

Environmental Legislation Update

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Shepstone & Wylie's Environmental and Clean Energy Department advises clients in both the public and private sector on a range of environmental and clean energy issues. Assistance is given to companies in a number of sectors, including mining, industry, waste, water, construction, utilities, transport, forestry and agriculture. Services include environmental compliance audits; due diligence assessments; legal registers; contracts; structured finance; new and pending legislation; compliance notices and directives; permitting and licence requirements; appeals and training.

1. NATIONAL LEGISLATION

1.1 ACTS / AMENDMENT ACTS

No new items of relevance during this time period.

1.2 NOTICES / REGULATIONS

National Water Act 36 of 1998

- Revision of general authorisation for the taking and storing of water in terms of Section 39 of the Act published and GN 399 in GG 26187 of 26 March 2004 and GN 970 in GG 35909 of 30 November 2012 withdrawn with effect from six months after the date of publication. (GN538, GG40243, 2 September 2016, pg 159)
- Declaration of new water management areas of South Africa. (GNR1056, GG40279, 16 September 2016, pg 169)
- Restrictions on the use of water in terms of paragraph 6(1) of Schedule 3 to the Act for urban, irrigation, industrial and mining purposes in the catchment areas of the dams supplying the Western Cape Water Supply System and from the system. (GNR1057, GG40279, 16 September 2016, pg 173)



- Restrictions on the use of water in terms of paragraph 6(1) of Schedule 3 to the Act for irrigation, urban, industrial and mining purposes from the Polokwane water supply system, Mutshedzi, Nzhelele, Nwanedi and Luphephe, Albasini, Vondo, Middle Letaba, Nsami, Flag Boshielo, Tzaneen and Glen Alpine sub-system/dams.
(GNR1066, GG40284, 16 September 2016, pg 4)

National Heritage Resources Act 25 of 1999

- Declaration of the Liliesleaf Farm as a National Heritage Site.
(GN968, GG40243, 2 September 2016, pg 17)

Foodstuffs, Cosmetics and Disinfectants Act 54 of 1972

- Regulations governing tolerances for fungus-produced toxins in foodstuffs amended.
(GN987, GG40250, 5 September 2016, pg 4)

Petroleum Products Act 120 of 1977

- Regulations in respect of the maximum retail price for liquefied petroleum gas supplied to residential customers published with effect from 7 September 2016.
(GNR991, GG40253, 6 September 2016, pg 4)
- Amendment of regulations in respect of petroleum products published with effect from 7 September 2016.
(GNR992, GG40253, 6 September 2016, pg 6)
- Regulations in respect of the single maximum national retail price for illuminating paraffin published with effect from 7 September 2016.
(GNR993, GG40253, 6 September 2016, pg 8)

Department of Agriculture, Forestry and Fisheries

- World Trade Organisation: Marrakesh Agreement: Notice regarding application for market access permits for agricultural products for 2017.
(GN1058, GG40280, 16 September 2016, pg 4)

Customs and Excise Act 91 of 1964

- Schedule 1 amended.
(GNR1059, GG40282, 16 September 2016, pg 4)

Medicines and Related Substances Act 101 of 1965

Regulations relating to a transparent pricing system for medicines and scheduled substances:

- Extension of the implementation of the interim adjustment of the single exit price of medicines and scheduled substances (SEPA) for the year 2016.
(GNR1018, GG40279, 16 September 2016, pg 32)

- Information to be provided by manufacturer and/or importers of medicines and scheduled substances when applying for the interim single exit price adjustment for 2016. (GNR1018, GG40279, 16 September 2016, pg 33)
- Information and instructions for the interim single exit price adjustment submissions for 2016. (GNR1018, GG40279, 16 September 2016, pg 33)

Marine Living Resources Act 18 of 1998

- Duration of small-scale fishing. (GN1067, GG40286, 16 September 2016, pg 4)

National Environmental Management: Protected Areas Act 57 of 2003

- Notice of declaration of Tyityaba Private Game Reserve published in terms of Section 23(2) (b) (i), (iii) and (e) of the Act. (GN1007, GG40266, 12 September 2016, pg 4)

National Environmental Management: Waste Act 59 of 2008

- Withdrawal of notice requiring the Paper and Package Industry, Electrical and Electronic Equipment Industry and Lighting Industry to prepare and submit their industry waste management plans for approval published in GN 915 in GG 40207 of 12 August 2016 in order to pursue further consultation with the relevant industries. (GN1010, GG40270, 12 September 2016, pg 4)

