

Environmental Legislation Update

04 April 2008 - 2 May 2008
Volume 5, 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

No new items of relevance during this time period.

1.2 BILLS, WHITE PAPERS

National Environmental Management Act 107 of 1998

Publication of the Department of Trade & Industry's Environmental Implementation Plan (GN474, GG30984, 18 April 2008, pg 3)

National Heritage Resources Act 25 of 1999

South African Heritage Resources Agency: Declaration of the burial site of Sarah Bartmann as a National Heritage Site (GN460, GG30987, 25 April 2008, pg 28)

Land Use Management Bill, 2008

Publication of explanatory summary (GN472, GG30979, 15 April 2008, pg 3)

1.3 GENERAL / BOARD NOTICES

Agricultural Pests Act 36 of 1983

Amendment: Control measures (GNR461, GG30988, 25 April 2008, pg 4)

National Ports Act 12 of 2005

For comment: Directives in terms of Section 30(3) (GN473, GG30981, 18 April 2008, pg 3)

Diamonds Act 59 of 1986

South African Diamond and Precious Metals Regulator: Declaration of the Diamond Exchange and Export Centre (GN468, GG30968, 18 April 2008, pg 57)

National Forests Act 84 of 1998

Exemption in terms of Section 24(6) (GN399, GG30947, 11 April 2008, pg 97)

Hazardous Substances Act 15 of 1973

For comment: Declaration of leaded paint and similar surface coating materials containing lead or compounds as Group 1 hazardous substances (GN325, GG30891, 28 March 2008, pg 6)

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

Diamonds Act 56 of 1986

Amendment of Regulations (GNR386, GG30942, 4 April 2008, pg 3)

Environment Conservation Act 73 of 1989

- (a) Regulations for the prohibition of the use, manufacturing, import and export of asbestos and asbestos containing materials (GNR341, GG30904, 28 March 2008, pg 3)
(b) **For comment:** Waste Tyre regulations (GN425, GG30929, 1 April 2008, pg 3)

Marine Living Resources Act 18 of 1998

Amendment of Regulations (GNR343, GG30907, 28 March 2008, pg 2)

Petroleum Pipelines Act 60 of 2003

Regulations in terms of the Act (GNR342, GG30905, 4 April 2008, pg 2)

Precious Metals Act 37 of 2005

Amendment of Regulations (GNR387, GG30942, 4 April 2008, pg 13)

Genetically Modified Organisms Act 15 of 1997

For comment: Regulations (GNR321, GG30892, 28 March 2008, pg 4)

2. PROVINCIAL LEGISLATION

KWAZULU NATAL: Hibiscus Coast Municipality

Solid Waste Bylaws: Effective 1 May 2008 (MN21, PG94, 24 April 2008, pg 3)

GAUTENG: Nature Conservation Ordinance 12 of 1983

Open Season: Ordinary Game (GN1447, PG96, 9 April 2008, pg 3)

FREE STATE: Free State Nature Conservation Bill, 2007

For comment (PN123, PG24, 7 April 2008, pg 2)

LIMPOPO: Limpopo Environmental Management Act 7 of 2003

Open Season: Game: Section 32(1) (PN2, PG1484, 4 April 2008, pg 3)

NORTH WEST: Nature Conservation Ordinance (Transvaal Province), Bophuthatswana Nature Conservation Act 12 of 1983 & Nature and Environmental Conservation Ordinance (Cape Province) 19 of 1974

For comment: North West Province Hunting Regulations, 2006 (GN6, PG85, 3 April 2008, pg 12)

3. LOCAL LEGISLATION

MPUMALANGA: Steve Tshwete Local Municipality

Prohibition and Control over the Discharge of Fireworks Bylaw (LAN137, PG1526, 18 April 2008, pg 24)

GAUTENG: Kungwini Local Municipality (Metsweding District)

Various bylaws (LAN985, PG105, 17 April 2008, pg 3)



KWAZULU NATAL: eThekweni Municipality

For comment: Notice of proposed extension of Chapter IV of Building Bylaws to the whole area of jurisdiction of the Municipality (GN6, PG85, 3 April 2008, pg 12)

LIMPOPO (NORTHERN PROVINCE): Capricorn District

Water Bylaws (LAN108, PG1451, 26 March 2008, pg 3)

LIMPOPO (NORTHERN PROVINCE): Aganang Local Municipality (Capricorn District)

(a) Cemetery Bylaws (LAN91, PG1469, 26 March 2008, pg 3)

(b) Refuse Removal Bylaws (LAN96, PG1464, 26 March 2008, pg 3)

LIMPOPO (NORTHERN PROVINCE): Blouberg Local Municipality (Capricorn District)

Building Regulations Bylaws (LAN102, PG1458, 26 March 2008, pg 3)

LIMPOPO (NORTHERN PROVINCE): Lepelle-Nkumpi Local Municipality (Capricorn District)

Solid Waste Bylaws (LAN106, PG1453, 26 March 2008, pg 3)

LIMPOPO (NORTHERN PROVINCE): Greater Tubatse Local Municipality (Sekhukhune Cross Boundary District)

(a) Building Regulations Bylaws (LAN98, PG1482, 26 March 2008, pg 3)

(b) Cemeteries and Crematoria Bylaws (LAN99, PG1461, 26 March 2008, pg 3)

(c) Waste Management Bylaws (LAN101, PG1549, 26 March 2008, pg 3)

LIMPOPO (NORTHERN PROVINCE): Mopani District

Water Services Bylaws (LAN85, PG1476, 26 March 2008, pg 3)

LIMPOPO (NORTHERN PROVINCE): Greater Tzaneen Local Municipality (Mopani District)

Cemetery Bylaws (LAN107, PG1452, 26 March 2008, pg 2)

LIMPOPO (NORTHERN PROVINCE): Maruleng Local Municipality (Bohlabela District)

(a) Advertising Signs and Hoarding Bylaws (LAN109, PG1475, 26 March 2008, pg 3)

(b) Building Regulations Bylaws (LAN87, PG1473, 26 March 2008, pg 3)

(c) Refuse Removal Bylaws (LAN89, PG1471, 26 March 2008, pg 3)

NORTHERN CAPE: Thembelihle Local Municipality

For comment: Draft Bylaws (PN27, PG1181, 26 March 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 -

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