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VAN DIE REPUBLIEK VAN SUID-AFRIKA  
REPUBLIC OF SOUTH AFRICA  
**GOVERNMENT GAZETTE**

REGULASIEKOERANT No. 3707

REGULATION GAZETTE No. 3707

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**PROCLAMATION***by the**State President of the Republic of South Africa***No. R. 74, 1984****CONSERVATION OF THE AGRICULTURAL RESOURCES  
ACT, 1983 (ACT 43 OF 1983)****COMMENCEMENT**

Under the powers vested in me by section 31 of the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983), I hereby determine that the said Act shall come into operation on 1 June 1984.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Fifth day of April, One thousand Nine hundred and Eighty-four.

M. VILJOEN, State President.

By Order of the State President-in-Council:

J.J.G. WENTZEL.

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**GOVERNMENT NOTICES**

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**DEPARTMENT OF AGRICULTURE**

**No. R. 1048**

**25 May 1984**

**CONSERVATION OF THE AGRICULTURAL RESOURCES ACT,  
1983 (ACT 43 OF 1983)**

**REGULATIONS**

The Deputy Minister of Agriculture, acting on behalf of the Minister of Agriculture, has under section 29 of the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983), made the regulations in the Schedule.

**SCHEDULE**

**SUBDIVISION OF REGULATIONS**

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**Definitions**

1. Any word or expression in these regulations to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates -

**excessive soil loss** means the loss of soil through erosion that in the opinion of the executive officer exceeds the norm which he deems tolerable in a given situation with due regard to the relevant natural factors and farming practices;

**extension office** means an office of the department established with a view to the rendering of agricultural extension services;

**farm unit** means one or more pieces of land, each of which is registered separately in a deeds office, and which is farmed as a single unit;

**flood area** in relation to a water course, means the area which in the opinion of the executive officer is flooded by the flood water of that water course during a 1-in-10 years flood;

**run-off water** means excess surface water resulting from rain;

**secretary** in relation to a conservation committee, means a person appointed in terms of section 15 (10) of the Act to act as secretary for that conservation committee;

**slope** in relation to a specified portion of land on a farm unit, means the vertical difference in height between the highest and the lowest points of that portion of land, expressed as a percentage of the horizontal distance between those two points;

**the Act** means the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983);

**veld** means land which is not being or has not been cultivated and on which indigenous vegetation, or other vegetation which in the opinion of the executive officer is or can be utilised as grazing for animals, occurs; and

**waterway** means an artificial flow path constructed on land in order to carry away run-off water without causing excessive soil loss.

## **PART I CONTROL MEASURES**

### **Cultivation of virgin soil**

- 2.(1) Except on authority of a written permission by the executive officer, no land user shall cultivate any virgin soil: Provided that such authority shall not be required in respect of virgin land for which an approval has been granted in terms of section 4A of the Forest Act, 1972 (Act 68 of 1972).
- (2) An application for a permission referred to in subregulation (1) shall be made on a form obtainable from an extension office for this purpose.
- (3) Such application form shall be completed by the land user of the farm unit on which such virgin soil is situated and shall be lodged at the extension office for the area within which the farm unit concerned is situated at least three months prior to the intended date of cultivation.
- (4) An officer may, for the purposes of an investigation deemed necessary to consider such application, direct a land user to dig such soil profile pits as such officer may determine and to take such other steps as that officer may determine.

### **Cultivation of land with a slope**

- 3.(1) Except on authority of a written permission by the executive officer, no land user shall cultivate any land if it -
  - (a) has a slope of more than 20 per cent; or
  - (b) has a slope of more than 12 per cent, is situated in an area specified in column 1 of Table 1, consists mainly of soil of a soil form and soil series respectively specified in columns 2 and 3 of the said Table opposite the area concerned and, if applicable, has such physical properties as may be specified in column 4 of the said Table opposite the soil series concerned.

- (2) The prohibition contained in subregulation (1) (a) shall not apply in respect of land which is under cultivation on the date of commencement of these regulations, provided it is already protected effectively in terms of regulation 4 against excessive soil loss due to erosion through the action of water.
- (3) The provisions of regulations 2 (2), (3) and (4) shall apply mutatis mutandis with regard to an application for a permission referred to in subregulation (1).

#### **Protection of cultivated land against erosion through the action of water**

- 4.(1) Every land user shall by means of as many of the following measures as are necessary in his situation, protect the cultivated land on his farm unit effectively against excessive soil loss as a result of erosion through the action of water:
  - (a) A suitable soil conservation work shall be constructed and thereafter be maintained in order to divert run-off water from other land or to restrict the run-off speed of run-off water.
  - (b) The land concerned shall be cultivated in accordance with such method or be laid out in such a manner that the run-off speed of run-off water is restricted.
  - (c) The land concerned shall be utilised in accordance with a crop rotation system.
  - (d) Alternate strips on which a cover crop occurs shall be left undisturbed annually.
  - (e) Crop residues and other plant material shall be left on the land concerned, or shall be utilised as grazing or otherwise be removed only to such an extent that the remaining portion thereof will be sufficient to form a mulch.
  - (f) A suitable grazing crop shall be established on the land concerned, whereafter it shall be permanently withdrawn from cultivation.
- (2) If the executive officer is satisfied that the measures applied by a land user in a particular case in terms of subregulation (1) are not sufficient to protect cultivated land effectively against excessive soil loss as a result of erosion through the action of water, he may direct such land user in writing to apply such additional measures as the executive officer may determine.

#### **Protection of cultivated land against erosion through the action of wind**

- 5.(1) Every land user shall by means of as many of the following measures as are necessary in his situation, protect the cultivated land on his farm unit effectively against excessive soil loss as a result of erosion through the action of wind:
  - (a) The land concerned shall be cultivated in accordance with such method or be laid out in such manner that the surface movement of soil particles through the action of wind is restricted.
  - (b) Strips of natural vegetation shall be left at right angles to the prevailing wind direction, a suitable wind break shall be constructed or suitable vegetation shall be established to serve as a wind break.
  - (c) The land concerned shall be utilised in accordance with a crop rotation system.

- (d) Alternate strips on which a cover crop occurs shall be left undisturbed annually.
- (e) The land concerned shall not be left fallow.
- (f) The cultivation and grazing of the land concerned during periods of high winds shall be avoided.
- (g) The establishing of crops of which the harvesting causes the disturbance of the topsoil shall be avoided.
- (h) Crop residues and other plant material shall be left on the land concerned, or shall be utilised as grazing or otherwise be removed only to such extent that the remaining portions thereof will be sufficient to form a mulch.
- (i) A suitable grazing crop shall be established on the land concerned, whereafter it shall be permanently withdrawn from cultivation.
- (j) A suitable soil conservation work shall be constructed and thereafter be maintained in order to restrict the surface movement of soil particles through the action of wind.
- (2) If the executive officer is satisfied that the measures applied by a land user in a particular case in terms of subregulation (1) are not sufficient to protect cultivated land effectively against soil loss as a result of erosion through the action of wind, he may direct such land user in writing to apply such additional measures as the executive officer may determine.

### **Prevention of waterlogging and salination of irrigated land**

- 6.(1) Every land user shall by means of as many of the following measures as are necessary in his situation, protect the irrigated land on his farm unit effectively against waterlogging and salination:
  - (a) Feeder channels, irrigation furrows and storage and catchment dams for irrigation water shall be made impermeable.
  - (b) The land concerned shall not be irrigated excessively or with water with too high a salt content.
  - (c) A suitable soil conservation work shall be constructed and thereafter be maintained in order to draw off excess surface and subterranean water and to dispose thereof safely to prevent the waterlogging and salination of lower lying land.
  - (d) Fertilizer which could contribute towards salination shall not be applied.
  - (e) If the land concerned shows signs of salination, a suitable soil ameliorant shall be applied in order to improve the production potential of that land.
- (2) If the executive officer is satisfied that the measures applied by a land user in a particular case in terms of subregulation (1) are not sufficient to protect irrigated land effectively against waterlogging or salination, he may direct such land user in writing to apply such addition measures as the executive officer may determine.

**Utilisation and protection of vleis, marshes, water sponges and water courses**

- 7.(1) Subject to the provisions of the Water Act, 1956 (Act 54 of 1956), and subregulation (2) of this regulation, no land user shall utilise the vegetation in a vlei, marsh or water sponge or within the flood area of a water course or within 10 metres horizontally outside flood area in a manner that causes or may cause the deterioration of or damage to the natural agricultural resources.
- (2) Every land user shall remove the vegetation in a water course on his farm unit to such an extent that it will not constitute an obstruction during a flood that could cause excessive soil loss as a result of erosion through the action of water.
- (3) Except on authority of a written permission by the executive officer, no land user shall-
  - (a) drain or cultivate any vlei, marsh or water sponge or a portion thereof on his farm unit; or
  - (b) cultivate any land on his farm unit within the flood area of a water course or within 10 metres horizontally outside the flood area of a water course.
- (4) The prohibition contained in subregulation (3) shall not apply in respect of-
  - (a) a vlei, marsh or water sponge or a portion thereof that has already been drained or is under cultivation on the date of commencement of these regulations provided it is not done at the expense of the conservation of the natural agricultural resources; and
  - (b) Land within the flood area of a water course or within 10 metres horizontally outside the flood area of a water course that is under cultivation on the date of commencement of these regulations, provided it is already protected effectively in terms of regulation 4 against excessive soil loss due to erosion through the action of water.
- (5) The provisions of regulation 2 (2), (3) and (4) shall apply mutatis mutandis with regard to an application for a permission referred to in subregulation (3).

**Regulating of the flow pattern of run-off water**

- 8.(1) Subject to the provisions of the Water Act, 1956 (Act 54 of 1956), no land user shall in any manner whatsoever divert any run-off water from a water course on his farm unit to any other water course, except on authority of a written permission by the executive officer.
- (2) The provisions of subregulation (1) shall not apply in respect of run-off water that is diverted from one water course to another in terms of the provisions of a water run-off control plan approved by the department.
- (3) The provisions of regulation 2 (2) and (3) shall apply mutatis mutandis with regard to an application for a permission referred to in subregulation (1).
- (4) No land user shall effect an obstruction that will disturb the natural flow pattern of run-off water on his farm unit or permit the creation of such obstruction unless the provision for the collection, passing through and flowing away of run-off water through, around or along that obstruction is sufficient to ensure that it will not be a cause for excessive soil loss due to erosion through the action of water or the deterioration of the natural agricultural resources.

- (5) No land user shall remove or alter an obstruction in the natural flow pattern of run-off water on his farm unit if such removal or alternation will result in excessive soil loss due to erosion through the action of water or the deterioration of the natural agricultural resources.

### **Utilisation and protection of veld**

- 9.(1) Every land user shall by means of as many of the following measures as are necessary in his situation, protect the veld on his farm unit effectively against deterioration and destruction:
- (a) The veld concerned shall be utilised in alternating grazing and rest periods with due regard to the physiological requirements of the vegetation thereon.
  - (b) Animals of different kinds shall be kept on the veld concerned.
  - (c) The number of animals kept on the veld concerned shall be restricted to not more than the number of large stock units that may be kept thereon in terms of regulation 11.
  - (d) A suitable soil conservation work shall be constructed and thereafter be maintained in order to-
    - (i) utilise the veld concerned in alternating grazing and rest periods;
    - (ii) protect the veld concerned against excessive soil loss as a result of erosion through the action of water or wind; or
    - (iii) collect sediment from run-off water.
  - (e) If the veld concerned shows signs of deterioration-
    - (i) the number of animals kept thereon shall be suitably reduced.
    - (ii) the portions showing signs of deterioration shall be withdrawn from grazing until they have recovered sufficiently; or
    - (iii) a suitable grazing crop shall be established thereon in addition to the existing vegetation.
  - (f) In the case of veld that is subject to erosion through the action of wind-
    - (i) a suitable wind break shall be constructed or suitable vegetation shall be established to serve as a wind break; or
    - (ii) the denuded portions shall be covered with branches, hay, straw, crop residues or any other suitable material.
- (2) If the executive officer is satisfied that the measures applied by a land user in a particular case in terms of subregulation (1) are not sufficient to protect veld effectively against deterioration or destruction, he may direct such land user in writing to apply such additional measures as the executive officer may determine.

### **Grazing capacity of veld**

- 10.(1) The grazing capacity of veld, expressed as a specified number of hectares per large stock unit, shall be as indicated on a topocadastral map that is kept at the office of the executive officer for this purpose.

- (2) Copies of such a topocadastral map or of the relevant portions thereof shall be available for inspection at-
  - (a) the office of the executive officer;
  - (b) each extension office;
  - (c) the office of each regional director; and
  - (d) such other office as the executive officer may determine.
- (3) Notwithstanding the provisions of subregulation (1), the executive officer may, if he is satisfied that the actual grazing capacity of the veld of a farm unit differs appreciably from that specified on the topocadastral map referred to in subregulation (1), determine another grazing capacity that shall apply in respect of the veld of that farm unit.
- (4) When a determination is made in terms of subregulation (3) the land user concerned shall be notified thereof in the manner referred to in regulation 17.

#### **Number of animals that may be kept on veld**

- 11.(1) Every land user shall restrict the number of animals, expressed as large stock units, kept on the veld of his farm unit to not more than the number that is obtained by dividing the area of the veld of the farm unit concerned, expressed in hectares, by the applicable grazing capacity referred to in regulation 10, in respect of that farm unit: Provided that such number may on occasion be exceeded on condition that the veld shall under all circumstances effectively be protected against deterioration and destruction.
- (2) For the purposes of subregulation (1) one animal of a kind specified in column 1 of Table 2, which is of the sex and in the phase of production specified in column 2 of the said Table opposite thereto, shall be deemed to be equal to the number of large stock units specified in column 3 of the said Table opposite thereto.

#### **Prevention and control of veld fires**

- 12.(1) Except on authority of a written permission by the executive officer, no land user shall-
  - (a) burn any veld on his farm unit; and
  - (b) utilise as grazing any veld on his farm unit that has burned.
- (2) The provisions of regulation 2 (2) and (3) shall apply mutatis mutandis with regard to an application for a permission referred to in subregulation (1): Provided that-
  - (a) such application shall be submitted at least 30 days prior to the intended date of burning or grazing, as the case may be; and
  - (b) a permission referred to in subregulation (1) (a)-
    - (i) shall not be issued unless the executive officer is satisfied that the burning of veld is an accepted veld management practice in the area within which the farm unit concerned is situated, or that exceptional circumstances prevail on the farm unit concerned;

- (ii) shall be issued only if the veld concerned is to be burned during periods of which particulars are available at the extension office concerned; and
- (iii) shall be issued to the provisions of the Forest Act, 1968 (Act 72 of 1968).

### **Restoration and reclamation of eroded land**

- 13.(1) Every land user shall by means of as many of the measures set out in regulations 4, 5 and 9 as are necessary in his situation, effectively restore or reclaim the land on his farm unit on which excessive soil loss due to erosion occurs or has occurred.
- (2) If the executive officer is satisfied that the measures applied by a land user in a particular case in terms of subregulation (1) are not sufficient to restore or reclaim land on which excessive soil loss due to erosion occurs or has occurred, he may direct such land user in writing to apply such additional measures as the executive officer may determine.

### **Restoration and reclamation of disturbed or denuded land**

- 14.(1) If a land user disturbs or denudes any land on his farm unit for purposes other than prospecting or mining activities-
- (a) such disturbance or denuding shall be done systematically from a specified point;
  - (b) the area of land that is left unprotected prior to the commencement of the restoration or reclamation thereof as contemplated in paragraph (c), shall not at any time exceed one hectare or such larger area as the executive officer may approve on application; and
  - (c) such land user shall by means of as many of the following measures as are necessary in his situation, effectively restore and reclaim that disturbed or denuded land;
    - (i) Topsoil shall be removed and kept separate with a view to replacing it later on the disturbed or denuded land.
    - (ii) Topsoil shall be used to stabilise the sides of a hollow that has been caused by the exploitation or removal of material and, where possible, to reclaim part of the disturbed or denuded land.
    - (iii) Excavations shall be removed so far from boundary fences that the sides thereof can be finished and stabilised without encroaching upon adjoining land.
    - (iv) The flow pattern of run-off water, the topography and the slope shall, depending on the volume of material exploited or removed, be restored as closely as possible to the original condition.
    - (v) Suitable vegetation shall be established on the land concerned in order to expedite the restoration and reclamation thereof.
    - (vi) The land concerned shall be fenced off and withdrawn from grazing until such time as vegetation has been sufficiently restored or established.
    - (vii) A suitable soil conservation work shall be constructed and thereafter be maintained in order to protect the land concerned against excessive soil loss through the action of water or wind or in order to collect sediment from run-off water.
- (2) If the executive officer is satisfied that the measures applied by a land user in a particular case in terms of subregulation (1) are not sufficient to restore or reclaim disturbed or denuded land effectively, he may direct such land user in writing to apply such additional measures as the executive officer may determine.