Agricultural Product Standards Act 119 of 1990

- Standards and requirements regarding control of the export of sorghum amended with effect from 7 days after publication. (GN1071, GG40293, 23 September 2016, pg 118)
- Standards and requirements regarding control of the export of wheat amended with effect from 7 days after publication. (GN1072, GG40293, 23 September 2016, pg 119)
- Standards and requirements regarding control of the export of table grapes amended with effect from 7 days after publication. (GenN622, GG40312, 30 September 2016, pg 165)

Marketing of Agricultural Products Act 47 of 1996

- Establishment of statutory measure: registration in respect of manufacturers, importers and exporters of oilseed products. (GN1153, GG40296, 23 September 2016, pg 4)
- Establishment of statutory measure and determination of a differentiated levy on planted hectares for funding of an integrated area-wide fruit fly control programme in specified production areas. (GN1143, GG40294, 23 September 2016, pg 11)



- Establishment of statutory measure and determination of levies on table olives and olive oil. (GN1144, GG40294, 23 September 2016, pg 15)
- Establishment of statutory measure: records and returns relating to olive trees as well as domestic production and processing of table olives and olive oil, and importation of table olives and olive oil. (GN1145, GG40294, 23 September 2016, pg 18)
- Establishment of statutory measure: registration of producers, processors and importers of table olives and olive oil. (GN1146, GG40294, 23 September 2016, pg 21)
- Establishment of statutory measure and determination of levies on dried fruit (GNR1195, GG40313, 30 September 2016, pg 11)
- Establishment of statutory measure: registration of certain persons in respect of dried fruit. (GN1196, GG40313, 30 September 2016, pg 15)
- Establishment of statutory measure: records and returns in respect of dried fruit. (GN1197, GG40313, 30 September 2016, pg 19)
- Establishment of statutory measure and determination of guideline prices: levies relating to wheat and barley (winter cereal) published with effect from 1 October 2016. (GN1204, GG40318, 30 September 2016, pg 4)
- Establishment of statutory measure and determination of guideline price: levies relating to wheat and barley published with effect from 1 October 2016. (GN1205, GG40318, 30 September 2016, pg 14)

Legal Metrology Act 9 of 2014

- Regulations relating to the tariff of fees charged for services rendered in terms of the Act by the National Regulator for Compulsory Specifications (NRCS) amended. (GN1153, GG40296, 23 September 2016, pg 4)

1.3 RULES, GUIDELINES & POLICIES

No new items of relevance during this time period.

1.4 DRAFT LEGISLATION FOR COMMENT

Foodstuffs, Cosmetics and Disinfectants

- Proposed amendments to the regulations relating to the reduction of sodium in certain foodstuffs and related matters. (GN989, GG40252, 5 September 2016, pg 4) *Deadline for comment: 6 December 2016*

- Proposed regulations relating to maximum levels of metals in foodstuffs.
(GN990, GG40252, 5 September 2016, pg 9) *Deadline for comment: 6 December 2016*

Environmental Management

- Proposed amendments to financial provisioning regulations.
(GN1006, GG40265, 9 September 2016, pg 4) *Deadline for comment: 8 October 2016*

Gas Regulator Levies

- Proposed levy on the piped-gas and petroleum pipeline industries for 2017/18
(GN994, GG40257, 8 September 2016, pg 4) *Deadline for comment: 8 October 2016*

Department of Environmental Affairs

- Notice of publication for comment of draft Second Biennial Update Report (BUR - 2) and draft 5th Greenhouse Gas (GHG) Inventory to the United Nations Framework Convention on Climate Change (UNFCCC).
(GenN585, GG40269, 12 September 2016, pg 4) *Deadline for comment: 12 October 2016*

Agriculture, Forestry and Fisheries

- Agricultural Research Council (ARC): ARC vision 2050 discussion document.
(GN1016, GG40279, 16 September 2016, pg 21) *Deadline for comment: 31 October 2016*

Nuclear Regulator

- Notice of applications by Eskom (Pty) SOC to the National Nuclear Regulator (NNR) for Nuclear Installation Site Licences for Thyspunt and Duynfontyn.
(GenN590, GG40279, 16 September 2016, pg 175) *Deadline for comment: 16 October 2016*

Mineral and Petroleum Resources Development

- Notice of intention to declare an 18-month moratorium on the Transworld Energy and Mineral Resources SA (Pty) Ltd (TEM) application at Xolobeni and against the lodging of any further prospecting or mining applications until such time as the moratorium is lifted.
(GN1014, GG40277, 15 September 2016, pg 4) *Deadline for comment: 6 October 2016*

