

Environmental Legislation Update

8th November 2013 to 20th December 2013
Volume 10, Issue 11

Shepstone & Wylie's Environmental and Clean Energy Departments advise clients in both the public and private sector on a range of environmental and clean energy issues. Assistance is given to companies in a number of industries, including mining and resources, utilities, chemicals, steel, agriculture, automotive, waste, storage, building and transport. Issues covered include environmental compliance assessments; due diligence assessments; contracts; structured finance; environmental management systems; new and pending legislation, and permitting and licence requirements.

1. NATIONAL LEGISLATION

1.1. ACTS

Merchant Shipping (International Oil Pollution Compensation Fund) Act 24 of 2013

Date of commencement: To be proclaimed
(Gov N993, GG37145, 10 December 2013, pg 2)

Merchant Shipping (International Oil Pollution Compensation Fund) Administration Act 35 of 2013

Date of commencement: To be proclaimed
(Gov N1023, GG37174, 18 December 2013, pg 2)

Merchant Shipping (Civil Liability Convention) Act 25 of 2013

Date of commencement: To be proclaimed
(Repeals ss. 13, 14 & 15 of the Marine Pollution (Control and Civil Liability) Act 6 of 1981)
(Gov N994, GG37146, 10 December 2013, pg 2)

National Environmental Management Laws Second Amendment Act 30 of 2013

Date of commencement: 18 December 2013, except for Section 3, 4, 5 and 14 which comes into effect 12 months after date of publication or a date fixed by the president by proclamation in the Gazette, whichever is the earliest
(Gov N1019, GG37170, 18 December 2013, pg 2)

National Environmental Management Act 107 of 1998

Amendment of ss. 1, 11, 24C, 24E, 24F, 24M, 24O, 28, 30, 31J, 31N, 31Q, 34H, 44, 47 and 47D, Schedule 3 and the Table of Contents; proposed amendment of s.24; insertion of ss. 39A, 49A and 49B; proposed insertion of ss 16A, 23A and 30A; repeal of ss. 34A and 48 and substitution of S. 24G and certain expressions

1.2. **BILLS, WHITE PAPERS**

Merchant Shipping Bill

International Oil Pollution Compensation Fund
(B19B – 2013)

Portfolio Committee Amendments to South African Weather Service Amendment Bill

(B23A – 2013)

South African Weather Service Amendment Bill

(B23B - 2013)

Draft Mine Health and Safety Bill

Publication of and invitation to comment
(Gen N1103, GG37027, 15 November 2013, pg 3)

1.3. **GENERAL / BOARD NOTICES**

National Water Act 36 of 1998

- Disestablishment of the Thukela and Mvoti to Mzimkulu Catchment Management Agencies in KwaZulu-Natal Province
(Gov N845, GG36996, 8 November 2013, pg 63)
- Disestablishment of the Crocodile (West) and Marico Catchment Management Agency in North West Province
(Gov N848, GG36996, 8 November 2013, pg66)

Agricultural Pests Act 36 of 1983

Control measures relating to honey-bees
(Gov NR858, GG37015, 15 November 2013, pg 4)

National Veld and Forest Fire Act 101 of 1998

Publication of the fire danger rating system for general information
(Gen N1099, 15 November 2013, pg 37)

National Forests Act 84 of 1998

Notice of the list of protected tree species under the Act
(Gov N877, GG37037, 22 November 2013, pg 6)

National Environmental Management: Air Quality Act 39 of 2004

- List of activities which result in atmospheric emissions which have or may have a significant detrimental effect on the environment, including health, social conditions, economic conditions, ecological conditions or cultural heritage
(Gov N893, GG37054, 22 November 2013, pg 3)
- National Framework for Air Quality Management in the Republic of South Africa, 2012
(Gov N919, GG37078, 29 November 2013, pg 3)

