



GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1188.

9 June 1989

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 73 of 1989: Environment Conservation Act, 1989.

No. 1188.

9 Junie 1989

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 73 van 1989: Wet op Omgewingsbewaring, 1989.

Act No. 73, 1989

ENVIRONMENT CONSERVATION ACT, 1989

GENERAL EXPLANATORY NOTE:

- []** Words in bold type in square brackets indicate omissions from existing enactments.

ACT

To provide for the effective protection and controlled utilization of the environment and for matters incidental thereto.

(English text signed by the State President.)
(Assented to 1 June 1989.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

ARRANGEMENT OF SECTIONS

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Definitions

1. In this Act, unless the context indicates otherwise—

- (i) "administrative body" means a Minister, Administrator, local authority, government institution or a person who makes a decision in terms of the provisions of this Act; (i) 20
- (ii) "chief executive officer" means the officer in charge of the relevant local authority or government institution; (xi)
- (iii) "committee" means the Committee for Environmental Management established by section 12; (xii)
- (iv) "council" means the Council for the Environment established by section 4; 25 (xviii)
- (v) "Department" means the Department of Environment Affairs; (vi)
- (vi) "Director-General" means the Director-General: Environment Affairs; (vii)
- (vii) "disposal site" means a site used for the accumulation of waste with the purpose of disposing or treatment of such waste; (xxi) 30
- (viii) "ecological process" means the process relating to the interaction between plants, animals and humans and the elements in their environment; (viii)
- (ix) "ecosystem" means any self-sustaining and self-regulating community of organisms and the interaction between such organisms with one another and with their environment; (ix) 35

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

WET

Om voorsiening te maak vir die doeltreffende beskerming en beheerde benutting van die omgewing en vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 Junie 1989.)*

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

INDELING VAN ARTIKELS

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Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - (i) “administratiewe liggaam” ’n Minister, Administrateur, plaaslike owerheid, owerheidsinstelling of ’n persoon wat ’n beslissing ingevolge die
 - 20 bepaling van hierdie Wet neem; (i)
 - (ii) “afval” enige stof, hetsy gasagtig, vloeibaar of solied of enige kombinasie daarvan, afkomstig van enige woon-, handels- of nywerheidsgebied of landbougebied deur die Minister aangewys as ongewenste of oortollige nuwe-
 - 25 produk, afskeiding, oorskiet of restant van enige proses of handeling; (xxii)
 - (iii) “beperkte ontwikkelingsgebied” ’n gebied kragtens artikel 23 (1) tot ’n beperkte ontwikkelingsgebied verklaar; (xiii)
 - (iv) “beskermd natuuromgewing” ’n gebied kragtens artikel 16 (1) tot ’n beskermd natuuromgewing verklaar; (xix)
 - (v) “bestuursadvieskomitee” ’n komitee kragtens artikel 17 (1) ingestel; (xvi)
 - 30 (vi) “Departement” die Departement van Omgewingsake; (v)
 - (vii) “Direkteur-generaal” die Direkteur-generaal: Omgewingsake; (vi)
 - (viii) “ekologiese proses” die proses wat verband hou met die interaksie tussen plante, diere en mense en die elemente in hul omgewing; (viii)
 - 35 (ix) “ekosisteem” ’n selfonderhoudende en selfregulerende gemeenskap van organismes en die wisselwerking tussen sulke organismes met mekaar en met hul omgewing; (ix)

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- (x) "environment" means the aggregate of surrounding objects, conditions and influences that influence the life and habits of man or any other organism or collection of organisms; (xiv)
- (xi) "environmental impact report" means a report referred to in section 22 (2); (xv) 5
- (xii) "government institution" means any—
 - (a) body, company or close corporation established by or under any law; or
 - (b) other institution or body recognized by the Minister by notice in the *Gazette*; (xvi)
- (xiii) "limited development area" means an area declared as a limited develop- 10
ment area in terms of section 23 (1); (iii)
- (xiv) "litter" means any object or matter discarded by the person in whose possession or control it was; (xix)
- (xv) "local authority" means any institution or body contemplated in section 84 (1)
(f) of the Provincial Government Act, 1961 (Act No. 32 of 1961), and 15
includes—
 - (a) a board of management or board referred to in section 1 of the Rural Areas Act (House of Representatives), 1987 (Act No. 9 of 1987);
 - (b) a regional services council established under section 3 of the Regional Services Councils Act, 1985 (Act No. 109 of 1985); 20
 - (c) a local authority as defined in section 1 of the Black Local Authorities Act, 1982 (Act No. 102 of 1982); or
 - (d) a local government body established by virtue of the provisions of section 30 (2) (a) of the Black Administration Act, 1927 (Act No. 38 of 1927); (xvii) 25
- (xvi) "management advisory committee" means a committee established under section 17 (1); (v)
- (xvii) "Minister" means the Minister of Environment Affairs; (xiii)
- (xviii) "prescribe" means prescribe by regulation; (xxii)
- (xix) "protected natural environment" means an area declared as a protected 30
natural environment under section 16 (1); (iv)
- (xx) "special nature reserve" means an area declared as a special nature reserve under section 18; (xx)
- (xxi) "this Act" includes the regulations; (x)
- (xxii) "waste" means any matter, whether gaseous, liquid or solid or any combina- 35
tion thereof, originating from any residential, commercial or industrial area or agricultural area identified by the Minister as an undesirable or superfluous by-product, emission, residue or remainder of any process or activity. (ii)