National Energy Regulator

- National Energy Regulator of South Africa (NERSA): Extension of consultative process and invitation for further public comment on the revision of the Multi-Year Price Determination (MYPD) methodology.
(GenN587, GG40273, 13 September 2016, pg 4) *Deadline for comment: 22 September 2016*



Waste

- Notice of intention to publish notice requiring the Paper and Packaging Industry, Electrical and Electronic Industry and Lighting Industry to prepare and submit industry waste management plans for approval.
(GN1011, GG40270, 12 September 2016, pg 5) *Deadline for comment: 12 October 2016*

Agricultural Product Standards

- Notice of revised draft regulations relating to the protection of geographical indications used on agricultural products intended for sale in the Republic of South Africa.
(GN1070, GG40293, 23 September 2016, pg 117) *Deadline for comment: 28 October 2016*
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2. PROVINCIAL LEGISLATION

2.1 WESTERN CAPE

Disaster Management Act 57 of 2002

- Extension of declaration of a local drought disaster.
(LAN54119, PG7678, 16 September 2016, pg 1308)

2.2 KWAZULU NATAL

Disaster Management Act 57 of 2002

- Extension of the declaration of a Kwazulu-Natal Provincial state of drought disaster for a period of one month from 11 September 2016 to 10 October 2016.
(PN156, PG1728, 9 September 2016, pg 4)

2.3 NORTH WEST

National Environmental Management: Protected Areas Act 57 of 2003

- Declaration of protected environment: Marico Protected Environment.
(PN177, PG7690, 13 September 2016, pg 27)
- Declaration of nature reserves:
 - Molopo Oog Nature Reserve
 - Rietspruit Rusoord Nature Reserve
 - Mafikeng Nature Reserve
 - Molopo Nature Reserve
 - Molopo Oog Nature Reserve
 - Botsalano Nature Reserve
(PNs 178-181 & 183, PG7690, 13 September 2016, pgs 32, 34, 35, & 37)

- Intention to declare ERF 9297 (a portion of Erf 428) Mafikeng as part of Mafikeng Nature Reserve. *Deadline for comment: 14 November 2016* (PN182, PG7690, 13 September 2016, pg 36)
- Intention to declare nature reserves:
 - Molemane Eye Nature Reserve
 - Boskopdam Nature Reserve
 - Vaalkopdam Nature Reserve
 - Kgaswane Nature Reserve*Deadline for comment: 14 November 2016*
(PN184, PG7690, 13 September 2016, pg 38)

North West Directorate Entrepreneurial Development in Natural Resources Act, Repeal Act 3 of 2014

- North West Directorate Entrepreneurial Development in Natural Resources, Repeal Act 3 of 2014.
(PN170, PG7695, 27 September 2016, pg 61)
Date of commencement: 1 April 2016
Repeals: North West Directorate of Entrepreneurial Development in Natural Resources Utilisation Act 5 of 2003

2.4 **LIMPOPO**

Spatial Planning and Land Use Management Act 16 of 2013

- Notice of agreement to establish a district municipal planning tribunal.
(GenN120, PG2748, 16 September 2016, pg 15)
- Notice of establish a district municipal planning tribunal.
(LAN155, PG2751, 23 September 2016, pg 21)

2.5 **EASTERN CAPE**

Eastern Cape General Law Amendment Act 11 of 2003

- *To repeal obsolete and old order legislation of the Province of the Eastern Cape; and to provide for matters connected therewith. By the Legislature of the Province of the Eastern Cape. The laws mentioned below are hereby repealed*
Date of commencement: 5 September 2016. Repeals:
 - *Animal Diseases Act 21 of 1986 (Ciskei)*
 - *Transkeian Animal Husbandry Improvement Account Act 6 of 1965 (Transkei)*
 - *Transkei Artificial Insemination of Animals Act 3 of 1968 (Transkei)*
 - *Animal Disease and Parasites Act 28 of 1978 (Transkei)*
 - *Historical Monuments Act 10 of 1989 (Ciskei)*
 - *Transkei Sports Council Decree 6 of 1989 (Transkei)*
 - *Transkei Sports and Educational Aid Trust Decree 8 of 1989 (Transkei)*
 - *Promotion of Local Government Affairs Act 91 of 1983 [insofar as it has been assigned to the Province]*



