

Environmental Legislation Update

1st October 2016 – 31st October 2016
Volume 13, Issue 10

Shepstone & Wylie's Environmental and Clean Energy Department advises 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 sectors, including mining, industry, waste, water, construction, utilities, transport, forestry and agriculture. Services include environmental compliance audits; due diligence assessments; legal registers; contracts; structured finance; new and pending legislation; compliance notices and directives; permitting and licence requirements; appeals and training.

1. NATIONAL LEGISLATION

1.1 ACTS / AMENDMENT ACTS

No new items of relevance during this time period.

1.2 NOTICES / REGULATIONS

Plant Breeders' Rights Act 15 of 1976

- Regulations relating to plant breeders' rights amended.
(GN1217, GG40334, 7 October 2016, pg 29)

Petroleum Products Act 120 of 1977

- Amendment of regulations in respect of petroleum products published with effect from 5 October 2016.
(GN R1213, GG40327, 4 October 2016, pg 4)
- Regulations in respect of the maximum retail price of Liquefied Petroleum Gas supplied to residential customers published with effect from 5 October 2016.
(GN R1214, GG40327, 4 October 2016, pg 7)

- Regulations in respect of the single maximum national retail price for illuminating paraffin published with effect from 5 October 2016.
(GN R1215, GG40327, 4 October 2016, pg 10)

Agricultural Product Standards Act 119 of 1990

- Regulations relating to the grading, packing and marking of bread wheat intended for sale in the Republic of South Africa amended.
(GN1218, GG40334, 7 October 2016, pg 32)
- Regulations relating to the grading, packing and marking of soft wheat intended for sale in the Republic of South Africa amended.
(GN R1230, GG40335, 7 October 2016, pg 11)
- Regulations relating to the grading, packing and marking of durum wheat intended for sale in the Republic of South Africa amended.
(GN R1278 & 1279, GG40356, 21 October 2016, pg 10 & 11)

National Heritage Resources Act 25 of 1999

- Declaration of the Samora Machel Memorial and Crash Site as a National Heritage site.
(GN1218, GG40334, 7 October 2016, pg 33)
- Declaration of the Castle of Good Hope as a National Heritage site.
(Proc57, GG40346, 14 October 2016, pg 21)
- Declaration of the Samora Machel Memorial and Crash Site as a National Heritage Site published in GN 1219 in GG 40334 of 7 October 2016 corrected.
(GN1357, GG40386, 31 October 2016, pg 4)

Marketing of Agricultural Products Act 47 of 1996

- Establishment of statutory measure: records and returns in respect of oilseed products.
(GN R1262, GG40347, 14 October 2016, pg 11)
- Establishment of statutory measure: registration of certain persons in respect of dried fruit.
(GN R1342, GG40376, 28 October 2016, pg 11)
- Establishment of statutory measure and determination of levies on dried fruit.
(GN R1343, GG40376, 28 October 2016, pg 15)
- Establishment of statutory measure: records and returns in respect of dried fruit.
(GN R1344, GG40376, 28 October 2016, pg 19)
- Establishment of statutory measure: records and returns relating to vines; as well as production and market information of table grapes.
(GN R1345, GG40376, 28 October 2016, pg 24)
- Establishment of statutory measures and determination of levies on table grapes.
(GN R1346, GG40376, 28 October 2016, pg 27)



- Establishment of statutory measure: registration of procedures and exporters of table grapes. (GN R1347, GG40376, 28 October 2016, pg 30)

National Water Act 36 of 1998

- Restrictions on the use of water in terms of paragraph 6(1) of Schedule 3 to the Act for urban and irrigation purposes from Sehujwane, Marico-Bosveld, Kromellenboog, Swartruggens, Pella, Madikwe, Molatedi, Lindleyspoort and Koster Dams. (GN1261, GG40346, 14 October 2016, pg 81)

National Energy Regulator Act 40 of 2004

- National Energy Regulator of South Africa (NERSA): Regulatory Reporting Manual Volume 1: General Regulatory Reporting Procedures and Administrative Matters: Version 2. (GenN679, GG40356, 21 October 2016, pg 78)

Water Research Act 34 of 1971

- Water research fund: water research levy increased with effect from 1 July 2016 and rates and charges published with effect from 1 July 2016 to 30 June 2017. (GN1341, GG40375, 28 October 2016, pg 265)

National Environmental Management Act 107 of 1998

- Amendments to the financial provisioning regulations, 2016. (GN1314, GG40371, 26 October 2016, pg 4)

1.3 **RULES, GUIDELINES & POLICIES**

No new items of relevance during this time period.