PART I

POLICY FOR ENVIRONMENTAL CONSERVATION 40

Determination of policy

- 2. (1) Subject to the provisions of subsection (2) the Minister may by notice in the *Gazette* determine the general policy to be applied with a view to—
 - (a) the protection of ecological processes, natural systems and the natural beauty as well as the preservation of biotic diversity in the natural 45
environment;
 - (b) the promotion of sustained utilization of species and ecosystems and the effective application and re-use of natural resources;
 - (c) the protection of the environment against disturbance, deterioration, defacement, poisoning or destruction as a result of man-made structures, 50
installations, processes or products or human activities; and
 - (d) the establishment, maintenance and improvement of environments which contribute to a generally acceptable quality of life for the inhabitants of the Republic of South Africa.
- (2) The policy contemplated in subsection (1) shall be determined by the Minister 55
after consultation with the council and the Administrator of each province, and with the concurrence of—
 - (a) each Minister charged with the administration of any law which in the opinion of the Minister relates to a matter affecting the environment; and
 - (b) the Minister of Finance and the Minister of Economic Affairs and Technology. 60

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- (x) "hierdie Wet" ook die regulasies; (xxi)
- (xi) "hoof- uitvoerende beampte" die beampte wat aan die hoof van die betrokke plaaslike owerheid of owerheidsinstelling staan; (ii)
- (xii) "komitee" die Komitee vir Omgewingsbestuur by artikel 12 ingestel; (iii)
- 5 (xiii) "Minister" die Minister van Omgewingsake; (xvii)
- (xiv) "omgewing" die som van omringende voorwerpe, toestande en invloede wat die lewe en gewoontes van die mens of enige ander organisme of 'n versameling van organismes beïnvloed; (x)
- (xv) "omgewingsinvloedverslag" 'n verslag bedoel in artikel 22 (2); (xi)
- 10 (xvi) "owerheidsinstelling" enige—
 - (a) by of kragtens wet ingestelde liggaam, maatskappy of beslote korporasie; of
 - (b) ander instelling of liggaam deur die Minister by kennisgewing in die *Staatskoerant* erken; (xii)
- 15 (xvii) "plaaslike owerheid" 'n instelling of liggaam beoog in artikel 84 (1) (f) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961), en ook—
 - (a) 'n bestuursraad of raad bedoel in artikel 1 van die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987 (Wet No. 9 van 1987);
 - (b) 'n streeksdiensteraad ingestel kragtens artikel 3 van die Wet op Streeksdiensterade, 1985 (Wet No. 109 van 1985);
 - 20 (c) 'n plaaslike owerheid soos omskryf in artikel 1 van die Wet op Swart Plaaslike Owerhede, 1982 (Wet No. 102 van 1982); of
 - (d) 'n plaaslike bestuursliggaam ingestel uit hoofde van die bepalings van artikel 30 (2) (a) van die Swart Administrasie Wet, 1927 (Wet No. 38 van 1927); (xv)
- 25 (xviii) "raad" die Raad vir die Omgewing by artikel 4 ingestel; (iv)
- (xix) "rommel" enige voorwerp of stof wat weggegooi word deur 'n persoon in wie se besit of beheer dit was; (xiv)
- 30 (xx) "spesiale natuurreservaat" 'n gebied kragtens artikel 18 tot 'n spesiale natuurreservaat verklaar; (xx)
- (xxi) "stortterrein" 'n terrein wat vir die byeenbring van afval gebruik word met die doel om sulke afval weg te doen of te behandel; (vii)
- (xxii) "voorskryf" by regulasie voorskryf. (xviii)

