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Natural Resources Act, 1951

Act 71 of 1951

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Natural Resources Act, 1951

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Natural Resources Act, 1951

Act 71 of 1951

Commenced on 7 December 1951

[This is the version of this document at 1 December 1998.]

An Act to provide for the conservation and improvement of the natural resources and for other matters incidental thereto.

Part I

1. Short title

This Act may be cited as the Natural Resources Act, 1951.

2. Interpretation

In this Act unless the context otherwise requires—

“**board**” means the Natural Resources Board established under [section 3](#);

“**land**” includes any right to minerals;

“**Minister**” means the Minister responsible for Agriculture;

“**natural resources**” means—

- (a) soil, water and minerals;
- (b) animal, bird and fish life;
- (c) such other things as the Minister may by notice in the *Gazette* declare to be natural resources, including landscapes and scenery which, in his opinion, should be preserved on account of their aesthetic appeal or scenic value; and
- (d) royal graves or grave sites.

“**occupier**” in relation to land, means any person lawfully occupying such land;

“**owner**” in relation to land, means—

- (a) the person registered in the deeds office as the proprietor of the land;
- (b) any person lawfully occupying or holding land in accordance with an agreement whereunder he is entitled to obtain from the Government title thereto on the fulfilment by him of the conditions prescribed by such agreement, and the duly authorised representative of any such person; or
- (c) the legal representative of any registered owner who has died, has become insolvent, is a minor, is of unsound mind, or is otherwise under disability, and the liquidator of a company owning land;

“**public stream**” means a watercourse of natural origin wherein water flows in ordinary seasons, whether or not such watercourse is dry during any period of the year, and whether or not its conformation has been changed by artificial means, and includes swamps or marshes, whether forming the source or found upon the course of or feeding such watercourse;

“**storm water**” means all flow of water directly due to rainfall before such water forms a public stream;

“**Swazi area**” means any land set apart for the sole and exclusive use and occupation of Africans under the Concessions Partition Act [No. 28 of 1907](#), and land set aside for African land settlement in terms of the Swazi Land Settlement Act [No. 2 of 1946](#), and shall include any land registered or to be registered in the name of the Ngwenyama in trust for the Swazi nation.

Part II – Natural Resources Board

3. Establishment of the Natural Resources Board

- (1) For the purpose of carrying out this Act there is established a Natural Resources Board.
- (2) The Board shall consist of a chairman and not less than two official and three unofficial members, who shall be appointed by the Minister:

Provided that when a member of the board is related within the third degree of consanguinity or affinity to any party to a matter to be determined by the board or shall have an interest in any question or matter dealt with by such board he may withdraw from any such proceedings or may be required by the chairman at his own instance or at the instance of any interested party to withdraw:

Provided further that no decision or determination which is just and reasonable shall be invalid only on the grounds that a member of the board was so related or so interested in the question or matter in regard to which such decision was given or determined.
- (3) In making such appointments, regard shall be had to special interest concerned.
- (4) The recognised representatives of such interests may submit for the Minister’s consideration a panel of names of the persons whom they consider suitable for appointment to the board.
- (5) Each member of the board shall hold office for such period and on such conditions as the Minister may specify when the appointment is made.
- (6) The office of a member of the board shall be vacated if—
 - (a) his estate is sequestrated or assigned;
 - (b) he is absent from three consecutive meetings of the board without special leave of the board; or
 - (c) he gives one month’s notice in writing to the Minister of his intention to resign office, and his resignation is accepted by the Minister.
- (7) If a member is prevented by illness, absence from Swaziland or other like cause from exercising his functions on the board, the Minister may appoint any person from the panel of names aforementioned to act as deputy for such member during his absence.
- (8) If at any meeting of the board the chairman is absent, the members present shall choose one of their number to act as chairman at that meeting.
- (9) The members of the board shall be paid from the Consolidated Fund such remuneration and allowances as the Minister may determine.

4. Procedure of the board

- (1) All meetings of the board shall be held at such times and places as the board shall from time to time determine.
- (2) The chairman of the board may himself at any time and shall at the request of any two members of the board call a special meeting of the board.
- (3) The decision by a two-thirds majority of the members of the board present at any meetings shall constitute the decision of the board.

- (4) Three members of the board shall form a quorum.
- (5) Subject to this Act the procedure at meetings of the board shall be determined by the board.

