

(11 April 2008 - to date)

NATIONAL FORESTS ACT 84 OF 1998

(Gazette No. 19408, Notice No. 1388 dated 30 October 1998)

EXEMPTION IN TERMS OF SECTION 24(6) OF THE NATIONAL FORESTS ACT (ACT NO.84 OF 1998), AS AMENDED

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2008.*

By virtue of the powers vested in me by section 24(6) of the National Forests Act, 1998, I, Lindiwe Benedicta Hendricks, Minister of Water Affairs and Forestry, hereby exempt members of communities -:

- (a) who live within a close proximity of a state forests and whose livelihoods depend on the forests, and
- (b) which have not entered into a community forestry agreement in terms of section 29,

from the requirements to obtain a license in terms of sections 23(1)(c) (d) and (f) of the Act. The notice does not exclude the forest officers in charge of managing State forests from using discretion within the spirit of the National Forests Act and principles of sustainable forest management.

SCHEDULE A

THE EXEMPTION IS GRANTED UPON THE FOLLOWING CONDITIONS

- a) The close proximity of a State forest is within 10 kilometers radius or as may be determined by the forest officer in consideration of various factors such as the historical and geographical factors.
- b) The persons referred to may collect and remove forest produce for household purposes only and may not sell or in any way deal in it for economic reasons or for purposes of gain
- c) No live wood or branch may be collected, cut or removed
- d) Medicinal plants and bark must be collected under supervision and the forest officer in charge should be informed prior to the harvesting to advise on the sustainable harvesting methods to be used.
- e) Only such forest produced as is customarily used for domestic, cultural, health or spiritual purposes may be collected and removed

- f) Forest produce can be collected for social gatherings, however, this depends on the availability of the resource, sustainability of yield and prior approval of any state forest regulating authority or forest officer in charge
- g) Only such quantity of forest produce as determined by the implementing or regulating authority from time to time or stipulated in any form of agreement may be collected
- h) Forest produce may not be collected or removed by means of any form of transport in sensitive environments or in areas where the intended mode of transport will have a significant impact on the forest
- i) No forest produce may be collected or removed from a protected area declared in terms of section 8 of the Act without authorization, subject to any form of harvesting agreement for the forest area.
- j) No forest produce may be collected from a controlled forest area declared in terms of section 17(2), a tree, group of trees or woodlands protected under section 14 of the Act: the emergency protection.
- k) Forest produce may only be collected or removed from a State forest during the time period agreed with the communities, and this may vary from one forest area to another and may be changed from time to time. Approval is required to collect forest produce during the time period that falls outside the stipulated or agreed time periods
- l) Forest officer in charge may demarcate areas where forest produce can be collected during a stipulated time period. The demarcated area include areas where forest produce such as firewood is dumped for collection following the harvesting from the entire State forest
- m) No forest produce may be collected by the same person or a member of his or her household without permission from the forest officer in charge
- n) No hunting of any animal may be done in a State forest

SCHEDULE B

FOR THE PURPOSE OF ENSURING SUSTAINABLE FOREST MANAGEMENT AND UTILISATION, THE FOREST OFFICER IN CHARGE MAY:-

- a) Limit or control the number of people allowed in a State forest at any one time
- b) Impose reasonable restrictions to prevent fires or harm to persons or property

- c) If a State forest is a plantation, impose such restrictions as to ensure that its economic purpose is not defeated
- d) Examine forest produce collected or removed by any person from a State forest
- e) Limit or control the quantity of forest produce that may be collected and removed by any person on any one day
- f) Limit or control the collection and removal of forest produce derived from any species in consideration of the sustainable forest management principles and practices
- g) Identify places at which or periods during which no collection and removal of forest produce may take place
- h) Seek the assistance of the community or participatory forest management committees in performing his or her task and this include referring matters to the committees and communities for advise or and inputs prior to decision making
- i) The forest officer in charge may request the removal of other forest produce to be conducted under supervision and can request a member of the relevant exiting committee in the area to oversee the removal of forest produce.
- j) May assist the participatory forest management committees to perform their duties and tasks effectively

MRS L B HENDRICKS, MP

MINISTER OF WATER AFFAIRS AND FORESTRY