DEEL I

35

BELEID VIR OMGEWINGSBEWARING

Bepaling van beleid

2. (1) Behoudens die bepalings van subartikel (2) kan die Minister by kennisgewing in die *Staatskoerant* die algemene beleid bepaal wat gevolg moet word met die oog op—
- 40 (a) die beskerming van ekologiese prosesse, natuurlike stelsels en die natuurskoon sowel as die behoud van biotiese verskeidenheid in die natuurlike omgewing;
 - (b) die bevordering van volgehoue benutting van spesies en ekosisteme en die doeltreffende aanwending en hergebruik van natuurlike hulpbronne;
 - 45 (c) die beveiliging van die omgewing teen versteuring, agteruitgang, skending, vergiftiging of vernietiging as gevolg van mensgemaakte strukture, aanlegte, prosesse of produkte of menslike handelinge; en
 - (d) die skepping, instandhouding en verbetering van omgewings wat bydra tot 'n algemeen aanvaarbare lewenskwaliteit vir die inwoners van die Republiek van Suid-Afrika.
- (2) Die beleid beoog in subartikel (1) word deur die Minister bepaal na raadpleging van die raad en die Administrateur van elke provinsie, en met die instemming van—
- 55 (a) elke Minister wat belas is met die uitvoering van 'n wet wat na die oordeel van die Minister betrekking het op 'n aangeleentheid wat die omgewing raak; en
 - (b) die Minister van Finansies en die Minister van Ekonomiese Sake en Tegnologie.

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(3) The Minister may at any time, subject to the provisions of subsection (2), by like notice substitute, withdraw or amend the policy determined in terms of subsection (1).

Compliance with policy

3. Each Minister, Administrator, local authority and government institution upon which any power has been conferred or to which any duty has been assigned in connection with the environment by or under any law, shall exercise such power and perform such duty in accordance with the policy referred to in section 2.

PART II

COUNCIL FOR THE ENVIRONMENT, COMMITTEE FOR ENVIRONMENTAL MANAGEMENT AND
BOARD OF INVESTIGATION

Establishment of Council for the Environment

4. There is hereby established a council called the Council for the Environment.

Objects of council

5. (1) The council shall advise the Minister on—
(a) any matter relating to the policy referred to in section 2; and
(b) any matter which the Minister refers to the council or which the council deems necessary.

(2) The council may hear representations by any person relating to matters affecting the environment if, after a memorandum on such matters has been submitted to it, the council is of the opinion that such representations will be in the interest of the conservation of the environment.

Constitution of council

6. (1) The council shall consist of not more than 22 members who—
(a) in the opinion of the Minister have knowledge of and are able to make a contribution towards the protection and utilization of the environment; and
(b) are appointed by the Minister after consultation with the Administrator of each province.

(2) The Minister shall designate one member of the council as chairman and another member as vice-chairman.

(3) A member of the council shall hold office for such period, but not exceeding three years, as the Minister may determine at the time of his appointment, but may be reappointed at the expiry of his term of office.

(4) A member of the council shall vacate his office if he—
(a) is declared insolvent or assigns his estate in favour of his creditors;
(b) is convicted of an offence and sentenced to imprisonment without the option of a fine;
(c) is absent from more than three consecutive meetings of the council without leave of the chairman;
(d) resigns as a member; or
(e) is removed from office under subsection (5).

(5) The Minister may at any time remove a member of the council from office if he is of the opinion that such member is incompetent to fulfil his office or that he has misconducted himself.

(6) If a member dies or in terms of subsection (4) ceases to be a member, the Minister may, subject to the provisions of subsection (1), appoint a person in his place for the unexpired period of his term of office, or for such shorter term as the Minister may determine.

Committees of council

7. (1) (a) The council may with the approval of the Minister from among its number elect an executive committee consisting of such number of members as the council may determine with the approval of the Minister.

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(3) Die Minister kan, behoudens die bepalings van subartikel (2), die beleid wat ingevolge subartikel (1) bepaal is, te eniger tyd by dergelike kennisgewing vervang, intrek of wysig.

Nakoming van beleid

- 5 3. Elke Minister, Administrateur, plaaslike owerheid en owerheidsinstelling aan wie 'n bevoegdheid of plig in verband met die omgewing by of kragtens 'n wet opgedra of opgelê is, moet daardie bevoegdheid en plig uitoefen en verrig ooreenkomstig die beleid in artikel 2 bedoel.

