

Environmental Legislation Update

13 April 2007 – 27 April 2007
Volume 4, Issue 4

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

Genetically Modified Organisms Amendment Act 23 of 2006

Amends subsection 1, 3, 7, 10, 11, 12, 15, 17, 18, 19, 20, 21 and the long title, substitutes subsection 4, 5, 9, inserts Section 17A of the *Genetically Modified Organisms Act 15 of 1997*

1.2 BILLS, WHITE PAPERS

Mineral and Petroleum Resources Development Amendment Bill, 2007

Explanatory summary (GN473, GG29822, 19 April 2007, pg 2)

National Key Points and Strategic Installations Bill, 2007

For comment (GN432, GG29789, 18 April 2007, pg 3)

1.3 GENERAL / BOARD NOTICES

Non-Proliferation of Weapons of Mass Destruction Act 87 of 1993

(a) Additional declaration of certain nuclear-related dual-use equipment, materials and related technology items as controlled goods and control measures applicable to such goods (GN310, GG29782, 11 April 2007, pg 3)

(b) Declaration of certain missile technology and related items as controlled goods and control measures applicable to such goods (GN311, GG29783, 11 April 2007, pg 3)

1.4 RULES, REGULATIONS, GUIDELINES & POLICIES

Foodstuffs, Cosmetics and Disinfectants Act 54 of 1972

Regulations: Powers and duties of inspectors and analysts conducting inspections and analyses on foodstuffs and at food premises (GNR328, GG29792, 20 April 2007, pg 35)

Marketing and Agricultural Products Act 47 of 1996

Establishment of Statutory Measures: Registration of processors, producers and persons dealing in Lucerne seed and Lucerne hay (GNR325 & GNR326, GG29792, 20 April 2007, pg 11)

Gas Act 48 of 2000

Piped Gas Regulations (GNR321, GG29792, 20 April 2007, pg 69)

Explosives Act 15 of 2003

For comment: Draft Explosives Regulations, 2007 (GN433, GG29790, 18 April 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

No new items of relevance during this time period.

2.4 RULES, REGULATIONS, FEES, AMOUNTS

No new items of relevance during this time period.

3. LOCAL LEGISLATION

GAUTENG – Ekurhuleni Metropolitan Municipality

- (a) Bylaws for the Planting, Pruning, Removal and Treatment of Street Trees (GN1120, PG112, 25 April 2007, pg 151)
- (b) Cemetery and Crematorium Bylaws (PN1121, PG112, 25 April 2007, pg 154)
- (c) Regulation of Parks and Open Spaces Bylaw (PN1119, PG112, 25 April 2007, pg 146)

EASTERN CAPE – Port St Johns Local Municipality

- (a) Bylaws for the Control of Seashore and the Sea situated within or adjoining the area of jurisdiction of the Municipality (PN97, PG1706, 16 April 2007, pg 347)
- (b) Bylaws relating to Advertising Signs and the Disfigurement of the Fronts and Frontages of Streets (PN100, PG1706, 16 April 2007, pg 380)
- (c) Bylaws relating to Cemeteries (PN78, PG1706, 16 April 2007, pg 96)
- (d) Bylaws relating to Community Fire Safety (PN81, PG1706, 16 April 2007, pg 131)
- (e) Bylaws relating to Dumping and Littering (PN85, PG1706, 16 April 2007, pg 251)
- (f) Bylaws relating to Fencing (PN86, PG1706, 16 April 2007, pg 258)
- (g) Bylaws relating to Limit or Restrict the Use of Water (PN105, PG1706, 16 April 2007, pg 4400)
- (h) Bylaws relating to Municipal Aerodromes (PN970, PG1706, 16 April 2007, pg 27)
- (i) Bylaw relating to Outdoor Facilities and Municipal Buildings (PN94, PG1706, 16 April 2007, pg 313)
- (j) Bylaws relating to Streets (PN99, PG1706, 16 April 2007, pg 368)
- (k) Bylaws relating to Control over Buildings (PN74, PG1706, 16 April 2007, pg 75)
- (l) Bylaws relating to the Keeping of Animals (PN71, PG1706, 16 April 2007, pg 35)
- (m) Bylaws relating to the Keeping of Bees (PN72, PG1706, 16 April 2007, pg 60)
- (n) Bylaws relating to the Licensing of and Control over Dogs (PN84, PG1706, 16 April 2007, pg 244)
- (o) Bylaws relating to the Prevention of Nuisances (PN93, PG1706, 16 April 2007, pg 306)

- (p) Bylaws relating to Unightly and Neglected Buildings and Premises (PN75, PG1706, 16 April 2007, pg 79)
- (q) Regulations relating to boating (PN73, PG1706, 16 April 2007, pg 64)

NORTHERN CAPE – Phokwane Local Municipality

- (a) Advertising Signs Bylaw (PN27, PG1112, 18 April 2007, pg 3)
- (b) Bylaw for Preventing Conditions likely to cause or further the Spread of Fires (PN44, PG1112, 18 April 2007, pg 143)
- (c) Bylaw relating to Phokwane Nature Reserve (PN48, PG1112, 18 April 2007, pg 195)
- (d) Bylaw relating to Keeping of Bees (PN35, PG1112, 18 April 2007, pg 76)
- (e) Bylaw relating to the Prevention and Suppression of Nuisances (PN40, PG1112, 18 April 2007, pg 120)
- (f) Bylaw relating to Liquefied Petroleum Gas (PN36, PG1112, 18 April 2007, pg 78)
- (g) Bylaw relating to Unightly and Neglected Buildings and Premises (PN46, PG1112, 18 April 2007, pg 149)
- (h) Cemetery Bylaw (PN31, PG1112, 18 April 2007, pg 26)
- (i) Electricity Bylaw (PN33, PG1112, 18 April 2007, pg 46)
- (j) Refuse (Solid Waste) and Sanitary Bylaw (PN41, PG1112, 18 April 2007, pg 122)
- (k) Water Services Bylaw (PN47, PG1112, 18 April 2007, pg 151)
- (l) Bylaw regarding Prohibition and Control over the Discharge of Fireworks (PN50, PG1112, 18 April 2007, pg 201)

KWAZULU NATAL – KwaSani Local Municipality

Public Health Bylaws (LAN9, PG6551, 12 April 2007, pg 949)

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 -

Ian Sampson (Partner)

Johannesburg: Tel: +27 11 340 6960 Fax: +27 11 880 4546
Durban: Tel: +27 31 302 0449 Fax: +27 31 304 3289

Cell: 082 775 3720 Email: sampson@wylie.co.za

Glendyr Nel (Environmental Specialist)

Durban: Tel: +27 31 302 0239 Fax: +27 31 304 3289
Cell: 082 415 1738 Email: nelg@wylie.co.za