5. Functions of the board

The functions of the board in addition to the powers and duties specially assigned to it under this Act shall be—

- (a) except in respect of Swazi areas, to exercise supervision over natural resources;
- (b) to stimulate by propaganda and such other means as it may deem expedient a public interest in the conservation and improvement of natural resources;
- (c) to recommend to the Minister the nature of legislation by it deemed necessary for the proper conservation, use and improvement of natural resources.

6. Administrative and clerical work of board

The administrative and clerical work in connection with the duties of the board shall be performed by such members of the public service as may be deputed thereto by the Minister.

7. Board to report on soil and water conservation projects

The board shall at the request of the Minister report upon Government and other soil and water conservation projects.

8. Board to give notice to interested parties

When any matter arises for the determination of the board, all persons having an interest in the matter shall, as far as reasonably practicable, be notified of the questions at issue and given facilities for making such representations thereon as they may wish.

9. Appeal from determination of the board

- (1) The board shall communicate in writing the terms of any recommendation, decision or order made by it, in terms of sections [16](#), [17](#), [18](#), [20](#) and [26](#) (hereinafter called a determination) to any person who is or may be directly affected by such determination.
- (2) Any person who considers that a determination is inequitable, unreasonable or unduly harsh may lodge an appeal against the same with the Minister within such time as may be prescribed.
- (3) Upon the receipt of such notice of appeal, the Minister shall appoint three persons (hereinafter called the referees), one of whom shall be a judge who shall act as chairman of the referees, for the purposes of hearing the appellant.
- (4) In making the appointment of the two remaining referees, regard shall be had to the panel which may have been submitted in terms of [section 3\(3\)](#):

Provided that they shall not be members of the board.
- (5) The Minister shall obtain from the board a full statement of the facts upon which it based its determination and shall furnish such statement to the referees.
- (6) If the referees believe that the board was not in possession of the full facts, they may order that the matter be referred back to the board for the hearing of further evidence and for consideration.
- (7) The board shall hear further evidence and report to the referees whether, in the light of the additional evidence, its determination would in any way have been different.

- (8) The referees, by a majority decision, may confirm, vary or set aside the determination of the board or give such decision as in its opinion ought to have been given by the board on the evidence, and the referees' decision shall be final.
- (9) The referees shall, after hearing the appellant and considering the board's statement of the facts and any report and evidence furnished in terms of subsection (6) and (7), make a report to the Minister embodying their decision and the reasons therefor.
- (10) The referees shall be paid from the Consolidated Fund such remuneration and allowances as may be prescribed.

10. Questions of law may be referred to High Court

- (1) If a question of law arises touching an order of the board, the board may, on its own initiative or at the request of any person directly affected by such order reserve that question for the decision of the High Court.
- (2) The board shall, in such event, state the question in the form of a special case for the opinion of the High Court and transmit it to the registrar thereof.
- (3) The question so stated may be answered by the High Court or by any judge thereof after hearing the parties concerned.

11. Board may summon witnesses

- (1) For the determination of any subject under its consideration, the board shall have the powers which a magistrate's court has to summon witnesses, to cause the oath to be administered to them, to examine them and to call for the production of documents.
- (2) A subpoena for the attendance of a witness or for the production of any book, document or record before the board shall be signed and issued by the chairman of the board and shall be served in the same manner as a subpoena for the attendance of a witness at a criminal trial in a magistrates' court.
- (3) A person subpoenaed to give evidence or to produce any book or document or record or giving evidence before the board shall be entitled to the same privileges and immunities as if he were subpoenaed to attend or were giving evidence at a trial in a magistrates' court.
- (4) A person who fails without reasonable excuse to attend in obedience to such summons, or, subject to the provisions of subsection (3) fails to answer fully to the best of his knowledge and questions relevant to the matter under investigation or when required fails to produce any book, document or records as aforesaid, shall be guilty of an offence.

12. Penalty for giving false evidence

A person who, after having been duly sworn, wilfully gives false evidence before the board, knowing such evidence to be false or not knowing or believing it to be true, shall be deemed guilty of perjury and may be punished accordingly.

