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REPUBLIEK VAN SUID-AFRIKA

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## THE PRESIDENCY

No. 131 11 February 2005

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

**No. 31 of 2004: National Environmental Management: Protected Areas Amendment Act, 2004.**

## OFISI KAMONGAMELI

Ino. 131 11 February 2005

Esi sisaziso sokuba uMongameli uwamkele lo mthetho ulandelayo nonikezelwa kuluntu jikelele kolu webhu:—

**Ino. 31 ka 2004: Ukulondolozwa Kwendalo yeSizwe: Izilungiso KuMthetho weeNdawo Zolondolozo Ezikhuselweyo, 2004.**

Act No. 31, 2004 NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED  
AREAS AMENDMENT ACT, 2004

**GENERAL EXPLANATORY NOTE:**

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

\_\_\_\_\_ Words underlined with a solid line indicate insertions in existing enactments.

*(English text signed by the President.)  
(Assented to 7 February 2005.)*

## ACT

**To amend the National Environmental Management: Protected Areas Act, 2003, to provide for the application of that Act in relation to national parks and marine protected areas; and to provide for matters connected therewith.**

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 1 of Act 57 of 2003**

1. Section 1 of the National Environmental Management: Protected Areas Act, 2003 (hereinafter referred to as the principal Act), is hereby amended— 5

(a) by the insertion, after the definition of “biological resource”, of the following definitions:

“ **Board** means the Board of South African National Parks referred to in section 57;

**Chief Executive Officer** means the Chief Executive Officer of South African National Parks appointed in terms of section 72;” 10

(b) by the insertion, after the definition of “management authority”, of the following definition:

“ **marine protected area** means an area declared as a marine protected area in terms of section 43 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998);” 15

(c) by the insertion, after the definition of “national environmental management principles”, of the following definitions:

“ **national park** means—

(a) an area which was a park in terms of the National Parks Act, 1976 (Act No. 57 of 1976), immediately before the repeal of that Act by section 90(1) of this Act, and includes a park established in terms of an agreement between a local community and the Minister which has been ratified by Parliament; or 20

UKULONDOLOZWA KWENDALO YESIZWE: IZILUNGISO Act No. 31, 2004  
KUMTHETHO WEENDAWO ZOLONDOLOZO EZIKHUSELWEYO, 2004

**GENERAL EXPLANATORY NOTE:**

- [ ] Amagama akhalwe ngqindilili kwizibiyeli ezisikwere z abonisa iindawo ezingekhoyo kumthetho wangaphambili.
- Amagama akrwelelwe umgca ngaphantsi abonisa iindawo ezifakelweyo.

(English text signed by the President.)  
(Assented to 7 February 2005.)

# UMTHETHO

Ukulungisa komthetho wokuLondolozwa kweNdalo yeSizwe: iSihlomoelo Kulawulo Lwezendalo kwiSizwe: uMthetho weendawo Ezikhuselweyo, 2003, ukulungiselela ukuphuyezwa kwaloo Mthetho ngokuphathelene neepaki zesizwe neendawo ezinxulumene nolwandle ezikhuselweyo; futhi wenzelwe nezinye izinto ezingqamene nazo.

**U**KUBA WAMKELWE yiPalamente yeRipabhliki yoMzantsi Afrika, ngolu hlobo:—

**Isilungiso secandelo 1 loMthetho 57 ka-2003**

1. Icandelo 1 loLawulo lweNdalo kwisizwe: kumthetho wokuLondolozwa kweNdalo yeSizwe: UMthetho weendawo zolondolozo ezikhuselweyo, 2003 (apha uchazwa ngokuba nguMthetho oyiNtloko), uhlonyelwa ngolu hlobo: 5

(a) ngokufakelelwa, emva kwenkcazo ethi-“izilwanyana nezityalo ezifumanekayo” ngolu hlobo:

“**‘IBhodi’** ithetha iBhodi yeePaki zeloMzantsi Afrika echazwe kwicandelo 57; 10

**‘IGosa elingumLawuli oyiNtloko’** kuthethwa Igosa elingumLawuli oyiNtloko leePaki zoMzantsi Afrika elityunjwe ngokwemigaqo yecandelo lama-72;”;

(b) ngokufakelwa emva kwenkcazo ethi-“igunya lolawulo” ngokuchazwa ngolu hlobo: 15

“**‘iindawo zasemanzini ezikhuselweyo’**” ithetha iindawo ezibhengezwe njengeendawo zasemanzini ezikhuselweyo ngokwemigaqo yecandelo 43 loMthetho olawula iNdalo yaseManzini ka-1998 (Act No. 18 of 1998);”

(c) ngokufakelwa emva kwenkcazo ethi-“imigaqo yolawulo lwendalo kwisizwe” ngokuchazwa ngolu hlobo: 20

“**‘Iipaki zesizwe’**” kuthethwa ukuba:

(a) indawo eyayiyipaki ngokwemigaqo noMthetho weePaki zeSizwe ka-1976 (Act No. 57 of 1976), ngaphambi nje kokupheliswa kwaloo Mthetho licandelo 90(1) lalo mthetho, yaye ubandakanya ipaki esekwe ngokwemigaqo nesivumelwano esiphakathi koluntu kunye noMphathiswa esithe saphunyezwa yiPalamente. 25

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- (b) an area declared or regarded as having been declared in terms of section 20 as a national park, and includes an area declared in terms of section 20 as part of an area referred to in paragraph (a) or (b) above; **'National Parks Land Acquisition Fund'** means the fund established by section 12A of the National Parks Act, 1976 (Act No. 57 of 1976);
- (d) by the insertion in the definition of "national protected area", after paragraph (a), of the following paragraph:  
 "(b) a national park; or";
- (e) by the substitution for the definition of "protected environment" of the following definition:  
 " **'protected environment'** means—  
 (a) an area declared, or regarded as having been declared, in terms of section 28 as a protected environment; **[or]**  
 (b) an area which before or after the commencement of this Act was or is declared or designated in terms of provincial legislation for a purpose for which that area could in terms of section 28(2) be declared as a protected environment; or  
 (c) an area which was a lake area in terms of the Lake Areas Development Act, 1975 (Act No. 39 of 1975), immediately before the repeal of that Act by section 90(1) of this Act, and includes an area declared in terms of section 28(1) as part of an area referred to in paragraph (a) [or], (b) or (c) above;"; and
- (f) by the insertion, after the definition of "subordinate legislation", of the following definition:  
 " **'the Fund'** means the National Parks Land Acquisition Fund;".

**Amendment of section 2 of Act 57 of 2003**

2. Section 2 of the principal Act is hereby amended—  
 (a) by the deletion of "and" at the end of paragraph (e) and the addition of "and" at the end of paragraph (f); and  
 (b) by the addition of the following paragraph:  
 "(g) to provide for the continued existence of South African National Parks."

**Amendment of section 9 of Act 57 of 2003**

3. Section 9 of the principal Act is hereby amended—  
 (a) by the substitution for paragraph (a) of the following paragraph:  
 "(a) special nature reserves, national parks, nature reserves (including wilderness areas) and protected environments;"; and  
 (b) by the insertion of the following paragraph after paragraph (b):  
 "(c) marine protected areas;".

**Insertion of section 14 in Act 57 of 2003**

4. The following section is hereby inserted in the principal Act after section 13:

**"Marine protected areas**

14. (1) Chapter 1, this Chapter and section 48 apply to marine protected areas.  
 (2) The other provisions of this Act do not apply to marine protected areas, but if a marine protected area has been included in a special nature reserve, national park or nature reserve, such area must be managed and regulated as part of the special nature reserve, national park or nature reserve in terms of this Act."

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- (b) indawo ebhengezwe ngokusemthethweni okanye ethathwa njengebhengeziweyo ngokwemigaqo yecandelo 20 njengepaki yeSizwe,  
yaye oko kubandakanya indawo ebhengezwe ngokwemigaqo yecandelo 20 njengenxalenye yendawo echazwe kumhlathi (a), (b) okanye (c) apha ngasentla: 5
- (c) ‘Inxowa mali yokuThathwa koMhlaba weePaki zeSizwe’ ithetha iNdxowa mali esekwe ngokwecandelo 12A loMthetho weePaki zeSizwe ka-1976 (Act No. 57 of 1976)
- (d) ngokufakelwa kwinkcazo “kwindawo ekhuselweyo yeSizwe”, emva komhlathi (a) kwalo mhlathi ulandelayo: (b) ipaki yesizwe; okanye; 10
- (e) “ngobufabelwa endaweni yale nkcazelo “indalo ekhuselweyo” le nkcazelo: “indalo ekhuselweyo’ ithetha—
- (a) indawo ebhengezwe okanye ethathwa ngokuba ibhengeziwe ngokomgaqo wecandelo 28 njengendalo ekhuselweyo; [okanye] 15
- (b) indawo phambi okanye emva kokuqalisa kwalo Mthetho yabhengezwa okanye ibhengezwa ngokomgaqo wowiso mthetho wephondo ngenjongo zokuthi loo ndawo ngokomgaqo wecandelo 28 (2) ibe ibhengeziwe njengendalo ekhuselweyo; okanye
- (c) indawo eyayilichibi ngokomgaqo woMthetho wophuhliso lweeNdawo zamaChibi, ka-1975 (Umthetho No. 39 ka-1975), ngokukhawuleza nje phambi kokukhutshwa koMthetho licandelo 90 (1) lalo Mthetho, 20
- yaye ibandakanya indawo ebhengeziweyo ngokomgaqo wecandelo 28 (1) njengenxalenye yendawo ekubhekiselelwe kuyo kumhlathi (a) [okanye], (b) okanye (c) apha ngasentla;” futhi 25
- (f) ngokufakelwa emva kwenkcazo “yokwenzuwa komthetho engaphansi” kwale nkcazo ilandelayo: 30
- “‘Inxowa mali’ ithetha Inxowa mali yokuThathwa komhlaba weePaki zeSizwe;”

**Isilungiso secandelo 2 loMthetho 57 ka-2003**

2. Icandelo 2 loMthetho oyintloko uyahlonyelwa—
- (a) ngokucinywa kweli gama “kanye” ekupheleni komhlathi (e), futhi ngokongezwa u “kanye” ekupheleni komhlathi (f) futhi 35
- (b) ngokongeza lo mhlathi ulandelayo:  
“(g) ukwenzela ukuba iiPaki zeSizwe zoMzantsi Afrika zihlale zihleli.”

**Isilungiso secandelo 9 loMthetho 57 ka-2003**

3. Icandelo 9 loMthetho oyintloko lihlonyelwa ngolu hlobo—
- (a) ngokufakwa endaweni yomhlathi (a) lo mhlathi ulandelayo:  
“(a) imiyezo yendalo eyodwa, iipaki zeSizwe, imiyezo yendalo (ukubandakanya neendawo zasendle) kunye nemimandla ekhuselweyo;” futhi 40
- (b) ngokufakelwa kwalo mhlathi ulandelayo emva komhlathi (b):  
“(c) iindawo zasemanzini ezikhuselweyo;”.

**Ukufakelwa kwecandelo 14 kuMthetho 57 ka-2003**

4. Eli candelo lilandelayo lifakelwa kuMthetho oyintloko, emva kwecandelo 13:

**“Iindawo zasemanzini ezikhuselweyo**

14. (1) Isahluko 1, esi sahluko necandelo 48 zibhekiselele kwiindawo zasemanzini ezikhuselweyo.

(2) Ezinye izinto ezenzelwe lo Mthetho azibhekiselelanga kwiindawo zasemanzini ezikhuselweyo, kodwa ukuba indawo yasemanzini ekhuselweyo ibandakanyiwe kumyezo owodwa wendalo, ipaki yeSizwe okanye umyezo wendalo, loo ndawo kufuneka imiselwe yaye ibe semthethweni njengenxalenye yomyezo owodwa wendalo, ipaki yesizwe okanye umyezo wendalo ngokwemigaqo yalo Mthetho.” 55

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**Amendment of section 15 of Act 57 of 2003**

5. Section 15 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The other provisions of this Act do not apply to specially protected forest areas, forest nature reserves or forest wilderness areas, but if any such area has been declared as or included in a special nature reserve, national park or nature reserve, such area must be managed as a, or as part of the, special nature reserve, national park or nature reserve in terms of this Act in accordance with an agreement concluded between the Minister and the Cabinet member responsible for forestry.”.

**Insertion of Part 2 in Chapter 3 of Act 57 of 2003**

6. The following Part is hereby inserted in Chapter 3 of the principal Act after section 19:

**“Part 2**

***National parks***

**Declaration of national parks**

- 20.** (1) The Minister may by notice in the *Gazette*—
- (a) declare an area specified in the notice—
- (i) as a national park; or
  - (ii) as part of an existing national park; and
- (b) assign a name to the national park.
- (2) A declaration under subsection (1) (a) may only be issued to—
- (a) protect—
- (i) the area if the area is of national or international biodiversity importance or is or contains a viable, representative sample of South Africa’s natural systems, scenic areas or cultural heritage sites; or
  - (ii) the ecological integrity of one or more ecosystems in the area;
- (b) prevent exploitation or occupation inconsistent with the protection of the ecological integrity of the area;
- (c) provide spiritual, scientific, educational, recreational and tourism opportunities which are environmentally compatible; and
- (d) contribute to economic development, where feasible.
- (3) A notice under subsection (1)(a) may be issued in respect of land if the owner has consented to the declaration by way of a written agreement with the Minister or South African National Parks.
- (4) The Minister must notify the relevant MEC of any declaration of an area in terms of subsection (1).
- (5) An area which was a national park when this section took effect must for purposes of this section be regarded as having been declared as such in terms of this section.

**Isilungiso secandelo 15 loMthetho 57 ka-2003**

5. Icandelo 15 loMthetho oyintloko uhlonyelwa ngokuthi endaweni yecandelwana (2) kufakelwe eli candelwana:

“(2) Ezinye izinto ezenzelwe lo Mthetho azibhekiselelanga kwiindawo zamahlathi ezikhuselwe ngohlobo olulodwa, imiyezo yamahlathi endalo okanye iindawo ezingamahlathi zasendle, kodwa ukuba indawo enjalo ibhengezwe okanye ibandakanywe kumyezo owodwa wendalo, iipaki zesizwe okanye imiyezo yendalo, loo ndawo kufuneka ilawulwe njengenxalenye yomyezo owodwa wendalo, ipaki yesizwe okanye umyezo wendalo ngokwemigaqo yalo Mthetho ngokwesivumelwano esigqitywe phakathi koMphathiswa kunye nelungu leKhabhinethi elilawula ezamahlathi.”