National Environmental Management: Waste Act 59 of 2008

- List of waste management activities that have, or are likely to have a detrimental effect on the environment
(Gov N921, GG37083, 29 November 2013, pg 3)
- National standards for the extraction, flaring or recovery of landfill gas
(Gov N924, GG37086, 29 November 2013, pg 3)
- National Standards for the scrapping or recovery of motor vehicles
(Gov N925, GG37087, 29 November 2013, pg 3)
- National norms and standards for the storage of waste
(Gov N96, GG37088, 29 November 2013, pg3)

National Health Act 61 of 2003

National Environmental Health Policy for general information
(Gov N951, GG37112, 4 December 2013, pg 3)

1.4. **RULES, REGULATIONS, GUIDELINES & POLICIES**

Marine Living Resources Act 18 of 1998

- Amendment to Regulations published in Government Notice R1111 of 2 September 1998
(Gov NR873, GG37036, 15 November 2013, pg 3)
- Regulations for a prohibition on fishing at night in the estuary of the Breede River
(Gov NR886, GG37047, 18 November 2013, pg 3)

National Environmental Management Act 107 of 1998

- Amendments to Environmental Impact Assessment Regulations Listing notice 1 of 2010
(Gov NR922, GG37084, 29 November 2013, pg 3)
- Amendment to Environmental impact Assessment Regulations Listing Notice 2 of 2010
(Gov NR923, GG37085, 29 November 2013, pg 3)

Societies for the Prevention of Cruelty to Animals Act 169 of 1993

National Council of Societies for the prevention of Cruelty to Animals Rules
(Board N249, GG37092, 6 December 2013, pg 75)

Agricultural Pests Act 36 of 1983

Control measures: Amendment
(Gov NR1002, GG37154, 20 December 2013, pg 4)

1.5. **LEGISLATION FOR COMMENT**

National Water Act 36 of 1998

- Proposal for the establishment of the Limpopo Catchment Management Agency in terms of Section 78(3)
(Gov N846, GG36996, 8 November 2013, pg 64)
- Proposal for the establishment of the Pongola-Umzimkulu Catchment Management Agency in terms of Section 78(3)
(Gov N847, GG36996, 8 November 2013, pg 65)

Astronomy Geographic Advantage Act 21 of 2007

Notice of public hearings on the proposed declaration of the Karoo Central Astronomy Advantage Area and Sutherland Central Astronomy Advantage Area
(Gov N872, GG37035, 15 November 2013, pg 3)

Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act 36 of 1947

- Proposed repeal of Regulation No R2054
(Gen N1113, GG37037, 22 November 2013, pg 50)
- Notice of prohibition of import, export, possession, acquisition, sale, use and disposal of agricultural remedies
(Gen N1116, GG37037, 22 November 2013, pg 53)

National Environmental Management: Air Quality Act 39 of 2004

Controlled emitters, which result in atmospheric emissions, which through ambient concentrations, bioaccumulation and deposition or in any other way present a threat to health or the environment
(Gen N11138, GG37062, 29 November 2013)

2. PROVINCIAL LEGISLATION

2.1. EASTERN CAPE:

National Environmental Management: Protected Areas Act 57 of 2003

Intention to declare nature reserves and protected environment
(GN287, PG3094, 13 December 2013, pg 3)

2.2. KWAZULU-NATAL:

National Environmental Management: Air Quality Act 39 of 2004

Ugu District Municipality: Council's Tariff of charges for Atmospheric Emissions Licence Processing for the 2013/2014 financial year
(MN 60, PG1050, 14 November 2013, pg 3)

National Environmental Management: Protected Areas Act 57 of 2003

- Declaration of the Blue Crane Nature Reserve
(PN 180, PG1054, 19 November 2013, pg 3)
- Declaration of Michael House Nature Reserve
(PN 181, PG1054, 19 November 2013, pg 6)
- Declaration of the Ncandu Private Forest and Grassland Reserve
(PN 182, PG1054, 19 November 2013, pg 8)
- Declaration of the Pongola Bush Protected Environment
(PN 183, PG1054, 19 November 2013, pg 11)
- Declaration of the Clairmont Nature Reserve
(PN184, PG1054, 19 November 2013, pg 17)
- Declaration of the Forest Side Nature Reserve
(PN185, PG 1054, 19 November 2013, pg 20)
- Declaration of the Weza Protected Environment
(PN186, PG1054, 10 November 2013, pg 22)
- Declaration of the Excelsior Protected Environment
(PN 187, PG1054, 19 November 2013, pg 26)