13. Penalty for witnesses refusing to be sworn, give evidence or produce documents

- (1) If a person who has been subpoenaed to give evidence or to produce any book, document or record before the board refuses, without sufficient cause (the onus of proof whereof shall rest upon him), to be sworn as a witness, or having been sworn, to answer fully and satisfactorily a question lawfully put to him, or to produce any such book, document or record, he shall be guilty of an offence.
- (2) The court convicting such person may, in addition to any penalty which it may inflict, order such person to be detained in custody as if he were a prisoner awaiting trial until he consents to be sworn

or to answer fully and satisfactorily all questions lawfully put to him or to produce such book, document or record, as the case may be.

14. Board's annual report

- (1) The board shall, on or before the thirty-first day of March in each year, furnish the Minister with a report upon its work during the year ended the thirty-first day of December last preceding.
- (2) Such report shall include the recommendations made by it to the Minister and shall show to what extent these recommendations have been adopted.
- (3) Every report under subsection (1) and (2) shall be laid by the Minister before Parliament as soon as possible after it has been furnished to him.

Part III – Conservation and improvement of natural resources in areas other than Swazi areas

15. This Part not to apply to Swazi areas

The provisions of this Part shall not apply to Swazi areas.

16. The Minister may set aside Government land or acquire other land

- (1) If the Minister is of the opinion that such course is in the public interest, he may, on the recommendation of the board set aside Government land or purchase or otherwise acquire other land for the conservation or improvement of natural resources.
- (2) In default of agreement between the Minister and the owner of any land, the Minister may expropriate such land on payment of such compensation as may be determined by arbitration in terms of the Acquisition of Property Act, [No. 10 of 1961](#).
- (3) If the owner of any land to be expropriated in terms of subsection (2) cannot after diligent enquiry be found, the amount of compensation to be paid shall be determined by a person nominated thereto by the Minister.

17. The Minister may construct works

- (1) Notwithstanding anything contained in the Water Act [No. 25 of 1967](#), the Minister may, on the recommendation of the board, when it appears to him to be in the public interest, construct and maintain upon any land such works or order a cessation or suspension of any activities as he may deem necessary or desirable for any of the following purposes:
 - (a) the protection of the source, course or feeders of a public stream;
 - (b) the disposal or control of storm water;
 - (c) the mitigation or prevention of soil erosion;
 - (d) the conservation of water.
- (2) The cost of the construction of such works shall in the first instance be paid from moneys appropriated from the Consolidated Fund.

18. Apportionment of costs

- (1) The Accountant-General shall notify the board of the cost of any works constructed in terms of [section 17](#).
- (2) If the board is of the opinion that, having regard to all the circumstances, it is just and equitable that the owner of any land upon which any such works have been executed, or such owner,

and the owners of any land which in its opinion, has benefited from such work, should pay or contribute towards the cost thereof, it shall notify the Minister and the owner or each of the owners accordingly, and shall in such notification specify the amount of such cost, if any, to be borne by Government and the amount of payment or contribution to be made by such owner or by each of such owners and the land of the owner which shall be subject to the charge created by [section 19](#).

- (3) The amount of payment or contribution fixed by the board in terms of subsection (2) shall be a debt by the owner to the Government, and, until discharge, interest shall be paid thereon at a rate as may be fixed by notice in the *Gazette* with effect from the date of notification.

19. Creation of charge on land for cost of works for prevention of soil erosion, etc.

- (1) If any owner of land who has in terms of [section 18](#) become indebted to Government fails to pay such debt on demand, the Minister may in writing direct the registrar of deeds to note, free of charge, the debt on the title deed to such land and in the appropriate registers in his registry, and the registrar shall comply with such direction:

Provided that, if the registrar is satisfied that the title deed to the land cannot for any reason be produced by the Minister in terms of subsection (3), he shall note the debt on the duplicate copy of the title deed and in the appropriate register in his registry, and such noting shall have the same effect as if it had been made on the title deed.

- (2) The document conveying such direction shall set forth—
- (a) a description of the land in question and the number and date of its title deed;
 - (b) the name of the owner;
 - (c) the total amount of the debt to be noted; and
 - (d) the amount and period of the instalments by which such debt is to be paid off.
- (3) Such document shall be accompanied by the title deed to the land.
- (4) The amount to be noted as aforesaid shall be the amount of the debt referred to in [section 18](#) with any interest due thereon.
- (5) The making of such note on the title deed to the land shall create a charge of the debt noted upon the land, attaching thereto on transfer of the land and binding every successive owner thereof.
- (6) Any charge so noted shall rank in priority to any subsequent mortgage bond registered against the title of any such land.
- (7) Any such charge shall be redeemed in equal annual instalments over such period not exceeding fifty years as the Minister in consultation with the board may determine:
- Provided that—
- (i) any owner of the land to which the charge attaches may at any time redeem the charge entirely by payment of an amount equal to the unredeemed portion of the charge, after deduction therefrom of the amount representing any interest included therein for the unexpired part of the said period of fifty years;
 - (ii) such owner may, at the time of payment of any instalment, pay any multiple of such instalment and thereafter the balance of the debt and interest shall be repaid by reduced equal instalments over the unexpired period determined by the Minister under this subsection.
- (8) If any instalment due under the charge is in arrear for more than three months, the Minister may, by legal proceedings, recover from the owner concerned the instalment due.