**Ukufakelwa kweNxalenye 2 kwiSahluko 3 soMthetho 57 ka-2003**

6. Le Nxalenye ilandelayo ifakelwe kwiSahluko 3 somthetho oyintloko, emva kwecandelo 19:

**“Isiqendu 2**

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**IiPaki zeSizwe****Ukubhengezwa ngokusemthethweni kweepaki zesizwe**

- 20. (1) UMphathiswa ngokwazisa kwiGazethi angenza oku—**
- (a) abhengeze ngokusemthethweni indawo echazwe kwisaziso—
- (i) njengepaki yesizwe; okanye
- (ii) njengenxalenye yepaki yesizwe emiyo; futhi
- (b) athiye igama ipaki yesizwe;
- (2) Isibhengezo esisemthethweni phantsi kwecandelwana (1)(a) singakhutshwa kuphela—
- (a) ukukhusela—
- (i) indawo ukuba indawo leyo ibaluleke ngemvelo eyahlukeneyo kwisizwe nakwihlabathi okanye zingabalulutho, zimele inkqubo yendalo neli loMzantsi Afrika, iindawo ezingumbono omhle okanye iindawo ezinembonakalo yelizwe okanye iziza zelifa nenkcubeko; okanye
- (ii) indalo egqibeleleyo yeenkqubo zendalo ezikwisinye nangaphezulu kwindawo leyo;
- (b) ukukhusela ukutshatyalaliswa nokuhlalwa nto leyo engahambiselani nokukhuselwa kwendalo egqibeleleyo yendawo leyo;
- (c) ukudala amathuba okuhlaziya umphefumlo, ezobunzululwazi, ezemfundo, ezemidlalo nawezokhenketho ahambiselana nendalo; yaye
- (d) ukunika igalelo kuphuhliso lwezoqoqosho apho kubonakala kunganjalo.
- (3) Isaziso phantsi kwecandelwana (1)(a) singakhutshelwa umhlaba ukuba umniniwo uvumile kwisibhengezo esisemthethweni ngokwesivumelwano esibhaliweyo noMphathiswa okanye iiPaki zeSizwe zeloMzantsi Afrika.
- (4) UMphathiswa kufuneka azise uMphathiswa wephondo ochaphazelekayo ngaso nasiphina isibhengezo esisemthethweni sendawo ngokwemigaqo yecandelwana (1).
- (5) Indawo eyayiyipaki yesizwe xa eli candelo liqala ukusetyenziswa kufuneka ngokweenjongo zeli candelo ithathwe njengebhengeziweyo ngokwemigaqo yeli candelo.

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**Withdrawal of declaration or exclusion of part of national park**

**21. (1)** A declaration under section 20 may only be withdrawn—

- (a) by resolution of the National Assembly; or  
(b) in terms of subsection (2).

(2) If the Minister or South African National Parks, as the case may be, or the other party to an agreement referred to in section 20(3), withdraws from the agreement, the Minister must withdraw the declaration in terms of which the land in question was declared a national park or part of an existing national park.

**Designation of national park as wilderness area**

**22. (1)** The Minister may by notice in the *Gazette* designate any national park, or part thereof, as a wilderness area.

(2) A designation under subsection (1) may only be issued—

- (a) to protect and maintain the natural character of the environment, biodiversity, associated natural and cultural resources and the provision of environmental goods and services;  
(b) to provide outstanding opportunities for solitude;  
(c) to control access which, if allowed, may only be by non-mechanised means.

(3) Before designating a national park as a wilderness area, the Minister must consult the management authority of the park.”.

**Amendment of section 23 of Act 57 of 2003**

**7.** Section 23 of the principal Act is hereby amended—

- (a) by the insertion in subsection (2) of the following paragraph:

“(a) to supplement the system of national parks in South Africa.”; and

- (b) by the substitution for subsection (4) of the following subsection:

“(4) No area which is or forms part of a special nature reserve or national park may be declared as a nature reserve or as part of an existing nature reserve.”.

**Amendment of section 28 of Act 57 of 2003**

**8.** Section 28 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of subsection (2) of the following paragraph:

“(a) to regulate the area as a buffer zone for the protection of a special nature reserve, national park, world heritage site or nature reserve.”;

- (b) by the substitution for paragraph (d) of subsection (2) of the following paragraph:

“(d) to protect a specific ecosystem outside of a special nature reserve, national park, world heritage site or nature reserve.”;

- (c) by the substitution for paragraph (f) of subsection (2) of the following paragraph:

“(f) to control change in land use in the area if the area is earmarked for declaration as, or inclusion in, a national park or nature reserve.”;

- (d) by the substitution for subsection (4) of the following subsection:

“(4) No area which is or forms part of a special nature reserve, national park or nature reserve may be declared as a protected environment or as part of an existing protected environment.”; and



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**Ukurhoxiswa kwesibhengezo okanye ukukhutshwa kwenxalenye yepaki yesizwe**

- 21.** (1) Isibhengezo esisemthethweni esiphantsi kwecandelo 20 singarhoxiswa kuphela—
- (a) ngokwesigqibo sePalamente; okanye 5  
(b) ngokwemigaqo yecandelwana (2).
- (2) Ukuba uMphathiswa, okanye iiPaki zeSizwe zeloMzantsi Afrika, okanye elinye iqela lesivumelwano; berhoxa kwisivumelwano ekubhekiselelwe kuso kwicandelo 20(3), uMphathiswa kufuneka asirhoxise isibhengezo ngokwemigaqo yokwabhengezwayo ngomhlaba ekuthethwa ngawo obhengezwe njengepaki yeSizwe okanye njengenxalenye yepaki yesizwe emiyo. 10

**Ukubekwa kwepaki yesizwe njengendawo engummandla wasendle**

- 22.** (1) UMphathiswa angathi ngokufaka isaziso *kwiGazethi* abeke nayiphina ipaki yesizwe, okanye inxalenye yayo, njengendawo engummandla wasendle: 15
- (2) Ukubekwa phantsi kwecandelwana (1) kungenziwa kuphela—
- (a) ukukhusela nokugcina ubume bendalo, imvelo eyahlukeneyo, kunye nezinto ezifumanekayo zendalo nenkonzo zendalo; 20  
(b) ukudala amathuba abonakalayo okuzimela  
(c) ukuthintela ukungena, okunokuthi xa kuvumelekile, kwenzeke kuphela ngendlela engenakutshabalalisa.
- (3) Ngaphambi kokubekwa kwepaki yesizwe njengendawo engummandla wasendle phantsi kwecandelwana (1), uMphathiswa kufuneka abonisane negunya lolawulo lwepaki.’.’ 25

**Isilungiso secandelo 23 loMthetho 57 ka-2003**

- 7.** Icandelo 23 loMthetho oyintloko uhlonyelwa ngolu hlobo—
- (a) ngokufakelwa kwicandelwana (2) lo mhlathi ulandelayo: 30  
“(a) ukuncedisa inkqubo yeepaki zesizwe eMzantsi Afrika;” yaye  
(b) ngokufakela endaweni yecandelwana (4) eli candelwana lilandelayo  
“(4) Akukho ndawo eyinxalenye yomyezo owodwa wendalo okanye ipaki yesizwe eya kubhengezwa ngokusemthethweni njengomyezo wendalo okanye inxalenye yomyezo wendalo omiyo.”

**Isilungiso secandelo 28 loMthetho 57 ka-2003**

- 8.** Icandelo 28 loMthetho oyintloko lihlonyelwe ngolu hlobo—
- (a) ngokufakela endaweni yomhlathi (a) wecandelwana (2) lo mhlathi ulandelayo: 40  
“(a) ukuyilawula indawo njengomda wokukhusela umyezo owodwa wendalo, ipaki yesizwe isiza selifa lehlabathi okanye umyezo wendalo;”
- (b) ngokufakela endaweni yomhlathi (d) wecandelwana (2) lo mhlathi ulandelayo: 45  
“(d) ukukhusela inkqubo ethile yezendalo ngaphandle komyezo owodwa wendalo, ipaki yesizwe, isiza selifa lehlabathi okanye umyezo wendalo;”
- (c) ngokufakela endaweni yomhlathi (f) icandelwana (2) lo mhlathi ulandelayo: 50  
“(f) ukulawula utshintsho kwindlela yokusetyenziswa komhlaba kwindawo leyo ukuba loo ndawo iphawulelwe ukubhengezwa ngokusemthethweni, okanye ukubandakanywa kwipaki yesizwe okanye umyezo wendalo.
- (d) ngokufakela endaweni yecandelwana (4) eli candelwana lilandelayo: 55  
(4) Akukho ndawo eyinxalenye yomyezo owodwa wendalo, ipaki yeSizwe okanye umyezo wendalo eya kubhengezwa ngokusemthethweni njengommandla okhuselweyo okanye njengenxalenye yommandla omiyo okhuselweyo,” futhi

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(e) by the substitution for subsection (6) of the following subsection:

“(6) An area ceases to be a protected environment if that area is declared as, or included into, a national park or nature reserve or part thereof.”.

**Amendment of section 31 of Act 57 of 2003**

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9. Section 31 of the principal Act is hereby amended by the substitution for the words preceding paragraph (a) of the following words:

“Subject to section 34, before issuing a notice under section 18(1), 19, 20(1), 22(1), 23(1), 24(1), 26(1), 28(1) or 29, the Minister may follow such consultative process as may be appropriate in the circumstances, but must—”.

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**Amendment of section 34 of Act 57 of 2003**

10. Section 34 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“If it is proposed to declare an area under section 18(1) or 20(1) as a special nature reserve or a national park, or as part thereof, and that area consists of or includes—”.

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**Amendment of section 35 of Act 57 of 2003**

11. Section 35 of the principal Act is hereby amended—

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

“(1) The declaration of private land as a special nature reserve, national park, nature reserve or protected environment, or as part thereof, may be initiated either by the Minister or the MEC or the owners of that land acting individually or collectively.”; and

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(b) by the substitution for paragraph (a) of subsection (3) of the following paragraph:

“(a) The terms of any written agreement entered into between the Minister, South African National Parks or an MEC and the owner of private land in terms of section 18(3), 20(3) or 23(3) are binding on the successors in title of such owner.”.

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**Amendment of section 36 of Act 57 of 2003**

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12. Section 36 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Minister or the MEC, as the case may be, must in writing notify the Registrar of Deeds whenever an area is declared as a special nature reserve, national park, nature reserve or protected environment, or as part thereof, or whenever a declaration in respect thereof is withdrawn or altered.”.

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**Substitution of section 37 of Act 57 of 2003**

13. The following section is hereby substituted for section 37 of the principal Act:

**“Application of Chapter**

37. Except where expressly stated otherwise in this Chapter, this Chapter only applies to a protected area which is a special nature reserve, national park, nature reserve or protected environment, and the expressions ‘protected area’, ‘national protected area’, ‘provincial protected area’, ‘local protected area’ and ‘protected environment’ must be construed accordingly in this Chapter.”.

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- (e) ngokufakela endaweni yecandelwana (6) eli candelwana lilandelayo:  
“(6) Indawo iyayeka ukuba ngummandla okhuselweyo ukuba loo ndawo ibhengezwe okanye ibandakanyiwe kwipaki yeSizwe okanye kumyezo wendalo okanye inxalenye yawo”.

**Isilungiso secandelo 31 loMthetho 57 ka-2003**

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9. Icandelo 31 loMthetho oyintloko lihlonyelwa ngokufakela endaweni yala magama andulela umhlathi (a) la magama alandelayo:

“Ngokwecandelo 31, ngaphambi kokukhutshwa kwesaziso phantsi kwecandelo 18(1), 19, 20(1), 22(1), 23(1), 24(1), (26)(1) 28(1) okanye 29, uMphathiswa angalandela inkqubo leyo yokubonisana efanelekileyo ngokweemeko, kodwa kufuneka-” 10

**Isilungiso secandelo 34 loMthetho 57 ka-2003**

10. Icandelo 34 loMthetho oyintloko lihlonyelwa ngokufakela endaweni yecandelwana (1) amagama andulela umhlathi (a) la magama alandelayo:

“Ukuba kuphakanyisiwe ukubhengeza ngokusemthethweni indawo phantsi kwecandelo 18(1) okanye 20(1) njengomyezo owodwa wendalo okanye ipaki yesizwe okanye inxalenye yayo yaye loo ndawo iqulethe okanye ibandakanya-” 15

**Isilungiso secandelo 35 loMthetho 57 ka-2003**

11. Icandelo 35 loMthetho oyintloko lihlonyelwa

- (a) ngokufakela endaweni yecandelwana (1) eli candelwana lilandelayo:

“(1) ukubhengezwa ngokusemthethweni komhlaba wabucala njengomyezo owodwa wendalo ipaki yesizwe umyezo wendalo okanye imvelo ekhuselweyo, okanye inxalenye yayo, kungavezwa nguMphathiswa okanye uMphathiswa wephondo okanye abanini bomhlaba, eyedwa okanye bedibene;” futhi 20

- (b) ngokufakela endaweni yomhlathi (a) icandelwana (3) lalo mhlathi ulandelayo: 25

“(a) Imiba yaso nasiphina isivumelwano esibhaliweyo esiphakathi koMphathiswa, iiPaki zeSizwe zeloMzantsi Afrika okanye uMphathiswa wePhondo nomnini womhlaba wabucala ngokwemigaqo yecandelo 18 (3), 20(3), okanye 23 (3) iyabophelela kubalandeli abanetayitile yaloo mnini.” 30

**Isilungiso secandelo 36 loMthetho 57 ka-2003**

12. Icandelo 36 loMthetho oyintloko lihlonyelwa ngokufakela endaweni yecandelwana (1) eli candelwana lilandelayo:

“(1) UMphathiswa okanye owephondo kufuneka azise ngokubhala uNobhala weMihlaba qho xa indawo ibhengezwa ngokusemthethweni njengomyezo owodwa wendalo, ipaki yesizwe, umyezo wendalo okanye imvelo ekhuselweyo, okanye njengenxalenye yayo okanye naninina xa isibhengezo sasemthethweni sirhoxiswa okanye sitshintshwa.” 35

**Ukufakelwa endaweni yecandelo 37 loMthetho 57 ka-2003**

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13. Eli candelo lilandelayo kuza kufakwa endaweni yalo icandelo 37 loMthetho oyintloko:

**“Ukusetyenziswa kweSahluko**

37. Ngaphandle kwalapho kuchazwe ngenye indlela kwesi Sahluko, esi Sahluko sisebenza kuphela kwindawo ekhuselweyo engumyezo owodwa wendalo, ipaki yesizwe umyezo wendalo, okanye indawo yemvelo ekhuselweyo, nezi ntetho ‘indawo ekhuselweyo’, ‘indawo ekhuselweyo yesizwe,’ ‘indawo ekhuselweyo yephondo’, ‘indawo ekhuselweyo kamasipala’ kunye ‘nemvelo ekhuselweyo’ kufuneka ithatyathwe ngendlela efanelekileyo kwesi Sahluko.” 45 50

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**Amendment of section 38 of Act 57 of 2003**

14. Section 38 of the principal Act is hereby amended—

- (a) by the deletion of “and” at the end of paragraph (a) of subsection (1); and  
(b) by the insertion after paragraph (a) of subsection (1) of the following paragraph:

“(aA) must assign the management of a national park to South African National Parks or another suitable person, organisation or organ of state; and”.