- *Regional Services Councils Act 109 of 1985 [insofar as it has been assigned to the Province]*
- *Local Authorities (Development according to Community) Ordinance 6 of 1963 (Cape Provincial Administration)*
- *Prescription (Local Authorities) Ordinance 16 of 1964 (Cape Provincial Administration)*
- *East Griqualand Divisional Council Ordinance 11 of 1968 (Cape Provincial Administration)*
- *Division of Kaffraria Establishment Ordinance 10 of 1974 (Cape Provincial Administration)*
- *Commission Ordinance 1 of 1945 (Cape Provincial Administration)*
- *Local Authority Affairs Amendment Act 127 of 1991 [insofar as it has been assigned to the Province]*
- *Local Councils Act (House of Assembly) 94 of 1987 [insofar as it has been assigned to the Province]*
- *Local Tourism (Board) Act 17 of 1983 (Transkei)*
- *Promotion of Tourism Act 20 of 1983 (Ciskei)*
- *Technical Colleges Act 104 of 1981 [insofar as it has been assigned to the Province]*
- *Graaf-Reinet College Ordinance 4 of 1924;*
- *Fort Cox College Decree 5 of 1991 (Ciskei)*
- *Animal Slaughter, Meat and Animal Products Hygiene Act 18 of 1981 (Transkei)*
- *City of Port Elizabeth Trackless Tram (Private) Ordinance 11 of 1941 (PN204, PG3729, 5 September 2016, pg 19)*

National Environmental Management: Protected Areas Act 57 of 2003

- Abolition of the Kaapse Grysbok Nature Reserve and withdrawal of establishment notice as published under Notice 341 of 1992. (GN1068, GG40288, 19 September 2016, pg 4)

2.6 **GAUTENG**

National Environmental Management Act 107 of 1998

- Notice of approval: Gauteng Environmental Implementation Plan. (GenN1217, PG294, 14 September 2016, pg 69)

2.7 **MPUMALANGA**

Spatial Planning and Land Use Management Act 16 of 2013

- Notice of establishment and commencement of a single municipal planning tribunal (MPT). (LAN95, PG2736, 30 September 2016, pg 34)



3. LOCAL LEGISLATION

3.1 EASTERN CAPE

Port St Johns Local Municipality

- By-law on municipal land use planning published with effect from the date that the Act comes into operation in the municipal area of the Municipality. (PN213, PG3738, 26 September 2016, pg 11)

Umzimvubu Local Municipality

- By-law on municipal land use planning and land use management. (PN217, PG3738, 26 September 2016, pg 101)

3.2 LIMPOPO

Lepelle-Nkumpi Local Municipality

- By-law on spatial planning and land use management. (LAN140, PG2745, 2 September 2016, pg 45)

Ba-Phalaborwa Local Municipality

- Spatial Planning and Land Use Management by-law published with effect from a date fixed by the Mayor of the municipality by proclamation in the Provincial Gazette. (LAN149, PG2747, 9 September 2016, pg 4)

3.3 WESTERN CAPE

Oudtshoorn Local Municipality

- By-law on municipal land use planning published with effect from the date that the Western Cape land Use Planning Act 3 of 2014 comes into operation in the municipal area of the Municipality.. (LAN54147, PG7684, 30 September 2016, pg 2)

3.4 GAUTENG

Merafong City Local Municipality

- Notice of adoption of the spatial planning and land use management by-law. (LAN1557, PG294, 14 September 2016, pg 469)



3.5 **KWAZULU-NATAL**

Msunduzi Local Municipality

- Spatial planning and land use management by-law.
(MN122, PG1729, 15 September 2016, pg 145)

3.6 **NORTH WEST**

Mahikeng Local Municipality

- Fire service by-laws published with effect from a date to be fixed by proclamation in the Provincial Gazette
(Proc 43, PG7686, 2 September 2016, pg 4)

Ratlou Local Municipality

- Spatial planning and land use management by-law
(LAN157, PG7691, 13 September 2016, pg 4)

City of Matlosana Local Municipality

- Notice of intention to amend the draft electricity by-law.
(LAN161, PG7695, 27 September 2016, pg 28) *Deadline for comment: 27 October 2016*

3.7 **FREE STATE**

Tswelopele Local Municipality

- Notice of promulgation of standard by-laws: building regulations amendment by-law as published under PN 173 of 9 December 2011.
(MN228, PG73, 30 September 2016, pg 30)
- Adoption of the standard water restrictions by-law as published under PN 192 in PG 84 of 9 December 2011
(PN231, PG73, 30 September 2016, pg 8)
- Water management by-laws; and control of street vendors, peddlers or hawkers by-law published and previous by-laws repealed.
(PNs232 & 233, PG73, 30 September 2016, pg 9 & 15)



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 Shepstone & Wylie's Environmental & Clean Energy Law Departments by contacting –

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