- (9) Before taking legal proceedings in terms of subsection (8) for the recovery of the amount which is owing, the Minister shall give the owner three months' notice in writing of his intention to take such action.
- (10) Such notice shall be deemed to have been served on such owner on the date of its despatch if it is sent to him at his last-known address by registered post and is addressed to him at the farm to which the charge attaches, whether such notice is in fact received by the owner or not.
- (11) Whenever a charge created under this section has been redeemed in full, the Minister shall notify the registrar of deeds, who shall thereupon cancel the relevant notes free of charges.
- (12) After the making of the entries referred to in the proviso to subsection (1), no further transaction relating to the land affected by such endorsement shall be registered until such debt has been noted on the title deed to such land, for which purpose the registrar of deeds is hereby authorised and required to impound the said title deed and to make the necessary endorsement thereon whenever it may for any reason be lodged in his office.

20. Board may make orders for conservation of natural resources

- (1) If after paying due regard to all the circumstances the board considers that such a course is necessary for the conservation of soil, water and vegetation on any land and is just and equitable, it may give written orders to the owner or occupier of such land or to any person to undertake or adopt such measures or to discontinue or suspend any activity as it may deem necessary for the conservation of soil, water and vegetation on such land and the prevention of injury to the soil, water and vegetation on other land by the acts or omissions of such owner or occupier:

Provided that any order given by the board may be vetoed by the Minister.

- (2) Such orders may relate only to—
 - (a) the construction and maintenance of soil conservation works;
 - (b) the preservation and protection of the source, course and banks of rivers and streams;
 - (c) the depasturing or limitation of stock;
 - (d) the method of cultivation and irrigation of land;
 - (e) the prohibition or restriction of cultivation or irrigation of any part of the land;
 - (f) the control of water, including storm water;
 - (g) in consultation with the officer in charge of the Department of Public Works, the method of construction of any roads;
 - (h) the control or prohibition of the burning of grass or other vegetation including the burning of fire breaks;

and no order under paragraphs (a) and (f) may be given to an occupier.

- (3) If an owner or occupier of land fails or neglects without reasonable cause to carry out any order made under subsection (2)(b), (c), (d), (e), (g) or (h) within such reasonable time as may be fixed by the board, and the Minister has made the necessary funds available as provided in subsection (4), he shall be guilty of an offence.
- (4) If any order given under subsection (2)(a), (b), (c) and (f) makes it necessary for the owner to construct any works for the purposes mentioned, lend to the owner the amount so notified by the board, or such proportion thereof as the owner requests, or at the request of the owner and on the recommendation of the board, complete the necessary work at the owner's expense.
- (5) The amount of such loan or the cost of any works executed on his behalf shall be a debt due by the owner to the Government, and, until discharged, interest shall be paid thereon at a rate to be fixed by the Minister by notice in the *Gazette*.