**Amendment of section 42 of Act 57 of 2003**

15. Section 42 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) Where the Minister or MEC in terms of subsection (4) cancels a co-management agreement forming a material term of an agreement contemplated in section 20(3), 23(3) or 28(3), the withdrawal of the declaration of the protected area or exclusion contemplated in section 21(2), 24(2) or 29, respectively, **[apply]** applies.”.

**Substitution of section 46 of Act 57 of 2003**

16. The following section is hereby substituted for section 46 of the principal Act:

**“Access to national park, nature reserve and world heritage site**

46. (1) Despite any other legislation, no person may without the written permission of the management authority of a national park, nature reserve or world heritage site enter or reside in the park, reserve or site.

(2) Subsection (1) does not apply to—

- (a) an official of the Department or of another organ of state designated by the Minister or, in the case of a provincial or local nature reserve, a person designated by the MEC, to monitor—  
(i) the state of conservation of the park, reserve or site or of the biodiversity in the park, reserve or site; or  
(ii) the implementation of the management plan and this Act;  
(b) an official of the management authority **[to perform]** performing official duties in the park, reserve or site;  
(c) any police, customs or excise officer entering the park, reserve or site in the performance of official duties;  
(d) the holder of a vested right to enter the park, reserve or site; or  
(e) a person travelling through the park, reserve or site by rail, as long as that person stays on the train or within the precincts of any railway station.

(3) If the management authority of a national park, nature reserve or world heritage site refuses permission to an official of an organ of state to enter the park, reserve or site for the performance of official duties, the Minister may—

- (a) reconsider the matter; and  
(b) either confirm the refusal or grant the permission.”.

**Amendment of section 47 of Act 57 of 2003**

17. Section 47 of the principal Act is hereby amended—

- (a) by the substitution for the heading to that section of the following heading: **“Use of aircraft in special nature reserve, national park or world heritage site”**; and

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**Isilungiso secandelo 38 loMthetho 57 ka-2003**

14. Icandelo 38 loMthetho oyintloko liyahlonyelwa—

- (a) ngokucima u “kunye” ekupheleni komhlathi (a) wecandelwana (1); futhi  
(b) ngokufakela emva komhlathi (a) icandelwana (1) lo mhlathi ulandelayo:

“(aA)

kufuneka anikele ulawulo lwepaki yesizwe kwiiPaki zeSizwe zeloMzantsi Afrika okanye komnye umntu ofanelekileyo, umbutho okanye iziko lombuso; futhi”

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**Isilungiso secandelo 42 loMthetho 57 ka-2003**

15. Icandelo 42 loMthetho oyintloko liyahlonyelwa ngokufakela endaweni yecandelwana (5) eli candelwana lilandelayo: 10

“(5) Apho uMphathiswa okanye uMphathiswa wephondo ngokwemigaqo yecandelwana (4) eyekisa isivumelwano solawulo esenza umbandela obonakalayo wesivumelwano esibekiweyo kwicandelo 20 (3), 23 (3) okanye 28 (3), ukurhoxiswa kwesibhengezo sendawo ekhuselweyo okanye ukususwa kokubekiweyo kwicandelo 21(2), 24 (2) okanye 29, ngokwahlukeneyo, kuyasebenza.” 15

**Ukufakelwa kwecandelo 46 loMthetho 57 ka-2003**

16. Eli candelo lilandelayo kuza kufakwa endaweni yalo icandelo 46 loMthetho oyintloko: 20

“Ukungena kwipaki yesizwe, umyezo wendalo kunye nesiza selifa lehlabathi”

46. (1) Nokuba ngowuphina omnye umthetho, akukho mntu ongenamvume ebhaliweyo yegunya elilawulayo lepaki yesizwe, umyezo wendalo okanye isiza selifa lehlabathi oya kungena okanye ahlale kwipaki, kumyezo, okanye kwisiza. 25

(2) Icandelwana (1) alisasebenzi—

(a) kwigosa leSebe laseburhulumenteni okanye leziko lombuso elichongwe nguMphathiswa okanye xa ingumyezo wephondo okanye kamasipala, umntu ochongwe nguMphathiswa wephondo, ukuba ajonge— 30

(i) ubume bokulondolozwa kwepaki, umyezo okanye isiza semvelo eyahlukeneyo epakini, kumyezo okanye kwisiza; okanye

(ii) ukusetyenziswa kwezicwangcwiso zolawulo kunye nalo Mthetho; 35

(b) igosa legunya elilawulayo ukuba lenze umsebenzi osemthethweni epakini, kumyezo okanye esizeni;

(c) naliphina ipolisa, igosa elilelinye elingena epakini, kumyezo, okanye kwisiza xa lisenza umsebenzi osemthethweni; 40

(d) nelungelo lokungena epakini, kumyezo okanye kwisiza; okanye  
(e) umntu onqumla epakini, kumyezo okanye kwisiza ngomzila kaloliwe, oko nje loo mntu ehleli kuloliwe, okanye ngaphakathi kwamasango esikhululo sikaloliwe.

(3) Ukuba igunya elilawulayo lepaki yesizwe, umyezo wendalo okanye isiza selifa lehlabathi lisala nemvume kwigosa leziko lombuso ukuba lingene epakini, kumyezo okanye isiza ukuba lenze imisebenzi esemthethweni, uMphathiswa anga— 45

(a) wuqwalasela lo mbandela; yaye

(b) aqinisekise ukuchasa okanye ukunika imvume.” 50

**Isilungiso secandelo 47 loMthetho 57 ka-2003**

17. Icandelo 47 loMthetho oyintloko liyahlonyelwa—

- (a) ngokufakela endaweni yesihloko selo candelo esi sihloko silandelayo:

“Ukusetyenziswa kwenqwelo-moya kumyezo owodwa wendalo, ipaki yesizwe okanye isiza selifa lehlabathi;” yaye 55

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- (b) by the substitution for subsections (1), (2) and (3) of the following subsections, respectively:

“(1) A special nature reserve, national park or world heritage site includes the air space above the reserve, park or site to a level of 2 500 feet above the highest point of the reserve, park or site.

(2) No person may land or take off in an aircraft in a special nature reserve, national park or world heritage site, except—

(a) on or from a landing field designated by the management authority of that special nature reserve, national park or world heritage site; and

(b) with the permission of, and on conditions determined by, the management authority.

(3) No person may fly over a special nature reserve, national park or world heritage site at [an altitude] a level of less than 2 500 feet above its highest point, except as may be necessary for the purpose of subsection (2).”.

**Amendment of section 48 of Act 57 of 2003**

18. Section 48 of the principal Act is hereby amended—

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

“(a) in a special nature reserve, national park or nature reserve;”;

(b) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

“(c) in a protected area referred to in section 9(b), (c) or (d).”.

**Amendment of section 50 of Act 57 of 2003**

19. Section 50 of the principal Act is hereby amended—

(a) by the substitution for the heading to that section of the following heading:

“**Commercial and community activities in national park, nature reserve and world heritage site**”;

(b) by the substitution for subsections (1), (2) and (3) of the following subsections:

“(1) The management authority of a national park, nature reserve and world heritage site may, despite any regulation or by-law referred to in section 49, but subject to the management plan of the park, reserve or site—

(a) carry out or allow—

(i) a commercial activity in the park, reserve or site; or

(ii) an activity in the park, reserve or site aimed at raising revenue;

(b) enter into a written agreement with a local community inside or adjacent to the park, reserve or site to allow members of the community to use in a sustainable manner biological resources in the park, reserve or site; and

(c) set norms and standards for any activity allowed in terms of paragraph (a) or (b).

(2) An activity allowed in terms of subsection (1)(a) or (b) may not negatively affect the survival of any species in or significantly disrupt the integrity of the ecological systems of the national park, nature reserve or world heritage site.

(3) The management authority of the national park, nature reserve or world heritage site must establish systems to monitor—

(a) the impact of activities allowed in terms of subsection (1)(a) or (b) on the park, reserve or site and its biodiversity; and

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- (b) ngokufakwa endaweni yamacandelwana (1), (2) no-(3) la macandelwana alandelayo ngokwahlukana kwawo:
- “(1) Umyezo owodwa wendalo, ipaki yesizwe okanye isiza selifa lehlabathi kuquka isithuba emoyeni esiphezulu komyezo, ipaki okanye isiza kumphakamo ozinyawo eziyi-2 500 ngaphezulu kweyona ndawo iphakamileyo yomyezo, ipaki okanye isiza. 5
- (2) Akukho mntu uvumelekileyo ukuba makaqhube inqwelo-moya komyezo owodwa wendalo, kwipaki yesizwe okanye kwisiza selifa lehlabathi ngaphandle kokuba
- (a) kukwithafa elityunjwe ligunya elilawulayo lomyezo lowo uwodwa, ipaki yesizwe okanye isiza selifa lehlabathi, futhi (b) ngemvume nangokwemiqathango esekwe ligunya elilawulayo. 10
- (3) akukho mntu ongabhabha phezu komyezo owodwa wendalo, ipaki yeSizwe okanye isiza selifa lehlabathi [umphakamo] ngokulungeleleneyo nomhlaba ngokungaphantsi kweenyawo eziyi-2 500 ngaphezulu kweyona ndawo iphakamileyo ngaphandle kokuba oko kungayimfuneko ngokwemiqathango ekwicandelwana (2).” 15

**Isilungiso secandelo 48 loMthetho 57 ka-2003**

18. Icandelo 48 loMthetho oyintloko uyahlonyelwa—
- (a) ngokufakela endaweni yomhlathi (a) wecandelwana (1) lo mhlathi ulandelayo: 20
- “(a) komyezo owodwa wendalo, ipaki yesizwe okanye umyezo wendalo”, kunye
- (b) ngokufakela endaweni yomhlathi (c) wecandelwana (1) lo mhlathi ulandelayo: 25
- (c) “kwindawo ekhuselweyo echazwe kwicandelo 9(b), (c) okanye (d)”.

**Isilungiso secandelo 50 loMthetho 57 ka-2003**

19. Icandelo 50 loMthetho oyintloko liyahlonyelwa—
- (a) ngokufakela endaweni yesihloko kwicandelo elo esi sihloko silandelayo: 30
- “**Izinto zorhwebo okanye zoluntu kwipaki yesizwe, umyezo wendalo nakwisiza selifa lehlabathi**”;
- (b) ngokufakela endaweni yamacandelwana (1), (2) no(3) la macandelwana alandelayo:
- “(1) Igunya elilawulayo lepaki yesizwe, umyezo wendalo okanye isiza selifa lehlabathi lingakwenza oku kulandelayo nangona kukho imithetho kagunyaziwe okanye kamasipala njengoko kuchaziwe kwicandelo 49 kodwa kuxhomekeke kwisicwangciso solawulo lwepaki, umyezo okanye isiza— 35
- (a) basebenze okanye bavumele— 40
- (i) izinto zorhwebo epakini, komyezo okanye kwisiza; okanye
- (ii) izinto eziqhubeka epakini, komyezo okanye kwisiza ezijolise ekunyuseni ingeniso;
- (b) benze isivumelwano esibhaliweyo nabahlali abangaphakathi epakini okanye abamelene nepaki, umyezo okanye isiza ukwenzela abahlali bavune kwimbuyekezo yendalo epakini, komyezo okanye kwisiza; futhi 45
- (c) liseke indlela nemigangatho yezinto ezivumelekileyo ngokwemigaqo yomhlathi (a) okanye (b). 50
- (2) Izinto eziqhubekayo ezivumelekileyo ngokwemigaqo yecandelwana (1) (a) okanye (b) azinakutshabalalisa impilo yendalo okanye ziphazamise ubume benkqubo yemvelo kwipaki yesizwe, umyezo wendalo okanye kwisiza selifa lehlabathi. 55
- (3) Igunya elilawulayo lepaki yesizwe, umyezo wendalo okanye isiza selifa lehlabathi kufuneka liseke iinkqubo zokuhlola-hlola—
- (a) igalelo lezinto eziqhubekayo ezivumelekileyo ngokwemigaqo yecandelwana (1)(a) okanye (b) epakini, komyezo okanye kwisiza nakwimvelo eyahlukene; futhi

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- (b) compliance with—
  - (i) any agreement entered into in terms of subsection (1)(b); and
  - (ii) any norms and standards set in terms of subsection (1)(c).”; and
- (c) by the substitution for subsection (5) of the following subsection: 5
 

“(5) No development, construction or farming may be permitted in a national park, nature reserve or world heritage site without the prior written approval of the management authority.”.

**Amendment of section 52 of Act 57 of 2003**

20. Section 52 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The management authority of a national park, nature reserve or world heritage site may, in accordance with prescribed norms and standards, make rules for the proper administration of the area.”.

**Insertion of Chapter 5 in Act 57 of 2003** 15

21. The following Chapter is hereby inserted in the principal Act after section 53:

**“CHAPTER 5**

**SOUTH AFRICAN NATIONAL PARKS**

*Part 1*

***Continued existence and functions of South African National Parks*** 20

**Continued existence**

- 54.** (1) South African National Parks established by section 5 of the National Parks Act, 1976 (Act No. 57 of 1976), continues to exist as a juristic person despite the repeal of that Act by section 90 of this Act.
- (2) As from the repeal of the National Parks Act, 1976, South African National Parks functions in terms of this Act. 25

**Functions**

- 55.** (1) South African National Parks must—
  - (a) manage the national parks and other protected areas assigned to it in terms of Chapter 4 and section 92 in accordance with this Act; 30
  - (b) protect, conserve and control those national parks and other protected areas, including their biological diversity; and
  - (c) on the Minister’s request, advise the Minister on any matter concerning—
    - (i) the conservation and management of biodiversity; and 35
    - (ii) proposed national parks and additions to or exclusions from existing national parks; and
  - (d) on the Minister’s request, act as the provisional managing authority of protected areas under investigation in terms of this Act.
- (2) South African National Parks may in managing national parks— 40
  - (a) manage breeding and cultivation programmes, and reserve areas in a park as breeding places and nurseries;



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(b) ukuhambelana—

- (i) naso nasiphina isivumelwano esikhoyo ngokwemigaqo yecandelwana (1)(b); futhi  
(ii) naziphina izithethe nemigangatho esekwe ngokwemigaqo yecandelwana (1) (c);” futhi

(c) ngokufakela endaweni yecandelwana (5) eli candelwana lilandelayo:

“(5) Akukho phuhliso, ukwakiwa okanye ukufuya okuya kuvunyelwa epakini yesizwe, kumyezo wendalo okanye kwisiza selifa lehlabathi ngaphandle kwemvume ebhaliweyo ephuma kwigunya elilawulayo.”