DEEL II10 **RAAD VIR DIE OMGEWING, KOMITEE VIR OMGEWINGSBESTUUR EN ONDERSOEKRAAD****Instelling van Raad vir die Omgewing**

4. Daar word hierby 'n raad ingestel wat die Raad vir die Omgewing heet.

Oogmerke van raad

5. (1) Die raad adviseer die Minister oor—
 15 (a) enige aangeleentheid betreffende die beleid bedoel in artikel 2; en
 (b) enige aangeleentheid wat die Minister na die raad verwys of wat die raad nodig ag.
 (2) Die raad kan verhoë aanhoor van enige persoon betreffende aangeleenthede wat die omgewing raak, indien die raad, nadat 'n memorandum in verband met
 20 sodanige aangeleenthede aan hom voorgelê is, van oordeel is dat die verhoë in belang van die bewaring van die omgewing sal wees.

Samestelling van raad

6. (1) Die raad bestaan uit hoogstens 22 lede wat—
 25 (a) na die oordeel van die Minister kennis het van, en in staat is om 'n bydrae te lewer tot die beskerming en benutting van die omgewing; en
 (b) deur die Minister aangestel word na raadpleging van die Administrateur van elke provinsie.
 (2) Die Minister wys een lid van die raad as voorsitter en 'n ander lid as ondervoorsitter aan.
 30 (3) 'n Lid van die raad beklee sy amp vir die tydperk, maar hoogstens drie jaar, wat die Minister ten tyde van sy aanstelling bepaal, maar kan by die verstryking van sy ampstermyn weer aangestel word.
 (4) 'n Lid van die raad ontruim sy amp indien hy—
 35 (a) insolvent verklaar word of sy boedel ten behoeve van sy skuldeisers afstaan;
 (b) aan 'n misdryf skuldig bevind word en tot gevangenisstraf sonder die keuse van 'n boete gevonnis word;
 (c) sonder verlof van die voorsitter van drie agtereenvolgende vergaderings van die raad afwesig is;
 40 (d) as lid bedank; of
 (e) kragtens subartikel (5) van sy amp onthef word.
 (5) Die Minister kan 'n lid van die raad te eniger tyd van sy amp onthef indien hy van oordeel is dat daardie lid onbekwaam is vir sy amp of dat hy hom wangedra het.
 (6) Indien 'n lid te sterwe kom of ingevolge subartikel (4) ophou om 'n lid te wees,
 45 kan die Minister, behoudens die bepalings van subartikel (1), iemand in sy plek aanstel vir die onverstreke deel van sy ampstermyn, of vir die korter tydperk wat die Minister bepaal.

Komitees van raad

- 50 7. (1) (a) Die raad kan met die goedkeuring van die Minister uit sy geledere 'n uitvoerende komitee kies wat bestaan uit die getal lede wat die raad met die goedkeuring van die Minister bepaal.

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- (b) The chairman of the council shall be the chairman of the executive committee.
- (c) The executive committee shall perform such functions as the council may determine with the approval of the Minister.
- (2) (a) The council may with the approval of the Minister establish other committees consisting of such persons as may be determined by the council in order to assist the council in the performance of its functions. 5
- (b) The council shall designate a member of a committee as chairman of such committee.
- (3) The council may allow any member of a committee who is not a member of the council to attend any meeting of the council at which any matter relating to a function assigned to that committee is dealt with and may allow such member to take part in the proceedings at such meeting, without having the right to vote. 10

Allowances to members of council and committees of council

8. A member of the council and a member of a committee of the council who is not in the full-time employment of the State may be paid from money appropriated by Parliament for that purpose such remuneration and allowances as the Minister may, with the concurrence of the Minister of Finance, determine either in general or in any particular case. 15

Meetings of council, records to be kept by council and submission of advice to Minister 20

- 9. (1) The Minister shall determine—
 - (a) the manner of the calling of, the quorum for and the procedure at meetings of the council; and
 - (b) what records shall be kept by the council and the manner in which the advice of the council shall be submitted to the Minister. 25
- (2) If the chairman of the council is absent from any meeting of the council, the vice-chairman shall preside at the meeting, and if both the chairman and the vice-chairman are absent from any meeting of the council, the members present thereat may elect one of their number to preside at such meeting.

