

Environmental Legislation Update

3rd January 2014 to 31st January 2014
Volume 11, Issue 1

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 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

Merchant Shipping (International Oil Pollution Compensation Fund) Act 24 of 2013

Date of commencement: To be proclaimed
(Gov N2, GG37219, 8 January 2014, pg 2)

South African Weather Service Amendment Act 48 of 2013

- Date of commencement: Two months from date of publication or such earlier date as determined by proclamation
(Gov N17, GG37239, 16 January 2014, pg 2)
- Proposed amendments of ss. 1, 3, 4, 5, 6, 14, 17, 16, 17 and 28 and Schedules 1 and 2; proposed insertion of ss. 2A, 2B, 13A and 30A; proposed repeal of s. 18 and proposed substitution of s.13 and the Arrangement of Sections to the South African Weather Service Act, No. 8 of 2001

1.2. BILLS, WHITE PAPERS

No new items of relevance during this time period.

1.3. GENERAL / BOARD NOTICES

National Forests Act 84 of 1998

Exemptions in terms of Sections 7(1) and 15(1)
(Gov N25, GG37246, 24 January 2014, pg 5)

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

Planning Profession Act 36 of 2002

South African Counsel for Planners: Rules and Code of Conduct
(Gen N1230, GG37189, 23 December 2013, pg 3)

National Nuclear Regulator Act 47 of 1999

Fees for nuclear authorisations
(Gen N38, GG37262, 31 January 2014, pg 33)

1.5. **LEGISLATION FOR COMMENT**

National Energy Act 34 of 2008

Draft Position Paper on the South African Biofuels Regulatory Framework
(Gen N24, GG37232, 15 January 2014. Pg 3)

2. **PROVINCIAL LEGISLATION**

2.1. **EASTERN CAPE:**

Problem Animal Control Ordinance 26 of 1957 and the Nature and Environmental Conservation Ordinance 19 of 1974

Proclamation by the MEC for Economic Development, Environmental Affairs and Tourism
(Proc N1, PG3104, 17 January 2014, pg 3)

Disaster Management Act 57 of 2002

Joe Gqabi District Municipality: Declaration as a Local State of Drought Disaster
(PN3, PG3115, 30 January 2014, pg 3)

National Environmental Management: Integrated Coastal Management Act 24 of 2008

Intention to adopt the Eastern Cape Coastal Management Programme
(GN16, PG3071, 31 January 2014, pg 3)

2.2. **MPUMALANGA:**

Mpumalanga Town Planning and Townships Ordinance Repeal Bill, 2013

For public comments
(GN454, PG2245, 23 December 2013, pg 3)

**National Environmental Management: Protected Areas Act 57 of 2003:
Chief Albert Luthuli Local Municipality and the Msukaligwa Local Municipality**

Declaration of the Chrissiesmeer Protected Environment
(GN19, PG2251, 22 January 2014, pg 3)

Pixley ka Seme Local Municipality

- Declaration of the Mabola Protected Environment (GN20, PG2251, 22 January 2014, pg 9)
- Declaration of areas as part of the Kwamandlangampisi Protected Environment (GN21, PG2251, 22 January 2014, pg 11)
- Declaration of the Tafelkop Nature Reserve (GN22, PG2251, 22 January 2014, pg 13)

Thaba Chweu Local Municipality

Declaration of the Mndawe Trust Protected Environment (GN23, PG2251, 22 January 2014, pg 15)

3. LOCAL LEGISLATION

3.1. EASTERN CAPE

Mbhashe Local Municipality

- Abattoir By-Laws, 2012 (LAN3, PG3133, 31 January 2014, pg 38)
- Control of Disposal Sites By-laws, 2012 (LAN6, PG3113, 31 January 2014, pg 76)
- Public Amenities BY-laws, 2012 (LAN11, PG3113, 31 January 2014, pg 133)
- Regulation of Parks and Open Spaces By-laws (LAN12, PG3133, 31 January 2014, pg 141)
- Cemeteries By-laws, 2012 (LAN14, PG3113, 31 January 2014, pg 189)
- Fences and Fencing By-laws, 2012 (LAN15, PG3113, 31 January 2014, pg 189)

3.2. WESTERN CAPE:

Beaufort West Municipality

By-law relating to the Prevention of Public Nuisances and nuisances Arising from the Keeping of Animals (LAN, PG7219, 17 January 2014, pg 72)

Hessequa Municipality

- Amendment to Hessequa Municipality Heritage Resources and Cultural Institutions By-law (LAN, PG7219, 17 January 2014, pg 26)
- Amendment to Hessequa Municipality By-law relating to Irrigation Water (LAN, PG7219, 17 January 2014, pg 26)
- Amendment to Hessequa Municipality Air Pollution Control By-law (LAN, PG7219, 17 January 2014, pg 27)

City of Cape Town

Outdoor Advertising and Signage By-law, First Amendment By-law, 2013 (LAN, PG7219, 17 January 2014, pg 171)

Prince Albert Municipality

Stormwater Management By-law

(LAN, PG7224, 31 January 2013, pg 260)

- Amendment to By-law relating to the Keeping of Dogs
(LAN, PG7224, 31 January 2014, pg 389)
- Amendment to By-law relating to the Keeping of Poultry
(LAN, PG7224, 31 January 2014, pg 389)
- Amendment to By-law relating to the Control of Cemeteries
(LAN, PG7224, 31 January 2014, pg 389)
- Amendment to By-law relating to Supply of Electricity
(LAN, PG7224, 31 January 2014, pg 389)
- Amendment to By-law relating to Municipal Parks
(LAN, PG7224, 31 January 2014, pg 389)
- Amendment to By-law relating to the Prevention of Nuisances
(LAN, PG7224, 31 January 2014, pg 389)
- Amendment to By-law relating to Public Amenities
(LAN, PG7224, 31 January 2014, pg 389)
- Amendment to By-law relating to the Control of Disposal Sites
(LAN, PG7224, 31 January 2014, pg 389)
- Amendment to By-law relating to Water Supply, Sanitation Services and Industrial Effluent
(LAN, PG7224, 31 January 2014, pg 389)

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 -

Ian Sampson (Partner)

Johannesburg:

Tel: +27 11 290 2540

Fax: +27 11 783 1301

Durban:

Tel: +27 31 575 7205

Fax: +27 31 575 7200

Cell: +27 82 775 3720

Email: sampson@wylie.co.za

Melissa Groenink (Associate)

Durban:

Tel: +27 31 575 7214

Fax: +27 31 575 7200

Cell: +27 82 466 5012

Email: groenink@wylie.co.za

Janice Tooley (Associate)

Durban:

Tel: +27 31 575 7212

Fax: +27 31 575 7200

Cell: +27 82 450 5671

Email: tooley@wylie.co.za

Matthew Thornton-Dibb (Candidate Attorney)

Durban:

Tel: +27 31 575 7224

Fax: +27 31 575 7200

Cell: +27 82 487 4676

Email: thornton-dibb@wylie.co.za