- (6) Section 18 shall, *mutatis mutandis*, apply in respect of such debt.
- (7) If any owner of land fails or neglects to carry out any order made under subsection (2)(a), (f) or (h) within such reasonable time as the board may have fixed, the Minister may carry out or complete any works which are necessary to give effect to such order.
- (8) The amount of the cost of such works or burn or otherwise prepare or complete any fire breaks assessed by the board as due by the owner shall be a debt due by the owner to the Government and, until discharged, interest shall be paid thereon at a rate to be fixed by the Minister by notice in the *Gazette*.
- (9) Section 18 shall, *mutatis mutandis*, apply in respect of such debt.
- (10) Where any works constructed by the owner (hereinafter called the first owner) or on his behalf by the Minister under subsection (2)(a), (f) or (h) benefit the land of another owner or owners (hereinafter called the other owner), the board may, on application by the first owner, and if it is of opinion that the works have been properly constructed and that, having regard to all the circumstances, it is just and equitable that the other owner shall contribute towards the cost thereof, make an order specifying the amount of payment or contribution to be made by the other owner and the land of such other owner which may be made subject to a charge in terms of subsection (12).
- (11) The amount of payment or contribution fixed by the board in terms of subsection (10) in respect of any works constructed by the first owner shall be a debt due by the other owner to the first owner and, in respect of any work constructed by Government on behalf of the first owner shall be a debt due by the other owner to the Government and until discharged, interest shall be paid thereon at a rate to be fixed by the Minister by notice in the *Gazette*, with effect from the date of the board's order specifying the amount of payment or contribution.
- (12) If any other owner of land who has, in terms of subsection (11), become indebted to the first owner or the Government fails to pay such debt on demand, the first owner or the Government may invoke section 19, and that section shall, *mutatis mutandis*, apply in respect of such debt.

[Amended P.42/1960]

Part IV – Conservation areas

21. Declaration of an intensive conservation area

- (1) If the owners of land in any area wish on their own initiative to undertake the construction of works and other measures for the conservation or improvement of natural resources in such area, they may petition the Minister in writing to declare such area to be an intensive conservation area.
- (2) Such petition shall clearly describe the boundaries of the said area and shall contain such other particulars as may be prescribed by regulation.
- (3) The Minister shall, upon the receipt of the petition cause notice thereto to be published in the manner which he may deem best calculated to reach all owners of land in the area mentioned in the petition.
- (4) Such notice shall set out the boundaries of the area and shall call upon owners of land therein to lodge in writing within a reasonable time to be fixed by such notice objections, if any, to the granting of the petition.
- (5) The Minister shall on the expiry of the period fixed for receiving objections consider the petition and objections thereto.
- (6) If the Minister is satisfied that owners owning not less than two-thirds of land in the area consent to or do not oppose such a course, he may, after consulting the board and upon such terms as he may decide, grant the petition.

- (7) If the Minister grants the petition he shall, by notice in the *Gazette*, declare the said area to be an intensive conservation area.

22. Conservation committees

- (1) On a date and at a place to be appointed by the Minister, the owners of land in an intensive conservation area shall from among their number appoint a committee, to be called a conservation committee.
- (2) Such committee shall be a body corporate and may sue and be sued, and may, subject to this Act, do all such acts and things as a body corporate may do, and shall exercise the powers and perform the duties as provided in this Act.

23. Composition of conservation committee

A conservation committee shall consist of such number of members as the Minister may fix, not exceeding five, and shall be elected in the prescribed manner.

24. Functions of conservation committee

The functions of a conservation committee shall, subject to the approval of the board, be—

- (a) to inaugurate and undertake the construction of works and other measures for soil and water conservation and improvement of soil and water supplies in its area; and
- (b) generally to co-operate with and assist the board in carrying out the objects and purposes of this Act.

25. Powers of conservation committee

A conservation committee shall, subject to the approval of the board, have power—

- (a) to construct and maintain such works as it may deem necessary for soil and water conservation or improvement; and
- (b) to superintend or perform, or enter into contracts for the superintendence or performance of, all such acts, matters and things as are incidental to soil and water conservation, maintenance or improvement.

26. Costs of works undertaken by conservation committee

- (1) The cost and maintenance of works or measures undertaken by a conservation committee for the conservation or improvement of natural resources shall be borne by every owner of land which has benefited thereby, in such proportions as may be mutually agreed upon.
- (2) If any dispute arises whether any land has so benefited or there is failure to agree on the apportionment of such costs, the matter shall be referred to the board for decision.
- (3) Costs agreed upon or fixed in terms of this section shall be a debt due by the owner to the conservation committee and, until discharged, interest shall be paid thereon at a rate not exceeding ten emalangen *per centum* per annum.

27. Loans to conservation committee

- (1) The Minister, on the recommendation of the board, may, from moneys appropriated in that behalf by Government, make loans, subsidies, or grants-in-aid to a conservation committee to enable it to construct such works as it may deem necessary for the conservation and improvement of natural resources.

- (2) The repayment of loans may be made by annual instalments on such scale as may be arranged, spread over a period of years sufficient to redeem the loan and cover the interest charges at a rate not exceeding ten emalangeni *per centum per annum*.
- (3) The number of instalments shall not exceed fifty but the period of redemption may be fixed to begin from a date not later than three years from the time at which the works have been completed.