Administrative work of council 30

10. The Director-General shall designate, subject to the provisions of the Public Service Act, 1984 (Act No. 111 of 1984), as many officers and employees of the Department as may be necessary to assist the council and any committee thereof in the administrative work connected with the performance of the functions of such council or committee: Provided that, with the approval of the Minister, such administrative work may be performed by any person other than such officer or employee at the remuneration and allowances which the Minister with the concurrence of the Minister of Finance may determine. 35

Reports by council

- 11. The council shall submit to the Minister—
 - (a) as soon as practicable after the conclusion of any meeting of the council a copy of the minutes of such meeting; and
 - (b) as soon as practicable after 30 September in each year a report on its activities during the preceding year. 40

Establishment of Committee for Environmental Management 45

12. There is hereby established a committee called the Committee for Environmental Management.

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- (b) Die voorsitter van die raad is die voorsitter van die uitvoerende komitee.
(c) Die uitvoerende komitee verrig die werksaamhede wat die raad, met die goedkeuring van die Minister, bepaal.
- 5 (2) (a) Die raad kan met die goedkeuring van die Minister ander komitees instel wat bestaan uit die persone wat die raad bepaal om die raad by die verrigting van sy werksaamhede by te staan.
- (b) Die raad wys 'n lid van 'n komitee as voorsitter van daardie komitee aan.
- (3) Die raad kan 'n lid van 'n komitee wat nie 'n lid van die raad is nie, toelaat om 'n vergadering van die raad waarop 'n aangeleentheid behandel word wat betrekking
- 10 het op 'n werksaamheid wat aan daardie komitee opgedra is, by te woon, en kan so 'n lid toelaat om aan die verrigtinge op so 'n vergadering deel te neem, sonder die reg om te stem.

Toelaes aan lede van raad en komitees van raad

8. Daar kan aan 'n lid van die raad en aan 'n lid van 'n komitee van die raad wat
- 15 nie in die heeltydse diens van die Staat is nie, uit geld wat die Parlement vir dié doel bewillig, die besoldiging en toelaes betaal word wat die Minister, met die instemming van die Minister van Finansies, of in die algemeen of in 'n besondere geval bepaal.

Vergaderings van raad, aantekeninge wat deur raad gehou moet word en voorlegging van advies aan Minister

- 20 9. (1) Die Minister bepaal—
- (a) die wyse van byeenroeping van, die kworum vir en die prosedure by vergaderings van die raad; en
- (b) watter aantekeninge deur die raad gehou moet word en die wyse waarop die advies van die raad aan die Minister voorgelê moet word.
- 25 (2) Indien die voorsitter van die raad van 'n vergadering van die raad afwesig is, sit die ondervoorsitter op daardie vergadering voor, en indien sowel die voorsitter as die ondervoorsitter van die raad van 'n vergadering van die raad afwesig is, kies die lede wat daarop teenwoordig is iemand uit hul geledere om op daardie vergadering voor te sit.

30 Administratiewe werk van raad

10. Die Direkteur-generaal wys, behoudens die bepalings van die Staatsdienswet, 1984 (Wet No. 111 van 1984), soveel beamptes en werknemers van die Departement aan as wat nodig is om die raad en enige komitee daarvan met die administratiewe werk verbonde aan die verrigting van die werksaamhede van so 'n raad of komitee
- 35 by te staan: Met dien verstande dat, met die goedkeuring van die Minister, daardie administratiewe werk deur enige persoon behalwe so 'n beampte of werknemer verrig kan word teen die besoldiging en toelaes wat die Minister met die instemming van die Minister van Finansies bepaal.

Verslae deur raad

- 40 11. Die raad moet aan die Minister—
- (a) so gou moontlik na afloop van 'n raadsvergadering 'n afskrif van die notule van die raadsvergadering voorlê; en
- (b) so gou moontlik na 30 September in elke jaar 'n verslag voorlê aangaande sy werksaamhede gedurende die voorafgaande jaar.