**Isilungiso secandelo 52 loMthetho 57 ka-2003**

20. Icandelo 52 loMthetho oyintloko liyahlonyelwa ngokufakelwa endaweni yecandelwana (1) eli candelwana lilandelayo:

“(1) igunya elilawulayo lepaki yesizwe, umyezo wendalo okanye isiza selifa lehlabathi lingathi ngokuhambiselana nezithethe nemigangatho ebekiweyo lenze imithetho elungiselela ulawulo lwendawo leyo.”

**Ukufakelwa kweSahluko 5 kuMthetho 57 ka-2003**

21. Esi Sahluko silandelayo siyafakelwa kuMthetho oyintloko emva kwecandelo le-53;

**“ISAHLUKO 5**

**IIPAKI ZESIZWE SOMZANTSI AFRIKA**

***Umhlathi 1***

***Uzinzo oluthe gqolo nemisebenzi yeePaki zeSizwe zeloMzantsi Afrika***

**Uzinzo oluthe gqolo**

**54.** (1) IiPaki zeSizwe zeloMzantsi Afrika ezasekwa licandelo 5 loMthetho weePaki zeSizwe, ka-1976 (Act No. 57 of 1976), ziza kuhlala zisebenza njengomntu oyingcali kwezomthetho nangona uphelisiwe loo Mthetho licandelo 90 lalo Mthetho.

(2) Ukusukela ekubhangisweni koMthetho weePaki zeSizwe ka-1976, iiPaki zeSizwe zeloMzantsi Afrika zisebenza ngokwemigaqo yalo Mthetho.

**Imisebenzi**

**55.** (1) IiPaki zeSizwe zeloMzantsi Afrika kufuneka—

- (a) zilawule iipaki zesizwe nezinye iindawo ezikhuselweyo eziphantsi kwayo ngokwemigaqo yeSahluko 4 kunye yecandelo 92 ngokuhambiselana nalo Mthetho. 35
- (b) zikhusele, zilondolozwe yaye zilawule ezo paki zesizwe nezinye iindawo ezikhuselweyo, eziquka imvelo yazo eyohlukeneyo; kunye
- (c) ngokwesicelo soMphathiswa, zicebise uMphathiswa nangawo nawuphina umcimbi ochaphazela— 40
- (i) ukulondolozwa nokulawulwa kwemvelo eyohlukeneyo; futhi
- (ii) iipaki zesizwe eziphakanyisiweyo nangokongezwa okanye ukukhutshwa kwezo paki zesizwe zimiyo, futhi
- (d) ngokwesicelo soMphathiswa, zisebenze njengegunya lolawulo lwephondo leendawo ezikhuselweyo eziphandwayo ngokwemigaqo yalo Mthetho. 45

(2) IiPaki zeSizwe zeloMzantsi Afrika ziya kuthi xa zilawula iipaki zesizwe—

- (a) zilawule iinkqubo yokuzala nokulima, yaye zibekele bucala iindawo epakini njengeendawo zokuzala nokukhulisa; 50

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- (b) sell, exchange or donate any animal, plant or other organism occurring in a park, or purchase, exchange or otherwise acquire any indigenous species which it may consider desirable to re-introduce into a specific park;
- (c) undertake and promote research; 5
- (d) control, remove or eradicate any species or specimens of species which it considers undesirable to protect and conserve in a park or that may negatively impact on the biodiversity of the park;
- (e) carry out any development and construct or erect any works necessary for the management of a park, including roads, bridges, buildings, dams, fences, breakwaters, seawalls, boathouses, landing stages, mooring places, swimming pools, oceanariums and underwater tunnels; 10
- (f) allow visitors to a park;
- (g) take reasonable steps to ensure the security and well-being of visitors and staff; 15
- (h) provide accommodation and facilities for visitors and staff, including the provision of food and household supplies;
- (i) carry on any business or trade or provide other services for the convenience of visitors and staff, including the sale of liquor; 20
- (j) determine and collect fees for—
- (i) entry to or stay in a park; or
- (ii) any service provided by it;
- (k) authorise any person, subject to such conditions and the payment of such fees as it may determine, to— 25
- (i) carry on any business or trade, or provide any service, which South African National Parks may carry on or provide in terms of this section; and
- (ii) provide the infrastructure for such business, trade or service;
- (l) by agreement with— 30
- (i) a municipality, provide any service in a park which that municipality may or must provide in terms of legislation; or
- (ii) any other organ of state, perform a function in a park which that organ of state may or must perform in terms of legislation; or 35
- (m) perform such other functions as may be prescribed.
- (3) Subsection (2) applies also to other protected areas managed by South African National Parks, and the powers contained in that subsection may be exercised by it to the extent that those powers are consistent with the purpose for which any such area was declared as a protected area. 40

**General powers**

**56.** South African National Parks may for the purpose of performing its functions—

- (a) appoint its own staff, subject to section 73; 45
- (b) obtain, by agreement, the services of any person, including any organ of state, for the performance of any specific act, task or assignment;
- (c) acquire or dispose of any right in or to movable or immovable property, or hire or let any property;
- (d) open and operate its own bank accounts;
- (e) invest, subject to section 76, any of its money, including money in the fund referred to in section 77; 50
- (f) borrow money, subject to section 66 of the Public Finance Management Act;
- (g) charge fees for any work performed or services rendered by it or collect fees resulting from any intellectual property rights; 55
- (h) insure itself against—
- (i) any loss, damage or risk; or

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- (b) zithengise, zitshintshise okanye ziphise ngesilwanyana, isityalo okanye nayiphina into eyenzeke epakini, okanye zithenge, zitshintshise okanye zifumane nayiphina indalo eya kufunyanwa ilulutho xa kuqalwa ipaki ethile;
- (c) zenze yaye zikhuthaze uphando; 5
- (d) zilawule, zisuse okanye zitshabalalise nayiphina indalo engavumelekanga ethatyathwa njengengafunwayo ukuba ikhuselwe okanye ilondolozwe epakini;
- (e) zenze naluphi na uphuhliso yaye zakhe okanye zenze nayiphina imisebenzi eyimfuneko kulawulo lwepaki ukuquka, iindlela, iibhulorho, izakhiwo, amadama, ubiyo, amanzi, iindonga zolwandle, izindlu zamaphenyane, iindawo zokuma iinqwelo-ntaka, iindawo zokuma amaphenyane, amaqula okuqubha, kwakunye nemiqolomba yangaphantsi kwamanzi; 10
- (f) zivumele abatyeleli epakini; 15
- (g) zithabathe amanyathelo afunekayo ukuqinisekisa ukhuseleko kwakunye nonakekelo lwabatyeleli kunye nabasebenzi;
- (h) zibekele bucala izindlu zokuhlala abatyeleli nabasebenzi ukuquka nokuphekwa kokutya kunye nezinto zasendlini;
- (i) zenze ushishino okanye urhwebo okanye zinike nayiphina inkonzo eyenzelwa abatyeleli nabasebenzi, ukuquka ukuthengiswa kotywala; 20
- (j) ziqingqe yaye ziqokelele imali—
- (i) yokungena okanye ukuhlala epakini; okanye
- (ii) yayo nayiphina inkonzo eyenziwa yiyo;
- (k) zivumele ngokusemthethweni nawuphina umntu, ngokwemigaqo yentlawulo yaloo mali engaqingqwa— 25
- (i) ukushishina okanye ukurhweba, okanye ukunika nayiphina inkonzo engenziwa ziiPaki zeSizwe zeloMzantsi Afrika ngokwemigaqo yeli candelo; futhi
- (ii) zinike amalungiselelo asisiseko solo shishino, urhwebo, okanye inkonzo; 30
- (l) ngokuvumelana—
- (i) nomasipala, anike nayiphina inkonzo epakini engathi yenziwe ngumasipala lowo ngokwemigaqo yomthetho; okanye
- (ii) naliphina iziko lombuso, lenze imisebenzi epakini eliya kuthi elo ziko lombuso liyenze ngokwemigaqo yomthetho; okanye 35
- (m) lenze eminye imisebenzi eya kube ichaziwe.
- (3) Icandelwana (2) lisebenza kwezinye iindawo ezikhuselweyo ezilawulwa ziiPaki zeSizwe zeloMzantsi Afrika, namandla aqulathwe kwelo candelwana angasetyenziswa lilo ukuba loo mandla ayahambiselana neenjongo ezabhengezwa ngokusemthethweni loo ndawo njengendawo ekhuselweyo. 40

**Amagunya jikelele**

- 56. IiPaki zeSizwe zeloMzantsi Afrika zingathi ngeenjongo zokuqhuba imisebenzi yazo-** 45
- (a) zityumbe abasebenzi bazo ngokwecandelo 73;
- (b) zifumane ngokwesivumelwano iinkonzo zakhe nawuphina umntu, ukuquka iziko lombuso ukwenzela ukusetyenziswa kwawo nawuphina umthetho, okanye umsebenzi; 50
- (c) zifune okanye zichaze nalo naliphina ilungelo lezinto ezimiyo nezihambayo okanye liqeshise nayiphina into;
- (d) zivule zisebenzise ii-akhawunti zalo zebhanki;
- (e) zityale nayiphina imali yazo ngokwecandelwana 76, ukuquka imali ekwingxowa mali echazwe kwicandelo 77;
- (f) ziboleke imali, ngokwemigaqo ekwicandelo 66 loMthetho woLawulo lweziMali zoLuntu; 55
- (g) zibize imali yakhe nawuphina umsebenzi okanye inkonzo eyenziwe yiyo okanye ziqokelele imali evela kumalungelo ezifundo ezenziweyo;
- (h) zizifake kwi-inshorensi— 60
- (i) yelahleko, umonakalo, okanye umngcipheko; okanye

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- (ii) any liability it may incur in respect of Board members or staff members in the application of this Act;
- (i) perform legal acts, including acts in association with or on behalf of any other person or organ of state; and
- (j) institute or defend any legal action.

Part 2

Governing board, composition and membership

Composition

57. (1) South African National Parks is governed by a board consisting of—
- (a) no fewer than nine and no more than 12 members appointed in terms of section 59;
  - (b) the Director-General or an official of the Department designated by the Director-General; and
  - (c) the Chief Executive Officer.
- (2) The Minister—
- (a) must determine the number of members to be appointed in terms of subsection (1)(a); and
  - (b) may alter from time to time the number determined in terms of paragraph (a), but a reduction in the number may be effected only when a vacancy in the Board occurs.
- (3) The Board takes all decisions in the performance of the functions of South African National Parks, except—
- (a) those decisions taken in consequence of a delegation in terms of section 71; or
  - (b) where the Public Finance Management Act provides otherwise.

Qualifications

58. (1) A member of the Board must—
- (a) be a fit and proper person to hold office as a member; and
  - (b) have appropriate qualifications or experience.
- (2) A person is disqualified from becoming or remaining a member of the Board if that person—
- (a) is holding office as a member of Parliament or a provincial legislature; or
  - (b) has been removed from office in terms of section 65.

Appointment procedure

59. (1) Whenever it is necessary to appoint a member of the Board, the Minister must—
- (a) through advertisements in the media circulating nationally and in each of the provinces, invite nominations; and
  - (b) compile a list of the names of persons nominated, setting out the prescribed particulars of each individual nominee.
- (2) Any nomination made pursuant to an advertisement in terms of subsection (1)(a) must be supported by—
- (a) the personal details of the nominee;
  - (b) particulars of the nominee’s qualifications or experience; and
  - (c) any other information that may be prescribed.
- (3) The Minister must make the required number of appointments from the list referred to in subsection (1)(b), but if the list is inadequate, the Minister may appoint any suitable person.
- (4) When making an appointment the Minister must have regard to the need for appointing persons disadvantaged by unfair discrimination.
- (5) Appointments must be made in such a way that the Board is composed of persons covering a broad range of appropriate expertise.

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- (ii) naliphina ityala ezingabanalo elenziwe ngamaLungu eBhodi okanye abasebenzi xa esebenzisa lo Mthetho;  
(i) zenze imisebenzi yomthetho oko kuquka imisebenzi enxulumene nawuphina umntu okanye iziko lombuso; yaye  
(j) zenze okanye zikhusele naliphina inyathelo lomthetho. 5

**Umhlathi 2**

***IBhodi Elawulayo, ulwakhiwo kunye nobulungu***

**Ulwakhiwo**

57. (1) IiPaki zeSizwe zeloMzantsi Afrika zilawulwa yiBhodi ebandakanya— 10  
(a) amalungu angekho ngaphantsi kwasithoba engekho ngaphezulu kwalishumi elinambini atyunjwe ngokwemigaqo yecandelo 59;  
(b) UMLawuli-Jikelele okanye igosa leSebe elichongwe nguMLawuli-Jikelele; kunye  
(c) neGosa eliyiNtloko. 15  
(2) UMphathiswa—  
(a) kufuneka aqingqe inani lamalungu ekufuneka etyunjiwe ngokwemigaqo yecandelwana (1)(a) yaye  
(b) angatshintsha naninina inani eliqingqwe ngokwemigaqo yomhlathi (a), kodwa ukucuthwa kwenani kungachaphazeleka kuphela xa kukho isithuba esivelayo kwiBhodi. 20  
(3) IBhodi ithabatha zonke izigqibo ekuqhutyweni kwemisebenzi yeePaki zeSizwe zeloMzantsi Afrika, ngaphandle—  
(a) kokuba izigqibo zithathwe ligqiza ngokwemigaqo yecandelo 71; okanye 25  
(b) apho uMthetho woLawulo lweziMali zoLuntu uchaza ngokwahlukileyo.