**PART II**  
**WEEDS AND INVADER PLANTS**

**Declared weeds and invader plants**

- 15.(1) Plants of the kinds specified in column 1 of Table 3 are hereby declared weeds throughout the Republic.
- (2) Plants of the kinds specified in column 1 of Table 4 are hereby declared invader plants in the areas specified in column 2 of the said Table opposite the names of the respective kinds of plants.

**Control of weeds and invader plants**

- 16.(1) If weeds of a kind specified in column 1 of Table 3 occur on any farm unit in an area specified in column 2 of the said Table opposite the kind of weed concerned, the land user of the farm unit concerned shall by means of as many of the following measures as are necessary in his situation, control those weeds effectively:
- (a) The weeds concerned shall be uprooted, felled or cut off and shall be destroyed by burning or by another suitable method.
- (b) The weeds concerned shall be treated with a weed killer that is registered for use in connection therewith, in accordance with the directions for use of such weed killer.
- (c) Any other recognised method of treatment that has as its object the destruction of the weeds concerned shall be applied with regard thereto.
- (d) The measures referred to in paragraphs (a), (b) and (c) shall be applied with regard to the seed, seedlings or regrowth of the weeds concerned in order to prevent them from running to seed or otherwise propagating vegetatively.
- (2) No weeds of a kind specified in column 1 of Table 3 shall occur on -
- (a) Land within an urban area; or
- (b) any farm unit in the area specified in column 3 of the said Table opposite the weeds concerned:

Provided that if such weeds should appear or occur on such land or farm unit, the land user of that land or farm unit shall eradicate those weeds by means of as many of the measures set out in subregulation (1) as are necessary in his situation.

- (3) If invader plants of a kind specified in column 1 of Table 4 occur on a farm unit in the area specified in column 2 of the said Table opposite the kind of invader plant concerned to such extent that they are or could be to the detriment of the production potential of the natural agricultural resources, the land user of the farm unit concerned shall by means of a many of the measures set out in subregulation (1) as are necessary in his situation, control those invader plants effectively.
- (4) If the executive officer is satisfied that the measures applied by a land user in a particular case in terms of subregulations (1), (2) or (3) are not sufficient to control or eradicate weeds

or invader plants effectively, he may direct such land user in writing to apply such additional measures as the executive officer may determine.

- (5) For the purposes of this regulation "control" shall mean the combating of weeds and invader plants to such an extent that the accretion thereof will not be at the expense of the production potential of the natural agricultural resources and, in the case of weeds, that they are not spread in contravention of the provisions of section 5 (1) (b) of the Act.

### **PART III DIRECTIONS**

#### **Manner of serving**

17.(1) A direction contained in a written notice shall be served on a land user by -

- (a) forwarding it by registered post to the land user;
  - (b) delivering it to the land user personally or to his authorised representative;
  - (c) delivering it on the land specified in the direction concerned or at the residence or place of business of the land user to some person who is apparently not younger than 16 years of age and apparently resides or is employed there; or
  - (d) delivering it, in the case of a land user who is a juristic person, to the registered office of that juristic person.
- (2) When a direction is served in terms of subregulation (1) (a), the executive officer shall-
- (a) place the direction in an envelope addressed to the land user concerned at his last known postal address and forward it by pre-paid registered post; and
  - (b) at the time of registration thereof make application to be provided with an acknowledgement by the addressee of the receipt thereof as provided in regulation 44 (5) of the Post Regulations published under Government Notice R550 of 14 April 1960: Provided that -
    - (i) a receipt form completed as provided in regulation 44(8) of the said regulations shall be sufficient acknowledgement of receipt for the purposes hereof; and
    - (ii) if no such acknowledgement is received, this fact shall be recorded by the executive officer on a copy of the direction.
- (3) When a direction has been served in terms of subregulation (1) (b), (c) or (d), the person by whom it was delivered shall immediately after delivery thereof, make an entry on a copy of that direction to indicate the manner in which, the person to whom, the place at which and the date on and approximate time at which the direction concerned was thus delivered.
- (4) The entries referred to in subregulation (3) shall immediately after being made, be signed by the person by whom the direction was delivered.

#### **Evidence of serving of directions**

- 18.(1) If a direction has been served in terms of regulation 17 (1) (a), the executive officer shall obtain and preserve the following documents as evidence of the serving thereof:
- (a) The certificate of posting for the registered letter concerned that was issued by the post office at which such letter was registered.
  - (b) The acknowledgement of receipt or receipt form referred to in regulation 17 (2) (b), of the registered letter concerned.
- (2) If a direction has been served in terms of regulation 17 (1) (b), (c) or (d), the executive officer shall obtain the copy of the direction concerned on which the entries and signature respectively referred to in regulation 17 (3) and (4) appear, from the person by whom that direction was served, and preserve it as evidence of the serving thereof.

#### **PART IV CONSERVATION COMMITTEES**

##### **Inaugural meeting**

- 19.(1) The Inaugural meeting of a newly-established conservation committee shall be held as soon as possible after the appointment of the members, at a time and place determined by the regional director of the region within which the area for which the conservation committee concerned has been established, is situated.
- (2) The regional director concerned shall at least 14 days in advance notify the members of such conservation committee in writing of the date, time and place of such inaugural meeting.
  - (3) The regional director concerned or an officer designated by him shall preside at the inaugural meeting of such conservation committee until such time as a chairman has been elected in terms of section 15 (5) (b) of the Act.

##### **Calling of meetings**

- 20.(1) The ordinary meetings of a conservation committee shall be held as often and at such times and places as the conservation committee concerned may from time to time determine.
- (2) Notwithstanding the provisions of subregulation (1), the chairman of a conservation committee may at his discretion call a special meeting of such conservation committee at such time and place as he may determine, with a view to dealing with special or urgent matters, and he shall call a special meeting-
    - (a) at the request of at least one third of the members of the conservation committee concerned; or
    - (b) when thus requested to do so in writing by the regional director concerned.
  - (3) The secretary of a conservation committee shall at least seven days in advance notify each member of such conservation committee and the officer in charge of the extension office for the area for which such conservation committee has been established of the date, time and place of each meeting thereof.

**Quorum for meetings**

21. Two or more members of a conservation committee who are present at a meeting thereof shall constitute a quorum for that meeting.

**Chairman at meetings**

- 22.(1) The chairman of a conservation committee shall preside at all meetings thereof at which he is present.
- (2) If the chairman of a conservation committee is unable to attend a meeting or part of a meeting or to preside thereat, the members present shall elect amongst themselves a person to preside for the period during which the chairman is absent or unable to preside.
- (3) A person who has been elected in terms of subregulation (2) may for the duration of the period during which he presides, exercise all the powers and perform all the functions of the chairman.

**Reconsideration of certain resolutions**

23. Any resolution of a conservation committee that is taken at a meeting at which a minority of the members are present shall be reconsidered during the first ensuing meeting at which a majority of the members are present: Provided that a resolution that has already been implemented shall not be revoked as a result of such reconsideration.

**Attendance of meetings**

- 24.(1) A conservation committee may grant any of its members leave of absence from any of its members or from consecutive meetings for a continuous period not exceeding six months.
- (2) When a member of a conservation committee is or expects to be prevented from attending a meeting of which he has been notified as contemplated in regulation 20 (3), he shall as soon as possible notify the chairman or the secretary of that conservation committee of the circumstances that are preventing him or that he expects to or will prevent him from attending such meeting.
- (3) The chairman of a conservation committee shall submit the reasons for the absence of a member from a particular meeting to the conservation committee concerned, and the decision regarding leave of absence for the member concerned shall be recorded in the minutes of that meeting.
- (4) When a conservation committee considers a matter during a meeting that affects a member personally, the member concerned shall withdraw from the meeting while the matter concerned is being considered.
- (5) The regional director of the region within which the area for which a conservation committee has been established is situated and an officer designated by him may attend any meeting of such conservation committee and participate in the discussions, but shall not be entitled to vote.

**Minutes of meetings**

- 25.(1) The secretary of a conservation committee shall keep minutes of every meeting.
- (2) The minutes thus kept shall be dealt with during the first ensuing meeting of the conservation committee concerned and, if declared to be in order, shall be confirmed by the signature of the person presiding at that meeting.
- (3) The secretary of a conservation committee shall furnish a copy of the minutes of each meeting to the officer in charge of the extension office for the area for which that conservation committee was established within 30 days of the date on which that meeting was held.

**Disposal of documents**

- 26.(1) The secretary of a conservation committee shall keep all documents received by that conservation committee in the course of the management of its affairs and copies of all documents created by that conservation committee, including minutes that have been confirmed, in a suitable filing system.
- (2) If the secretary of a conservation committee vacates his office, he shall-
- (a) hand all the documents referred to in subregulation (1) over to his successor or, if his successor has not yet been appointed, to the chairman of the conservation committee concerned within 30 days of the date on which he vacates his office; and
- (b) bring all the documents referred to in subregulation (1) that have not been attended to, to the attention of his successor or the chairman of the conservation committee concerned, as the case may be, when he thus hands over the documents concerned.
- (3) When the term of office of the members of a conservation committee expires before persons have been appointed members for an ensuing term, the secretary of the conservation committee concerned shall keep the documents referred to in subregulation (1) in his custody until such time as he -
- (a) is able to hand them over to his successor in terms of subregulation (2); or
- (b) has been directed by the regional director concerned to hand them over to an officer designated by such regional director.
- (4) The provisions of subregulation (2) (b) shall apply mutatis mutandis when the documents referred to in subregulation (1) are handed over to an officer in terms of subregulation (3) (b).

**PART V**  
**BEACONS AND MARKS**

**Demarcation of areas to which directions apply**

- 27.(1) Each corner point of an unfenced portion of a farm unit in respect of which a requirement is imposed in a direction shall be indicated by means of a beacon.

- (2) Such a beacon shall consist of -
  - (a) an iron standard;
  - (b) a treated wooden post;
  - (c) a post of natural hardwood with a diameter of at least 50 mm at the narrow end;
  - (d) a post of another durable material of suitable diameter;
  - (e) a post forming part of an existing, properly erected fence; or
  - (f) a tree, a rock which protrudes at least 1 000 mm above ground level or a permanent structure.
- (3) A standard or post referred to in subregulation (2) (a), (b), (c) and (d) shall be at least 1 370 mm long and be driven or planted solid into the ground so that approximately 900 mm thereof protrudes above ground level: Provided that -
  - (a) in the case of a corner point which falls on soft or sandy ground, a longer standard or post shall be used as such beacon to ensure the sturdiness thereof; and
  - (b) in the case of a corner point which falls on hard or rocky ground where the standard or post concerned cannot be driven or planted deep enough, a concrete base shall be placed around that standard or post to ensure the sturdiness thereof.
- (4) Approximately 150 mm of the top portion of a post referred to in subregulation (2) (e) shall be painted white or red with a durable paint.
- (5) A white or red mark of approximately 150 mm by 150 mm shall be painted with a durable paint approximately 900 mm above ground level on a tree, rock or permanent structure referred to in subregulation (2) (f).

#### **Indication of position of soil conservation works**

- 28.(1) A beacon that serves a permanent survey point or bench mark in the immediate vicinity of the proposed building site of a soil conservation work shall be an iron peg that -
  - (a) is approximately 12 mm in diameter and 400 mm long;
  - (b) is driven solidly into the ground so that approximately 50 mm thereof protrudes above ground level; and
  - (c) is placed in a position where it is out of reach of flood water and will not silt up.
- (2) The soil around an iron peg referred to in subregulation (1) shall be dug out to a depth of approximately 250 mm and over an area of approximately 300 mm by 300 mm, and the hole concerned shall thereafter be filled with concrete to such extent that approximately 12 mm of the iron peg concerned protrudes above the concrete.

- (3) The protruding surface of the concrete referred to in subregulation (2) shall be levelled away from the iron peg concerned, and the following particulars shall be imprinted on the levelled surface while the concrete is still wet:
- (a) The number of the survey point or bench mark concerned;
  - (b) a directional line with arrowhead pointing to the next permanent survey point or bench mark;
  - (c) a directional line without arrowhead pointing to the nearest temporary survey point referred to in subregulation (6); and
  - (d) the letters L/A.
- (4) A permanent witness beacon shall be placed approximately 2 metres away from each permanent survey point or bench mark referred to in subregulation (1).
- (5) A permanent witness beacon referred to in subregulation (4) shall be an iron standard -
- (a) that is approximately 1 370 mm long;
  - (b) with four alternating white and red bands, each approximately 150 mm wide, painted around the upper portion with a durable paint; and
  - (c) that is driven solidly into the ground so that approximately 900 mm thereof protrudes above ground level:
- Provided that the provisions of regulation 27 (3) (a) and (b) shall apply *mutatis mutandis* with regard to such permanent witness beacon erected on soft or sandy ground or hard or rocky ground, as the case may be.
- (6) A beacon that serves as a temporary survey point or bench mark for the proposal building site of a soil conservation work shall be an iron peg -
- (a) that, in case of a contour bank system, is approximately 5 mm in diameter and 300 mm long;
  - (b) that is otherwise approximately 12 mm in diameter and 400 mm long;
  - (c) that is driven solidly into the ground so that approximately 25 mm thereof protrudes above ground level; and
  - (d) to which a suitable aluminium tag is affixed on which the number of the survey point or bench mark concerned and the letters L/A appear.
- (7) If it is deemed necessary, a temporary witness beacon that complies with the requirements set out in subregulation (5) may be provided approximately 2 metres away from any temporary survey point or bench mark referred to in subregulation (6).
- (8) A beacon that is used as a survey point or bench mark in terms of this regulation shall be placed in such a position with regard to the soil conservation work for which it is used that it will not be damaged, destroyed, removed or shifted during the construction of the soil conservation work concerned.

## **PART VI APPEALS**

### **Submission of appeals**

- 29.(1) A person who wishes to appeal in terms of section 21 of the Act against a decision or action by the executive officer or any other officer shall lodge his appeal with the Director-General within 90 days of the date of the decision or action concerned.
- (2) Such an appeal shall be in the form of a written statement that has been confirmed under oath and shall specify -
- (a) the decision or action against which the appeal is being lodged; and
  - (b) the grounds on which the appeal is based.
- (3) Such an appeal shall be accompanied by an amount of R100.
- (4) If an appeal is lodged by a person who is not the land user of the land to which the decision or action concerned relates, the appeal shall be accompanied by a statement in which that person discloses his interest in that decision or action.
- (5) The amount referred to in subregulation (3) shall be paid by cheque, postal order or money order made out in favour of the Director-General: Agriculture: Provided that if the appeal concerned is delivered by hand, such amount may be paid in cash.

### **Hearing and questioning of appellants**

- 30.(1) A request, if any, in terms of section 21 (4) of the Act by an appellant to appear before an officer designated to report on an appeal in order to be heard and questioned shall accompany the appeal concerned.
- (2) An appellant shall be notified in writing of the date on which, the time at which and the place where an inquiry referred to in section 21 (3) of the Act is to be held.

### **Address for lodging of appeals**

31. An appeal lodged in terms of section 21 of the Act shall-
- (a) when forwarded by post, be addressed to the Director-General: Agriculture, Private Bag X250, Pretoria, 0001; and
  - (b) when delivered by hand, be delivered to the Director-General: Agriculture, Dirk Uys Building, Hamilton Street, Pretoria.

## PART VII GENERAL

### Address of executive officer

32. Any application, notice or document, as well as anything else pertaining thereto, which is required to be submitted to the executive officer in terms of the Act or these regulations shall-
- (a) when forwarded by post, be addressed to the Director, Directorate of Soil Protection, Private Bag X120, Pretoria, 0001; and
  - (b) when Directorate delivered by hand, be delivered to the Director, Directorate of Soil Protection, Agriculture Building, Beatrix Street, Pretoria.