45 Instelling van Komitee vir Omgewingsbestuur

12. Daar word hierby 'n komitee ingestel wat die Komitee vir Omgewingsbestuur heet.

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Objects of committee

13. The committee shall—

- (a) advise the Director-General on any matter affecting activities which may influence the protection and utilization of the environment; and
- (b) co-ordinate and promote the implementation of the provisions of this Act. 5

Constitution of committee

14. (1) The committee shall consist of the following persons appointed by the Minister, namely—

- (a) two persons nominated by the Director-General, of whom the Minister shall appoint one as chairman and one as vice-chairman; 10
- (b) one person nominated by the Director-General of each department of State upon which a power has been conferred or to which a duty has been assigned by or under any law which in the opinion of the Minister relates to any matter affecting the environment;
- (c) one person nominated by the Director-General of the provincial administration of each province; 15
- (d) one person nominated by each of the following institutions, namely—
 - (i) the National Parks Board of Trustees referred to in section 5 (1) of the National Parks Act, 1976 (Act No. 57 of 1976);
 - (ii) the Board for National Botanic Gardens established by section 57 of the Forest Act, 1984 (Act No. 122 of 1984);
 - (iii) the Council for Scientific and Industrial Research referred to in section 2 of the Scientific Research Council Act, 1988 (Act No. 46 of 1988);
 - (iv) the Human Sciences Research Council established by section 2 of the Human Sciences Research Act, 1968 (Act No. 23 of 1968); 25
 - (v) the National Monuments Council established by section 2 of the National Monuments Act, 1969 (Act No. 28 of 1969); and
- (e) any person nominated by any other institution which at national level is involved with environmental conservation and in the opinion of the Minister can make a contribution to the activities of the committee. 30

(2) A member of the committee shall hold office for such period as the Minister may determine at the time of his appointment, but may be reappointed at the expiry of his term of office.

(3) A member of the committee shall vacate his office if—

- (a) he is declared insolvent or assigns his estate in favour of his creditors; 35
- (b) he is convicted of an offence and is sentenced to imprisonment without the option of a fine;
- (c) he is absent from more than three consecutive meetings of the committee without leave of the chairman;
- (d) he resigns as a member; or 40
- (e) his nomination is withdrawn by the institution which he represents.

(4) The committee may with the approval of the Minister appoint subcommittees consisting of such persons as the committee may determine, to assist the committee in the performance of its functions.

(5) A member of the committee and a member of a subcommittee who is not in the full-time employment of the State or of a government institution may be paid from money appropriated by Parliament for that purpose such remuneration and allowances as the Minister may, with the concurrence of the Minister of Finance, determine either in general or in any particular case. 45

Board of investigation

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15. (1) The Minister shall from time to time appoint a board of investigation to assist him in the evaluation of any matter or any appeal in terms of the provisions of this Act.

Oogmerke van komitee**13. Die komitee moet—**

- (a) die Direkteur-generaal adviseer oor enige aangeleentheid rakende handeling wat 'n invloed op die beskerming en benutting van die omgewing kan hê; en
(b) die toepassing van die bepalings van hierdie Wet koördineer en bevorder.

Samestelling van komitee**14. (1) Die komitee bestaan uit die volgende persone wat deur die Minister aangestel word, naamlik—**

- (a) twee persone deur die Direkteur-generaal benoem, van wie die Minister een as voorsitter en een as ondervoorsitter aanwys;
(b) een persoon benoem deur die Direkteur-generaal van elke Staatsdepartement aan wie 'n bevoegdheid opgedra of 'n plig opgelê is by of kragtens 'n wet wat na die oordeel van die Minister betrekking het op 'n aangeleentheid wat die omgewing raak;
(c) een persoon benoem deur die Direkteur-generaal van die provinsiale administrasie van elke provinsie;
(d) een persoon benoem deur elk van die volgende instellings, naamlik—
(i) die Raad van Kuratore vir Nasionale Parke bedoel in artikel 5 (1) van die Wet op Nasionale Parke, 1976 (Wet No. 57 van 1976);
(ii) die Raad vir Nasionale Botaniese Tuine ingestel by artikel 57 van die Boswet, 1984 (Wet No. 122 van 1984);
(iii) die Wetenskaplike en Nywerheidsnavorsingsraad bedoel in artikel 2 van die Wet op die Wetenskaplike Navorsingsraad, 1988 (Wet No. 46 van 1988);
(iv) die Raad vir Geesteswetenskaplike Navorsing ingestel by artikel 2 van die Wet op Geesteswetenskaplike Navorsing, 1968 (Wet No. 23 van 1968);
(v) die Raad vir Nasionale Gedenkwaardighede ingestel by artikel 2 van die Wet op Nasionale Gedenkwaardighede, 1969 (Wet No. 28 van 1969); en
(e) 'n persoon benoem deur enige ander liggaam wat by omgewingsbewaring op nasionale vlak betrokke is en wat na die oordeel van die Minister 'n bydrae tot die werksaamhede van die komitee kan maak.