**Iimpawu zomntu**

58. (1) Ilungu leBhodi kufuneka—  
(a) libe ngumntu ophilileyo ukuba angabakwi-ofisi njengelungu; yaye 30  
(b) libe neempawu ezizizo kunye namava.  
(2) Umntu uyakhutshwa ukuba abe lilungu leBhodi ukuba loo mntu—  
(a) ukwi-ofisi njengelungu lePalamente okanye ipalamente yephondo; okanye  
(b) ukhutshiwe kwi-ofisi ngokwemigaqo yecandelo 65. 35

**Inkqubo yokutyunjwa**

59. (1) Naninina kuyimfuneko yokuba kutyunjwe ilungu leBhodi uMphathiswa kufuneka—  
(a) ngokupapashwa kumajelo endaba ajikeleza kwilizwe lonke nakwiphondo ngalinye, ameme izicelo zokutyunjwa; futhi 40  
(b) enze uluhlu lwamagama abantu abatyunjiweyo, abeke iinkcukacha ezifunekayo zomntu wonke otyunjiweyo.  
(2) Naluphina utyumbo olwenziwe ngopapasho ngokwemigaqo yecandelwana (1) (a) kufuneka luxhaswe—  
(a) ziinkcukachaza zomntu lowo utyunjiweyo 45  
(b) ziinkcukacha zeempawu zomntu lowo utyunjiweyo kunye namava akhe; futhi  
(c) nayiphina ingcombolo engafuneka.  
(3) UMphathiswa kufuneka enze inani elifunekayo labachongwa kuluhlu oluchazwe kwicandelwana(1)(b) kodwa ukuba uluhlu alwanelanga, uMphathiswa angachonga nawuphina umntu olungileyo. 50  
(4) Xa echonga uMphathiswa kufuneka aqwalasele imfuneko yokuchonga abantu abahlelekileyo ngokobuhlanga.  
(5) Ukuchongwa kufuneka kwenziwe ngendlela apha eya kwenza ukuba iBhodi ibandakanye abantu abanezakhono. 55

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**Chairperson**

**60.** (1) The Minister must appoint a member of the Board as the Chairperson.

(2) The Chairperson is appointed for such period as the Minister may determine which may, in the case of a member referred to in section 57(1)(a), not extend beyond his or her term as a member. 5

(3) The Minister may appoint a member of the Board as acting chairperson of the Board if—

(a) the Chairperson is absent for a substantial period; or  
(b) the appointment of a Chairperson is pending. 10

**Term of office**

**61.** (1) Members of the Board referred to in section 57(1)(a) are—

(a) appointed for a term of three years or, if section 66(2) applies, for a term determined in terms of that section;  
(b) on completion of any term contemplated in paragraph (a), eligible for reappointment for one additional term of three years; and 15  
(c) after a break of at least three years after a term has ended, eligible for appointment in terms of paragraph (a) again and, if appointed, eligible for reappointment in terms of paragraph (b).

(2) Any appointment in terms of subsection (1) may be extended by the Minister for a specific period not exceeding one year. 20

**Conditions of appointment**

**62.** (1) The Minister must determine the conditions of appointment of members of the Board referred to in section 57(1)(a).

(2) (a) The conditions of appointment of members who are not in the employ of a national, provincial or local organ of state may provide for the payment of remuneration and allowances determined by the Minister with the concurrence of the Cabinet member responsible for finance. 25

(b) Such remuneration and allowances are payable by South African National Parks. 30

(3) Members who are in the employ of a national, provincial or local organ of state are not entitled to remuneration and allowances, but must be compensated for out of pocket expenses by South African National Parks.

(4) Members are appointed part-time.

**Conduct of members** 35

**63.** (1) A member of the Board—

(a) must perform the functions of office in good faith and without favour or prejudice;

(b) must disclose to the Board any personal or private business interest that that member, or any spouse, partner or close family member of that member, may have in any matter before the Board, and must withdraw from the proceedings of the Board when that matter is considered, unless the Board decides that the interest of that Board member in the matter is trivial or irrelevant; 40

(c) may not use the position, privileges or knowledge of a member for private gain or to improperly benefit another person; and 45

(d) may not act in any other way that compromises the credibility, impartiality, independence or integrity of South African National Parks.

(2) A member of the Board who contravenes or fails to comply with subsection (1) is guilty of misconduct. 50

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**Usihlalo**

**60. (1) UMphathiswa kufuneka achonge ilungu leBhodi njengoSihlalo.**

(2) USihlalo uchongwa ngokwexesha eliqingqwe nguMphathiswa, ukuba abe lilungu njengoko kuchaziwe kwicandelo 57(1)(a), lingadluli kwixesha aza kulihlala njengelungu.

(3) UMphathiswa angachonga ilungu leBhodi njengebambela-sihlalo weBhodi ukuba —

(a) USihlalo akekho okwexeshana; okanye

(b) ukuchongwa kukaSihlalo kusabambezelekile.

**Ixesha leofisi**

**61. (1) Amalungu eBhodi achazwe kwicandelo 57(1)(a) ngala—**

(a) abamba isikhundla iminyaka emithathu okanye, ukuba icandelo 66(2) liyasebenza, ahlala ixesha eligqitywe ngokuwelo candelo;

(b) ukuphela kwexesha elichazwe kumhlathi (a), avumeleke ukuba aphinde achongwe ixesha elinye elongezelelweyo le-ofisi eliyiminyaka emithathu; futhi

(c) emva kweminyaka emithathu ixesha liphelile, avumeleke ukuba aphinde achongwe ngokwemigaqo yomhlathi (a) kwakhona ukuba achongiwe, avumeleke ukuba achongelwe elinye ixesha ngokwemigaqo yomhlathi (b).

(2) Nakuphina ukuchongwa ngokwemigaqo yecandelwana (1) kungandiswa nguMphathiswa okwexesha elithile elingadlulanga kunyaka.

**Imiqathango yotyumbo**

**62. (1) UMphathiswa kufuneka aqingqe imibandela yokuchongwa kwamalungu eBhodi echazwe kwicandelo 57(1)(a).**

(2) (a) Imibandela yokuchongwa kwamalungu angaqeshwanga kwiziko lombuso lesizwe, elephondo nelikamasipala, linganikwa umvuzo wemali eqingwe nguMphathiswa ngokuvuma kwelungu leKhabhinethi elilawula imali.

(b) Umvuzo uhlawulwa yiPaki yeSizwe yeloMzantsi Afrika.

(3) Amalungu aqeshwe kwiziko lombuso lesizwe, kumaphondo okanye kumasipala awavumelekanga ukuba afumane umvuzo kodwa angabuyekezwa ngeendleko zawo yiPaki yeSizwe yeloMzantsi Afrika.

(4) Amalungu amiselwa ixeshana elifutshane.

**Ukuziphatha kwamalungu**

**63. (1) Ilungu leBhodi—**

(a) kufuneka lenze imisebenzi ye-ofisi ngomoya omhle ngaphandle kokuthatha icala;

(b) kufuneka lidandalazise kwiBhodi wonke umdla wezoshishino obonakaliswa lilo ilungu elo, okanye iqabane lalo, isizalwana okanye umhlobo walo wezoshishino, yaye kufuneka lirhoxe kwintlanganiso yeBhodi xa umbandela onjalo unikwa ingqwalaselo, ngaphandle kokuba iBhodi igqiba ekubeni mncinci kakhulu umdla welungu leBhodi kuloo mbandela;

(c) akanakusebenzisa isikhundla, amalungelo okanye ulwazi lwelungu ukwenzela inzuzo eyeyakhe yabucala okanye inzuzo engendawo yomnye umntu; futhi

(d) akanakuziphatha nangayiphina indlela engadala intandabuzo yesithunzi nokuzimela geqe kweePaki zeSizwe zeloMzantsi Afrika.

(2) Ilungu leBhodi elophula okanye elingalibanzi icandelwana (1) linetyala lokungaziphathi kakuhle.

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**Termination of membership**

**64.** (1) A person referred to in section 57(1)(a) ceases to be a member of the Board when that person—

- (a) is no longer eligible in terms of section 58 to be a member;
- (b) resigns; or
- (c) is removed from office in terms of section 65.

(2) A member may resign by giving at least three months' written notice to the Minister, but the Minister may accept a shorter period in a specific case.

**Removal from office**

**65.** (1) The Minister may remove a member of the Board referred to in section 57(1)(a) from office on the ground of—

- (a) misconduct, incapacity or incompetence;
- (b) absence from three consecutive meetings of the Board without the prior permission of the Board, except on good cause shown;
- (c) insolvency; or
- (d) conviction of a criminal offence without the option of a fine.

(2) A member of the Board may be removed from office on the ground of misconduct or incompetence only after a finding to that effect has been made by a board of inquiry appointed by the Minister.

(3) The Minister may suspend a member under investigation in terms of this section.

**Filling of vacancies**

**66.** (1) A vacancy in the Board is filled—

- (a) in the case of a vacating Chairperson, by appointing another member in terms of section 60(1) as the Chairperson; and
- (b) in the case of a vacating member referred to in section 57(1)(a), by following the procedure set out in section 59.

(2) A person appointed to fill a vacancy holds office for the unexpired portion of the term of the vacating Chairperson or member.

**Part 3**

**Operating procedures of Board**

**Meetings**

**67.** (1) The Chairperson of the Board decides when and where the Board meets, but a majority of the members may request the Chairperson in writing to convene a meeting at a time and place set out in the request.

(2) The Chairperson presides at meetings of the Board, but if absent from a meeting, the members present must elect another member to preside at the meeting.

**Procedures**

**68.** (1) The Board may determine its own procedures subject to the other provisions of this Act.

(2) The Board must keep a record of its proceedings and of decisions taken.



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### Ukunqunyanyiswa kobulungu

**64.** (1) Umntu ekubhekiswa kuye kwicandelo 57(1)(a) uyayeka ukuba lilungu leBhodi ukuba loo mntu—

- (a) akasavumelekanga ngokwemigaqo yecandelo 58 ukuba abe lilungu;
- (b) uyarhoxa kwisikhundla; okanye
- (c) uyakhutshwa kwisikhundla sakhe ngokwemigaqo yecandelo 65.

(2) Ilungu lingarhoxa kwisikhundla ngokufaka isaziso esibhaliweyo seenyanga ezintathu kuMphathiswa kodwa uMphathiswa angalivuma ixesha elifutshane kwiimeko ezithile.

### Ukususwa esikhundleni

**65** (1) UMphathiswa angalisusa esikhundleni ilungu leBhodi njengoko kuchaziwe kwicandelo 57(1) (a) ngenxa—

- (a) yokuziphatha kakubi, yokungakwazi ukusebenza okanye yokungafaneleki.
- (b) yokungazimasi iintlanganiso zeBhodi ezintathu zilandelelana lingenamvume yeBhodi, ngaphandle kwesizathu esiphathekayo;
- (c) yokubhanga; okanye
- (d) yokufunyaniswa linetyala lobundlobongela enkundleni yamatyala ngaphandle kokudliwa imali.

(2) Ilungu leBhodi lingasuswa ngenxa yokuziphatha kakubi okanye ukungasebenzi ngendlela eyiyo emva kweziphumo zophando lwebhodi echongwe nguMphathiswa.

(3) UMphathiswa angalinqumamisa ilungu eliphandwayo ngokwemigaqo yeli candelo.

### Ukuvalwa kwezithuba

**66.** (1) Isithuba kwiBhodi sivalwa—

- (a) xa uSihlalo esiyeka isikhundla njengoSihlalo, ngokuchonga elinye ilungu ngokwemigaqo yecandelo 60(1); futhi
- (b) xa ilungu lisiyeka isikhundla njengoko kuchaziwe kwicandelo 57(1)(a), ngokulandela le nkqubo esekwe kwicandelo 59.

(2) Umntu ochongwe ukuba avale isithuba uhlala kweso sikhundla isithuba sexesha elishiyekileyo sikaSihlalo lowo okanye ilungu elo liyekayo.

### Umhlathi 3

#### Inkqubo yokusebenza kweBhodi

#### Iintlanganiso

**67.** (1) USihlalo weBhodi uthatha isigqibo sokuba iBhodi iza kuhlangana phi, nini, kodwa isininzi samalungu singafaka isicelo kuSihlalo ngembalelwano sibize intlanganiso ngexesha nendawo efakwe kwisicelo eso.

(2) USihlalo nguye owongamela intlanganiso yeBhodi, kodwa ukuba akakho kwintlanganiso, amalungu akhoyo kufuneka onyule elinye ilungu ukuba longamele intlanganiso.

#### Iinkqubo zokusebenza

**68** (1) IBhodi ingaqingqa inkqubo yayo ngokwemigaqo yokuchazwe kulo Mthetho.

(2) IBhodi kufuneka igcine iinkcukacha zendibano yayo kunye nezigqibo ezithatyathiweyo.

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**Quorum and decisions**

**69. (1)** A majority of the serving members of the Board constitutes a quorum for a meeting of the Board.

(2) A matter before the Board is decided by the votes of a majority of the members present at the meeting.

(3) If on any matter before the Board there is an equality of votes, the member presiding at the meeting must exercise a casting vote in addition to that person's vote as a member.

**Committees**

**70. (1)** The Board may establish one or more committees to assist it in the performance of its functions.

(2) When appointing members to a committee, the Board is not restricted to members of the Board.

(3) The Board—

- (a) must determine the functions of a committee;
- (b) must appoint the chairperson and other members of the committee;
- (c) may remove a member of a committee from office at any time; and
- (d) may determine a committee's procedure.

(4) The Board may dissolve a committee at any time.

(5) (a) Section 62 applies with the changes required by the context to the conditions of appointment of committee members.

(b) A staff member of South African National Parks appointed to a committee serves on the committee subject to the terms and conditions of that person's employment.

**Delegation of powers and assignment of duties**

**71. (1)** When necessary for the proper performance of its functions the Board may delegate any of its powers or assign any of its duties, excluding those mentioned in subsection (2), to—

- (a) a Board member;
- (b) a committee referred to in section 70; or
- (c) a staff member of South African National Parks.

(2) The following powers and duties may not be delegated or assigned by the Board:

- (a) The appointment or reappointment of a person as the Chief Executive Officer in terms of section 72(1) or (2);
- (b) the determination of the conditions of service of the Chief Executive Officer in terms of section 72(3);
- (c) the determination of an employment policy in terms of section 73(1);
- (d) the setting of financial limits in terms of section 73(2)(a) or (3); and
- (e) the approval of the budget.

(3) A delegation or assignment in terms of subsection (1)—

- (a) must be in writing;
- (b) is subject to such limitations, conditions and directions as the Board may impose;
- (c) does not divest the Board of the responsibility concerning the exercise of the delegated power or the performance of the assigned duty; and
- (d) does not prevent the exercise of the assigned power or the performance of the assigned duty by the Board.

(4) The Board may confirm, vary or revoke any decision taken in consequence of a delegation or assignment in terms of this section, subject to any rights that may have accrued to a person as a result of the decision.

**Inani lamalungu kunye nezigqibo**

**69 (1)** Isininzi samalungu akwiBhodi sinelungelo lokuqhuba intlanganiso yeBhodi.

(2) Umcimbi ohlafunwa yiBhodi ugqitywa ngevoti yesininzi samalungu akhoyo entlanganisweni.

