

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

National Environmental Management: Protected Areas Amendment Bill, 2008

Introduction of Bill (GN868, GG31239, 11 July 2008, pg 3)

National Environmental Laws Amendment Bill, 2008

Introduction of Bill (GN869, GG31239, 11 July 2008, pg 5)

1.3 GENERAL / BOARD NOTICES

National Environmental Management: Protected Areas Act 57 of 2003

For comment: Intention to declare certain land situated in the Harrismith and Bethlehem Registration Divisions, Free State Area as part of the Goldern Gate Highlands National Park (GN808, GG31281, 1 August 2008, pg 5)

Mines & Works Act 27 of 1956

Declaration of work in the national interest: Klipspruit Colliery (GN760, GG31232, 8 July 2008, pg 44)

National Forests Act 84 of 1998

- (a) Declaration of a list of national forest types as natural forests (GN762, GG31232, 18 July 2008, pg 51)
- (b) Invitation to submit written comments on the proposed list of particular trees and particular group of trees ("Champion Trees" (GN761, GG31232, 18 July 2008, pg 47)

National Environmental Management Act 107 of 1998

Publication of the Second Edition Environmental Management Plan under Section 15(2)(b) (GN798, GG31188, 16 July 2008, pg 3)

Marine Living Resources Act 18 of 1998

- (a) Policy on Boat-Based Whale and Dolphin Watching (GN722, GG31209, 4 July 2008, pg 3)
- (b) Policy on White Shark Cage Diving (WSCD) (GN723, GG31210, 4 July 2008, pg 3)

1.4

RULES, REGULATIONS, GUIDELINES & POLICIES

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

- (a) **Amendment:** Regulations relating to the registration of fertilizers, farm feeds, agricultural remedies, stock remedies, sterilising plants and pest control operators, appeals and imports (GNR786, GG31257, 25 July 2008, pg3)
- (b) **For comment:** Prohibition of the use of stock remedy on ostriches (GN833, GG31220, 11 July 2008, pg 46)
- (c) **For comment:** Regulations relating to sterilising plants, appeals and imports (GNR736, GG31221, 11 July 2008, pg 5)
- (d) **For comment:** Regulations relating to fertilizers, farm feeds and stock remedies, sterilizing plants and pest control operators, appeals and imports (GNR737, GG31221, 11 July 2008, pg 12)

Mines & Works Act 27 of 1956

Declaration in the national interest –

- (a) Palabora Underground Mining Operations (GN749, GG31220, 11 July 2008, pg 42)
- (b) Khutala Colliery Opencast (GN750, GG31220, 11 July 2008, pg 43)

Marine Living Resources Act 18 of 1998

- (a) Regulations for the management of boat based whale watching and protection of turtles (GNR725, GG31212, 4 July 2008, pg 3)
- (b) Regulations for the management of White Shark Cage Diving (GNR724, GG31211, 4 July 2008, pg 3)

2. PROVINCIAL LEGISLATION

KWAZULU NATAL: National Environmental Management: Biodiversity Act 10 of 2004

Threatened or Protected Species Regulations, 2007 (PN159, PG145, 17 July 2008, pg 8)

NORTH WEST: Nature Conservation Ordinance 12 of 1983 (Transvaal Province); Bophuthatswana Nature Conservation Act 3 of 1973; and Nature & Environmental Conservation Ordinance 16 of 1974 (Cape Province)

Wildlife Fencing Policy: Date of commencement: 1 July 2008 (ON14, PG6511, 9 July 2008, pg 3)

GAUTENG: Environmental Impact Assessment Regulations, 2006

Adopting of the Zone of Choice (Northern Tshwane Region) Environmental Management Framework (GN2430, PG168, 23 June 2008, pg 3)

3. LOCAL LEGISLATION

GAUTENG: West Rand District Municipality

Fire Brigade Services and the Use and Handling of Flammable Liquids and Substances Bylaw (LAN1699, PG194, 23 July 2008, pg 191)

LIMPOPO: Makhado Local Municipality (Vhembe District)

- (a) Abattoir Bylaws (LAN194, PG1523, 25 July 2008, pg 3)
- (b) Aerodrome Bylaws (LAN195, PG1523, 25 July 2008, pg 4)
- (c) Building Bylaws (LAN196, PG1523, 25 July 2008, pg 5)
- (d) Cemetery Bylaws (LAN198, PG1523, 25 July 2008, pg 7)
- (e) Control of Inflammable Liquids and Substances Bylaws (LAN202, PG1523, 25 July 2008, pg 16)
- (f) Control of Temporary Advertisements and Pamphlets Bylaws (LAN205, PG1523, 25 July 2008, pg 21)
- (g) Drainage Bylaws (LAN199, PG1523, 25 July 2008, pg 9)

- (h) Electricity Bylaws (LAN200, PG1523, 25 July 2008, pg 12)
- (i) Traffic Bylaws (LAN208, PG1523, 25 July 2008, pg 24)

NORTH WEST: Rustenburg Local Municipality (Bojanala District)

- (a) Fire Brigade Services Bylaw (LAN287, PG6510, 25 July 2008, pg 3)
- (b) Air Pollution Bylaws (LAN271, PG6507, 3 July 2008, pg 3)

KWAZULU NATAL: City of uMhlathuze (Uthungulu District)

- (a) **Amendment:** Water Services Bylaw (GN56, PG128, 3 July 2008, pg 105)
- (b) **Amendment:** Flammable Liquids Bylaw (GN52, PG128, 26 June 2008, pg 27)

NORTHERN CAPE: Kgalagadi District Municipality

Various Bylaws including Cemeteries; Keeping of Dogs Control; Keeping of Animals; Poultry and Bees Control; Advertising Signs and Disfigurement of the Fronts or Frontages of Street Control; Water Services; Building Control; Electricity; Fire Brigade; Refuse Removal; and Fireworks (GN48, PG1207, 30 June 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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