(2) 'n Lid van die komitee beklee sy amp vir die tydperk wat die Minister ten tyde van sy aanstelling bepaal, maar kan by verstryking van sy ampstermyn weer aangestel word.

(3) 'n Lid van die komitee ontruim sy amp indien—

- (a) hy insolvent verklaar word of sy boedel ten behoeve van sy skuldeisers afstaan;
(b) hy aan 'n misdryf skuldig bevind word en tot gevangenisstraf sonder die keuse van 'n boete gevonnis word;
(c) hy sonder verlof van die voorsitter van drie agtereenvolgende vergaderings van die komitee afwesig is;
(d) hy as lid bedank; of
(e) sy benoeming beëindig word deur die instelling wat hy verteenwoordig.

(4) Die komitee kan met die goedkeuring van die Minister subkomitees wat bestaan uit die persone wat die komitee bepaal, instel om die komitee by die verrigting van sy werksaamhede by te staan.

(5) Daar kan aan 'n lid van die komitee en aan 'n lid van 'n subkomitee wat nie in die heeltydse diens van die Staat of van 'n owerheidsinstelling is nie, uit geld wat die Parlement vir dié doel bewillig, die besoldiging en toelaes betaal word wat die Minister, met die instemming van die Minister van Finansies, of in die algemeen of in 'n besondere geval bepaal.

55 Ondersoekraad

15. (1) Die Minister stel van tyd tot tyd 'n ondersoekraad aan om hom behulpzaam te wees met die beoordeling van 'n aangeleentheid of 'n appèl ingevolge die bepalings van hierdie Wet.

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- (2) The board of investigation shall consist of—
- (a) (i) a judge or retired judge of the Supreme Court of South Africa;
 - (ii) a magistrate or retired magistrate;
 - (iii) any person admitted in terms of the Admission of Advocates Act, 1964 (Act No. 74 of 1964), to practise as an advocate; or
 - (iv) any person admitted in terms of the Attorneys Act, 1979 (Act No. 53 of 1979), to practise as an attorney,
- who in the opinion of the Minister has a knowledge of matters relating to the environment, and is designated by him as chairman; and
- (b) such number of other persons as the Minister deems necessary and in his opinion have expert knowledge of the matter which the board of investigation has to consider.
- (3) A session of the board of investigation shall take place on the date and at the time and place fixed by the chairman, who shall advise the Minister and the relevant parties in writing thereof.
- (4) The board of investigation may for the purposes of the investigation—
- (a) instruct any person who in its opinion may give material information concerning the subject of the investigation or who it believes has in his possession or custody or under his control any book, document or thing which has any bearing upon the subject of the investigation, to appear before such board;
 - (b) administer an oath to or accept an affirmation from any person called as a witness at the investigation; and
 - (c) call any person present at the investigation as a witness and interrogate him and require him to produce any book, document or thing in his possession or custody or under his control.
- (5) An instruction referred to in subsection (4) (a) to appear before the board of investigation shall be by way of a subpoena signed by the chairman of the board.
- (6) (a) A session of the board of investigation shall be held in public.
- (b) The decision of the board and the reasons therefor shall be reduced to writing.
- (7) A member of the board of investigation who is not in the full-time employment of the State may be paid from money appropriated by Parliament for that purpose such remuneration and allowances as the Minister may, with the concurrence of the Minister of Finance, determine either in general or in any particular case.
- (8) The Director-General shall designate, subject to the provisions of the Public Service Act, 1984 (Act No. 111 of 1984), as many officers and employees of the Department as may be necessary to assist the board in the administrative work connected with the performance of the functions of the board of investigation: Provided that with the approval of the Minister such administrative work may be performed by any person other than such officer or employee at the remuneration and allowances which the Minister with the concurrence of the Minister of Finance may determine.

PART III

PROTECTION OF NATURAL ENVIRONMENT

Protected natural environment

16. (1) An Administrator may by notice in the *Official Gazette* concerned declare any area defined by him, to be a protected natural environment and may allocate a name to such area: Provided that such protected natural environment may only be declared—
- (a) if in the opinion of the Administrator there are adequate grounds to presume that the declaration will substantially promote the preservation of specific ecological processes, natural systems, natural beauty or species of indigenous wildlife or the preservation of biotic diversity in general; and
 - (b) after consultation with the owners of, and the holders of real rights in, land situated within the defined area: Provided that where such owners and holders cannot readily be located the Administrator shall give notice in the *Official Gazette* and in one Afrikaans and one English newspaper circulating within the district where the land is situated, of his intention to declare