### Commencement

33. These regulations shall come into operation on 1 June 1984.

**TABLE 1**  
**AREAS WITHIN WHICH THE CULTIVATION OF CERTAIN SOILS WITH SLOPES ARE RESTRICTED**  
[REG 31]

Area to which restriction applies	Soil to which restriction applies		
	Soil form	Soil series	Physical properties
1	2	3	4
1. The Magisterial District of Eshowe	Cartref	Cartref, Gorvedale, Kusasa and Waterridge	(i) Effective soil depth less than 500 mm; and (ii) clay content of A-horizon less than 15 %
	Estcourt	Uitvlugt	do.
	Fernwood	Fernwood and Sandveld	do.
	Glenrosa	Glenrosa and Williamson	do.
	Katspruit	Killarney	do.
	Kroonstad	Avoca, Katarra, Mkambati and Slangkop	do.
	Longlands	Waldene	do.
2. The Magisterial Districts of Alexandria, Albany, Bathurst and East London	Mispah	Mispah	do.
	Sterkspruit	Hartbees	do.
	Cartref	Amabele, Arrochor and Rutherglen	-
	Glenrosa	Williamson	Clay content of the A-horizon less than 20 %
	Hutton	Lowlands, Maitengwe, Mangano and Roodepoort	-
	Longlands	Orkney, Waaisand and Waldene	-
Mispah	Mispah and Muden	Effective soil depth less than 300 mm	
Swartland	Malakata, Reveille, Rosehill and Uitzicht	-	

**TABLE 2**  
**LARGE STOCK UNIT EQUIVALENT (LSU/ANIMAL) FOR GRAZING ANIMALS**  
 [REG 11 (2)]

Kind of animal	Sex and phase of production	Number of large stock units equal to one animal
1	2	3
Cattle	Calf, unweaned	0,5
	Young animal, unshed	0,75
	Female animal or ox, 2-tooth and older	1,10
	Bull, 2-tooth and older	1,50
Woolled sheep	Lamb unweaned	0,05
	Yound sheep, unshed	0,12
	Sheep, 2-tooth and older	0,14
	Ram, 2-tooth and older	0,19
Dual-purpose sheep	Lamb unweaned	0,08
	Yound sheep, unshed	0,15
	Sheep, 2-tooth and older	0,17
	Ram, 2-tooth and older	0,25
Mutton sheep	Lamb unweaned	0,05
	Yound sheep, unshed	0,13
	Sheep, 2-tooth and older	0,15
	Ram, 2-tooth and older	0,23
Karakul sheep	Lamb unweaned	0,05
	Yound sheep, unshed	0,13
	Sheep, 2-tooth and older	0,14
	Ram, 2-tooth and older	0,20
Boer goats	Lamb, unweaned	0,08
	Young goat, unshed	0,15
	Goat, 2-tooth and older	0,17
	Ram, 2-tooth and older	0,22
Angora goats	Lamb, unweaned	0,04
	Young goat, unshed	0,09
	Goat, 2-tooth and older	0,11
	Ram, 2-tooth and older	0,15
Shetland pony	Foal (unweaned)	0,15
	Young animal, unshed	0,30
	Animal with 2 permanent incisors and older	0,40
Larger ponies and donkeys	Foal (unweaned)	0,25
	Young animal, unshed	0,50
	Animal with 2 permanent incisors and older	0,65
Light horses and mules	Foal (unweaned)	0,30
	Young animal, unshed	0,60
	Animal with 2 permanent incisors and older	1,00
Medium draft horses	Foal (unweaned)	0,25
	Young animal, unshed	0,50
	Mare with 2 permanent incisors and older	1,20
	Stallion or gelding with 2 permanent incisors and older	1,30

Heavy draft horses	Foal (unweaned)	0,50
	Young animal, unshed	1,00
	Mare with 2 permanent incisors and older	1,50
	Stallion or gelding with 2 permanent incisors and older	1,60
Ostriches	Chick	0,12
	Young bird	0,26
	Mature bird	0,37
Elephant	Calf, unweaned	1,00
	Weaned and older	4,00
Giraffe	Calf, unweaned	0,75
	Weaned and older	1,50
Eland	Calf, unweaned	0,50
	Female animal, weaned and older	1,00
	Male animal, weaned and older	1,30
Buffalo	Calf, unweaned	0,50
	Female animal, weaned and older	1,00
	Male animal, weaned and older	1,20
Zebra	Foal, unweaned	0,50
	Weaned and older	0,70
Kudu	Calf, unweaned	0,20
	Female animal, weaned and older	0,40
	Male animal, weaned and older	0,50
Waterbuck	Lamb, unweaned	0,20
	Female animal, weaned and older	0,40
	Male animal, weaned and older	0,50
Blue Wildebeest	Female animal, weaned and older	0,40
	Male animal, weaned and older	0,50
Black Wildebeest	Calf, unweaned	0,15
	Female animal, weaned and older	0,30
	Male animal, weaned and older	0,34
Tsessebe	Calf, unweaned	0,15
	Female animal, weaned and older	0,30
	Male animal, weaned and older	0,33
Blesbuck	Lamb, unweaned	0,10
	Weaned and older	0,20
Warthog	Piglet, unweaned	0,07
	Female animal, weaned and older	0,20
	Male animal, weaned and older	0,25
Impala	Lamb, unweaned	0,07
	Female animal, weaned and older	0,14
	Male animal, weaned and older	0,16
Springbuck	Lamb, unweaned	0,04
	Weaned and older	0,10

**TABLE 3**  
**DECLARED WEEDS**  
[REG. 15(1), 16(1), 16(2)]

Kind of plant		Area within which weed has to be controlled on farm units	Area within which farm units have to be free of weeds
Botanical name	Common name		
1		2	3
<i>Albizia lophantha</i> (Willd.) Benth	Australian Albizia, stink bean	The Republic	-
<i>Alhagi camelorum</i> Fisch	Camel thorn	The Republic	-
<i>Caesalpinia decapetala</i> (Roth) Alston	Mauritius thorn	The Republic	Cape, OFS
<i>Cannabis sativa</i> L	Dagga, marijuana, hashish, Indian hemp	-	The Republic
<i>Cereus peruvianus</i> (L.) Mill	Queen of the Night, Peruvian apple cactus	The Republic	-
<i>Cestrum aurantiacum</i> Lindl.	Yellow cestrum	The Republic	-
<i>Cestrum laevigatum</i> Schlecht	Ink berry	The Republic	-
<i>Cestrum parqui</i> L'Herit	Chilian cestrum	The Republic	-
<i>Chromolaena odorata</i> (L.) King & Robinson	Triffid weed, paraffin weed	The Republic	Cape
<i>Cirsium vulgare</i> (Savi) Ten	Scotch thistle, spear thistle	-	-
<i>Cuscuta campestris</i> Yunck	Common dodder	-	-
<i>Datura ferox</i> L	Large thorn apple	-	-
<i>Datura stramonium</i> L	Common thorn apple	-	-
<i>Elodea</i> spp. and other plants of the family Hydrocharitaceae	Water pest	-	-
<i>Eichhornia</i> spp. and other plants of the family Pontederiaceae	Water hyacinth, Nile lily	-	-
<i>Hakea gibbosa</i> (Smith) Cav.	Rock hakea, hairy needle bush	Cape Province	Natal, Transvaal, OFS
<i>Hakea sericea</i> Schrad	Silky hakea, needle bush	Cape Province	Natal, Transvaal, OFS
<i>Hakea suaveolens</i> R. Br	Sweet hakea	Cape Province	Natal, Transvaal, OFS
<i>Harrisia martinii</i> (Lab.) Britton	Moon cactus	The Republic	-
<i>Hypericum perforatum</i> L	St John's wort, tipton weed	-	-
<i>Lantana camara</i> L. and any entity which have partly or wholly been derived from the <i>Lantanna camara</i> complex by means of hybridisation or selection under natural or artificial conditions	Lantana, tick berry	The Republic	-
<i>Lemna</i> spp. and other plants of the family Lemnaceae	Duck weed	-	-
<i>Myriophyllum</i> spp. and other plants of the family Haloragidaceae	Parrot's feather	-	-
<i>Opuntia aurantiaca</i> Lindl.	Jointed cactus	The Republic	-
<i>Opuntia dillenii</i> (Ker-Gawl.) Haw	Pipestem prickly pear	The Republic	-
<i>Opuntia exaltata</i> Berger	Long spine cactus	The Republic	-
<i>Opuntia ficus-indica</i> (L.) Mill, excluding all spineless cultivars and selections	Mission prickly pear, sweet prickly pear	The Republic	-
<i>Opuntia lindheimeri</i> Engelm	Small roundleaved prickly pear	The Republic	-
<i>Opuntia rosea</i> DC	Rosea cactus	The Republic	-
<i>Opuntia spinulifera</i> Salm-Dyck	Saucepan cactus, large roundleaved prickly pear	The Republic	-
<i>Opuntia stricta</i> (Haw.) Haw	Pest pear of Australia, sour prickly pear	The Republic	-
<i>Opuntia vulgaris</i> Mill	English prickly pear, sour prickly pear	The Republic	-
<i>Orobanche minor</i> Sutton	Lesser broomrape, clover broomrape	The Republic	-
<i>Pereskia aculeata</i> Mill	Barbados gooseberry, lemon vine	The Republic	Cape, Transvaal, OFS
<i>Pereskia grandifolia</i> Haw	Large leaved barbados gooseberry	The Republic	Cape, Transvaal, OFS
<i>Pistia stratiotes</i> L.	Water lettuce	-	-
<i>Rubus cuneifolius</i> Pursh	American bramble, sand bramble	The Republic	-
<i>Salvinia</i> spp. and other plants of the family Salviniaceae	Water fern	-	-
<i>Sesbania punicea</i> (Cav.) Benth	Red sesbania, rattlepod coffee weed, Brazilian glory pea	The Republic	-
<i>Solanum elaeagnifolium</i> Cav.	Silver leaf bitter apple	The Republic	-

<i>Solanum mauritianum</i> Scop.	Bug tree	The Republic	Cape, OFS
<i>Solanum sisymbriifolium</i> Lam	Wild tomato, dense-thorned bitter apple	The Republic	-
<i>Stipa tenuissima</i> Trin	White tussock	Cape Province	Natal, Transvaal, OFS
<i>Stipa trichoptoma</i> Nees	Nasella tussock	Cape Province	Natal, Transvaal, OFS
<i>Xanthium spinosum</i> L.	Spiny cockle bur	-	-
<i>Xanthium strumarium</i> L.	Large cockle bur	-	-

**TABLE 4**  
**DECLARED INVADER PLANTS**  
[REG. 15 (2), 16 (3)]

Kind of plant		Area within which plant is declared as invader plant
Botanical name	Common name	
1		2
<i>Acacia caffra</i> (Thunb.) Willd.	Common hookthorn, kaffir thorn	Transvaal
<i>Acacia cyclops</i> A. Cunn. ex G. Don	Rooikrans, red eye	The Republic
<i>Acacia dealbata</i> Link	Silver wattle	The Republic
<i>Acacia erubescens</i> Welw. ex Oliv.	Blue thorn	Cape and Transvaal
<i>Acacia fleckii</i> Schinz	Plate thorn, geelhaak	Cape
<i>Acacia hebeclada</i> DC. Subsp. <i>Hebeclada</i>	Mouse bush, candle thorn	Cape and Transvaal
<i>Acacia karroo</i> Hayne	Sweet thorn	The Republic
<i>Acacia longifolia</i> (Andr.) Willd.	Golden wattle, Long-leaved wattle	The Republic
<i>Acacia mearnsii</i> De Wild	Black wattle	The Republic, excluding land on which it is cultivated commercially
<i>Acacia melanoxylon</i> R.Br.	Australian blackwood	The Republic, excluding land on which it is cultivated commercially
<i>Acacia mellifera</i> (Vahl) Benth. subsp. <i>detinens</i> (Burch.) Brenan	Black thorn	Cape and Transvaal
<i>Acacia nigrescens</i> Oliv.	Knob thorn	Transvaal
<i>Acacia nilotica</i> (L.) Willd. ex Del. subsp. <i>kraussiana</i> (Benth.) Brenan	Scented thorn, redheart	Natal and Transvaal
<i>Acacia reficiens</i> Wawra subsp. <i>reficiens</i>	False umbrella thorn	Cape
<i>Acacia robusta</i> Burch. subsp. <i>Robusta</i>	Enkeldoring, Splendid thorn	Transvaal.
<i>Acacia saligna</i> (Labill.) Wendl.	Port Jackson willow	The Republic
<i>Acacia senegal</i> (L.) Willd. var. <i>rostrata</i> Brenan	Threehook thorn, three-thorned acacia	Cape and Natal
<i>Acacia tenuispina</i>	Verdoorn Kokkedêr, fyndoring	Transvaal
<i>Acacia tortilis</i> (Forsk.) Hayne subsp. <i>heteracantha</i> (Burch.) Brenan	Umbrella thorn	Cape, Natal and Transvaal
<i>Colophospermum mopane</i> (Kirk ex Benth.) Kirk ex J. Léonard	Mopane	Transvaal
<i>Combretum apiculatum</i> Sond. subsp. <i>Apiculatum</i>	Red bush willow	Transvaal
<i>Commiphora pyracanthoides</i> Engl. subsp. <i>Pyracanthoides</i>	Cork tree, common corkwood	Natal and Transvaal
<i>Dichrostachys cinerea</i> (L.) Wight & Arn. subsp. <i>africana</i> Brennan & Brumm	Sickle bush, Chinese lantern tree, bastard acacia	Cape and Transvaal
<i>Grewia bicolor</i> Juss	Bastard raisin, false raisin	Cape
<i>Grewia flava</i> DC.	Wild raisin, wild current	Cape, Natal and Transvaal
<i>Grewia flavescens</i> Juss.	Rough leaved raisin	Cape and Natal
<i>Leptospermum laevigatum</i> F. Muell.	Australian myrtle	Natal and Transvaal
<i>Maytenus senegalensis</i> (Lam.) Exell	Red spikethorn	Natal
<i>Ochna pulchra</i> Hook	Peeling plane, wild pear, wild plum	Transvaal
<i>Pinus pinaster</i> Ait.	Cluster pine	The Republic, excluding land on which it is cultivated commercially
<i>Prosopis</i> spp.	Mesquite	Cape and OFS
<i>Rhigozum trichotomum</i> Burch.	Wild Pomegranate	Cape
<i>Rhus lancea</i> L.f.	Karee	Transvaal
<i>Tarchonanthus camphoratus</i> L.	Camphor bush, sagewood	Cape and Natal
<i>Terminalia sericea</i> Burch. Province, ex D.C.	Silver clusterleaf, Transvaal silverleaf, Silver Terminalia	Natal and Transvaal

No. R. 1047

25 May 1984

**CONSERVATION OF AGRICULTURAL RESOURCES  
ACT, 1983 (ACT 43 OF 1983)**

**SOIL CONSERVATION SCHEME –  
ESTABLISHMENT**

I, Gert Jeremias Kotzé, Deputy Minister of Agriculture, acting on behalf of the Minister of Agriculture hereby establish by virtue of section 8 read with section 9 of the Conservation of Agriculture Resources Act, 1983 (Act 43 of 1983), the soil conservation scheme in the Schedule.

G.J. KOTZÉ

Deputy Minister of Agriculture

**SCHEDULE**

**Definitions**

1. Any word or expression in this scheme to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates -

**drainage work** means a soil conservation work classified in terms of section 6 (2) as a drainage work;

**drought relief work** means a soil conservation work classified in terms of section 6 (4) as a drought relief work;

**excessive soil loss** means the loss of soil through erosion that in the opinion of the executive officer exceeds the norm which he deems tolerable in a given situation with due regard to the relevant natural factors and farming practices;

**extension office** means an office of the department established with a view to the rendering of agricultural extension services;

**farm plan** means a farm plan referred to in section 11;

**farm unit** means one or more pieces of land, each of which is registered separately in a deeds office, and which is framed as a single unit;

**protection work** means a soil conservation work classified in terms of section 6 (1) as a protection work;

**the Act** means the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983), and the regulations made thereunder;

**veld** means land which is not being or has not been cultivated and on which indigenous vegetation, or other vegetation which in the opinion of the executive officer is or can be utilised as grazing for animals, occurs;

**veld utilisation work** means a soil conservation work classified in terms of section 6 (3) as a veld utilisation work; and

**waterway** means an artificial flow path constructed on land in order to carry away run-off water without causing excessive soil loss.