(3) Ukuba umcimbi ohlafunwa yiBhodi ufumana iivoti ezilinganayo, ilungu elongamele intlanganiso kufuneka lifake elayo ivoti eza kwenza isininzi.

**Ikomiti**

**70 (1)** IBhodi ingaseka ikomiti okanye ezininzi ukuncedisa ukuphumeza imisebenzi yayo

(2) Xa ityumba amalungu ekomiti, iBhodi ayibophelekanga kumalungu ayo eBhodi.

(3) IBhodi—

(a) kufuneka iqingqe imisebenzi yekomiti;

(b) kufuneka ichonge uSihlalo kunye namanye amalungu ekomiti;

(c) ingasusa ilungu lekomiti esikhundleni nangaliphi na ixesha; yaye

(d) iqingqe inkqubo yekomiti.

(4) IBhodi ingayibhangisa ikomiti nangaliphina ixesha.

(5) (a) Icandelo 62 lisebenza kutshintsho olufunekayo kwimibandela yokuchongwa kwamalungu ekomiti.

(b) Umsebenzi weePaki zeSizwe zeloMzantsi Afrika ochongelwe kwikomiti uba kuloo komiti ngokwemigaqo yemibandela yokuqeshwa kwaloo mntu.

**Ukwabiwa kwamagunya nokwahlulwa kwemisebenzi**

**71. (1)** Xa kuyimfuneko yokuqhutywa komsebenzi, iBhodi inganikeza amanye amandla ayo okanye inikeze umsebenzi wayo, oko kungaquki ezo zichazwe kwicandelwana (2),—

(a) kwilungu leBhodi.

(b) ikomiti echazwe kwicandelo 70; okanye

(c) umsebenzi weePaki zeSizwe zeloMzantsi Afrika.

(2) La mandla alandelayo kunye nemisebenzi ayinakunikezwa yiBhodi:

(a) ukuchongwa nokuchongwa kwakhona komntu njengeGosa eliyiNtloko eliLawulayo ngokwemigaqo yecandelo 72(1) okanye (2);

(b) ukuqingqwa kwemibandela yenkonzo yeGosa eliyintloko elawulayo ngokwemigaqo yecandelo 72(3);

(c) ukuqingqwa komgaqo-nkqubo wengqesho ngokwemigaqo yecandelo 73(1);

(d) ukusekwa kokuqingqwa kwemali ngokwemigaqo yecandelo 73(2)(a) okanye (3); kunye

(e) nokuphunyezwa kohlahlo-lwabiwo-mali.

(3) Ukunikezwa komsebenzi ngokwemigaqo yecandelwana (1)—

(a) kufuneka kubhalwe phantsi;

(b) kuxhomekeke kwimibandela engabekwa yiBhodi;

(c) ayiphazamisani nomthwalo weBhodi ngokuphathelele kumandla anikeziweyo okanye indlela owenziwa ngayo umsebenzi; futhi

(d) awuthinteli ukuqhutywa kwamandla omsebenzi onikezwe yiBhodi.

(4) IBhodi ingaqinisekisa, okanye iphelise nasiphina isigqibo esithatyathwe ngumsebenzi lowo onikezelwe ngawo ngokwemigaqo yeli candelo, oko kuxhomekeke nakweliphina ilungelo angabanalo loo mntu ngenxa yeso sigqibo.

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**Part 4**

**Administration of South African National Parks**

**Appointment of Chief Executive Officer**

**72. (1)** The Board, acting with the concurrence of the Minister, must appoint a person with appropriate qualifications and experience as the Chief Executive Officer of South African National Parks. 5

(2) The Chief Executive Officer—

(a) is appointed for a term not exceeding five years; and  
(b) may be reappointed by the Board with the concurrence of the Minister. 10

(3) The Chief Executive Officer is employed subject to such terms and conditions of employment as the Board may determine in accordance with a policy approved by the Minister with the concurrence of the Cabinet member responsible for finance.

(4) The Chief Executive Officer—

(a) is responsible for the management of South African National Parks;  
(b) must perform such duties and may exercise such powers as the Board may assign or delegate to the Chief Executive Officer; and  
(c) must report to the Board on aspects of management, the performance of duties and the exercise of powers at such frequency and in such manner as the Board may determine. 15  
20

(5) (a) Whenever the Chief Executive Officer is for any reason absent or unable to perform his or her functions, or whenever there is a vacancy in the office of the Chief Executive Officer, the Chairperson of the Board may appoint another staff member of South African National Parks as acting Chief Executive Officer for a period not exceeding six months. 25

(b) Whilst acting as Chief Executive Officer, such staff member—

(i) has the powers and duties of the Chief Executive Officer; and  
(ii) is employed subject to such terms and conditions of employment as the Chairperson of the Board may determine in accordance with the policy referred to in subsection (3). 30

**Employment of staff**

**73. (1)** The Board, acting with the concurrence of the Minister, must determine an employment policy for South African National Parks.

(2) The Chief Executive Officer—

(a) within the financial limits set by the Board, must determine a staff establishment necessary to enable South African National Parks to perform its functions; and  
(b) may appoint persons in posts on the staff establishment. 35

(3) An employee of South African National Parks is employed subject to the terms and conditions of employment determined by the Chief Executive Officer in accordance with the employment policy of and within the financial limits set by the Board. 40

(4) (a) A person in the service of another organ of state may be seconded to South African National Parks by agreement between the Chief Executive Officer and such organ of state. 45

(b) Persons seconded to South African National Parks perform their functions under the supervision of the Chief Executive Officer.

(5) A person in the service of South African National Parks may, with the consent of that person, be seconded to another organ of state by agreement between the Chief Executive Officer and such organ of state. 50

*Umhlathi 4**Ulawulo lweePaki zeSizwe zeloMzantsi Afrika***Ukuchongwa kweGosa eliLawulayo eliyiNtloko**

72. (1) iBhodi esebenza ngokuvumelana noMphathiswa, kufuneka 5  
ichonge umntu oneempawu ezizizo nonamava okuba liGosa eliLawulayo 5  
eliyiNtloko yeePaki zeSizwe zeloMzantsi Afrika.
- (2) IGosa eliLawulayo eliyiNtloko—
- (a) liqashelwa iminyaka engadlulanga kwemihlanu; yaye
- (b) ingavuselelwa ingqesho yalo yiBhodi ngokuvumelana noMphathiswa 10
- (3) IGosa eliLawulayo eliyiNtloko liqeshwe ngokwemigaqo 10  
yemibandela yengqesho engaqingqwa yiBhodi ngokuhambiselana  
nomgaqo-nkqubo ophunyezwe nguMphathiswa evumelana nelungu  
leKhabhinethi elilawula izimali.
- (4) IGosa eliLawulayo eliyiNtloko—
- (a) linoxanduva lokulawula iiPaki zeSizwe zeloMzantsi Afrika; 15
- (b) kufuneka liwenze umsebenzi walo kunye namandla alo njengoko  
iBhodi inganikezela kwiGosa eliLawulayo eliyiNtloko; futhi
- (c) kufuneka linike ingxelo kwiBhodi malunga nemiba yolawulo, 20  
ukuqhutywa kwemisebenzi kwakunye nokusetyenziswa kwamandla  
rhoqo yaye nangayiphina indlela engaqingqwa yiBhodi.
- (5) (a) Xa kuthe iGosa eliLawulayo eliyiNtloko langabikho okanye 25  
langakwazi ukuqhuba umsebenzi walo nangaziphina izizathu, okanye xa  
kuthe kwabakhona isithuba kwi-ofisi yeGosa eliLawulayo eliyiNtloko,  
uSihlalo weBhodi angachonga omnye umsebenzi weePaki zeSizwe  
zeloMzantsi Afrika ukuba abambeke iGosa eliLawulayo eliyiNtloko 25  
isithuba esingekho ngaphezulu kweenyanga ezintandathu.
- (b) Ngeli xesha ebambeke njengeGosa eliLawulayo eliyiNtloko, loo  
msebenzi—
- (i) uya kubanamandla nomsebenzi weGosa eliLawulayo eliyiNtloko; yaye 30
- (ii) uqeshwe ngokwemigaqo yemibandela yengqesho engaqingqwa nguSihlalo 30  
weBhodi ngokuhambiselana nomgaqo-nkqubo ochazwe kwicandelwana
- (3)

**Ukuqeshwa kwabasebenzi**

73. (1) IBhodi, esebenza ngokuvumelana noMphathiswa, kufuneka 35  
uqingqwe umgaqo-nkqubo wengqesho yeePaki zeSizwe zeloMzantsi Afrika. 35
- (2) IGosa eliLawulayo eliyiNtloko—
- (a) ngaphakathi kwemali eqingqwe yiBhodi, kufuneka liqingqwe inani 40  
labasebenzi abafunekayo ukwenzela ukuba iiPaki zeSizwe  
zeloMzantsi Afrika zibe nakho ukuqhuba imisebenzi yazo;
- (b) lingachonga abantu kwizikhundla ngokwenani labasebenzi. 40
- (3) Umqeshwa weePaki zeSizwe zeloMzantsi Afrika uqeshwe 45  
ngokwemigaqo yemibandela yengqesho eqingqwe liGosa eliLawulayo  
eliyiNtloko ngokuhambiselana nomgaqo-nkqubo nangaphakathi kwemali  
eqingqiweyo esekwe yiBhodi.
- (4) (a) Umntu oxelenga kwelinye iziko lombuso angacelwa kwiiPaki 45  
zeSizwe zeloMzantsi Afrika ngokuvumelana phakathi kweGosa  
eliLawulayo eliyiNtloko kunye nelo ziko lombuso.
- (b) Abantu abaceliweyo ukuba bancedise kwiiPaki zeSizwe zeloMzantsi 50  
Afrika baqhuba imisebenzi yabo bephantsi kwemehlo leGosa eliLawulayo  
eliyiNtloko. 50
- (5) Umntu oxelenga kwiiPaki zeSizwe zeloMzantsi Afrika angathi  
ngokuvumelana yaloo mntu acelwe aye kuncedisa kwelinye iziko lombuso  
ngokwalo mvumelwano phakathi kweGosa eliLawulayo eliyiNtloko kunye  
nelo ziko lombuso.

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**Part 5**

**Financial matters**

**Financial accountability**

**74.** South African National Parks is a public entity for the purposes of the Public Finance Management Act, and must to that end comply with the provisions of that Act. 5

**Funding**

**75.** The funds of South African National Parks consist of—

- |   |    |
|---|----|
| (a) income derived from the performance of its functions;   | 10 |
| (b) money appropriated for its purposes by Parliament;  | 10 |
| (c) grants received from organs of state;   | 10 |
| (d) voluntary contributions, donations and bequests;  | 10 |
| (e) money borrowed in terms of section 56(f);   | 10 |
| (f) income derived from investments;  | 10 |
| (g) fines received or recovered in respect of offences committed within national parks; and               | 15 |
| (h) money derived from any other source, with the approval of the Cabinet member responsible for finance. | 15 |

**Investments**

**76.** South African National Parks may invest any of its funds not immediately required— 20

- |  |    |
|--|----|
| (a) subject to any investment policy that may be prescribed in terms of section 7(4) of the Public Finance Management Act; and | 20 |
| (b) in accordance with any criteria set by the Minister.   | 20 |

**National Parks Land Acquisition Fund** 25

**77.** The National Parks Land Acquisition Fund established by section 12A of the National Parks Act, 1976 (Act No. 57 of 1976), continues to exist as a separate fund under the administration of South African National Parks despite the repeal of that Act by section 90 of this Act.

(2) The Fund is administered by South African National Parks and consists of— 30

- |   |    |
|---|----|
| (a) any voluntary contributions, donations and bequests received by South African National Parks for the purpose of the Fund; | 30 |
| (b) money appropriated by Parliament for the purpose of the Fund;   | 30 |
| (c) the proceeds of land sold by South African National Parks which it has acquired in terms of section 81;                   | 35 |
| (d) income derived from investing any credit balances in the Fund;  | 35 |
| (e) money borrowed by South African National Parks in terms of section 56(f) for the purpose of the Fund; and                 | 35 |
| (f) money derived from any other source for the purpose of the Fund.  | 40 |

(3) The money in the Fund may be used—

- |  |    |
|--|----|
| (a) to finance—  | 40 |
| (i) the acquisition of private land or a right in or to private land in terms of section 80 or 81; or          | 40 |
| (ii) the cancellation of a servitude or a right in land in terms of section 82 or 83; or                       | 45 |
| (b) to defray expenses incurred by South African National Parks in connection with the management of the Fund. | 45 |
| (4) The Chief Executive Officer must—  | 45 |

**Umhlathi 5****Imiba yezimali****Ukusetyenziswa kwemali**

**74. IiPaki zeSizwe zeloMzantsi Afrika zingamaziko oluntu ngeenjongo zoMthetho woLawulo lweziMali zikaRhulumente, yaye kufuneka zithobele imibandela yaloo Mthetho.** 5

**Ingxowa-mali**

**75. Ingxowa-mali yeePaki zeSizwe zeloMzantsi Afrika ibandakanya—**

- (a) ingeniso evela ekuqhutyweni kwemisebenzi yayo; 10
- (b) imali ebekelwe iinjongo zayo yiPalamente
- (c) imali yesibonelelo evela kumaziko ombuso;
- (d) umrhumo, izipho kunye namafa;
- (e) imali ebolekwe ngokwemigaqo yecandelo 56(f)
- (f) ingeniso evela kutyalo-mali;
- (g) umdliwo ovela okanye ofunyenwe kwabo bonileyo kwiipaki zeSizwe; futhi 15
- (h) imali evela kwezinye izinto ngokwesiphumezo selungu leKhabhinethi elijongene nezimali.

