

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

Mineral and Petroleum Resources Royalty Act 28 of 2008

Date of commencement: 1 May 2009 (GN1260, GG31635, 24 November 2008, pg 2)

Mineral and Petroleum Resources Royalty (Administration) Act 29 of 2008

Date of commencement: 1 May 2009 (GN1273, GG31642, 26 November 2008, pg 2)

National Energy Act 34 of 2008

Date of commencement: To be proclaimed (GN1263, GG31638, 24 November 2008, pg 2)

National Environment Laws Amendment Act 44 of 2008

Date of commencement: To be proclaimed (GN1318, GG31685, 5 December 2008, pg 2)

- (a) Proposed amendment of s. 29 in the *Environment Conservation Act 73 of 1989*
- (b) Proposed amendment of ss. 1, 31H and 31N
- (c) Proposed insertion of s. 31BA
- (d) Proposed substitution of s. 31D in the *National Environment Management Act 107 of 1998*
- (e) Proposed substitution of Schedule 1 in the *National Environmental Management: Air Quality Act 39 of 2004*
- (f) Proposed repeal of the *Atmospheric Pollution Prevention Act 45 of 1965*
- (g) Proposed repeal of the *Atmospheric Pollution Prevention Amendment Act 17 of 1973*
- (h) Proposed repeal of the *Atmospheric Pollution Prevention Amendment Act 21 of 1981*
- (i) Proposed repeal of the *Atmospheric Pollution Prevention Amendment Act 15 of 1985*.

1.2 BILLS, WHITE PAPERS

Portfolio Committee Amendments to:

Mineral and Petroleum Resources Development Amendment Bill [B10E – 2007]

Mineral and Petroleum Resources Development Amendment Bill [B10F – 2007]

National Radioactive Waste Management Agency Bill [B41C – 2008]

National Radioactive Waste Disposal Institute Bill [B41D – 2008]

1.3 **GENERAL / BOARD NOTICES**

South African Policy on Export Certification for Animals and Animal Products

(GN1325, GG31680, 12 December 2008, pg 8)

National Nuclear Regulator Act 47 of 1999

For comment: Notice of application for nuclear vessel license in terms of section 21(3)

(GN1508, GG31680, 12 December 2008, pg 99)

Nuclear Energy Policy for the Republic of South Africa

(GN1347, GG31695, 12 December 2008, pg 3)

National Environmental Management: Biodiversity Act 10 of 2004

Declaration of the Hantam National Botanical Garden in terms of the Act

(GN1346, GG31694, 12 December 2008, pg 3)

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

National Ports Act 12 of 2005

For comment: Amendment of Regulation 17 revised Port Limits

(GN1486, GG31644, 26 November 2008, pg 3)

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

Regulation: Prohibition of the use of stock remedy on ostriches

(GNR1295, GG31658, 5 December 2008)

Petroleum Products Act 120 of 1977

(a) Regulations in respect of the single maximum national retail price for illuminating paraffin

(GNR1316, GG31673, 2 December 2008, pg 2)

(b) Amendment of the regulations in respect of petroleum products

(GNR1317, GG31673, 2 December 2008, pg 3)

National Railway Safety Regulator Act 16 of 2002

Railway Safety Regulator: Safety permit fee notice (Board N137, GG31657, 5 December 2008, pg 79)

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

Proposed prohibition notice regarding the use of certain agricultural remedy

(GNR1296, GG31658, 5 December 2008, pg 5)

Regulations on Exhumations, Reburials and Symbolic Burials of Deceased Victims

Invitation for comments

(GN1540, GG31723, 12 December 2008, pg 18)

Marine Living Resources Act 18 of 1998

(a) Invitation to comment on the Draft Policy for the Allocation and Management of Medium-term Subsistence Fishing Rights

(GN1358, GG31707, 12 December 2008, pg 3)

(b) Fees payable in respect of applications and the issuing of rights permits and licences

(GN1381, GG31715, 19 December 2008, pg 16)

2. PROVINCIAL LEGISLATION

WESTERN CAPE: Western Cape Problem Animal Control Ordinance Repeal Bill, 2008 [B9–2008]

For comment: Publication of the Western Cape Problem Animal Control Ordinance Repeal Bill, 2008 (PN461, PG6583, 27 November 2008, pg 2)

NORTHERN CAPE: Development Facilitation Act 65 of 1995

Appointment of additional persons to the Northern Cape Development Appeal Tribunal (PN7, PG1247, 19 November 2008, pg 2)

WESTERN CAPE: National Environmental Management Act 107 of 1998 and National Environmental Management: Biodiversity Act 10 of 2004

Delegation of Powers and Duties in terms of the Threatened or Protected Species Regulations, 2007 (PN430, PG91, 13 November 2008, pg 3)

FREE STATE: Nature Conservation Ordinance 8 of 1969

Hunting Season 2009 (Proc. N66, PG99, 28 November 2008, pg 2)

NORTHERN CAPE: National Environmental Management: Protected Areas Act 57 of 2003

For comment: Regulations for the Administration of Provincial and Local Nature Reserves (GN98, PG1252, 3 December 2008, pg 3)

NORTH WEST: National Environmental Management Act 107 of 1998

Environmental Implementation Plan (EIP) (GN657, PG6559, 1 December 2008, pg 3)

3. LOCAL LEGISLATION

Local Government Municipal Systems Act 32 of 2000

GAUTENG: West Rand District Municipality

- (a) Amendment of bylaw relating to Fire Brigade Services and the Use of Handling of Flammable Liquids and Substances (LAN2479, PG309, 14 November 2008, pg 19)
- (b) Determination of charges payable with regard to the examination and approval of building plans and related matters (LAN2480, PG309, 14 November 2008, pg 23)

FREE STATE: Manguang Local Municipality

- (a) Bylaws relating to outdoor advertisements (LGN77, PG93, 21 November 2008, pg 79)
- (b) Bylaws relating to urban open spaces (LGN72, PG87, 7 November 2008, pg 2)

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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