### **Name of scheme**

2. This scheme shall be known as the Soil Conservation Scheme.

### **Objects of scheme**

3. The objects of this scheme shall be to promote the construction of certain soil conservation works with a view to maintaining the production potential of land and to combating or preventing excessive soil loss through erosion, and to regulate the payment of subsidies out of moneys appropriated by Parliament for the purposes of this scheme.

### **Application of scheme**

4. This scheme shall apply to all land except land specified in section 2 (1) of the Act.

### **Acts in respect of which subsidies may be paid**

5. Subsidies may be paid in terms of this scheme in respect of the construction of soil conservation works classified as protection works, drainage works, veld utilisation works or drought relief works.

### **Classification of soil conservation works**

- 6.(1) A soil conservation work may for the purposes of this scheme be classified as a protection work if the executive officer is satisfied that it is-
  - (a) a weir that has as its object to stabilise a water course;
  - (b) a donga barrier or embankment that has as its object to stabilise a donga or to cause it to silt up;
  - (c) a drop-inlet, chute or training bank that has as its object to stabilise a donga head;
  - (d) a barrier that has as its object to prevent the scouring of a donga embankment;
  - (e) an embankment, storm-water furrow, inverted contour bank or a spreader bank that has as its object to reclaim denuded or eroded land;
  - (f) a storm-water furrow, contour bank or waterway that has as its object to protect cultivated land against excessive soil loss;
  - (g) a work that has as its object to reclaim drift sand by covering it with suitable material or establishing a cover crop thereon; or

- (h) a fence around an area where excessive soil loss due to erosion through water or wind occurs or which is vulnerable thereto. that has as its object to fence off that area in order to withdrawn it from cultivation or grazing with a view to the reclamation thereof.
- (2) A soil conservation work may for the purposes of this scheme be classified as a drainage work if the executive officer is satisfied that it is an open drainage furrow or underground drainage passage that has as its object to prevent, by means of the drainage and safe disposal of excess surface or underground water, the waterlogging or salination of land.
- (3) A soil conservation work may for the purposes of this scheme be classified as a veld utilisation work if the executive officer is satisfied that it is -
  - (a) a camp fence that has as its object to separate the veld of a farm unit into morphological units or to divide such morphological units in order that such veld may be alternately grazed and rested according to the physiological requirements of the vegetation thereon; or
  - (b) a stock watering system that has as its object to provide drinking water for animals when a particular morphological unit or a division thereof is grazed.
- (4) A soil conservation work may for the purposes of this scheme be classified as a drought relief work if the executive officer is satisfied that it is -
  - (a) a storage facility for fodder; or
  - (b) a feedlot or feed paddock equipped with feeding troughs and a stock watering system, that has as its object to create feeding facilities on a farm unit for animals that are to be withdrawn from the veld of that farm unit during a severe drought.

### **Basis for the determination of subsidies**

- 7.(1) The subsidies that may be paid in terms of this scheme in respect of the construction of soil conservation works shall be determined in accordance with the applicable tariffs as recorded in a tariff list approved by the Minister with the concurrence of the Minister of Finance and kept at the office of the executive officer for this purpose.
- (2) Such tariff list shall be deemed to form part of this scheme.
- (3) Copies of the tariff list referred to in subsection (1) shall be available for inspection at -
  - (a) the office of the executive officer;
  - (b) the office of each regional director;
  - (c) each extension office; and
  - (d) such other office as the executive officer may determine.

### **Requirements for payment of subsidies**

- 8. A subsidy may be paid to a land user in terms of this scheme in respect of the construction of a soil conservation work if -

- (a) that land user is the owner of the farm unit on which such soil conservation work has been constructed;
- (b) the farm unit on which such soil conservation work has been constructed -
  - (i) is situated within the area referred to in section 4; and
  - (ii) has been entered for participation in this scheme in terms of section 10 or is deemed to have been thus entered;
- (c) such soil conservation work has been classified in terms of section 6 as a protection work, a drainage work, a veld utilisation work or a drought relief work;
- (d) the construction of such soil conservation work has been indicated as a proposed work in the list of soil conservation works forming part of the farm plan for the farm unit concerned;
- (e) a consent for the construction of such soil conservation work has been issued in terms of section 12 or is deemed to have been thus issued;
- (f) a notice of the completion of such soil conservation work has been furnished in terms of section 13 or is deemed to have been thus furnished;
- (g) the place at which such soil conservation work has been constructed corresponds with the approximate position thereof as indicated on the map forming part of the farm plan for the farm unit concerned;
- (h) the dimensions and specifications of such soil conservation work correspond with the plans and specifications that accompanied the relevant consent referred to in section 12 or have been accepted in terms of that section;
- (i) a statement or report on such soil conservation work has been made or compiled in terms of section 15 or is deemed to have been thus made or compiled;
- (j) such statement or report has been accepted by the executive officer in terms of section 16, and moneys appropriated for the purposes of this scheme are available; and
- (k) all the other provisions of this scheme with regard to such soil conservation work and the farm unit on which it has been constructed have been complied with.

### **Application for participation in scheme**

- 9.(1) An application for the entry of a farm unit with a view to participation in this scheme shall be made on a form obtainable for this purpose from an extension office.
- (2) Such an application form shall -
  - (a) subject to the provisions of subsection (4), be completed by the owner of the farm unit concerned; and
  - (b) after being thus completed, be lodged at the extension office for the area within which the farm unit concerned is situated.

- (3) An application form referred to in subsection (2) shall, unless the documents concerned have previously been submitted together with an application for the payment of subsidies or grants in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), or an application for the entry of the farm unit concerned with a view to participation in another scheme, be accompanied by -
- (a) documentary proof of the identity of the applicant concerned;
  - (b) a certified copy of the title deed of the land comprising the farm unit concerned;
  - (c) if applicable, a certified copy of -
    - (i) the purchase agreement in respect of the land comprising the farm unit concerned, if that land has not yet been registered in the name of such applicant: Provided that no subsidy shall in such case be payable before a certified copy of the title deed whereby the land concerned was registered in the name of that applicant has been submitted; or
    - (ii) documentary evidence of the usufruct to which the land comprising the farm unit concerned is subject, if such applicant is the usufructuary of that farm unit; and
  - (d) such other applicable documents as may be required in terms of subsection (4).
- (4) If the owner of a farm unit in respect of which an application form referred to in subsection (1) has been completed -
- (a) is a minor, the application form shall be signed by the parent or legal guardian of such minor;
  - (b) is a married woman, the application form shall be countersigned by her spouse as evidence that she is assisted by him;
  - (c) is an estate, the application form shall be signed by the executor or curator of such estate: Provided that such application form shall be accompanied by a certified copy of the letter of appointment of the executor or curator concerned;
  - (d) is a juristic person, the application form shall be signed by a person who is duly authorised thereto: Provided that -
    - (i) the capacity of the person concerned shall be specified on such application form; and
    - (ii) such application form shall be accompanied by a certified expert from the minutes containing the resolution whereby that authority was granted;
  - (e) has authorised another person to apply on his behalf, the application form shall be signed by the authorised person concerned: Provided that such application form shall be accompanied by the proxy concerned;
  - (f) is a partnership or such farm unit is owned by more than one person, the application form shall be signed by all the partners or co-owners concerned unless one of the partners or co-owners has a proxy referred to in paragraph (e); or
  - (g) is a trust, the application form shall be signed by the trustee of such trust: Provided that such application form shall be accompanied by certified copies of the documents whereby the trust concerned was created and the trustee concerned appointed.

- (5) An application for the payment of subsidies in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), in connection with the construction of a soil conservation work on a farm unit that was lodged prior to the date of commencement of this scheme but had not yet been approved on that date shall be deemed to be an application referred to in subsection (1).

### **Entry of farm units**

- 10.(1) If the executive officer approves an application for the entry of a farm unit with a view to participation in this scheme, he shall notify the applicant concerned thereof in writing: Provided that an application shall not be thus approved unless a farm plan for the farm concerned will be provided to the applicant concerned together with such notice.
- (2) A farm unit shall be deemed to have been entered for participation in this scheme if an application by the current owner of the farm unit for the payment of subsidies in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), in connection with the construction of soil conservation works thereon was approved in terms of the said Act prior to the date of commencement of this scheme and such approval is still in force.
- (3) The entry of a farm unit for participation in this scheme shall lapse if -
- (a) the owner of the farm unit concerned -
- (i) has notified the executive officer in writing of his intention to withdraw the farm unit from participation in this scheme; and
- (ii) has repaid to the executive officer the subsidies, if any, that were paid to him in terms of this scheme or in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), in respect of the construction of soil conservation works on the farm unit, or such portion of those subsidies as the executive officer may determine; or
- (b) the person to whom a notice in terms of subsection (1) or an approval referred to in subsection (2) was issued, is no longer the owner of the farm unit concerned.

### **Farm plans**

- 11.(1) A farm plan referred to in section 10 (1) of this scheme shall be provided to a land user in terms of section 10 of the Act for use by him in connection with the utilisation and conservation of the natural agricultural resources.
- (2) Such a farm plan shall consist of -
- (a) a map of the farm unit concerned on which the approximate positions of all existing and proposed soil conservation works, as well as of all roads, railway lines, watercourses, permanent fountains, boreholes, buildings, other prominent land marks and such other particulars as are deemed necessary for the purposes of the Act or a scheme are indicated;
- (b) a list of the soil conservation works that -
- (i) are recommended for construction on the farm unit concerned, and in respect of which subsidies could be paid in terms of this scheme; and

- (ii) have already been constructed on the farm unit concerned, irrespective of whether subsidies were previously paid in respect thereof in terms of this scheme or in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969);
- (c) a management programme with regard to the utilisation and conservation of the natural agricultural resources on the farm unit concerned, in so far as it relates to -
  - (i) the management of the veld and lands of that farm unit;
  - (ii) the maximum number of each kind, type or breed of animal that should be kept on that farm unit;
  - (iii) the size and composition of the herds that should be kept on that farm unit; and
  - (iv) such other matters as may be deemed expedient in a particular case; and
- (d) such further documents as may be deemed necessary in particular case.
- (3) A document that -
  - (a) consists of a map referred to in subsection (2) (a) and a list referred to in subsection (2) (b);
  - (b) has been provided to the current owner of a farm unit prior to the date of commencement of this scheme; and
  - (c) is still in force on such date of commencement,

shall be deemed to be a farm plan referred to in subsection (1): Provided that such a farm plan shall be supplemented with a management programme referred to in subsection (2) (c) on the first occasion that such map or list is amended, supplement or substituted in terms of subsection (4).

- (4) The executive officer may at any time, either of his own accord or at the request of the owner of a farm unit, amend, supplement, substitute or, subject to the provisions of subsection (5), withdraw the farm plan for that farm unit.
- (5) If any assistance has been rendered to the owner of a farm unit under a scheme or any subsidy or grant has been paid or made to him in terms of section 6 of the soil Conservation Act, 1969 (Act 76 of 1969), the farm plan for that farm unit shall not be withdrawn in terms of subsection (4) unless-
  - (a) another farm plan is issued for it; or
  - (b) the entry of that farm unit with a view to participation in this scheme has lapsed in terms of section 10 (3).

### **Consent to construct soil conservation works**

- 12.(1) The construction of a proposed soil conservation work specified in a list referred to in section 11 (2) (b) shall not commence before the executive officer has consented thereto in writing.
- (2) An application for a consent referred to in subsection (1) shall be made on a form obtainable for this purpose from an extension office.

- (3) Such an application form shall -
- (a) subject to the provisions of section 9 (4), be completed by the owner of the farm unit concerned;
  - (b) after being thus completed, be lodged at the extension office for the area within which the farm unit concerned is situated; and
  - (c) be accompanied by a statement on a form obtainable for this purpose from an extension office, in which particulars are furnished of the number of animals kept on the farm unit concerned.
- (4) An application for a consent for the construction of a proposed soil conservation work in respect of which subsidies would have been payable in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), that was lodged prior to the date of commencement of this scheme but had not yet been approved on that date shall be deemed to be an application referred to in subsection (2).
- (5) If the executive officer approves an application referred to in subsection (2), he shall issue a written consent to the applicant concerned to commence with the construction of the proposed soil conservation work concerned.
- (6) Such a consent shall -
- (a) specify the proposed soil conservation work to which it relates;
  - (b) specify the expiry date thereof;
  - (c) in the case of a proposed soil conservation work that will be constructed with material that has to be purchased, specify the material in respect of which invoices have to be obtained and preserved for perusal by the executive officer; and
  - (d) be accompanied by the plans and specifications in accordance with which the proposed soil conservation work concerned must be constructed.
- (7) Notwithstanding the provisions of subsection (6) (d), an owner may lodge his own plans and specifications for a proposed soil conservation work when submitting an application referred to in subsection (2), and, if the executive officer accepts such plans and specifications, they shall be deemed to be those in accordance with which the proposed soil conservation work concerned must be constructed.
- (8) A consent referred to in subsection (1) shall not be issued unless the executive officer is satisfied that the number of animals kept on the veld of the farm unit concerned does not exceed the maximum number of animals as determined on the basis of the prescribed grazing capacity for that farm unit.
- (9) A consent to construct a proposed soil conservation work in respect of which subsidies would have been payable in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), that was issued prior to the date of commencement of this scheme shall, if it is still in force on such date, be deemed to be a consent referred to in subsection (1).

**Notices of completion of construction**

- 13.(1) The executive officer shall be notified of the completion of each soil conservation work constructed in terms of a consent referred to in section 12.
- (2) Such a notice shall -
- (a) subject to the provisions of section 9 (4), be furnished by the owner of the farm unit on which such a soil conservation work was constructed;
  - (b) be conveyed to the officer in charge of the extension office for the area within which the farm unit concerned is situated; and
  - (c) be thus conveyed on or before the expiry date specified in the consent concerned.
- (3) If a notice of the completion of a soil conservation work is not furnished on or before the expiry date referred to in subsection (2) (c), the executive officer may -
- (a) refuse to pay any subsidy in respect of the construction of that soil conservation work; or
  - (b) postpone the payment of the subsidy in respect of the construction of that soil conservation work for such period as he may determine.
- (4) A notice of the completion of the construction of a soil conservation work in respect of which subsidies would have been payable in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), that was furnished prior to the date of commencement of this scheme shall, if such subsidies had not yet been paid on that date, be deemed to be a notice referred to in subsection (1).

**Extension of validity of consents**

- 14.(1) If a proposed soil conservation work will probably not be completed in time to ensure that a notice referred to in section 13 (1) can be furnished on or before the expiry date referred to in section 13 (2) (c), the executive officer may on application postpone that expiry date.
- (2) The provisions of section 12 with regard to an application for a consent to construct a proposed soil conservation work shall apply mutatis mutandis with regard to an application for the postponement of the expiry date specified in such consent: Provided that such application shall reach the extension office concerned not later than the expiry date specified in the consent concerned.
- (3) When the executive officer approves an application for the postponement of the expiry date specified in a consent referred to in section 12, he shall issue a fresh consent for the construction of the proposed soil conservation work concerned.

**Statements and reports on construction of soil conservation works**

- 15.(1) The executive officer shall -
- (a) request the person who has furnished a notice referred to in section 13 to make a statement relating to the construction of the soil conservation work concerned; or

- (b) inspect such soil conservation work and compile a report on the construction thereof.
- (2) A statement referred to in subsection (1) (a) shall be made on a form obtainable for this purpose from an extension office and shall -
  - (a) subject to the provisions of section 9 (4), be made by the owner the farm unit concerned;
  - (b) be thus made in the presence of an officer of the department employed at the extension office for the area within which the farm unit concerned is situated;
  - (c) state the exact dimensions and specifications of the soil conservation work concerned; and
  - (d) contain a confirmation that -
    - (i) the soil conservation work concerned has been fully constructed in accordance with the plans and specifications provided or accepted in terms of section 12 in respect thereof and, if applicable, that such soil conservation work functions satisfactorily;
    - (ii) the stated dimensions and specifications of the soil conservation work concerned are correct;
    - (iii) the soil conservation work concerned was constructed with new material except where otherwise indicated; and
    - (iv) the deponent is aware that any subsidies paid to him on the basis of the statement concerned shall immediately be payable by him if it later appears that nay particulars in such statement are incorrect.
- (3) A report referred to in subsection (1) (b) shall -
  - (a) be compiled on a form determined by the executive officer for this purpose;
  - (b) state the exact dimensions and specifications of the soil conservation work concerned; and
  - (c) contain such other particulars as are required on the form concerned.
- (4) A Statement or report on the construction of a soil conservation work in respect of which subsidies would have been payable in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), that was made or compiled prior to the date of commencement of this scheme shall, if such subsidies had not yet been paid on that date, be deemed to be a statement referred to in subsection (2) or a report referred to in subsection (3) respectively.
- (5) The executive officer may at any time inspect a soil conservation work in respect of which a statement referred to in subsection (2) has been made, may at any time either before or after a subsidy has been paid in respect of the construction thereof, and shall then compile a report referred to in subsection (3) thereon.
- (6) Each statement referred to in subsection (2) and each report referred to in subsection (3) shall be checked by the executive officer and compared against the applicable documents referred to in sections 9, 10, 11, 12 and 13 and the applicable provisions of this scheme in order to determine whether a subsidy is payable in respect of the construction of the soil conservation work concerned.