**Utyalo-mali**

**76. IiPaki zeSizwe zeloMzantsi Afrika zingatyalala imali yengxowa mali yazo engazukufunwa ngokukhawuleza—** 20

- (a) ngokuxhomekeke kumgaqo-nkqubo wotyalo-mali oya kuqingwa ngokwemigaqo yecandelo 7(4) loMthetho woLawulo lweziMali zikaRhulumente; futhi
- (b) ngokuhambiselana neenqobo zokulinganisa ezisekwe nguMphathiswa. 25

**Ingxowa-mali yokuThathwa koMhlaba weePaki zeSizwe**

**77. (1) Ingxowa-mali yokuThathwa koMhlaba weePaki zeSizwe obekwe kwicandelo 12A loMthetho weePaki zeSizwe ka-1976 (Act No.57 of 1976) isoloko ikhona njengengxowa-mali eyohlukileyo phantsi kolawulo lweePaki zeSizwe zeloMzantsi Afrika nangona uphelisiwe uMthetho lowo ngokwecandelo 90 lalo Mthetho.** 30

(2) Ingxowa mali ilawulwa ziiPaki zeSizwe zeloMzantsi Afrika yaye ibandakanya—

- (a) umrhumo wesisa, izipho kunye namafa afunyenwe ziiPaki zeSizwe zeloMzantsi Afrika ngokweenjongo zale Ngxowa-mali; 35
- (b) imali ekhutshwe yiPalamente ngokweenjongo zale Ngxowa-mali;
- (c) Imali yomhlaba othengisiweyo ziiPaki zeSizwe zeloMzantsi Afrika eziyifumene ngokwemigaqo yecandelo 81;
- (d) Ingeniso evela kutyalo-mali lweNgxowa-mali; 40
- (e) imali ebolekwe ziiPaki zeSizwe zeloMzantsi Afrika ngokwemigaqo yecandelo 56(f) ngokweenjongo zale Ngxowa-mali; yaye
- (f) imali evela kwezinye iindawo ngokweenjongo zale Ngxowa-mali
- (3) Imali yeNgxowa-mali ingasetyenziselwa—
- (a) ukuncedisa ngokwezimali— 45
- (i) ukufumana umhlaba wabucala okanye ilungelo lomhlaba wabucala ngokwemigaqo yecandelo 80 okanye 81; okanye
- (ii) ukucima ilungelo lomhlaba ngokwemigaqo yecandelo 82 okanye 83; okanye
- (b) ukuvala inkcitho eyenziwe ziiPaki zeSizwe zeloMzantsi Afrika ngokunxulumene nolawulo lweNgxowa-mali. 50
- (4) IGosa eliLawulayo eliyiNtloko kufuneka—

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- (a) keep account of the Fund separately from the other money of South African National Parks; and
- (b) comply with the Public Finance Management Act in administering the Fund.

**Part 6**

5

**General**

**Minister's supervisory powers**

**78. (1) The Minister—**

- (a) must monitor the performance by South African National Parks of its functions; 10
- (b) may determine norms and standards for the performance by South African National Parks of its functions;
- (c) may issue directives to South African National Parks on measures to achieve those norms and standards;
- (d) may determine limits on fees charged by South African National Parks in the performance of its functions; and 15
- (e) may identify land for new national parks and extensions to existing national parks.

(2) South African National Parks must perform its functions subject to the norms and standards, directives and determinations issued by the Minister in terms of subsection (1). 20

**Absence of functional Board**

79. In the absence of a functional Board, the functions of the Board revert to the Minister who, in such a case, must perform those functions until the Board is functional again." 25

**Insertion of section 81 in Act 57 of 2003**

**22.** The following section is hereby inserted in the principal Act after section 80:

**"Acquisition of private land by South African National Parks**

**81. (1)** South African National Parks, with the approval of the Minister acting with the concurrence of the Cabinet member responsible for land affairs, may acquire private land, or any right in or to private land, which has been or is proposed to be declared as or included in a national park— 30

- (a) by purchasing the land or right; or
- (b) if the land or right is donated or bequeathed to it, by accepting the donation or bequest. 35

(2) If the parties fail to agree on a purchase price for the land or right contemplated in subsection (1)(a), the Minister may on behalf of South African National Parks or the State expropriate the land or right in accordance with the Expropriation Act, 1975 (Act No. 63 of 1975), subject to section 25 of the Constitution." 40



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- (a) lilondolozwe iNgxowa mali ngokwahlukileyo kwenye imali yeePaki zeSizwe zeloMzantsi Afrika; futhi  
(b) lithobele uMthetho woLawulo lweziMali zoLuntu ekulawuleni le Ngxowa-mali.

### Umhlathi 6

5

#### Jikelele

#### Amandla okulawula oMphathiswa

##### 78. (1) UMphathiswa—

- (a) kufuneka abe liliso ekuqhutyweni kwemisebenzi ziiPaki zeSizwe zoMzantsi Afrika; 10  
(b) angaqingqa izithethe nemigangatho yokuqhutywa kwemisebenzi ziiPaki zeSizwe zoMzantsi Afrika  
(c) angenza umyalelo kwiiPaki zeSizwe zoMzantsi Afrika kumanyathelo okuphumeza ezo zithethe nemigangatho. 15  
(d) angaqingqa imali eza kufunwa ziiPaki zeSizwe zoMzantsi Afrika ekuqhubeni imisebenzi yazo; yaye 15  
(e) angalatha umhlaba obekelwe iipaki zeSizwe ezintsha kwakunye nokongezwa kwezo zimiyi iipaki zeSizwe.  
(2) IiPaki zeSizwe zoMzantsi Afrika kufuneka ziqhube imisebenzi yazo ngokwezithethe nemigangatho, ngokwemiyalelo nangokuzimisela okukhutshwe nguMphathiswa ngokwemigaqo yecandelwana (1). 20

#### Ukungabikho kweBhodi esebenzayo

79. Xa ingekho iBhodi esebenzayo, imisebenzi yeBhodi ibuyela kuMphathiswa, othi kwimeko enjalo aqhube loo misebenzi ide iBhodi ibe nakho ukusebenza kwakhona.” 25

#### Ukufakelwa kwecandelo 81 loMthetho 57 ka-2003

22. Eli candelo lilandelayo liyafakelwa kuMthetho oyintloko emva kwecandelo 80:

#### “Ukufunyanwa komhlaba wabucala ziiPaki zeSizwe zeloMzantsi Afrika

81. (1) IiPaki zeSizwe zoMzantsi Afrika, ngokokuphunyezwa nguMphathiswa osebenza ngokuvumelana nelungu leKhabhinethi elilawula imicimbi yezemihlaba, zinokufumana umhlaba wabucala, okanye naliphina ilungelo lomhlaba wabucala osele ubhengeziwe okanye ocetywa ukubhengezwa ngokusemthethweni okanye njengobandakanyiweyo kwipaki yesizwe— 30  
(a) ngokuthenga umhlaba okanye ilungelo; okanye 35  
(b) ukuba umhlaba okanye ilungelo usisipho okanye ulilifa, ngokwamkela isipho okanye ilifa elo.  
(2) Ukuba amaqela awavumelani ngexabiso lokuthengisa umhlaba okanye ilungelo ngokwecandelwana (1) (a), uMphathiswa angathi egameni leePaki zeSizwe zoMzantsi Afrika okanye uMbuso awuhluthe umhlaba okanye ilungelo ngokuhambiselana noMthetho ka-1975 wokuHluthwa koMhlaba (Act No. 63 of 1975) ngokuxhomekeke kwicandelo 25 loMgaqo siseko.” 40

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**Insertion of section 83 in Act 57 of 2003**

23. The following section is hereby inserted in the principal Act after section 82:

**“Cancellation of servitude on, or privately held right in or to, land owned by South African National Parks**

**83.** (1) South African National Parks may take any steps necessary to cancel a servitude on land owned by South African National Parks, or a privately held right in or to such land, which has been or is proposed to be declared as or included in a national park. 5

(2) If South African National Parks fails to reach an agreement with the owner of the property in whose favour the servitude is registered or with the person holding the right, the Minister may on behalf of South African National Parks or the State expropriate the servitude or right in accordance with the Expropriation Act, 1975 (Act No. 63 of 1975), subject to section 25 of the Constitution.” 10

**Substitution of section 84 of Act 57 of 2003** 15

24. The following section is hereby substituted for section 84 of the principal Act:

**“Mineral right**

**84.** The Minister may in accordance with section 80(1)(c) [or], 81(2), 82(3) or 83(2), and the MEC may in accordance with section 80(2) or 82(3), acquire or cancel a mineral right by way of expropriation only with the concurrence of the Cabinet member responsible for mineral and energy affairs.” 20

**Amendment of section 85 of Act 57 of 2003**

25. Section 85 of the principal Act is hereby amended—

(a) by the addition to subsection (1) of the following paragraph: 25

“(b) the Fund, by agreement with South African National Parks.”; and

(b) by the addition of the following subsection:

“(2) South African National Parks may finance the acquisition of private land or a right in or to private land in terms of section 81, or the cancellation of a servitude on, or a privately held right in or to, land owned by South African National Parks in terms of section 83, from— 30

(a) the funds of South African National Parks; or

(b) the Fund, by agreement with the Minister.”

**Insertion of section 91 in Act 57 of 2003**

26. The following section is hereby inserted in the principal Act, after section 90: 35

**“Savings**

**91.** (1) Anything done in terms of a law repealed by section 90 which can or must be done in terms of this Act must be regarded as having been done in terms of this Act.

(2) A person who, immediately before the repeal of the National Parks Act, 1976 (Act No. 57 of 1976), was — 40

(a) a board member of South African National Parks becomes a member of the Board for the unexpired part of the term for which that person was appointed as a member of South African National Parks; or

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**Ukufakelwa kwecandelo 83 loMthetho .ka-2003**

23. Eli candelo lilandelayo liyafakelwa kuMthetho oyintloko emva kwecandelo 82:

**“Ukupheliswa kobunini belungelo labucala kumhlaba weePaki zeSizwe zeloMzantsi Afrika**

**83.** (1) IiPaki zeSizwe zeloMzantsi Afrika zingathabatha amanyathelo afunekayo ukuphelisa ubunini bomhlaba weePaki zeSizwe zeloMzantsi Afrika, okanye ilungelo labucala kumhlaba lowo osele ubhengeziwe okanye ocetywa ukubhengezwa ngokusemthethweni okanye njengobandakanywe kwipaki yeSizwe. 5

(2) Ukuba iiPaki zeSizwe zoMzantsi Afrika azinakho ukufikelela kwisivumelwano nomnini womhlaba obhaliswe ngaye okanye umntu onelungelo, uMphathiswa angathi egameni leePaki zeSizwe zoMzantsi Afrika okanye uMbuso ohluthu ubunini okanye ilungelo ngokuhambiselana noMthetho wokohluthwa komhlaba ka-1975 (Act No. 63 of 1975) yaye kuxhomekeke kwicandelo 25 loMgaqo siseko.” 15

**Ukufakwa endaweni yecandelo 85 loMthetho 57 ka-2003**

24. Eli candelo lilandelayo kufakwa endaweni yalo icandelo 84 loMthetho oyintloko

**“Amalungelo kwizimbiwa**

**84.** UMphathiswa angathi ngokuhambiselana necandelo 80(1)(c) [okanye] 81(2), 82(3) kunye noMphathiswa wephondo ngokuhambiselana necandelo 80(2) okanye 82(3), afumane okanye aphelise ilungelo kwizimbiwa ngokohlutha kuphela ngokuvumelana nelungu leKhabhinethi elilawula imicimbi yezimbiwa namandla.” 20

**Isilungiso secandelo 85 loMthetho 57 ka-2003**

25. Icandelo 85 loMthetho oyintloko uyahlonyelwa— 25

(a) ngokongeza icandelwana (1) lo mhlathi ulandelayo:

**“(b) INgxowa-mali , ngokuvumelana neePaki zeSizwe zeloMzantsi Afrika”;**  
futhi

(b) ngokongeza eli candelwana lilandelayo:

**“(2) IiPaki zeSizwe zoMzantsi Afrika zingancedisa ngezimali ukufunyanwa komhlaba wabucala okanye ilungelo lomhlaba wabucala ngokwemigaqo yecandelo 81, okanye ukupheliswa kobunini kwilungelo lomhlaba wabucala okanye kumhlaba weePaki zeSizwe zoMzantsi Afrika ngokwemigaqo yecandelo 83—** 30

**(a) kwiNgxowa mali yePaki zeSizwe zoMzantsi Afrika; okanye** 35

**(b) INgxowa mali ngokwesivumelwano noMphathiswa.”**

**Ukufakelwa kwecandelo 91 loMthetho 57 ka-2003**

26. Eli candelo lilandelayo liyafakelwa kuMthetho oyintloko, emva kwecandelo 90: Icandelo 91 loMthetho oyintloko uyahlonyelwa ngokongeza la macandelwana alandelayo: 40

**“Ulondolozo**

**91.** (1) Nayiphina into eyenziwe ngokwemigaqo yoMthetho obhangesiweyo licandelo 90 enokwenziwa okanye ekufuneka yenziwe ngokwemigaqo yalo Mthetho mayithathwe ngokuba yenziwe ngokwemigaqo yalo Mthetho. 45

(2) Umntu othe ngaphambi kokubhangiswa koMthetho weePaki zeSizwe ka-1976 (Act No.57 of 1976) waba—

(a) lilungu leePaki zeSizwe zeloMzantsi Afrika, uba lilungu leBhodi ixesha elingaphelanga loo mntu echongwe njengelungu leePaki zeSizwe zoMzantsi Afrika; okanye 50

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- (b) the Chairperson of South African National Parks becomes the Chairperson of the Board for the unexpired part of the term for which that person was appointed as the Chairperson of South African National Parks.”.

**Amendment of section 92 of Act 57 of 2003**

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27. Section 92 of the principal Act is hereby amended—

- (a) by the insertion of the following subsection before subsection (2):

“(1) South African National Parks—

- (a) is the management authority for any protected area it managed immediately before this section took effect, unless otherwise assigned by the Minister in terms of this Act; and 10
- (b) must manage such area in accordance with—
- (i) this Act and any management plan in terms of Chapter 4 for the area; and
- (ii) any condition and agreement which existed immediately before this section took effect and which were applicable to the area.”; and 15

- (b) by the substitution for subsection (2) of the following subsection:

(2) The organ of state managing a protected area immediately before this section took effect, other than a protected area referred to in subsection (1), must continue managing the area until the management of the area is assigned either to it or to another management authority in terms of Chapter 4.”. 20

**Substitution of Schedule to Act 57 of 2003**

28. The following Schedule is hereby substituted for the Schedule to the principal Act: 25

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- (b) USihlalo weePaki zeSizwe zeloMzantsi Afrika, uba nguSihlalo weBhodi ixesha elingaphelanga loo mntu echongwe njengoSihlalo weePaki zoMzantsi Afrika.”

