

## VELD BURNING AND THE CONSERVATION OF AGRICULTURAL RESOURCES ACT

Regulation 12 in terms of the Conservation of Agricultural Resources Act no. 43 of 1983 (CARA) as published in regulation notice R1048 in *Government Gazette* 9238 of 25 May 1984 has the following provision which affects the burning of veld:

### Prevention and control of veld fires

12. (1) Except on authority of a written permission by the [executive officer](#), no land user shall—
- (a) burn any [veld](#) on his farm unit; and
  - (b) utilise as grazing any veld on his farm unit that has burned.

Q1 - If veld is being burned to form a fire break do you still require permission ?

Firebreaks are regulated in terms of the National Veld and Forest (NFFA), no permission is required in terms of CARA for burning of firebreaks.

Q2 - Is there a minimum number of hectare that requires permission, in other words if a farmer wants to burn 2 hectares of veld must he get permission ?

No minimum area is specified in terms of CARA. The criteria is whether the area concerned is used as grazing where veld management principles apply.

Q3 – Must “unplanned” fires be reported. Last month GUFPA reported 270 unplanned fire where over 9,000 hectares were lost.

Note regulation 12(1)(b) requiring permission to utilize burnt veld.

Q4 – If luck is on my side and there is an unplanned fire in the area I want to cultivate and plant must I report this ? Is it correct to assume that I would still have to apply for permission to cultivate the virgin land, if so how.

Application to cultivate virgin land applies regardless of whether it was burned or not. Application is made on a prescribed form (attached) to be submitted as prescribed in Regulation 2 at the office of the executive officer serving that area.

(2) The provisions of [regulation 2](#)(2) and (3) shall apply *mutatis mutandis* with regard to an application for a permission referred to in subregulation (1): Provided that—

- (a) such application shall be submitted at least 30 days prior to the intended date of burning or grazing, as the case may be; and
- (b) a permission referred to in subregulation (1) (a)
  - (i) shall not be issued unless the executive officer is satisfied that the burning of veld is an accepted veld management practice in the area within which the farm unit concerned is situated, or that exceptional circumstances prevail on the farm unit

concerned;

(ii) shall be issued only if the veld concerned is to be burned during periods of which particulars are available at the extension office concerned; and

(iii) shall be issued to the provisions of the Forest Act, 1968 (Act 72 of 1968).

**Q5 – How will “acceptable veld management” be determined ? Is there a cost associated with this ?**

In context of Regulation 12 (2) (b) accepted veld management practice has a general application and also a site specific application:

Generally veld burning is not recommended in arid environments unless for a specific reason under specific conditions, and-

With regard to the specific characteristics of the site, veld in degraded condition should not be burned (refer to NRIA Technical Communication No.1, May 2013)

Normal on farm operational costs apply.

**Regulation 2 reads as follows:**

**Cultivation of [virgin soil](#)**

2. (1) Except on authority of a written permission by the executive officer, no land user shall cultivate any virgin soil: Provided that such authority shall not be required in respect of virgin land for which an approval has been granted in terms of section 4(A) of the Forest Act, 1972 (Act 68 of 1972).

**Q6 –Is there a minimum number of hectare that requires permission, in other words if a farmer wants to cultivate 2 hectares of veld must he get permission ?**

No minimum area is specified for the cultivation of virgin land. The regulation thus applies to any extent of virgin land to be cultivated.

(2) An application for a permission referred to in subregulation (1) shall be made on a form obtainable from an extension office for this purpose.

(3) Such application form shall be completed by the land user of the farm unit on which such virgin soil is situated and shall be lodged at the extension office for the area within which the farm unit concerned is situated at least three months prior to the intended date of cultivation.

(4) An officer may, for the purposes of an investigation deemed necessary to consider such application, direct a land user to dig such soil profile pits as such officer may determine and to take such other steps as such officer may determine.

**Definitions**

**Executive officer** is defined in CARA as the executive officer referred to in section 4 of CARA, that is, an officer of the department [National Department of Agriculture] designated as executive officer by the Minister [who] exercises the powers and perform the duties conferred or imposed upon the executive officer by or under this Act or a scheme.

**Virgin soil** is defined in CARA as land which in the opinion of the executive officer has at no time during the preceding ten years been cultivated.

**Veld** is defined in the CARA regulations of 25 May 1984 as land which is not being or has not been cultivated and on which indigenous vegetation, or other vegetation which in the opinion of the executive officer is or can be utilised as grazing for animals, occurs.

**Q7 – Does “veld” include contours, sections between cultivated lands, and does it include the grass between the road and farm border ?**

No permission is required in terms of CARA to burn scrub on contour banks as part of contour bank maintenance. Such burning is however regarded as an ‘open fire’ in terms of NFFA.

If veld between lands is used as grazing it is subject to regulation pertaining to veld burning.

Road reserves are normally regarded as fire breaks and should be treated as such.

**Q8 – There 22 registered FPA’s in Gauteng, with approximately 3,600 members must everyone phone you ? Or are there area specific people responsible.**

It would be preferred if veld burning applications are coordinated by the local FPA and submitted in batch to the office of the executive officer, the person to contact for all CARA related applications is:

Ms. Phyllystas Mmakola, [PhyllystasM@dalrrd.gov.za](mailto:PhyllystasM@dalrrd.gov.za) or 012 319 7596

**Q9 – How do we check if a farmer has permission to burn ? To whom do we report any transgressions ?**

All enquiries can be lodged with:

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