- (7) If it appears from an inspection referred to in subsection (1) (b) or (5), or from the checking of a statement or report in terms of subsection (6), that a soil conservation work has a shortcoming because it has not been constructed in accordance with the applicable plans and specifications referred to in section 12, or that the construction of such soil conservation work does not qualify for the payment of a subsidy for any other reason -
- (a) the executive officer shall notify the person who furnished the notice of completion of that soil conservation work in terms of section 13, in writing of such shortcoming or reason;
- (b) no subsidy shall be payable in respect of the construction of that soil conservation work before such shortcoming has been rectified or such reason eliminated; and
- (c) a fresh notice may be furnished in terms of section 13 after such shortcoming has been rectified or such reason eliminated.

### **Payment of subsidies**

- 16.(1) If the executive officer accepts a statement or report that has been checked in terms of section 15 (6), he shall calculate the amount payable as subsidy in respect of the construction of the soil conservation work concerned.
- (2) An amount referred to in subsection (1) shall be calculated according to the applicable tariffs that are recorded in the tariff list referred to in section 7 and that -
- (a) in the case of a soil conservation work in respect of which a statement referred to in section 15 (2) has been made, were in force on the date on which such statement was made; and
- (b) in the case of another soil conservation work, were in force on the date on which a notice of completion was furnished in terms of section 13.
- (3) The subsidy thus calculated shall, subject to the provisions of subsections (4) and (5) and with due regard to the availability of moneys appropriated for the purpose of this scheme, be paid to the owner of the farm unit on which the soil conservation work concerned was constructed as soon as is practicable.
- (4) The owner of a farm unit may request the executive officer in writing to pay any subsidies due to him to a person specified in such request.
- (5) If the executive officer has been notified that assistance by way of a loan in terms of section 10 of the Agricultural Credit Act, 1966 (Act 28 of 1966), has been rendered to a land user for the construction of a soil conservation work, the subsidy payable in respect of such construction shall be used as payment or part payment of the amount (including any interest thereon) due to the State on account of such assistance.

### **Erroneous payments**

- 17.(1) If the executive officer, as a result of an inspection in terms of section 15 (5) of this scheme or section 18 of the Act, in connection with a soil conservation work in respect of which a subsidy was paid in terms of this scheme or in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), is satisfied that -

- (a) no subsidy should have been paid in respect of the construction of that soil conservation work; or
- (b) the dimensions and specifications of that soil conservation work as specified in a statement referred to in section 15 (2) are incorrect and that the amount paid as such subsidy exceeded the amount that was lawfully payable as subsidy in respect of the construction thereof,

the executive officer shall direct the owner of the farm unit concerned in writing to repay to the executive officer the amount concerned or the amount paid in excess, as the case may be, together with interest thereon calculated on the basis set out in subsection (2).

- (2) Interest payable in terms of subsection (1) shall be calculated -
  - (a) at a rate equal to the rate determined in terms of section 26 (1) of the Exchequer and Audit Act, 1975 (Act 66 of 1975), and which is applicable on the date on which the executive officer directed the repayment of the amount concerned in writing; and
  - (b) from the date on which the subsidy concerned was paid until the last day of the month preceding the month of repayment of such due amount.
- (3) If at any time it appears that an error other than an error referred to in subsection (1) was made in the calculation of a subsidy paid in terms of this scheme, the executive officer shall direct the owner of the farm unit concerned in writing to repay to the executive officer the amount erroneously paid to him.
- (4) An amount repayable in terms of subsection (3) shall be paid to the executive officer within 60 days of the date on which he directed the repayment thereof in writing.
- (5) If the owner of a farm unit fails to pay the amount repayable by him in terms of subsection (3) within the period referred to in subsection (4), interest shall be payable on the amount due at a rate equal to the rate determined in terms of section 26 (1) of the Exchequer and Audit Act, 1975 (Act 66 of 1975), and which is applicable on the date on which the executive officer directed the repayment concerned in writing.

### **Conditions on which subsidies are paid**

- 18.(1) The payment of a subsidy in terms of this scheme in respect of the construction of soil conservation work is made on the following conditions:
- (a) The soil conservation work concerned shall be maintained in accordance with the provisions of section 12 (1) (a) of the Act.
  - (b) The farming practices pursued on the farm unit which the soil conservation work concerned has been constructed shall comply with the provisions of the farm plan for that farm unit.
  - (c) The number of animals kept on the veld of the farm unit on which the soil conservation work concerned has been constructed shall not exceed the number that may be kept thereon in terms of the Act.

- (2) If the owner of a farm unit refuses or fails to comply with any of the conditions set out in subsection (1), the executive officer shall direct the owner concerned to repay to the executive officer the subsidies paid to him in terms of this scheme in respect of the construction of soil conservation works.
- (3) An amount repayable in terms of subsection (2) shall be paid to the executive officer within 60 days of the date on which he directed the repayment thereof in writing.
- (4) If the owner of a farm unit fails to pay the amount repayable by him in terms of subsection (2) within the period referred to in subsection (3), interest shall be payable on the amount due at a rate equal to the rate determined in terms of section 26 (1) of the Exchequer and Audit Act, 1975 (Act 66 of 1975), that was applicable on the date on which the executive officer directed the repayment concerned in writing.

### Commencement

19. This scheme shall come into operation on 1 June 1984.

No. R. 1046

25 May 1984

## CONSERVATION OF AGRICULTURAL RESOURCES ACT, 1983 (ACT 43 OF 1983)

### FLOOD RELIEF SCHEME – ESTABLISHMENT

I, Gert Jeremias Kotzé, Deputy Minister of Agriculture, acting on behalf of the Minister of Agriculture, hereby establish by virtue of section 8, read with section 9, of the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983), the Flood Relief Scheme in the Schedule.

G.J. KOTZÉ  
Deputy Minister of Agriculture

### SCHEDULE

#### Definitions

1. Any word or expression in this scheme to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates -

**boundary fence** means a fence on the boundary between two farm units;

**date of inception** with regard to an area specified in column 1 of the Table, means the date specified in column 3 of the said Table opposite the area concerned;

**drainage work** means a soil conservation work which is classified in terms of section 6 (2) as a drainage work;

**drought relief work** means a soil conservation work which is classified in terms of section 6 (4) as a drought relief work;

**excessive soil loss** means the loss of soil through erosion which in the opinion of the executive officer exceeds the norm that he deems tolerable in a given situation with due regard to the relevant natural factors and farming practices;

**extension office** means an office of the department established with a view to the rendering of agricultural extension services;

**farm plan** means a farm plan as defined in section 1 of the Soil Conservation Scheme;

**farm unit** means one or more pieces of land, each of which is registered separately in a deeds office, and which is farmed as a single unit;

**flood damage** in relation to a soil conservation work, means damage to such soil conservation work that was caused by a flood;

**protection work** means a soil conservation work which is classified in terms of section 6 (1) as a protection work;

**Soil Conservation Scheme** means the Soil Conservation Scheme established by virtue of section 8 of the Act;

**the Act** means the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983), and the regulations made thereunder;

**veld** means land which is not being or has not been cultivated and on which indigenous vegetation, or other vegetation which in the opinion of the executive officer is or can be utilised as grazing for animals, occurs;

**veld utilisation work** means a soil conservation work which is classified in terms of section 6 (3) as a veld utilisation work; and

**waterway** means an artificial flow path constructed on land in order to carry away run-off water without causing excessive soil loss.

### **Name of scheme**

2. This scheme shall be known as the Flood Relief Scheme.

### **Objects of scheme**

3. The objects of this scheme shall be to promote the repair of flood damage to certain soil conservation works with a view to maintaining the production potential of land and to combating or preventing excessive soil loss through erosion, and to regulate the payment of subsidies out of moneys appropriated by Parliament for the purposes of this scheme.

### **Application of scheme**

4. This scheme shall apply to all land in an area specified in column 1 of the Table, except land specified in section 2 (1) of the Act, on which flood damage to soil conservation works occurred on the date or dates specified in column 2 of the said Table opposite the area concerned and shall thus apply for a period of 30 months as from the date of inception specified in column 3 of the said Table opposite thereto.

**Acts in respect of which subsidies may be paid**

5. Subsidies may be paid in terms of this scheme in respect of the repair of flood damage in the area referred to in section 4, to soil conservation works classified as protection works, drainage works, veld utilisation works or drought relief works.

**Classification of soil conservation works**

- 5.(1) A soil conservation work may for the purposes of this scheme be classified as a protection work if the executive officer is satisfied that it is -
- (a) a weir that has as its object to stabilise a watercourse;
  - (b) a donga barrier or embankment that has as its object to stabilise a donga or to cause it to silt up;
  - (c) a drop-inlet, chute or training bank that has as its object to stabilise a donga head;
  - (d) a barrier that has as its object to prevent the scouring of a donga embankment;
  - (e) an embankment, storm-water furrow, inverted contour bank or a spreader contour bank that has as its object to reclaim denuded or eroded land;
  - (f) a storm-water furrow, contour bank or waterway that has as its object to protect cultivated land against excessive soil loss;
  - (g) a work that has as its object to reclaim drift sand by covering it with suitable material or establishing a cover crop thereon; or
  - (h) a fence around an area where excessive soil loss due to erosion through water or wind occurs or that is vulnerable thereto, and that has as its object to fence off that area in order to withdraw it from cultivation or grazing with a view to the reclamation thereof.
- (2) A soil conservation work may for the purposes of this scheme be classified as a drainage work if the executive officer is satisfied that it is an open drainage furrow or underground drainage passage that has as its object to prevent, by means of the drainage and safe disposal of excess surface or underground water, the waterlogging or salination of land.
- (3) A soil conservation work may for the purposes of this scheme be classified as a veld utilisation work if the executive officer is satisfied that it is -
- (a) a camp fence that has as its object to separate the veld of a farm unit into morphological units or to divide such morphological units in order that such veld may be alternately grazed and rested according to the physiological requirements of the vegetation thereon;
  - (b) a stock watering system that has as its object to provide drinking water for animals when a particular morphological unit or a division thereof is grazed; or
  - (c) a boundary fence that has as its object to separate adjoining farm units.

- (4) A soil conservation work may for the purposes of this scheme be classified as a drought relief work if the executive officer is satisfied that it is -
- (a) a storage facility for fodder; or
  - (b) a feedlot or feed paddock equipped with feeding troughs and a stock watering system that has as its object to create feeding facilities on a farm unit for animals that are to be withdrawn from the veld of that farm unit during a severe drought.

#### **Basis for the determination of subsidies**

- 7.(1) The subsidies that may be paid in terms of this scheme in respect of the repair of flood damage to soil conservation works shall be determined in accordance with the applicable tariffs as recorded in a tariff list approved by the Minister with the concurrence of the Minister of Finance and kept at the office of the executive officer for this purpose.
- (2) Such tariff list shall be deemed to form part of this scheme.
- (3) Copies of the tariff list referred to in subsection (1) shall be available for inspection at -
- (a) the office of the executive officer;
  - (b) the office of each regional director;
  - (c) each extension office; and
  - (d) such other office as the executive officer may determine.

#### **Requirements for payment of subsidies**

8. A subsidy may be paid to a land user in terms of this scheme in respect of the repair of flood damage to a soil conservation work if -
- (a) that land user is the owner of the farm unit on which flood damage to such soil conservation work has been repaired;
  - (b) the farm unit on which flood damage to such soil conservation work has been repaired -
    - (i) is situated within an area referred to in section 4; and
    - (ii) has been entered for participation in this scheme in terms of section 10 or is deemed to have been thus entered;
  - (c) such soil conservation work has been classified in terms of section 6 as a protection work, a drainage work, a veld utilisation work or a drought relief work;
  - (d) the repair of flood damage to such soil conservation work has been indicated as a proposed work in the list of soil conservation works forming part of the farm plan for the farm unit concerned;
  - (e) a consent for the repair of such soil conservation work has been issued in terms of section 11 or is deemed to have been thus issued;

- (f) a notice of the completion of such repair has been furnished in terms of section 12 or is deemed to have been thus furnished;
- (g) the place at which such soil conservation work has been repaired, corresponds with the approximate position thereof as indicated on the map forming part of the farm plan for the farm unit concerned;
- (h) the dimensions and specifications of such repair correspond with the plans and specifications that accompanied the relevant consent referred to in section 11 or have been accepted in terms of that section;
- (i) a statement or report on such repair has been made or compiled in terms of section 14 or is deemed to have been thus made or compiled;
- (j) such statement or report has been accepted by the executive officer in terms of section 15, and moneys appropriated for the purposes of this scheme are available; and
- (k) all the other provisions of this scheme with regard to such reparation and the farm unit on which it has been undertaken have been complied with.

### **Applications for participation in scheme**

- 9.(1) An application for the entry of a farm unit with a view to participation in this scheme shall be made on a form obtainable for this purpose from an extension office in an area referred to in section 4.
- (2) Such an application form shall -
  - (a) subject to the provisions of subsection (4), be completed by the owner of the farm unit concerned;
  - (b) after being thus completed, be lodged at the extension office for the area within which the farm unit concerned is situated; and
  - (c) be thus lodged within six months of the applicable date of inception.
- (3) An application form referred to in subsection (2) shall, unless the documents concerned have previously been submitted together with an application for the payment of subsidies or grants in terms of section 6 of the soil Conservation Act, 1969 (Act 76 of 1969), or an application for the entry of the farm unit concerned with a view to participation in another scheme, be accompanied by -
  - (a) documentary proof of the identity of the applicant concerned;
  - (b) a certified copy of the title deed of the land comprising the farm unit concerned;
  - (c) if applicable, a certified copy of -
    - (i) the purchase agreement in respect of the land comprising the farm unit concerned, if that land has not yet been registered in the name of such applicant: Provided that no subsidy shall in such case be payable before a certified copy of the title deed whereby the land concerned was registered in the name of that applicant has been submitted; or

- (ii) documentary evidence of the usufruct to which the land comprising the farm unit concerned is subject, if such applicant is the usufructuary of that farm unit;
  - (d) a list in which the soil conservation works on that farm unit that were damaged by the flood concerned, and the extent of the flood damage to each of those soil conservation works are specified;
  - (e) a sketch map of that farm unit, or the map forming part of the farm plan for that farm unit, on which the positions of the flood damaged soil conservation works are indicated in red; and
  - (f) such other applicable documents as may be required in terms of subsection (4).
- (4) If the owner of a farm unit in respect of which an application form referred to in subsection (1) has been completed -
- (a) is a minor, the application form shall be signed by the parent or legal guardian of such minor;
  - (b) is a married woman, the application form shall be countersigned by her spouse as evidence that she is assisted by him;
  - (c) is an estate; the application form shall be signed by the executor or curator of such estate: Provided that such application form shall be accompanied by a certified copy of the letter of appointment of the executor or curator concerned;
  - (d) is a juristic person, the application form shall be signed by a person who is duly authorised thereto: Provided that -
    - (i) the capacity of the person concerned shall be specified on such application form; and
    - (ii) such application form shall be accompanied by a certified excerpt from the minutes containing the resolution whereby that authority was granted;
  - (e) has authorised another person to apply on his behalf, the application form shall be signed by the authorised person concerned: Provided that such application form shall be accompanied by that proxy concerned;
  - (f) is a particular or if such farm unit is owned by more than one person, the application form shall be signed by all the partners or co-owners concerned unless one of the partners or co-owners has a proxy referred to in paragraph (e); or
  - (g) is a trust, the application form shall be signed by the trustee of such trust: Provided that such application form shall be accompanied by certified copies of the documents whereby the trust concerned was created and the trustee concerned appointed.
- (5) An application for the payment of subsidies in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), in connection with the repair of flood damage to a soil conservation work on a farm unit, that was lodged prior to the date of commencement of this scheme but had not yet been approved on that date shall be deemed to be an application referred to in subsection (1).