1.4 **DRAFT LEGISLATION FOR COMMENT**

National Veldfire Amendment Bill 2015

- Publication of explanatory summary of the National Veldfire Amendment Bill 2015 (GenN640, GG40334, 7 October 2016, pg 127)

Agricultural Product Standards

- Proposed inspection fees. (GenN661, GG40346, 14 October 2016, pg 83) *Deadline for comment: 31 October 2016*

National Water Act 36 of 1998

- Notice of intention to disestablish Lebalelo Water User Association (LWUA) and incorporate it into Lepelle Northern Water (LNW) in terms of Section 96(2) of the Act. (GN1340, GG40375, 28 October 2016) *Deadline for comment: 27 December 2016*



2. PROVINCIAL LEGISLATION

2.1 WESTERN CAPE

Disaster Management Act 57 of 2002

- Extension of declaration of a local drought disaster.
(LAN54173, PG7691, 21 October 2016, pg 1377)
- Extension of declaration of a local drought disaster.
(LAN54176, PG7691, 21 October 2016, pg 1378)

2.2 KWAZULU NATAL

Kwazulu-Natal Heritage Act 4 of 2008

- Notice of intention to amend the Schedule to the Act to include Kwa Muhle Museum as a protected site.
(GenN83, PG1737, 6 October 2016, pg 11)

Disaster Management Act 57 of 2002

- Extension of the declaration of a KwaZulu-Natal Provincial State of drought disaster for a period of one month from 11 October 2016 to 10 November 2016.
(PN170, PG1738, 7 October 2016, pg 4)

2.3 NORTH WEST

Spatial Planning and Land Use Management Act 16 of 2013

- Spatial planning and land use management regulations: Land use management and general matters, 2015: Moses Kotane Local Municipality: Notice of first appointment and commencement of the joint municipal tribunal between the local municipalities of Moses Kotane Local Municipality; Kgetlengrivier Local Municipality; and Moretele Local Municipality.
(LANs178&179, PG7700, 18 October 2016, pg 32 & 33)

2.4 LIMPOPO

Spatial Planning and Land Use Management Act 16 of 2013

- Notice to establish a district municipal planning tribunal.
(LAN168, PG2758, 21 October 2016, pg 21)
- Sekhukhune District Municipality; Fetakgomo Local Municipality; Greater Tubatse Local Municipality; Makhuduthamaga Local Municipality; Ephraim Mogale Local Municipality; and Elias Motsoaledi Local Municipality: Agreement on the Modalities for the establishment of the interim district municipal planning tribunal.
(LAN172, PG2762, 28 October 2016, pg 24)



2.5 **EASTERN CAPE**

National Environmental Management: Protected Areas Act 57 of 2003

Intention to declare Nature Reserves: Baviaanskloof Nature Reserve and Rupert Nature Reserve.
(PN225, PG3743, 3 October 2016, pg 4) *Deadline for comment: 3 December 2016*

2.6 **FREE STATE**

Nature Conservation Ordinance 8 of 1969

- Notice of intention to withdraw the declaration of private nature reserves: Staffords Hill Bird Sanctuary; Viljoenskroon Nature Reserve; and Valsrivier Nature Reserve.
(PN259, PG83, 28 October 2016, pg 2) *Deadline for comment: 28 December 2016*

3. LOCAL LEGISLATION

3.1 **EASTERN CAPE**

King Sabata Dalindyebo Local Municipality

- By-law on municipal land use planning published with effect from the date that the Act comes into operation in the municipal area of the Municipality.
(PN223, PG3742, 3 October 2016, pg 24)

Raymond Mhlaba Local Municipality

- By-law on municipal land use planning published with effect from the date that the Act comes into operation in the municipal area of the Municipality.
(PN224, PG3742, 3 October 2016, pg 112)

Blue Crane Route Local Municipality

- By-law on spatial planning and land use management adopted by council on 1 June 2016.
(PN229, PG3749, 17 October 2016, pg 13)



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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