov.za>

Dien asseblief u voltooide appèlvorm en stawende dokumentasie in by:

Posadres:

Privaat Sak X447

Pretoria

0001

Suid-Afrika

Fisiese adres:

Die Minister van Boshou, Visserye, en die Omgewing

Departement van Bosbou, Visserye, en die Omgewing

Environment House,

H/v Steve Biko (voorheen Beatrixstraat) en Soutpansbergweg,

Steve Biko 473,

Arkadië,

Pretoria, 0083

Suid-Afrika

LET WEL:

- (1) Hierdie vorm moet slegs gebruik word as u 'n appèl ingevolge enige artikel van die Nasionale Wet op Bosse, 1998 (Wet No. 84 van 1998, soos gewysig), indien.
- (2) 'n Elektroniese weergawe van hierdie vorm kan verkry word op die Departementele webwerf by www.dffe.gov.za
- (3) Die voltooide appèlvorm moet gepos word of elektronies ingedien word by die bogenoemde pos-/fisiese/e-posadres.
- (4) Inligting wat aangevra word moet in die toegewysde spasies voorsien word. Indien die toegewysde spasie onvoldoende is, kan bykomende bladsye as 'n Aanhangsel aangeheg word.
- (5) Inligting moet so kort en bondig as moontlik wees.
- (6) Waar boksies voorsien word, moet die gepaste boksies afgemerk word.
- (7) Die appèl moet binne 20 (twintig) dae ná die beslissing deur die Departement toegestaan is en die aansoeker skriftelik van die Departement se besluit in kennis gestel is, aan die Minister voorgelê word.
- (8) 'n Afskrif van stawende dokumente (bv. verslae) moet by voorlegging by hierdie vorm aangeheg word.
- (9) Hierdie vorm moet deur die appellant of die appellant se behoorlik aangestelde verteenwoordiger onderteken word.

DEEL A1. APPELLANT SE BESONDERHEDE

Volle naam van Appellant:

.....

Maatskappynaam (indien van toepassing)..... van

Identiteitsdokumentnommer of paspoortnommer (Heg 'n gesertifiseerde afskrif aan).

.....

Fisiese Adres		Posadres	
	Poskode		
Telno. (werk)		Telno. (huis)	
Faksnommer:			
Selfoonnommer:			
E-posadres:			

DEEL A2. BEHOORLIK GEMAGTIGDE VERTEENWOORDIGER SE BESONDERHEDE (indien van

Naam van persoon wat die appellant verteenwoordig (indien van toepassing)

.....

Identiteitsdokumentnommer of paspoortnommer (Heg 'n gesertifiseerde afskrif aan).

.....

Fisiese Adres		Posadres Adres	
	Poskode		
Telno. (werk)		Telno. (huis)	
Faksnommer:			
Selfoonnommer:			
E-posadres:			

DEEL B. INLIGTING OOR DIE BESLISSING WAARTEEN APPÈL AANGETEKEN WORD

1. Projeknaam (waar van toepassing):

2. Beskrywing van eiendom (Straatnaam, ERF-nommer, PTN-nommer, plaasnommer, Voorstad/Dorp, Plaaslike Munisipaliteit, Distriksmunisipaliteit, Provinsie):

3. Kort beskrywing van die aktiwiteit:

4. Departement se beslissing oor die bogenoemde projek:

5. Lisensienommer (waar van toepassing):

6. Is u in kennis gestel van die Departement se beslissing? (Ja/Nee)

7. Indien ja, voorsien asseblief 'n datum van beslissing en bewys van korrespondensie:

DEEL C: KENNISGEWING VAN VOORNEME OM APPÈL AAN TE TEKEN

1. Het u die Departement in kennis gestel van die voorneme om appèl aan te teken teen die Departement se beslissing?

2. Indien ja, voorsien die datum waarop kennisgewing van voorneme ingedien is (heg 'n afskrif van die korrespondensie aan)

DEEL D: GRONDE VIR APPÈL

1. Voorsien 'n verklaring waarin die gronde vir u appèl uiteengesit word.

2. Bevat jou appèl enige nuwe inligting wat nie by die Departement ingedien is voor die Departement se besluit nie? (Ja/Nee).

3. Indien ja, voorsien asseblief die inligting, bv. hoekom is die inligting nie aan die Departement beskikbaar gestel voor die Departement se besluit nie en redes hoekom die Minister dit moet oorweeg.

4. Lys asseblief enige aanhangsels wat in jou appèldokument ingesluit is:
 - a. _____
 - b. _____
 - c. _____
 - d. _____
 - e. _____

Appellant se handtekening (Of behoorlik aangestelde
verteenwoordiger)

Datum

VIR AMPTELIKE GEBRUIK:

Appèl ontvang deur: _____

Datum: _____

Aanhegsels ingesluit: JA NEE Afskrifte van kennisgewings aangeheg: JA NEE

Verwysingsno: _____

Handtekening

Kantoor van die Minister

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