**Entry of farm units**

- 10.(1) If the executive officer approves an application for the entry of a farm unit with a view to participation in this scheme, he shall notify the applicant concerned thereof in writing: Provided that an application shall not be thus approved unless a farm plan for the farm unit concerned has previously been provided to the applicant concerned or will be provided to him together with such notice.
- (2) Each notice referred to in subsection (1) shall be accompanied by a list of works in which the flood damage to soil conservation works on the farm unit concerned that should be repaired and in respect of which subsidies may be paid in terms of this scheme is specified.
- (3) A list of works referred to in subsection (2) shall be deemed to be an addition to the list of soil conservation works forming part of the farm plan for a farm unit.
- (4) A farm unit shall be deemed to have been entered for participation in this section if -
- (a) an application by the current owner of the farm unit for the payment of subsidies in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), in connection with the repair of flood damage to soil conservation works was approved in terms of the said Act prior to the date of commencement of this scheme and such approval is still in force; and
- (b) a document deemed to be a list of works referred to in subsection (2) was provided to such owner prior to the date of commencement of this scheme and such list of works is still in force.
- (5) The entry of a farm unit for participation in this scheme shall lapse if -
- (a) the owner of the farm unit concerned -
- (i) has notified the executive officer in writing of his intention to withdraw the farm unit from participation in this scheme; and
- (ii) has repaid to the executive officer the subsidies, if any, paid to him in terms of this scheme or in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), in respect of the repair of flood damage to soil conservation works on the farm unit, or such portion of those subsidies as the executive officer may determine; or
- (b) the person to whom a notice in terms of subsection (1) or an approval referred to in subsection (4) (a) was issued is no longer the owner of the farm unit concerned.

**Consent to repair flood damage**

- 11.(1) Subject to the provisions of subsection (2), the repair of flood damage to a soil conservation work in respect of which subsidies are required in terms of this scheme shall not commence before the executive officer has consented thereto in writing.
- (2) The repair of flood damage to a veld utilisation work that is essential for the continuation of farming activities on a farm unit may commence before a consent referred to in subsection (3) was submitted in respect thereof in accordance with the provisions of subsection (4).
- (3) An application for a consent referred to in subsection (1) shall be made on a form obtainable for this purpose from an extension office in an area referred to in section 4.

- (4) Such an application form shall -
  - (a) subject to the provisions of section 9 (4), be completed by the owner of the farm unit concerned;
  - (b) after being thus completed, be lodged at the extension office for the area within which the farm unit concerned is situated; and
  - (c) be thus lodged within 12 months of the applicable date of inception.
- (5) An application for a consent of the repair of flood damage to a soil conservation work in respect of which subsidies would have been payable in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), that was lodged prior to the date of commencement of this scheme but had not yet been approved on that date shall be deemed to be an application referred to in subsection (3).
- (6) If the executive officer approves an application referred to in subsection (3), he shall issue a written consent to the applicant concerned to repair the flood damage to the soil conservation work concerned.
- (7) Such a consent shall -
  - (a) specify the soil conservation work to which it relates;
  - (b) specify the expiry date thereof: Provided that such expiry date shall not be later than 30 months after the applicable date of inception;
  - (c) in the case of a soil conservation work that will be repaired with material that has to be purchased, specify the material in respect of which invoices have to be obtained and preserved for perusal by the executive officer; and
  - (d) be accompanied by the plans and specifications in accordance with which the flood damage to the soil conservation work concerned must be repaired.
- (8) Notwithstanding the provisions of subsection (7) (d), an owner may lodge his own plans and specifications for the repair of flood damage to a soil conservation work when he submits an application referred to in subsection (3), and if the executive officer accepts such plans and specifications, they shall be deemed to be those in accordance with which the flood damage to the soil conservation work concerned must be repaired.
- (9) A consent to repair flood damage to a soil conservation work in respect of which subsidies would have been payable in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), that was issued prior to the date of commencement of this scheme shall, if it is still in force on such date, be deemed to be a consent referred to in subsection (1).

#### **Notices of completion of repair work**

- 12.(1) The executive officer shall be notified of the completion of repair work in respect of which a consent referred to in section 11 was issued.
- (2) Such notice shall -

- (a) subject to the provisions of section 9 (4), be furnished by the owner of the farm unit on which such flood damage was repaired;
  - (b) be conveyed to the officer in charge of the extension office for the area within which the farm unit concerned is situated; and
  - (c) be thus conveyed on or before the expiry date specified in the consent concerned.
- (3) If a notice of the completion of the repair work to a flood damaged soil conservation work is not furnished on or before the expiry date referred to in subsection (2) (c), the executive officer may -
- (a) refuse to pay any subsidy in respect of repair work concerned; or
  - (b) postpone the payment of the subsidy in respect of the repair work concerned for such period as he may determine: Provided that no subsidy shall be payable if such notice is furnished later than 30 months after the applicable date of inception.
- (4) A notice of the completion, of the repair work to a flood damaged soil conservation work in respect of which subsidies would have been payable in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), that was furnished prior to the date of commencement of this scheme shall, if such subsidies had not yet been paid on that date, be deemed to be a notice referred to in subsection (1).

### **Extension of validity of consents**

- 13.(1) If the repair of a flood damaged soil conservation work will probably not be completed in time to ensure that a notice referred to in section 12 (1) can be furnished on or before the expiry date referred to in section 12 (2) (c), the executive officer may on application postpone that expiry date.
- (2) The provisions of section 11 with regard to an application for a consent to repair flood damage to a soil conservation work shall apply mutatis mutandis with regard to an application for the postponement of the expiry date specified in such consent: Provided that such application shall reach the extension office concerned not later than the expiry date specified in the consent concerned.
- (3) When the executive officer approves an application for the postponement of the expiry date specified in a consent referred to in section 11, he shall issue a fresh consent for the repair of the flood damage: Provided that the expiry date specified in such fresh consent shall not be later than 30 months after the applicable date of inception.

### **Statements and reports on repair of flood damage**

- 14.(1) The executive officer shall -
- (a) request the person who has furnished a notice referred to in section 12, to submit a statement on the repairs to the flood damaged soil conservation work concerned; or
  - (b) inspect the repair of the flood damage to such soil conservation work and compile a report thereon.

- (2) A statement referred to in subsection (1) (a) shall be made on a form obtainable for this purpose from an extension office in an area referred to in section 4 and shall -
  - (a) subject to the provisions of section 9 (4), be made by the owner of the farm unit concerned;
  - (b) be thus made in the presence of an officer of the department employed at the extension office for the area within which the farm unit concerned is situated;
  - (c) state the exact dimensions and specifications of the repair work concerned; and
  - (d) contain a confirmation that -
    - (i) the spoil conservation work concerned has been fully repaired in accordance with the plans and specifications that were provided or accepted in terms of section 11 in respect thereof and, if applicable, that such soil conservation work functions satisfactorily;
    - (ii) the stated dimensions and specifications of the repair work concerned are correct;
    - (iii) the flood damage concerned was repaired with new material except where otherwise indicated; and
    - (iv) the deponent is aware that any subsidies paid to him on the basis of the statement concerned, shall immediately be repayable by him if it later appears that any particulars in such statement are incorrect.
- (3) A report referred to in subsection (1) (b) shall -
  - (a) be compiled on a form determined by the executive officer for this purpose;
  - (b) state the exact dimensions and specifications of the repair work concerned; and
  - (c) contain such other particulars as are required on the form concerned.
- (4) A statement or report on the repair of flood damage to a soil conservation work in respect of which subsidies would have been payable in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), that was made or compiled prior to the date of commencement of this scheme shall, if such subsidies had not yet been paid on that date, be deemed to be a statement referred to in subsection (2) or a report referred to in subsection (3) respectively.
- (5) The executive officer may at any time inspect the repair work to a soil conservation work in respect of which a statement referred to in subsection (2) has been made, either before or after a subsidy has been paid in respect thereof, and he shall then compile a report referred to in subsection (3) thereon.
- (6) Each statement referred to in subsection (2) and each report referred to in subsection (3) shall be checked by the executive officer and tested against the applicable documents referred to in sections 9, 10, 11 and 12 and the applicable provisions of this scheme in order to determine whether a subsidy is payable in respect of the repair of flood damage to the soil conservation work concerned.
- (7) If it appears from an inspection referred to in subsection (1) (b) or (5) or from the checking of a statement or report in terms of subsection (6) that the repair work in respect of flood damage to a soil conservation work has a shortcoming because it has not been done in accordance with the applicable plans and specifications referred to in section 11, or that the

repair of such flood damage does not qualify for the payment of a subsidy for any other reason -

- (a) the executive officer shall notify the person who furnished the notice of completion of that repair work in terms of section 12, in writing of such shortcoming or reason;
- (b) no subsidy shall be payable in respect of the repair to that soil conservation work before such shortcoming has been rectified or such reason eliminated; and
- (c) a fresh notice may be furnished in terms of section 12 after such shortcoming has been reflected or such reason eliminated.

### **Payment of subsidies**

- 15.(1) If the executive officer accepts a statement or report that has been checked in terms of section 14 (6), he shall calculate the amount payable as a subsidy in respect of the repair of flood damage to the soil conservation work concerned.
- (2) An amount referred to in subsection (1) shall be calculated according to the applicable tariffs that are recorded in the tariff list referred to in section 7, and -
  - (a) in the case of the repair of flood damage in respect of which a statement referred to in section 14 (2) has been made, were in force on the date on which such statement was made; and
  - (b) in the case of other flood damage, were in force on the date on which a notice of completion was furnished in terms of section 12.
- (3) The subsidy thus calculated shall, subject to the provisions of subsections (4) and (5) and with due regard to the availability of moneys appropriated for the purpose of this scheme, be paid to the owner of the farm unit on which the flood damaged soil conservation work concerned was repaired as soon as is practicable.
- (4) The owner of a farm unit may request the executive officer in writing to pay any subsidies due to him to a person specified in such request.
- (5) If the executive officer has been notified that assistance by way of a loan in terms of section 10 of the Agricultural Credit Act, 1966 (Act 28 of 1966), has been rendered to a land user for the repair of flood damage to a soil conservation work, the subsidy payable in respect of such repair shall be used as payment or part payment of the amount (including any interest thereon) due to the State on account of such assistance.

### **Erroneous payments**

- 16.(1) If the executive officer, as a result of an inspection in terms of section 14 (5) of this scheme or section 18 of the Act, in connection with the repair of a flood damaged soil conservation work in respect of which a subsidy was paid in terms of this scheme or in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), is convinced that -
  - (a) no subsidy should have been paid in respect of the repair of that soil conservation work; or

- (b) the dimensions and specification of the repair concerned as specified in a statement referred to in section 14 (2) are incorrect and that the amount paid as such subsidy exceeded the amount that was lawfully payable as subsidy in respect of such repair,

the executive officer shall direct the owner of the farm unit concerned in writing to repay to the executive officer the amount concerned or the amount paid in excess, as the case may be, together with interest thereon calculated on the basis set out in subsection (2).

- (2) Interest payable in terms of subsection (1) shall be calculated -
- (a) at a rate equal to the rate determined in terms of section 26 (1) of the Exchequer and Audit Act, 1975 (Act 66 of 1975), and that was applicable on the date on which the executive officer directed the repayment of the amount concerned in writing; and
- (b) from the date on which subsidy concerned was paid, until the last day of the month preceding the month of repayment of such amount due.
- (3) If at any time it appears that an error other than an error referred to in subsection (1) was made in the calculation of a subsidy paid in terms of this scheme, the executive officer shall direct the owner of the farm unit concerned in writing to repay to the executive officer the amount erroneously paid to him.
- (4) An amount repayable in terms of subsection (3) shall be paid to the executive officer within 60 days of the date on which he directed the repayment thereof in writing.
- (5) If the owner of a farm unit fails to pay the amount repayable by him in terms of subsection (3) within the period referred to in subsection (4), interest shall be payable on the amount due at a rate equal to the rate determined in terms of section 26 (1) of the Exchequer and Audit Act, 1975 (Act 66 of 1975), and that was applicable on the date on which the executive officer directed the repayment concerned in writing.

### **Conditions on which subsidies are paid**

- 17.(1) The payment of a subsidy in terms of this scheme in respect of the repair of flood damage to a soil conservation work is made on the following conditions:
- (a) The soil conservation work concerned shall be maintained in accordance with the provisions of section 12 (1) (a) of the Act.
- (b) The farming practices pursued on the farm unit on which the soil conservation work concerned has been repaired shall comply with the provisions of the management programme forming part of the farm plan for that farm unit.
- (c) The number of animals kept on the veld of the farm unit on which the soil conservation work concerned has been repaired shall not exceed the number that may be kept thereon in terms of the Act.
- (2) If the owner of a farm unit refuses to comply with any of the conditions set out in subsection (1), the executive officer shall direct the owner concerned to repay to the executive officer the subsidies paid to him in terms of this scheme in respect of the repair of soil conservation works.

- (3) An amount repayable in terms of subsection (2) shall be paid to the executive officer within 60 days of the date on which he directed the repayment thereof in writing.
- (4) If the owner of a farm unit fails to pay the amount repayable by him in terms of subsection (2) within the period referred to in subsection (3), interest shall be payable on the amount due at a rate equal to the rate determined in terms of section 26 (1) of the Exchequer and Audit Act, 1975 (Act 66 of 1975), and that was applicable on the date on which the executive officer directed the repayment concerned in writing.

### Commencement

18. This scheme shall come into operation on 1 June 1984.

TABLE

Area in which scheme is applicable	Date or dates on which flood damage to soil conservation works occurred	Date of inception
1. Magisterial districts of George, Hankey, Humansdorp, Joubertina, Port Elizabeth, Uitenhage, Uniondale	25-29 July 1983	16 February 1984
2. Magisterial districts of Barberton, Dundee, Eshowe, Hlabisa, Inanda, Lower Tugela, Lower Umfolozi, Mtunzini, Newcastle, Paulpietersburg, Piet Retief, Ubombo, Utrecht, Vryheid	28 January 1984 to 1 February 1984 and 17 February 1984	6 March 1984

No. R. 1045

25 May 1984

## CONSERVATION OF AGRICULTURAL RESOURCES ACT, 1983 (ACT 43 OF 1983)

### BUSH CONTROL SCHEME – ESTABLISHMENT

I, Gert Jeremias Kotzé, Deputy Minister of Agriculture, acting on behalf of the Minister of Agriculture, hereby establish by virtue of section 8, read with section 9, of the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983), the Bush Control Scheme in the Schedule.

G J KOTZÉ

Deputy Minister of Agriculture

### SCHEDULE

#### Definitions

1. Any word or expression in this scheme to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates -

**extension office** means an office of the department established with a view to the rendering of agricultural extension services;

**farm plan** means a farm plan as defined in section 1 of the Soil Conservation Scheme;

**farm unit** means one or more pieces of land, each of which is registered separately in a deeds office, and which is framed as a single unit;

**heavy infestation** in relation to invader plants, means an infestation that is classified in terms of section 6 (1) as a heavy infestation;

**medium infestation** in relation to invader plants, means an infestation that is classified in terms of section 6 (2) as a medium infestation;

**slight infestation** in relation to invader plants, means an infestation that is classified in terms of section 6 (3) as a light infestation;

**Soil Conservation Scheme** means the Soil Conservation Scheme established by virtue of section 8 of the Act;

**sparse infestation** in relation to invader plants, means an infestation that is classified in terms of section 6 (4) as a sparse infestation; and

**the Act** means the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983), and the regulations made thereunder.

#### **Name of scheme**

2. This scheme shall be known as the Bush Control Scheme.

#### **Objects of scheme**

3. The objects of this scheme shall be to promote the combating of certain kinds of invader plants with a view to maintaining the production potential of land, and to regulate the payment of subsidies out of moneys appropriated by Parliament for the purposes of this scheme.

#### **Application of scheme**

4. This scheme shall apply to all land in an area specified in column 1 of the Table, except land referred to in section 2 (1) of the Act, that is invested with invader plants of a kind specified in column 2 of the said Table opposite the area concerned.

