

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

Electricity Regulation Amendment Act 28 of 2007

Date of commencement: to be proclaimed (GN23, GG30676, 21 January 2008, pg 2)

Amendment of Sections 1, 4, 10, 11, 14, 15, 16, 19, 44, 47, 49, long title, arrangement of sections, substitution of Section 9, inserting of Chapter IV and the renumbering of certain sections in the *Electricity Regulation Act 4 of 2006*

1.2 BILLS, WHITE PAPERS

National Railway Safety Regulator Amendment Bill, 2007

For public comment (GN242, GG30756, 15 February 2008, pg 51)

1.3 GENERAL / BOARD NOTICES

National Road Traffic Act 93 of 1996

(a) **Amendment:** 1 July 2008 is the date by which drivers of Dangerous Goods vehicles requiring a Professional Driving Permit must undergo training at an approved Director-General Training Body (GNR153, GG30763 of 8 February 2008)

(b) **Incorporation of Standards:** SANS10231-2006 is incorporated into the National Road Traffic Act Regulations, 2000 (GNR154, GG30763 of 8 February 2008)

(c) **Determination of Date:** As of 1 July 2008, an application for a category "D" Professional Driving Permit must be accompanied by a certificate from an approved Director-General Driver Training Body (GNR155, GG30763 of 8 February 2008)

National Environmental Management: Biodiversity Act 10 of 2004

(a) **Commencement** of Bio-Prospecting, Access and Benefit-Sharing Regulations, 2008 (GNR137, GG30739, 8 February 2008, pg 3): 1 April 2008

(b) **Notice of exemption** in terms of Section 86 (GNR149, GG30739, 8 February 2008, pg 67): Certain activities relating to indigenous biological resources are exempted from Chapter 6 of the Act

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

Repeal: Extension of the definition of farm feeds to include farm feeds prepared for any person in accordance with his directions for his own use (GN83, GG30697, 1 February 2008, pg 6)

National Water Act 36 of 1998

- (a) Establishment of the Kalkveld Water User Association, Division / Magisterial District of Bloemfontein / Petrusburg, Province of the Free State, water management area number 9 (GN48, GG30680, 25 January 2008, pg 14)
- (b) Transformation of the Dwards River Irrigation Board, Magisterial District of Witzenburg, Western Cape Province, into the Wolseley Water User Association, water management area number 18, Western Cape Province (GN49, GG30680, 25 January 2008, pg 17)
- (c) Establishment of the Onrus River Water User Association, Overstrand Municipal Area, Province of the Western Cape, water management area number 18 (GN50, GG30680, 25 January 2008, pg 20)
- (d) Transformation of the Kleinberg River Irrigation Board, Magisterial District of Witzenberg, Western Cape Province, into the Tulbach Water User Association, water management area number 19, Western Cape Province (GN51, GG30680, 25 January 2008, pg 23)

World Heritage Convention Act 49 of 1999

Correction Notice: "Acy No 57 of 1999" replaced by Act No 49 of 1999" (GN19, GG30666, 18 January 2008, pg 7)

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

Agricultural Product Standards Act 119 of 1990

Regulations relating to the grading, packing and marking of maize products intended for sale in the Republic of South Africa (GNR31, GG30681, 25 January 2008, pg 5)

National Environmental Management: Biodiversity Act 10 of 2004

- (a) Regulations on Bio-Prospecting, Access and Benefit-Sharing (GNR138, GG30739, 8 February 2008, pg 40)
- (b) **Amendment:** Threatened or Protected species: Regulations (GNR69, GG30703, 28 January 2008, pg 3)
- (c) Notice of **Repeal:** Threatened or Protected Species: Amendment Regulations (GNR70, GG30703, 28 January 2008, pg 24)

Electricity Regulation Act 4 of 2006

- (a) Electricity Regulations for expropriation on behalf of a licensee (GNR147, GG30754, 8 February 2008, pg 3)
- (b) Electricity Regulations for the prohibition of certain practices in the electricity supply and compulsory norms and standards for reticulation services (GNR148, GG30755, 8 February 2008, pg 3)

Agricultural Pests Act 36 of 1983

Regulations: Amendment (GNR118, GG30722, 8 February 2008, pg 8)

Marine Living Resources Act 18 of 1998

Regulations for the protection of Wild Abalone (*Haliotis*) (GNR62, GG30716, 1 February 2008, pg 3)

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

Proposed Amendment: Regulations relating to the registration of fertilizers, farm feeds, agricultural remedies, stock remedies, sterilising plants and pest control operators, appeals and imports (GNR95, GG30698, 1 February 2008, pg 3)

Marketing of Agricultural Products Act 47 of 1996

Establishment of statutory measures: Amendment (GNR43, GG30661, 11 January 2008, pg 3)

2. PROVINCIAL LEGISLATION

MPUMALANGA: Mpumalanga Nature Conservation Act 10 of 1998

Open Season: Ordinary Game (ON1, PG1505, 11 February 2008, pg 3)

3. LOCAL LEGISLATION

MPUMALANGA: Steve Tshwete Local Municipality

Encroachment of Municipal Property Bylaws (LAN62, PG1509, 22 February 2008, pg 3)

NORTH WEST: Steve Tlokwe City Council

Proposed Bylaws regarding Outdoor Advertisements (PN37, PG6461, 12 February 2008, pg 37)

NORTH WEST: Kgalagadi District Municipality

Draft Bylaws (PN14, PG1170, 25 February 2008, pg 3)

GAUTENG: Midvaal Local Municipality

Promulgation of Bylaws including Street Trading and Fire Emergency Bylaws (LAN384, PG40, 15 February 2008, 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 -

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 (Associate)

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

Lynne Hannay (Associate)

Johannesburg: Tel: +27 11 340 6960 Fax: +27 11 880 4546
Cell: 082 924 0500 Email: hannay@wylie.co.za