

Environmental Legislation Update

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Shepstone & Wylie's Environmental and Sustainability Law Department advises clients in both the public and private sector on a range of environmental and sustainability 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

No new items of relevance during this time period.

1.2 BILLS, WHITE PAPERS

South African National Water Resources Infrastructure Agency Limited Draft Bill, 2007
For comment (GN273, GG29745, 30 March 2007, pg 2)

1.3 GENERAL / BOARD NOTICES

Electricity Act 41 of 1987

Free Basic Alternative Energy Policy: Household Energy Support Programme (GN391, GG29760, 2 April 2007, pg 3)

1.4 RULES, REGULATIONS, GUIDELINES & POLICIES

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

- (a) Regulations regarding Fertilizers (GNR250, GG29720, 23 March 2007, pg 3)
- (b) Regulations relating to Food-grade Salt (GNR184, GG29670, 9 March 2007, pg 3)

Water Research Act 34 of 1971

Establishment of a collection strategy for water-research charges (GN209, GG29697, 16 March 2007, pg 36)

National Water Act 36 of 1998

- (a) Establishment of a pricing strategy for water use charges (GN201, GG29697, 16 March 2007, pg 3)
- (b) **Correction Notice** - Draft Regulations on Financial Assistance to Resource Poor Farmers. Change of date for submission of comments to 16 May 2007 (GN382, GG29729, 30 March 2007, pg 97)

National Environmental Management: Biodiversity Act 10 of 2004

- (a) **For comment:** Draft Regulations on Bio-prospecting, access and benefit-sharing. Comment before 4 May 2007 (GN329, GG29711, 16 March 2007, pg 3)

- (b) **For comment:** National norms and standards for the management of elephants in South Africa. Comment before 04 May 2007 (GN224, GG29674, 2 March 2007, pg 3)

2. PROVINCIAL LEGISLATION

2.1 ACTS

No new items of relevance during this time period.

2.2 BILLS, WHITE PAPERS

No new items of relevance during this time period.

2.3 GENERAL / BOARD NOTICES

EASTERN CAPE

Nature & Environmental Conservation Ordinance 19 of 1974

Proclamation: Hunting seasons and daily bag limits for the year of 2007 (PN2, PG1688, 9 March 2007, pg 3)

National Disaster Management Act 57 of 2002

Declaration of a provincial state of disaster (PN7, PG1692, 14 March 2007, pg 3)

FREE STATE

Nature Conservation Ordinance 8 of 1969

Proclamation: Hunting season open, 2007 (PN14, PG15, 2 March 2007, pg 3)

LIMPOPO

Limpopo Environmental Management Act 7 of 2003

Open Season: Game (PN2, PG1350, 4 April 2007, pg 3)

MPUMALANGA

Nature Conservation Act 10 of 1998

Open Season: Ordinary Game (PN1, PG1415, 2 March 2007, pg 3)

WESTERN CAPE

Sea Shore Act 21 of 1935

(a) Swartland Municipality - Authorisation to make regulations (PN50, PG6418, 16 February 2007, pg 178)

(b) Cape Hangklip – Proposed experimental ranching (PN93, PG6429, 30 March 2007, pg 388)

2.4 RULES, REGULATIONS, FEES, AMOUNTS

No new items of relevance during this time period.

3. LOCAL LEGISLATION

EASTERN CAPE

Inkwanca Local Municipality

(a) Public Cemetery Bylaws (LAN59, PG1684, 16 March 2007, pg 13)

(b) Keeping of Dogs Bylaws (LAN60, PG1684, 16 March 2007, pg 20)

Kouga Municipality

(c) Community Fire Safety Bylaw (PN49, PG1678, 28 February 2007, pg 9)

(d) Outdoor Advertising and Signage Bylaw (PN51, PG1678, 28 February 2007, pg 55)

(e) Prevention of Public Nuisances and Keeping of Animals Bylaw (PN52, PG1678, 28 February 2007, pg 87)

(f) Solid Waste Disposal Bylaw (PN53, PG1678, 28 February 2007, pg 98)

(g) Water Supply and Sanitation Services Bylaw (PN55, PG1678, 28 February 2007, pg 115)

Port St Johns

- (a) Cemeteries Bylaws (LAN42, PG1677, 28 February 2007, pg 9)
- (b) Outdoor Facilities and Municipal buildings Bylaw (LAN47, PG1677, 28 February 2007, pg 56)
- (c) Prevention of Nuisances Bylaw (LAN46, PG1677, 28 February 2007, pg 49)
- (d) Unightly and Neglected Buildings Bylaws (LAN44, PG1677, 28 February 2007, pg 36)

GAUTENG

City of Johannesburg

- (a) Amendment of Public Health Bylaws (PN865, PG97, 28 March 2007, pg 3)
- (b) Outdoor Advertising Bylaws (PN866, PG98, 4 April 2007, pg 33)

Ekurhuleni Metropolitan Municipality

Fresh Produce Market Bylaws (PN488, PG60, 28 February 2007, pg 198)

LIMPOPO

Musinia Local Municipality

Advertising, Billboards and the Display of Advertisement Bylaws (LAN48, PG1338, 16 March 2007, pg 3)

Lepelle-Nkumpi Local Municipality

- (a) Advertising Signs and Hoarding Bylaws (LAN47, PG1337, 16 March 2007, pg 4)
- (b) Cemeteries and Crematoria Bylaws (LAN47, PG1337, 16 March 2007, pg 132)
- (c) Noise Abatement and Prevention of Nuisances Bylaws (LAN47, PG1337, 16 March 2007, pg 175)
- (d) Refuse Removal Bylaws (LAN47, PG1337, 16 March 2007, pg 194)

KWAZULU NATAL

Umhlathuze Municipality

- (a) Amendment to the Flammable Liquids Bylaw (PN6, PG6545, 15 March 2007, pg 629)
- (b) Amendment to the Nuisance Bylaws (PN7, PG6545, 15 March 2007, pg 629)

GAUTENG

Ekurhuleni Metropolitan Municipality

- (a) **For comment:** Bylaws for the Regulation and Use of Parks and Open Spaces (PN12, PG70, 7 March 2007, pg 271)
- (b) **For comment:** Bylaws for Planting, Pruning, Removal and Treatment of Street Trees (PN12, PG70, 7 March 2007, pg 271)
- (c) **For comment:** Cemetery and Crematorium Bylaws (PN12, PG70, 7 March 2007, pg 271)

MPUMALANGA

Nkomazi Municipality

Impoundment of Animals Bylaws (PN67, PG1417, 5 March 2007, pg 3)

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 the Shepstone & Wylie's Environmental & Sustainability Law Department by contacting -

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