#### **Acts in respect of which subsidies may be paid**

5. Subsidies may be paid in terms of this scheme in respect of the combating in an area referred to in section 4, of invader plants referred to in that section by means of -
  - (a) aerial spraying with a weed killer where the infestation of those invader plants is classified as a heavy, medium or light infestation;
  - (b) hand spraying with or application by hand of a weed killer where the infestation of those invader plants is classified as a light or sparse infestation; or
  - (c) stem burning where the infestation of those invader plants is classified as a light or sparse infestation.

### **Classification of infestations**

- 6.(1) An infestation of invader plants may for the purposes of this scheme be classified as a heavy infestation if the executive officer is satisfied that all the crowns of the invader plants in a stand thereof entwine or overlap noticeably and mutual shading as a result of stratification occurs generally throughout that stand.
- (2) An infestation of invader plants may for the purposes of this scheme be classified as a medium infestation if the executive officer is satisfied that only some of the crowns of the invader plants in a stand thereof touch or overlap and shading as a result of stratification occurs to a slight extent only throughout that stand.
- (3) An infestation of invader plants for the purposes of this scheme be classified as a light infestation if the executive officer is satisfied that no crowns of the invader plants in a stand thereof touch or overlap and no shading as a result of stratification occurs in that stand, but such stand is nevertheless so dense that aerial spraying is justified.
- (4) An infestation of invader plants may for the purposes of this scheme be classified as a sparse infestation if the executive officer is satisfied that a stand of such plants has or may have a noticeably detrimental effect on the production potential of veld but is not of such a nature that aerial spraying thereof is justified.

### **Basis for the determination of subsidies**

- 7.(1) The subsidies that may be paid in terms of this scheme in respect of the combating of invader plants shall be determined in accordance with the applicable tariffs as recorded in a tariff list approved by the Minister with the concurrence of the Minister of Finance and kept at the office of the executive officer for this purpose.
- (2) Such tariff list shall be deemed to form part of this scheme.
- (3) Copies of the tariff list referred to in subsection (1) shall be available for inspection at -
  - (a) the office of the executive officer;
  - (b) the office of the regional director of a region within which an area referred to in section 4 is situated;
  - (c) each extension office within an area referred to in section 4; and
  - (d) such other office as the executive officer may determine.

### **Requirements for payment of subsidies**

8. A subsidy may be paid to a land user in terms of this scheme in respect of the combating of invader plants if -
  - (a) that land user is the owner of the farm unit on which such invader plants have been combated;
  - (b) the farm unit on which such invader plants have combated -

- (i) is situated within an area referred to in section 4;
- (ii) is infested with invader plants of a kind referred to in section 4; and
- (iii) has been entered for participation in this scheme in terms of section 10 or is deemed to have been thus entered;
  
- (c) the infestation of such invader plants has been classified in terms of section 6 as a heavy, medium, light or sparse infestation;
  
- (d) the combating of such invader plants has been indicated as a proposed work in the list of soil conservation works forming part of the farm plan for the farm unit concerned;
  
- (e) a consent for the combating of such invader plants has been issued or is deemed to have been issued in terms of section 11;
  
- (f) the portion of that farm unit on which such invader plants have been combated corresponds with the portion thereof specified in the applicable consent issued or deemed to have been issued in terms of section 11;
  
- (g) the method and technique of combating and, if applicable, the kind of weed killer used and the concentration at which it was applied correspond with the specifications as set out in the applicable consent issued or deemed to have been issued in terms of section 11;
  
- (h) a statement on the combating of such invader plants has been made or is deemed to have been made in terms of section 12;
  
- (i) such statement has been accepted by the executive officer in terms of section 14, and moneys appropriated for the purposes of this scheme are available; and
  
- (j) all the other provisions of this scheme with regard to the combating of such invader plants and the farm unit on which they have been combated have been complied with.

### **Applications for participation in scheme**

- 9.(1) An application for the entry of a farm unit with a view to participation in this scheme shall be made on a form obtainable for this purpose from an extension office in an area referred to in section 4.
  
- (2) Such an application form shall -
  - (a) subject to the provisions of subsection (4), be completed by the owner of the farm unit concerned; and
  - (b) after being thus completed, be lodged at the extension office for the area within which the farm unit concerned is situated.
  
- (3) An application form referred to in subsection (2) shall, unless the documents concerned have previously been submitted together with an application for the payment of subsidies or grants in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), or an application for the entry of the farm unit concerned with a view to participation in another scheme, be accompanied by -
  - (a) documentary evidence of the identity of the applicant concerned;

- (b) a certified copy of the title deed of the land comprising the farm unit concerned;
  - (c) if applicable, a certified copy of-
    - (i) the purchase agreement in respect of the land comprising the farm unit concerned, if that land has not yet been registered in the name of such applicant: Provided that no subsidy shall in such case be payable before a certified copy of the title deed whereby the land concerned was registered in the name of that applicant has been submitted; or
    - (ii) documentary evidence of the usufruct to which the land comprising the farm unit concerned is subject, if such applicant is the usufructuary of that farm unit; and
  - (d) such other applicable documents as may be required in terms of subsection (4).
- (4) If the owner of a farm unit in respect of which an application form referred to in subsection (1) has been completed -
- (a) is a minor, the application form shall be signed by the parent or legal guardian of such minor;
  - (b) is a married woman, the application form shall be countersigned by her spouse as evidence that she is assisted by him;
  - (c) is an estate, the application form shall be signed by the executor or curator of such estate: Provided that such application form shall be accompanied by a certified copy of the letter of appointment of the executor or curator concerned;
  - (d) is a juristic person, the application form shall be signed by a person who is duly authorised thereto: Provided that -
    - (i) the capacity of the person concerned shall be specified on such application form; and
    - (ii) such application form shall be accompanied by a certified excerpt from the minutes containing the resolution whereby that authority was granted;
  - (e) has authorised another person to apply on his behalf, the application form shall be signed by the authorised person concerned: Provided that such application form shall be accompanied by the proxy concerned;
  - (f) is a partnership or such farm unit is owned by more than one person, the application form shall be signed by all the partners or co-owners concerned unless one of the partners or co-owners has a proxy referred to in paragraph (e); or
  - (g) is a trust, the application form shall be signed by the trustee of such trust: Provided that such application form shall be accompanied by certified copies of the documents whereby the trust concerned was created and the trustee concerned appointed.
- (5) An application for the payment of subsidies in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), in connection with the combating of invader plants on a farm unit, that was lodged prior to the date of commencement of this scheme but had not yet been approved on that date shall be deemed to be an application referred to in subsection (1).

### **Entry of farm units**

- 10.(1) If the executive officer approves an application for the entry of a farm unit with a view to participation in this scheme, he shall notify the applicant concerned thereof in writing: Provided that an application shall not be thus approved unless a farm plan in respect of the farm unit concerned has previously been provided to the applicant concerned.
- (2) Each notice referred to in subsection (1) shall be accompanied by a list of works provided by the executive officer, in which the camps on the farm unit concerned in which the combating of invader plants in respect of which subsidies may be paid in terms of this scheme, should take place, and the classification of the infestation in each such camp are specified.
- (3) A list of works referred to in subsection (2) shall be deemed to be an additional to the list of soil conservation works forming part of the farm plan for a farm unit.
- (4) A farm unit shall be deemed to have been entered for participation in this scheme is -
  - (a) an application by the current owner of the farm unit for the payment of subsidies in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), in connection with the combating of invader plants thereon was approved in terms of the said Act prior to the date of commencement of this scheme, and such approval is still in force, and
  - (b) a document which is deemed to be a list of works referred to in subsection (2) has been provided to such owner prior to the date of commencement of this scheme and such list of works is still in force.
- (5) The entry of a farm unit for participation in this scheme shall lapse if -
  - (a) The entry of a farm unit for participation in this scheme shall lapse if -
    - (i) has notified the executive officer in writing of his intention to withdraw the farm unit from participation in this scheme; and
    - (ii) has repaid to the executive officer the subsidies, if any, that were paid to him in terms of this scheme or in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), in respect of the combating of invader plants on that farm unit, or such portion of those subsidies as the executive officer may determine; or
  - (b) the person to whom a notice in terms of subsection (1) or an approval referred to in section (4) (a) was issued is no longer the owner of the farm unit concerned.

### **Consent to combat invader plants**

- 11.(1) The combating of invader plants specified in a list of works referred to in section 19 (2) shall not commence before the executive officer has consented thereto in writing.
- (2) An application for a consent referred to in subsection (1) shall be made on a form obtainable for this purpose from an extension office in an area referred to in section 4.
- (3) Such an application form shall -
  - (a) subject to the provisions of section 9 (4), be completed by the owner of the farm unit concerned;

- (b) after being thus completed, be lodged at the extension office for the area within which the farm unit concerned is situated; and
- (c) be thus lodged before the first day of the month of August preceding the growing season during which the invader plants concerned will be combated.
- (4) Separate application forms shall be thus lodged in respect of different portions of a farm unit on which invader plants will be combated during different growing seasons, and each such application shall apply to not more than 25 per cent or 500 hectares, whichever is the lesser, of the total infested area of such farm unit: Provided that if the area of a particular camp or group of camps exceeds the said maximum, an allowance of 10 per cent or 50 hectares, as the case may be, shall be permissible in order to enable the land user concerned to combat invader plants in that camp or group of camps as a whole.
- (5) An application for a consent for the combating of invader plants in respect of which subsidies would have been payable in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), that was lodged prior to the date of commencement of this scheme but had not yet been approved on that date, shall be deemed to be an application referred to in subsection (2).
- (6) If the executive officer approves an application referred to in subsection (2), he shall issue written consent to the applicant concerned to combat the invader plants concerned.
- (7) Such consent shall -
  - (a) specify the growing season to which it relates;
  - (b) subject to the provisions of subsection (4), specify the camps in which invader plants are to be combated during the growing season concerned;
  - (c) specify the expiry date thereof;
  - (d) specify the method and technique of combating which are to be applied; and
  - (e) if applicable, specify the kind of weed killer to be used and the concentration at which it is to be applied.
- (8) Notwithstanding the provisions of subsection (6), an application for a consent referred to in subsection (2) shall not be approved if -
  - (a) any subsidies have previously been paid in terms of this scheme, or in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), or any act has previously been performed by the Minister in terms of section 11 of the Act in connection with the combating of invader plants on the portion of a farm unit to which such application relates; or
  - (b) all the proposed soil conservation works that are classified as veld utilisation works in the list of soil conservation works forming part of the farm plan for a farm unit have not yet been completed.
- (9) A consent for the combating of invader plants in respect of which subsidies would have been payable in terms of section 6 of the soil Conservation Act, 1969 (Act 76 of 1969), that was

issued prior to the date of commencement of this scheme shall, if it is still in force on such date, be deemed to be a consent referred to in subsection (1).

### **Statements on combating of invader plants**

- 12.(1) The executive officer shall be provided with a statement in connection with the combating of invader plants in terms of a consent referred to in section 11.
- (2) A statement referred to in subsection (1) shall be made on a form obtainable for this purpose from an extension office in an area referred to in section .
- (3) Such a statement shall -
  - (a) subject to the provisions of section 9 (4), be made by the owner of the farm unit concerned;
  - (b) be thus made -
    - (i) in the presence of an officer of the department employed at the extension office for the area within which the farm unit concerned is situated; and
    - (ii) on or before the expiry date specified in the applicable consent referred to in section 11;
  - (c) specify the date on which or the period during which the invader plants concerned were combated; and
  - (d) contain a confirmation that -
    - (i) the combating of the invader plants concerned was undertaken in the camp or camps, in accordance with the methods and techniques and, if applicable, with the kind of weed killer specified in the consent concerned; and
    - (ii) the deponent is aware that any subsidies paid to him on the basis of the statement concerned shall immediately be repayable by him if it appears that any particulars in such statement are incorrect.
- (3) If invader plants have been combated by means of aerial spraying with a weed killer, the invoice of the firm that undertook such aerial spraying shall be attached to the applicable statement referred to in subsection (1).
- (4) If a statement on the combating of invader plants is not made on or before the expiry date referred to in section 11 (7) (c), the executive officer may -
  - (a) refuse to pay any subsidy in respect of the combating concerned; or
  - (b) postpone the payment of the subsidy in respect of the combating concerned for such period as he may determine.
- (5) A statement on the combating of invader plants in respect of which subsidies would have been payable in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), that was made prior to the date of commencement of this scheme shall, if such subsidies had not yet been paid on that date, be deemed to be a statement referred to in subsection (1).
- (6) Each statement referred to in subsection (1) shall be checked by the executive officer and be tested against the applicable documents referred to in sections 9, 10 and 11 and the

applicable provisions of this scheme in order to determine whether a subsidy is payable in respect of the combating of the invader plants concerned.

- (7) If it appears from the checking of a report in terms of subsection (6) that there is a shortcoming in the combating of invader plants because they have not been combated in accordance with the methods or techniques specified in the applicable consent referred to in section 11 or that such combating does not qualify for the payment of a subsidy for any other reason -
  - (a) the executive officer shall notify the person who made the statement concerned in writing of such shortcoming or reason;
  - (b) no subsidy shall be payable in respect of the combating of those invader plants before such shortcoming has been rectified or such reason eliminated; and
  - (c) a fresh statement may be made in terms of subsection (1) after such shortcoming has been rectified or such reason eliminated.

### **Extensions of validity of consents**

- 13.(1) If the combating of invader plants will probably not be completed in time to ensure that a statement referred to in section 12 (1) can be furnished on or before the expiry date referred to in section 11 (7) (c), the executive officer may on application postpone that expiry date.
- (2) The provisions of section 11 with regard to an application for a consent to combat invader plants shall apply mutatis mutandis with regard to an application for the postponement of the expiry date specified in such consent: Provided that such application shall reach the extension office concerned not later than the expiry date specified in the consent concerned.
- (3) When the executive officer approves an application for the postponement of the expiry date specified in a consent referred to in section 11, he shall issue a fresh consent for the combating of the invader plants concerned.

### **Payment of subsidies**

- 14.(1) If the executive officer accepts a statement that has been checked in terms of section 12 (6), he shall calculate the amount which is payable as subsidy in respect of the combating of the invader plants concerned.
- (2) An amount referred to in subsection (1) shall be calculated according to the applicable tariffs which are recorded in the tariff list referred to in section 7, that were in force on the date on which such statement was made.
- (3) The subsidy thus calculated shall subject to the provisions of subsections (4) and (5) and with due regard to the availability of moneys appropriated for the purposes of this scheme, be paid as soon as is practicable to the owner of the farm unit on which the invader plants concerned have been combated.
- (4) The owner of a farm unit may request the executive officer in writing to pay any subsidies due to him to a person specified in such request.

- (5) If the executive officer has been notified that assistance by way of a loan in terms of section 10 of the Agricultural Credit Act, 1966 (Act 28 of 1966), has been rendered to a land user for the combating of invader plants, the subsidy payable in respect of such combating shall be used as payment or part payment of the amount (including any interest thereon) due the State on account of such assistance.

### **15. Erroneous payments**

- (1) If the executive officer, as a result of an inspection in terms of section 18 of the Act in connection with the combating of invader plants in respect of which a subsidy was paid in terms of this scheme or in terms of section 6 of the Soil Conservation Act, 1969 (Act 76 of 1969), is satisfied that no subsidy should have been paid in respect of the combating of those invader plants, the executive officer shall direct the owner of the farm unit concerned in writing to repay to the executive officer the subsidy concerned, together with interest thereon calculated on the basis set out in subsection (2).
- (2) Interest which is payable in terms of subsection (1) shall be calculated -
- (a) at a rate equal to the rate determined in terms of section 26 (1) of the Exchequer and Audit Act, 1975 (Act 66 of 1975), and which is applicable on the date on which the executive officer directed the repayment of the amount concerned in writing; and
- (b) from the date on which the subsidy concerned was paid until the last day of the month preceding the month of repayment of such due amount.
- (3) If at any time it appears that an error other than an error referred to in subsection (1) has been made in the calculation of a subsidy paid in terms of this scheme, the executive officer may direct the owner of the farm unit concerned in writing to repay to the executive officer the amount erroneously paid to him.
- (4) An amount repayable in terms of subsection (3) shall be paid to the executive officer within 60 days of the date on which he directed the repayment thereof in writing.
- (5) If the owner of a farm unit fails to pay the amount repayable by him in terms of subsection (3) within the period referred to in subsection (4), interest shall be payable on the amount due at a rate equal to the rate determined in terms of section 26 (1) of the Exchequer and Audit Act, 1975 (Act 66 of 1975), and that was applicable on the date on which the executive officer directed the repayment concerned in writing.