**Isilungiso secandelo 92 loMthetho 57 ka-2003**

27. Icandelo 92 loMthetho oyintloko lihlonyelwa— 5
- (a) ngokufakela eli candelwana lilandelayo ngaphambi kwecandelwana (2):
- “(1) IiPaki zeSizwe zeloMzantsi Afrika—
- (a) ziligunya lolawulo lweendawo zonke ezikhuselweyo ezaziylawula ngaphambili nje kokusetyenziswa kweli candelo, ngaphandle kokuba kubekiwe nguMphathiswa ngokwemigaqo yalo Mthetho; futhi 10
- (b) kufuneka zilawule indawo leyo ngokuhambiselana —
- (i) nalo Mthetho kwakunye naso nasiphina isicwangciso solawulo ngokwemigaqo yeSahluko 4 sendawo leyo; futhi
- (ii) nawuphina umbandela nesivumelwano esasikhona ngaphambili nje kokuba eli candelo lisetyenziswe yaye elalisebenza kuloo ndawo”; futhi 15
- (b) ngokufakwa endaweni yecandelwana (2) eli candelwana lilandelayo:
- “(2) Iziko lombuso elilawula indawo ekhuselweyo ngaphambili nje kokuba eli candelo lisetyenziswe, ngaphandle kwendawo ekhuselweyo echazwe kwicandelwana (1), kufuneka lihlale lilawula le ndawo bade abalawuli bendawo bathunywe oko okanye elinye igunya lolawulo ngokwemigaqo yeSahluko 4”. 20

**Ukufakelwa endaweni yeShedyuli kuMthetho 57 ka-2003**

28. Le Shedyuli ilandelayo kufakelwe endaweni yayo iShedyuli yoMthetho 25 oyintloko:

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**“SCHEDULE  
REPEAL OF LAWS**

*(Section 90)*

<b>No. and year of Act</b>	<b>Short title of Act</b>	<b>Extent of repeal</b>	
Act No. 39 of 1975	Lake Areas Development Act, 1975	The repeal of the whole	5
Act No. 57 of 1976	National Parks Act, 1976	The repeal of the whole, except section 2(1) and Schedule 1	
Act No. 60 of 1979	National Parks Amendment Act, 1979	The repeal of the whole	10
Act No. 9 of 1980	Lake Areas Development Amendment Act, 1980	The repeal of the whole	
Act No. 13 of 1982	National Parks Amendment Act, 1982	The repeal of the whole	15
Act No. 23 of 1983	National Parks Amendment Act, 1983	The repeal of the whole	
Act No. 43 of 1986	National Parks Amendment Act, 1986	The repeal of the whole	
Act No. 111 of 1986	National Parks Second Amendment Act, 1986	The repeal of the whole	20
Act No. 60 of 1987	National Parks Amendment Act, 1987	The repeal of the whole	
Act No. 73 of 1989	Environment Conservation Act, 1989	The repeal of sections 16, 17 and 18	25
Act No. 23 of 1990	National Parks Amendment Act, 1990	The repeal of the whole	
Act No. 52 of 1992	National Parks Amendment Act, 1992	The repeal of the whole	30
Act No. 91 of 1992	National Parks Second Amendment Act, 1992	The repeal of the whole	
Act No. 38 of 1995	National Parks Amendment Act, 1995	The repeal of the whole	
Act No. 70 of 1997	National Parks Amendment Act, 1997	The repeal of the whole	35
Act No. 106 of 1998	National Parks Amendment Act, 1998	The repeal of the whole	
Act No. 54 of 2001	National Parks Amendment Act, 2001	The repeal of the whole”.	40

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**“ISHEDYULI**

**UKUKHUTSHWA KWEMITHETHO**

(Icandelo 90)

Ino. nonyaka womthetho	Isihloko soMthetho	Ususwe kangakanani	
Act No. 39 of 1975	UMthetho wokuPhuhliswa kwamaChibi ka-1975	Ususwe wonke	5
Act No. 57 of 1976	UMthetho weePaki zeSizwe ka-1976	Ususwe wonke ngaphandle kwecandelo 2 (1) neshedyuli 1	10
Act No. 60 of 1979	UMthetho Sihlomelo weePaki zeSizwe ka-1979	Ususwe wonke	
Act No. 9 of 1980	UMthetho Sihlomelo wophuhliso lwamaChibi ka-1980	Ususwe wonke	15
Act No. 13 of 1982	UMthetho Sihlomelo weePaki zeSizwe ka-1982	Ususwe wonke	
Act No. 23 of 1983	UMthetho Sihlomelo weePaki zeSizwe ka-1983	Ususwe wonke	
Act No. 43 of 1986	UMthetho Sihlomelo weePaki zeSizwe ka-1986	Ususwe wonke	20
Act No. 111 of 1986	UMthetho Sihlomelo wesibini weePaki zeSizwe ka-1986	Ususwe wonke	
Act No. 60 of 1987	UMthetho Sihlomelo weePaki zeSizwe ka-1987	Ususwe wonke	25
Act No. 73 of 1989	UMthetho wokuLondolozwa kweNdalo ka-1989	Kususwe amacandelo 16, 17 kunye no-18	
Act No. 23 of 1990	UMthetho Sihlomelo weePaki zeSizwe ka-1990	Ususwe wonke	30
Act No. 52 of 1992	UMthetho Sihlomelo weePaki zeSizwe ka-1992	Ususwe wonke	
Act No. 91 of 1992	UMthetho Sihlomelo wesibini weePaki zeSizwe ka-1992	Ususwe wonke	
Act No. 38 of 1995	UMthetho Sihlomelo weePaki zeSizwe ka-1995	Ususwe wonke	35
Act No. 70 of 1997	UMthetho Sihlomelo weePaki zeSizwe ka-1997	Ususwe wonke	
Act No. 106 of 1998	UMthetho Sihlomelo weePaki zeSizwe ka-1998	Ususwe wonke	40
Act No. 54 of 2001	UMthetho Sihlomelo weePaki zeSizwe ka-2001	Ususwe wonke	

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**Substitution of long title of Act 57 of 2003**

29. The following long title is hereby substituted for the long title of the principal Act:  
**“To provide for the protection and conservation of ecologically viable areas representative of South Africa’s biological diversity and its natural landscapes and seascapes; for the establishment of a national register of all national, provincial and local protected areas; for the management of those areas in accordance with national norms and standards; for intergovernmental co-operation and public consultation in matters concerning protected areas; for the continued existence, governance and functions of South African National Parks; and for matters in connection therewith.”**

**Amendment of Arrangement of Sections in Act 57 of 2003**

30. The Arrangement of Sections after the long title of the principal Act is hereby amended—
- (a) by the insertion after “13. World heritage sites” of the following:  
“14. Marine protected areas”;
- (b) by the insertion after “19. Withdrawal of declaration or exclusion of part of special nature reserve” of the following:

**“Part 2**

***National parks*** 20

20. Declaration of national parks

21. Withdrawal of declaration or exclusion of part of national park

22. Designation of national park as wilderness area”;

- (c) by the substitution for “46. Access to nature reserve and world heritage site” of the following:  
“46. Access to national park, nature reserve and world heritage site”;
- (d) by the substitution for “47. Use of aircraft in special nature reserve or world heritage site” of the following:  
“47. Use of aircraft in special nature reserve, national park or world heritage site”;
- (e) by the substitution for “50. Commercial and community activities in nature reserve and world heritage site” of the following:  
“50. Commercial and community activities in national park, nature reserve and world heritage site”;
- (f) by the insertion after “53. Certain rights and entitlements to be respected” of the following:

**“CHAPTER 5**

**SOUTH AFRICAN NATIONAL PARKS**

***Part 1***

***Continued existence and functions of South African National Parks*** 40

54. Continued existence

55. Functions

56. General powers



**Ukufakelwa endaweni yesihloko eside soMthetho 57 ka-2003**

29. Esi sihloko side silandelayo kufakwa endaweni yaso isihloko eside kuMthetho oyintloko:

“Ukunika ukhuseleko nolondolozo lweendawo zemvelo ezilulutho ezinako konke ukohlukana kwemvelo yoMzantsi Afrika kwakunye nemimango yemvelo yomhlaba neyolwandle; ukusekwa kwe-register yesizwe yazo zonke iindawo ezikhuselweyo zesizwe, ezephondo kwakunye nezikamasipala; ulawulo lwezo ndawo ngokuhambiselana nezithethe nemigangatho yesizwe; ukwenzela intsebenziswano phakathi koorhulumente kwakunye nokubonisana noluntu malunga nemiba echaphazela iindawo ezikhuselweyo; ukwenzela ubukho obumiyo, ulawulo lwaseburhulumenteni kunye nemisebenzi yeePaki zeSizwe zoMzantsi Afrika; kwakunye nemiba enxulumene noku.”

**ISihlomelo sokuLungelelwaniswa kwaMacandelo kuMthetho 57 ka-2003**

30. UkuLungelelwaniswa kwaMacandelo emva kwesihloko eside soMthetho oyintloko kuyahlonyelwa:

- (a) ngokufakela emva kuka-“13. Iziza zelifa zehlabathi” oku kulandelayo:  
“14. Iindawo ezikhuselweyo zamanzi”
- (b) ngokufakela emva kwe-“19. Ukurhoxiswa kwesibhengezo esisemthethweni okanye ukukhutshwa kwenxalenye yomyezo owodwa wendalo” oku kulandelayo:

**“Umhlathi 2****IiPaki zesizwe**

20. Ukubhengezwa okusemthethweni kweepaki zesizwe

21. Ukurhoxiswa kwesibhengezo esisemthethweni okanye ukukhutshwa kwenxalenye yepaki yesizwe 25

22. Ukukhonjwa kwepaki yesizwe njengendawo yasendle

- (c) Ngokufakela endaweni ye-“46. Ukungena kumyezo wendalo nakwisiza selifa lehlabathi” oku kulandelayo:  
“46. Ukungena kwipaki yesizwe, umyezo wendalo nakwisiza selifa lehlabathi” 30

(d) ngokufakela endaweni ye “47. Ukusetyenziswa kwenqwelo-moya kumyezo owodwa wendalo okanye isiza selifa lehlabathi” oku kulandelayo:

(e) ngokufakela endaweni ye “50. Izinto zoshishino nezoluntu kumyezo wendalo nakwisiza selifa lehlabathi.” oku kulandelayo: 35

“50. Izinto zoshishino nezoluntu kwipaki yesizwe, kumyezo wendalo nakwisiza selifa lehlabathi.”

(f) ngokufakela emva kwe-“53 amalungelo athile kufuneka ehlonitshiwe” oku kulandelayo:

**ISAHLUKO 5**

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**IIPAKI ZESIZWE ZOMZANTSI AFRIKA****Umhlathi 1****Uzinzko kunye nemisebenzi yeePaki zeSizwe zoMzantsi Afrika**

54. Ukuhlala zikho

55. Imisebenzi

56. Amagunya

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**Part 2**

***Governing board, composition and membership***

<u>57. Composition</u>	
<u>58. Qualifications</u>	
<u>59. Appointment procedure</u>	5
<u>60. Chairperson</u>	
<u>61. Term of office</u>	
<u>62. Conditions of appointment</u>	
<u>63. Conduct of members</u>	
<u>64. Termination of membership</u>	10
<u>65. Removal from office</u>	
<u>66. Filling of vacancies</u>	

**Part 3**

***Operating procedures of Board***

<u>67. Meetings</u>	15
<u>68. Procedures</u>	
<u>69. Quorum and decisions</u>	
<u>70. Committees</u>	
<u>71. Delegation of powers and assignment of duties</u>	

**Part 4**

20

***Administration of South African National Parks***

<u>72. Appointment of Chief Executive Officer</u>	
<u>73. Employment of staff</u>	

**Part 5**

***Financial matters***

25

<u>74. Financial accountability</u>	
<u>75. Funding</u>	
<u>76. Investments</u>	
<u>77. National Parks Land Acquisition Fund</u>	

**Part 6**

30

***General***

<u>78. Minister's supervisory powers</u>	
<u>79. Absence of functional Board";</u>	
(g) by the insertion after "80. Acquisition of private land by State" of the following:	35
<u>"81. Acquisition of private land by South African National Parks";</u>	
and	
(h) by the insertion after "82. Cancellation of servitude on, or privately held right in or to, state land" of the following:	
<u>"83. Cancellation of servitude on, or privately held right in or to, land owned by South African National Parks";</u>	40

**Short title and commencement**

**31.** This Act is called the National Environmental Management: Protected Areas Amendment Act, 2004, and takes effect on a date determined by the President by proclamation in the *Gazette*.

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**Umhlathi 2*****IBhodi elawulayo, isakhiwo kunye nobulungu***

<u>57. Isakhiwo</u>	
<u>58. Iimpawu</u>	
<u>59. Inkqubo yotyumbo</u>	5
<u>60. USihlalo</u>	
<u>61. Ixesha leofisi</u>	
<u>62. Imiqathango yotyumbo</u>	
<u>63. Ukuziphatha kwamalungu</u>	
<u>64. Ukunqunyanyiswa kobulungu</u>	10
<u>65. Ukususwa esikhundleni</u>	
<u>66. Ukuvalwa kwezithuba</u>	

**Umhlathi 3*****Iinkqubo yokusebenza kweBhodi***

<u>67. Iintlanganiso</u>	15
<u>68. Iinkqubo zokusebenza</u>	
<u>69. Inani elifunekayo kunye nezigqibo</u>	
<u>70. Iikomiti</u>	
<u>71. Ukwabiwa kwamandla nokwahlulwa kwemisebenzi</u>	

**Umhlathi 4*****Ulawulo lweePaki zeSizwe zoMzantsi Afrika***

<u>72. Ukuqashwa kweGosa eliLawulayo eliyiNtloko</u>	
<u>73. Ukuqeshwa kwabasebenzi</u>	

**Umhlathi 5*****Imiba yezimali***

<u>74. Ukusetyenziswa kwemali</u>	
<u>75. Ukuxakanyezwa ngezimali</u>	
<u>76. Utyalo-mali</u>	
<u>77. INgxowa mali yokuThathwa koMhlaba weePaki zeSizwe</u>	25

**Umhlathi 6*****Jikelele***

<u>78. Amandla okulawula oMphathiswa</u>	
<u>79. Ukungabikho kweBhodi esebenzayo</u>	
(g) ngokufakela emva kuka-“80. Ukufunyanwa komhlaba wabucala nguMbuso” oku kulandelayo:	35
<u>“81. Ukufunyanwa komhlaba wabucala ziiPaki zeSizwe zeloMzantsi Afrika.” futhi</u>	
(h) ngokufakela emva ko-“82. Ukupheliswa kobunini okanye amalungelo obunini kumhlaba wombuso” oku kulandelayo:	
<u>“83. Ukupheliswa kobunini okanye amalungelo obunini kumhlaba osezandleni zeePaki zeSizwe zoMzantsi Afrika.”</u>	40

**Isihloko esifutshane kunye nesiqalo**

<b>31. Lo Mthetho ubizwa ngokuba luLawulo lweNdalo yeSizwe: Izilungiso kuMthetho weendawo zolonolozo ezikhuselweyo, ka-2004, yaye uqala ukusebenza ngomhla oqingqwe nguMongameli ngokubhengeza kwiGazethi.</b>	45
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