

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

Mineral & Petroleum Resources Royalty (Administration) Bill, 2008
Publication of explanatory summary (GN775, GG31164, 19 June 2008, pg 2)

National Energy Bill, 2008
Publication of explanatory summary (GN710, GG31124, 3 June 2008, pg 3)

1.3 GENERAL / BOARD NOTICES

Atmospheric Pollution Prevention Act 45 of 1965
General Notice regarding the appointment of the Chief Air Pollution Control Officer and letters of exemption (GN685, GG31171, 27 June 2008, pg 6)

1.4 RULES, REGULATIONS, GUIDELINES & POLICIES

Occupational Health & Safety Act 85 of 1993
Amendment of the Occupational Exposure Control Limit for Silica in Table 1 of the Hazardous Chemical Substances Regulations (GN683, GG31172, 27 June 2008, pg 4)

National Water Act 84 of 1998
For comment: Draft Regulations on principles, criteria and indicators of sustainable forest management (GN792, GG31171, 27 June 2008, pg 43)

Marine Living Resources Act 18 of 1998
For comment: Draft Guidelines for Marine Ranching & Stock Enhancement (GN657, GG31143, 13 June 2008, pg 3)

National Environmental Management Act 107 of 1998

- (a) **For comment:** Second amendment draft to the National Environmental Management Environmental Impact Assessment Regulations, 2006 (GNR658, GG31144, 13 June 2008, pg 3)
- (b) **For comment:** Amendment of Regulations in terms of Chapter 5 of the Act (GNR659, GG31144, 13 June 2008, pg 4)
- (c) **For comment:** Second Amendment draft of Listing Notice 1 of the Act of Activities & Competent Authorities Identified in terms of Section 24(2) and 24D of the Act (GNR660, GG31144, 13 June 2008, pg 82)
- (d) **For comment:** Amendment of List of Activities & Competent Authorities Identified in terms of Sections 24(2) and 24D of the Act (GNR661, GG31144, 13 June 2008, pg 126)
- (e) **For comment:** Amendment of List of Activities & Competent Authorities Identified in terms of Sections 24(2) and 24D of the Act (GNR662, GG31144, 13 June 2008, pg 149)

National Environmental Management: Biodiversity Act 10 of 2004

Threatened or Protected Species Regulations, 2007 (GN620, GG31107, 6 June 2008, pg 21)

National Environmental Management: Air Quality Act 39 of 2004

For comment: Proposed Regulations regarding the form of the atmospheric impact report (GN619, GG31107m 6 June 2008, pg 12)

Nuclear Energy Act 46 of 1999

For comment: Draft Regulations (GN653, GG31137, 13 June 2008, pg 3)

Mine Health & Safety Act 29 of 1996

Safety in Mines Research Advisory Committee ("SIMRAC") on behalf of the Mine Health & Safety Council: Invitation to submit project proposals (BN55, GG31130, 13 June 2008, pg 123)

National Nuclear Regulator Act 47 of 1999

For comment: Draft Regulations (GN639, GG31130, 13 June 2008, pg 47)

Marketing of Agricultural Products Act 47 of 1996

Establishment of statutory measure

- (a) Records and returns in respect of maize and wheat imports and exports (GN605, GG30948, 4 June 2008, pg 3)
- (b) Records and returns in respect of maize, oilseeds, sorghum and winter cereal (GN606, GG30948, 4 June 2008, pg 17)
- (c) Registration of certain persons in respect of maize, oilseeds, sorghum and winter cereal (GN607, GG30948, 4 June 2008, pg 41)

2. PROVINCIAL LEGISLATION

GAUTENG: Ekurhuleni Metropolitan Municipality

Environmental Impact Assessment Regulations, 2006: Environmental Management Framework (GN2339, PG158, 17 June 2008, pg 3)

NORTHERN CAPE: National Environmental Management Act 108 of 1998

Northern Cape Environmental Implementation Plan (GN43, PG1202, 13 June 2008, pg 3)

3. LOCAL LEGISLATION

GAUTENG: City of Johannesburg

- (a) Amendments to Public Health Bylaws (LAN1454, PG162, 20 June 2008, pg 3)
- (b) Amendments to Water Services Bylaw (LAN1455, PG162, 20 June 2008, pg 22)
- (c) Outdoor Advertising Bylaws (LAN1419, PG150, 13 June 2008, pg 3)



GAUTENG: West Rand District Municipality

Fire Brigade Services & the Use and Handling of Flammable Liquids and Substances Bylaw (LAN1359, PG141, 4 June 2008, pg 190)

KWAZULU NATAL: Big 5 False Bay Local Municipality (Umkhanyakude District)

- (f) Establishment and Management of Cemeteries Bylaw (MN36, PG116, 20 June 2008, pg 54)
- (g) Keeping of Animals Bylaws (MN35, PG116, 20 June 2008, pg 25)
- (h) Outdoor Advertising Bylaws (MN34, PG116, 20 June 2008, pg 13)
- (i) Pollution Control Bylaws (MN37, PG116, 20 June 2008, pg 68)
- (j) Stormwater Bylaws (MN39, PG116, 20 June 2008, pg 93)

KWAZULU NATAL: Greater Kokstad Local Municipality (Sisonke District)

Bylaw relating to the Control of Public Nuisances (MN44, PG115, 18 June 2008, pg 121)

NORTH WEST: Moses Kotane Local Municipality (Bojanala District)

Water and Sanitation Bylaws (LAN249, PG6503, 20 June 2008, pg 3)

FREE STATE: Tswelopele Local Municipality (Lejweleputswa District)

For comment: Draft Bylaws (PG37, 6 June 2008, pg 9)

EASTERN CAPE: Umzimvubu Local Municipality (Alfred Nzo District)

- (a) Impoundment of Animals Bylaws (LAN42, PG1900, 30 May 2008, pg 17)
- (b) Public Health Hazard and Nuisances Bylaws (LAN43, PG1900, 30 May 2008, pg 34)
- (c) Dumping, Littering and Waste Collection Bylaws (LAN44, PG1900, 30 May 2008, pg 42)
- (d) Unsightly and Neglected Buildings and Premises Bylaws (LAN46, PG1900, 30 May 2008, pg 73)

LIMPOPO: Greater Letaba Local Municipality (Mopani District)

Noise Abatement and Prevention of Nuisance Bylaws (LAN146, PG1502, 29 May 2008, pg 27)

NORTHERN CAPE: Tsantsabane Local Municipality (Siyanda District)

Publication of Various Bylaws, including Cemeteries Bylaws; Keeping of Dogs Bylaws; Advertising Signs & Disfigurement of the Fronts of Frontages of Streets Control Bylaws; Water Services Bylaws; Fire Brigade Services; Refuse Removal Bylaws and Fireworks (GN36, PG1192, 26 May 2008)

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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