- Declaration of the Mount Shannon Protected Environment (PN 188, PG 1054, 19 November 2013, pg 29)
- Intention to declare the Nomalanga Nature Reserve, Dargle Nature Reserve, Red Desert Nature Reserve, James Wakelin Nature Reserve and the Nambiti Private Game Reserve (PN187, PG1054, 19 November 2013, pg 33)
- Declaration of Empembeni Community Nature Reserve and assignation of Ezembelo KZN Wildlife as the Management Authority (PN 191, PG1058, 28 November 2013, pg 9)
- Public Consultation: Intention to declare Nature Reserves (PN194, PG1060, 28 November 2013, pg 3)

2.3. **MPUMALANGA:**

Mpumalanga Nature Conservation Act 10 of 1998

- Mpumalanga Tourism and Parks Agency: Proclamation to amend the definition of the geographical areas comprising the Provincial Nature Reserves (GN441, PG2237, 6 December 2013, pg 3)
- Intention to amend the definition of the geographical areas comprising of the Provincial Nature Reserve (GN447, PG2242, 19 December 2013, pg 17)

Spatial Planning and Land Use Management Act 16 of 2013

Govan Mbeki Draft Spatial Development Framework 2013
(LAN210, PG2240, 20 December 2013, pg 17)

2.4. **WESTERN CAPE:**

National Environmental Management: Waste Act 59 of 2008

Industry Waste Management Plans
(PN 365, PG7192, 22 November 2013, pg 2)

National Environmental Management: Protected Areas Act 57 of 2003

- Declaration of the Simson-Simons Nature Reserve (PN 393, PG7202, 29 November 2013, pg 3151)
- Intention to declare nature reserves and protected environment (GN287, PG3094, 13 December 2013, pg 3)

3. **LOCAL LEGISLATION**

3.1. **EASTERN CAPE**

Matatiele Local Municipality

Notice of proclamation of the Land Use Management System By-laws
(LAN62, PG3064, 4 November 2013 pg 2936)

Kouga Local Municipality

Approval of Environmental Health By-law
(GN253, PG3070, 11 November 2013, pg 13)



Camdeboo Municipality

Amendment to the Camdeboo Municipality Public Nuisances and Keeping of Animals By-law
(LAN270, PG3084, 4 December 2013, pg 3)

3.2. **FREE STATE**

Masilonyana Local Municipality

Dumping and Littering By-Law
(N, PG69, November 2013, pg 2)

3.3. **KWAZULU-NATAL:**

Mpofana Local Municipality

Keeping of Animals By-laws, 2011
(MN71, PG1063, 6 December 2013, pg 100)

3.4. **LIMPOPO:**

Makhado Local Municipality

- Commonage By-law
(LAN184, PG2293, 20 December 2013, pg 36)
- Public Health Animal By-laws
(LAN179, PG2294, 20 December 2013, pg 3)

3.5. **NORTH WEST:**

Bojanala Platinum District Municipality

Air Quality Management By-law
(LAN230, PG7191, 15 November 2013, pg 3)

Ratlou Local Municipality

Waste and Refuse Removal By-law
(LAN236, PG7193, 19 November 2013, pg 73)

3.6. **WESTERN CAPE:**

Bergrivier Municipality

Air Pollution Control By-law
(LAN, PG7208, 6 December 2013, pg 3218)

Knysna Municipality

Outdoor Advertising, Heritage and Aesthetics By-Law
(LAN, PG7213, 13 December 2013, pg 3417)



The content of this update is intended for information purposes only and should not be considered as legal advice. While every effort has been made to ensure the comprehensive nature of the information, the list of legislation should not be considered as definitively exhaustive. More information on the laws covered, is available from Shepstone & Wylie's Environmental & Clean Energy Law Departments by contacting -

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