Part V – Conservation and improvement of natural resources in Swazi areas

28. Application of the Swazi Administration Act, [No. 79 of 1950](#)

Whenever it is necessary to provide for the conservation and improvement of natural resources in a Swazi area, measures shall be taken under section 10 of the Swazi Administration Act, [No. 79 of 1950](#).

Part VI – General

29. Incidence and payment of assets incurred under sections [18](#), [20](#) and [26](#)

- (1) No person who is an owner of land in terms of paragraph (b) of the definition of “owner” shall be entitled to obtain title thereto unless and until he has paid debt due by him under this Act or until he has consented in writing to a note being made under this Act in respect of such debt against the title deed to be issued in his favour.
- (2) Whenever a person has, by agreement with the owner of any land, obtained the right or incurred the obligation to acquire such land at a fixed or ascertainable price or consideration, he shall be required on acquiring the land to pay to the owner, in addition to such price or consideration, any debt which, subsequent to the conclusion of such agreement, such owner has incurred and paid under this Act in respect of such land, and shall take over the liability of such owner for any outstanding balance of such debt.
- (3) When any land in respect of which an owner has become liable for costs under section [18](#), [20](#) and [26](#), at the time such liability accrued held by a person under an agreement for the payment of rent or other consideration, such person shall during the continuation of such agreement pay, in addition to the stipulated rent or other consideration, interest at a rate to be fixed by the Minister by notice in the *Gazette* upon such sum as the owner is liable for in terms of the said sections.

30. Rights of entry

- (1) Subject to the restrictions imposed by subsection (2), and to the extent necessary for exercising the powers conferred or performing the duties imposed by this Act upon them, the Minister, a Regional Administrator, the board, the principal agricultural officer, a conservation committee, a conservation officer or other officers appointed for the purposes of this Act shall by themselves or by persons authorised in writing by them, have the right to enter upon any land or premises at all reasonable times with such men, animals, vehicles, appliances and instruments and to do all such acts thereon as are necessary for or incidental to the exercise of the aforesaid powers or the performance of the aforesaid duties.
- (2) The exercise of the rights conferred by subsection (1) shall be subject to the following restrictions:
 - (a) no person shall enter any building or any enclosed yard attached to a dwelling except with the consent of the occupant thereof;
 - (b) as little damage as possible shall be caused to any land or premises by the exercise of such rights, and compensation shall be paid for all damage so caused by the authority exercising such rights;

- (c) the amount of compensation, if not mutually agreed upon, shall be determined by arbitration.
- (3) If any person prevents such entry on any area as is authorised by this section, or wilfully obstructs or hinders any person so authorised in lawfully carrying out his powers or duties under this Act, he shall be guilty of an offence.

31. Penalty for discharge of storm water

Any person who, by any act or by neglect causes damage to another whether by diverting storm water from its natural course, or by any other act or omission or who injures any soil or water conservation work, shall be guilty of an offence.

32. Regulations

- (1) The Minister may make regulations—
 - (a) prescribing the method of election of members of conservation committees;
 - (b) prescribing the particulars to be given in a petition for the declaration of an intensive conservation area;
 - (c) for the making of rules governing the conduct and hearing of appeals;
 - (d) for the better carrying out of the objects and purposes of this Act;
 - (e) defining and altering areas in the whole or any part of Swaziland wherein it shall not be lawful to graze or depasture cattle or other domestic animals, or to cut, fell, remove, injure or destroy any vegetation whatsoever:

Provided that no regulation made under this paragraph shall come into operation until one month after it has been promulgated.

- (2) The board may, upon application by the owner or occupier of any land and subject to such conditions as it may think fit to impose, declare that the provisions of all or any regulations made under subsection (1)(e) shall not apply to such land.

33. Penalties

If any person is convicted of an offence under [section 11\(4\)](#), [section 13\(1\)](#), [section 20\(3\)](#), [30\(3\)](#), [section 31](#) or under any regulation published under [section 32\(d\)](#) or (e) he shall be liable on—

- (a) first conviction to a fine not exceeding fifty emalangeni, or in default of payment to imprisonment not exceeding one month; and
- (b) a second or subsequent conviction to a fine not exceeding one hundred emalangeni, or in default of payment to imprisonment not exceeding three months.