### **Conditions on which subsidies are paid**

- 17.(1) A subsidy in terms of this scheme in respect of the combating of invader plants shall be paid on the following conditions:
- (a) The owner concerned shall keep all regrowth and seedlings of the invader plants in respect of which such subsidy has been paid under control at his own expense in order to comply with the provisions of section 12 (1) (b) of the Act.
- (b) The farming practices pursued on the farm unit on which the invader plants concerned have been combated shall comply with the provisions of the management programme forming part of the farm plan for that farm unit.

- (c) The number of animals being kept on the veld of the farm unit on which the invader plants have been combated shall not exceed the number that may be kept thereon in terms of the Act.
- (d) Neither the State nor any of its officers shall be liable in respect of any damage or loss that could in any manner whatsoever be attributed to weed killers recommended for use in terms of this scheme.
- (2) If the owner of a farm unit refuses or fails to comply with any of the conditions set out in subsection (1), the executive officer shall direct the owner concerned to repay to the executive officer the subsidies paid to him in terms of this scheme in respect of the combating of invader plants.
- (3) An amount which is repayable in terms of subsection (2) shall be paid to the executive officer within 60 days of the date on which he has directed the repayment thereof in writing.
- (4) If the owner of a farm unit fails to pay the amount repayable by him in terms of subsection (2) within the period referred to in subsection (3), interest shall be payable on the amount due at a rate equal to the rate determined in terms of section 26 (1) of the Exchequer and Audit Act, 1975 (Act 66 of 1975), and that was applicable on the date on which the executive officer directed the repayment concerned in writing.

### Commencement

18. This scheme shall come into operation on 1 June 1984.

**TABLE**  
**AREAS WITHIN WHICH AND INVADER PLANTS TO WHICH SCHEME APPLIES**

Area	Kind of invader plant	
	Botanical name	Common name
1	2	
1. Magiserial districts of Kuruman, Postmasburg And Vryburg	<i>Acacia erubescens</i> Welw. ex Oliv. <i>Acacia fleckii</i> Schinz. <i>Acacia hebeclada</i> DC subsp. <i>hebeclada</i> <i>Acacia karroo</i> Hayne <i>Acacia mellifera</i> (Vahl) Benth. subsp. <i>desinens</i> (Burhc.) Brenan <i>Acacia nilotica</i> (L.) Willd. ex Del. subsp. <i>kraussiana</i> (Brenth.) Brenan <i>Acacia reficiens</i> Wawra subsp. <i>reficiens</i> <i>Acacia senegal</i> (L.) Willd. var. <i>rostrata</i> Brenan <i>Acacia tortilis</i> (Forsk.) Hayne subsp. <i>heteracantha</i> (Burhc.) Brenan <i>Dichrostachys cinerea</i> (L.) Wight & Arn. subsp. <i>africana</i> Brenan & Brumm. <i>Terminalia sericea</i> Burch. Province, ex DC.	Blue thorn, plate thorn, geelhaak Mouse bush, candle thorn Sweet thorn Black thorn Red heart, scented thorn False umbrella thorn Three-thorned acacia, three-hook acacia Umbrella thorn Chinese lantern tree, bastard acacia, sickle bush Silver cluster-leaf, Transvaal silverleaf, Silverleaf Terminalia

No. R. 1044

25 May 1984

**CONSERVATION OF AGRICULTURAL RESOURCES  
ACT, 1983 (ACT 43 OF 1983)**

**WEED CONTROL SCHEME –  
ESTABLISHMENT**

I, Gert Jeremias Kotzé, Deputy Minister of Agriculture, acting on behalf of the Minister of Agriculture hereby establish by virtue of section 8, read with section 9, of the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983), the Weed Control Scheme in the Schedule.

G.J. KOTZÉ  
Deputy Minister of Agriculture

**SCHEDULE**

**Definitions**

1. Any word or expression in this scheme to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates -

**extension office** means an office of the department established with a view to the rendering of agricultural extension services;

**farm plan** means a farm plan as defined in section 1 of the Soil Conservation Scheme;

**farm unit** means one or more pieces of land, each of which is registered separately in a deeds office, and which is farmed as a single unit;

**Soil Conservation Scheme** means the Soil Conservation Scheme established by virtue of section 8 of the Act; and

**the Act** means the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983), and the regulations made thereunder.

**Name of scheme**

2. This scheme shall be known as the Weed Control Scheme.

**Objects of scheme**

3. The objects of this scheme shall be to promote the combating of certain kinds of weeds with a view to maintaining the production potential of land and to restricting the spread of those kinds of weeds, and to regulate the supply of weed killers purchased by the department out of moneys appropriated by Parliament for the purposes of this scheme.

**Application of scheme**

4. This scheme shall apply to all land in an area specified in column 1 of the Table, except land specified in section 2 (1) of the Act, that is infested with weeds of a kind specified in column 2 of the said Table opposite the area concerned.

**Acts in respect of which weed killers may be supplied**

5. Weed killers may be supplied in terms of this scheme for the purpose of the combating in an area referred to in section 4, of weeds referred to in that section.

**Basis for the supply of weed killers**

- 6.(1) Weed killers are supplied in terms of this scheme against payment of the applicable tariffs as recorded in a tariff list approved by the Minister with the concurrence of the Minister of Finance and kept at the office of the executive officer for this purpose.
- (2) Such tariff list shall be deemed to form part of this scheme.
- (3) Copies of the tariff list referred to in subsection (1) shall be available for inspection at -
- (a) the office of the executive officer;
- (b) the office of the regional director of a region within which an area referred to in section 4 is situated;
- (c) each extension office within an area referred to in section 4; and
- (d) such other office as the executive officer may determine.

**Requirements for supply of weed killers**

7. A weed killer may be supplied to a land user in terms of this scheme in order to combat weeds if -
- (a) he is the land user of the farm unit on which such weeds are to be combated;
- (b) the farm unit on which such weeds are to be combated -
- (i) is situated within an area referred to in section 4;
- (ii) is infested with weeds of a kind referred to in section 4; and
- (iii) has been entered for participation in this scheme in terms of section 9 or is deemed to have been thus entered;
- (c) an application for the supply of such weed killer has been approved in terms of section 10;
- (d) the required quantities of such weed killer, purchased out of moneys appropriated for the purposes of this scheme, are available; and
- (e) the land user concerned has complied with all the other applicable provisions of this scheme.

**Applications for participation in scheme**

- 8.(1) An application for the entry of a farm unit with a view to participation in this scheme shall be made on a form obtainable for this purpose from an extension office in an area referred to in section 4.

- (2) Such an application form shall -
- (a) subject to the provisions of subsection (4), be completed by the owner or the current land user of the farm unit concerned;
  - (b) after being thus completed, be lodged at the extension office for the area within which the farm unit concerned is situated; and
  - (c) be accompanied by a sketch map of the farm unit concerned or the map forming part of the farm plan for that farm unit, on which the camps infested with the weeds concerned are indicated.
- (3) The executive officer may for the purposes of the consideration of such an application require that the applicant concerned submit the following documents to him:
- (a) Documentary proof of the identity of the applicant concerned.
  - (b) A certified copy of the title deed of the land comprising the farm unit concerned.
  - (c) If applicable, a certified copy of -
    - (i) the purchase agreement in respect of the land comprising the farm unit concerned, if such applicant is the owner of that farm unit but the land concerned has not yet been registered in his name;
    - (ii) documentary evidence of the usufruct to which the land comprising the farm unit concerned is subject, if such applicant is the usufructuary of that farm unit; or
    - (iii) documentary evidence of the extent of the personal or real right of such applicant in the farm unit concerned, if he is not the owner of that farm unit.
- (4) If the owner or land user of a farm unit in respect of which an application form referred to in subsection (1) has been completed -
- (a) is a minor, the application form shall be signed by the parent or legal guardian of such minor;
  - (b) is a married woman, the application form shall be countersigned by her spouse as evidence that she is assisted by him;
  - (c) is an estate, the application form shall be signed by the executor or curator of such estate: Provided that such application form shall be accompanied by a certified copy of the letter of appointment of the executor or curator concerned;
  - (d) is a juristic person, the application form shall be signed by a person who is duly authorised thereto: Provided that -
    - (i) the capacity of the person concerned shall be specified on such application form; and
    - (ii) such application form shall be accompanied by a certified excerpt from the minutes containing the resolution whereby that authority was granted;

- (e) has authorised another person to apply on his behalf, the application form shall be signed by the authorised person concerned: Provided that such application form shall be accompanied by the proxy concerned;
  - (f) is a partnership or such farm unit is owned by more than one person, the application form shall be signed by all the partners or co-owners concerned unless one of the partners or co-owners has a proxy referred to in paragraph (e); or
  - (g) is a trust, the application form shall be signed by the trustee of such trust: Provided that such application form shall be accompanied by certified copies of the documents whereby the trust concerned was created and the trustee concerned appointed.
- (5) An application for the rendering of financial or other assistance in terms of section 5 (1) (b) of the Weeds Act, 1937 (Act 42 of 1937), in connection with the combating of weeds on a farm unit, that was lodged prior to the date of commencement of this scheme but had not yet been approved on that date shall be deemed to be an application referred to in subsection (1).

### **Entry of farm units**

- 9.(1) If the executive officer approves an application for the entry of a farm unit with a view to participation in this scheme, he shall notify the applicant concerned thereof in writing.
- (2) A farm unit shall be deemed to have been entered for participation in this scheme if an application by the current land user of that farm unit for the rendering of financial or other assistance in terms of section 5 (1) (b) of the Weeds Act, 1937 (Act 42 of 1937), in connection with the combating of weeds thereon, was approved in terms of the said Act prior to the date of commencement of this scheme and such approval is still in force.
- (3) The entry of a farm unit for participation in this scheme shall lapse if -
- (a) the land use of the farm unit concerned -
    - (i) has notified the executive officer in writing of his intention to withdraw the farm unit from participation in this scheme; and
    - (ii) has repaid to the executive officer the actual purchase price of the weed killer supplied to him in terms of this scheme or in terms of section 5 (1) (b) of the Weeds Act, 1937 (Act 42 of 1937), less the amount paid by such land user in respect of the weed killer or such portion of that purchase price as the executive officer may determine; or
  - (b) the person to whom a notice in terms of subsection (1) or an approval referred to in subsection (2) was issued, is no longer the land user of the farm unit concerned.

### **Supply of weed killers**

- 10.(1) A weed killer required for use in connection with the combating of weeds on a farm entered for participation in this scheme or deemed to have been thus entered, shall on application be issued by the executive officer to the land user of such farm unit.
- (2) An application referred to in subsection (1) shall be made on a form obtainable for this purpose from an extension office in an area referred to in section 4.
- (3) Such an application form shall -

- (a) subject to the provisions of section 8 (4), be completed by the land user by whom the farm unit concerned was entered or is deemed to have been entered for participation in this scheme;
  - (b) after being thus completed, be lodged at the extension office for the area within which the farm unit concerned is situated; and
  - (c) be accompanied by the amount payable in respect of the weed-killer concerned in terms of section 6.
- (4) An application for the supply of weed-killers in terms of section 5 (1) (b) of the Weeds Act, 1937 (Act 42 of 1937), in respect of which the amount referred to in subsection (3) (c) was paid and that was submitted prior to the date of commencement of this scheme shall, if the weed-killer concerned has not yet been supplied on that date, be deemed to be an application referred to in subsection (1).
- (5) An amount referred to in subsection (3) (c) shall be paid by means of a cheque, postal order or money order made out in favour of the Director-General: Agriculture.
- (6) If the executive officer approves such applications, he shall -
- (a) with due regard to the available quantity of weed killer purchased out of moneys appropriated for the purposes of this scheme, supply the required quantity of a suitable kind of weed killer to the land user concerned as soon as is practicable;
  - (b) if it has been dispatched by rail, notify the land user concerned in writing of the dispatch of the weed killer thus supplied to him; and
  - (c) furnish the necessary directions for use and other instructions in connection with the application of that weed killer to the land user concerned.
- (7) Notwithstanding the provisions of subsection (6) the executive officer may withhold the approval of an application for the supply of a weed killer to a land use to whom weed killers have previously been supplied in returnable containers until those containers are returned as required in terms of section 11 (1) (e) or the replacement value of those containers has been paid as required in terms of section 11 (3) (4).

### **Conditions on which weed-killers are supplied**

- 11.(1) A weed killer shall be supplied in terms of this scheme for use in connection with the combating of weeds on the following conditions:
- (a) The weed killer concerned shall -
    - (i) only be used in connection with the combating of weeds of a kind referred to in section 4, that occur on the farm unit concerned;
    - (ii) be used in accordance with the directions of use and other instructions in connection with the application thereof that were issued to the land user concerned in terms of section 9 (6) (c); and

- (iii) at all times prior to the use thereof be kept in safe custody in order to prevent misuse or theft thereof.
- (b) Since the weed killer concerned could be poisonous for humans and animals and harmful to other vegetation, the land user concerned shall, both before and after the application thereof take the necessary measures in connection with the application of that weed killer and the utilisation of the camps in which weeds are combated therewith.
- (c) All regrowth and seedlings of the weeds in respect of which the weed killer concerned was supplied shall be combated on a continuous basis in order to comply with the provisions of section 12 (1) (b) of the Act: Provided that a further quantity of weed killer may from time to time be supplied to a land user for this purpose in terms of section 10.
- (d) If a farm plan has been provided for a farm unit on which weeds were combined in terms of this scheme, the farming practices pursued on such farm unit shall comply with the provisions of the management programme forming part of the farm plan concerned.
- (e) If the weed killer concerned was supplied to the land user concerned in returnable containers, he shall return the containers concerned in an undamaged condition within six months of the date on which he took delivery of the weed killer concerned.
- (2) If a land user refuses or fails to comply with the conditions set out in subsection (1) (a) (i), (c) or (d), the executive officer shall direct the land user concerned to pay to the executive officer the actual purchase price of the weed killer supplied to him in terms of this scheme or in terms of section 5 (1) (b) of the Weeds Act, 1937 (Act 42 of 1937), less the amount already paid by such land user in terms of section 9 (5) or otherwise in respect of that weed killer.
- (3) If a land user refuses or fails to comply with the conditions set out in subsection (1) (e), the executive officer shall direct the land user concerned to pay to the executive officer the replacement value of the containers that have been damaged or that have not been returned.
- (4) An amount payable in terms of subsections (2) or (3) shall be paid to the executive officer within 60 days of the date on which he has directed the repayment thereof in writing.
- (5) If a land user fails to pay an amount payable by him in terms of subsections (2) or (3) within the period referred to in subsection (4), interest shall be payable on the amount due at a rate equal to the rate determined in terms of section 26 (1) of the Exchequer and Audit Act, 1975 (Act 66 of 1975), and that was applicable on the date on which the executive officer directed the payment concerned in writing.

#### **Date of commencement**

12. This scheme shall come into operation on 1 June 1984.

**TABLE**  
**AREAS WITHIN AND KINDS OF WEEDS TO WHICH SCHEME APPLIES**

Area	Kind of weed	
	Botanical name	Common name
1	2	
The Republic	<i>Opuntia aurantiaca</i> Lindl. <i>Opuntia dillenii</i> (Ker-Gawl.) Haw. <i>Opuntia exaltata</i> Berger <i>Opuntia ficus-indica</i> (L.) Mill., excluding all spineless cultivars and selections <i>Opuntia imbricata</i> (Haw.) DC  <i>Opuntia lindheimeri</i> Eng-elm <i>Opuntia rosea</i> DC <i>Opuntia spinulifera</i> Salm-Dyck  <i>Opuntia stricta</i> (Haw.) Haw.  <i>Opuntia vulgaris</i> Mill.	Jointed cactus Pipestem prickly pear Long spine cactus Mission prickly pear, sweet prickly pear Imbricate cactus, imbricate prickly pear Small roundleaved prickly pear Rosea cactus Saucepan cactus, large roundleaved prickly pear Pest pear of Australia, sour prickly pear English prickly pear, sour prickly pear
Cape Province	<i>Stipa tenuissima</i> Trin. <i>Stipa trichotoma</i> Nees.	White tussock Nassella tussock