- (2) Die ondersoekraad bestaan uit—
- (a) (i) 'n regter of afgetrede regter van die Hooggeregshof van Suid-Afrika;
 - (ii) 'n landdros of afgetrede landdros;
 - (iii) iemand wat ingevolge die Wet op die Toelating van Advokate, 1964 (Wet No. 74 van 1964), toegelaat is om as 'n advokaat te praktiseer; of
 - (iv) iemand wat ingevolge die Wet op Prokureurs, 1979 (Wet No. 53 van 1979), toegelaat is om as 'n prokureur te praktiseer,
- wat na die oordeel van die Minister kennis het van omgewingsaangeleenthede, en deur hom as voorsitter aangewys word; en
- (b) soveel ander persone wat die Minister nodig ag en wat na sy oordeel oor deskundige kennis beskik oor die aangeleentheid wat die ondersoekraad moet oorweeg.
- (3) 'n Sitting van die ondersoekraad vind plaas op die datum, tyd en plek wat die voorsitter bepaal en hy stel die Minister en die betrokke partye skriftelik daarvan in kennis.
- (4) Die ondersoekraad kan vir die doeleindes van die ondersoek—
- (a) iemand wat na sy oordeel wesenlike inligting kan verstrek aangaande die onderwerp van die ondersoek of wat na hy vermoed 'n boek, stuk of saak wat betrekking het op die onderwerp van die ondersoek in sy besit of bewaring of onder sy beheer het, gelas om voor genoemde raad te verskyn;
 - (b) iemand wat by die ondersoek as 'n getuie opgeroep word, 'n eed oplê of 'n bevestiging van hom aanneem; en
 - (c) iemand wat by die ondersoek teenwoordig is, as 'n getuie oproep en hom ondervra en hom aansê om enige boek, stuk of saak in sy besit of bewaring of onder sy beheer oor te lê.
- (5) 'n Lasgewing bedoel in subartikel (4) (a) om voor die ondersoekraad te verskyn, geskied by wyse van 'n dagvaarding wat deur die voorsitter van die ondersoekraad onderteken word.
- (6) (a) 'n Sitting van die ondersoekraad word in die openbaar gehou.
- (b) Die bevinding van die raad en die redes daarvoor moet op skrif wees.
- (7) Daar kan aan 'n lid van die ondersoekraad wat nie in die heeltydse diens van die Staat is nie, uit geld wat die Parlement vir dié doel bewillig, die besoldiging en toelaes betaal word wat die Minister, met die instemming van die Minister van Finansies, of in die algemeen of in 'n besondere geval bepaal.
- (8) Die Direkteur-generaal wys, behoudens die bepalings van die Staatsdienswet, 1984 (Wet No. 111 van 1984), soveel beampptes en werknemers van die Departement aan as wat nodig is om die ondersoekraad met die administratiewe werk verbonde aan die verrigting van die werksaamhede van die ondersoekraad by te staan: Met dien verstande dat met die goedkeuring van die Minister daardie administratiewe werk deur enige persoon behalwe so 'n beampte of werknemer verrig kan word teen die besoldiging en toelaes wat die Minister met die instemming van die Minister van Finansies bepaal.

DEEL III

BESKERMING VAN NATUURLIKE OMGEWING

45 Beskermde natuuumgewing

16. (1) 'n Administrateur kan by kennisgewing in die betrokke *Offisiële Koerant* enige gebied wat hy omskryf tot 'n beskermde natuuumgewing verklaar en aan daardie gebied 'n naam toeken: Met dien verstande dat so 'n beskermde natuuumgewing slegs verklaar word—

- (a) indien daar na die oordeel van die Administrateur voldoende gronde is om te vermoed dat die verklaring die behoud van bepaalde ekologiese prosesse, natuurlike stelsels, natuurskoon of spesies van inheemse natuurlewe of die behoud van biotiese verskeidenheid in die algemeen wesenlik sal bevorder; en
- (b) na raadpleging van die eienaars van, en die houers van saaklike regte op, grond wat binne die omskrewe gebied geleë is: Met dien verstande dat waar sodanige eienaars en houers nie geredelik opgespoor kan word nie, die Administrateur in die *Offisiële Koerant* en in een Afrikaanse en een Engelse nuusblad wat in omloop is in die distrik waarin die eiendom geleë

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such land to be a protected natural environment and invite such owners and holders to lodge any complaints against the intended declaration with the Director-General of that province within 30 days from the date of the notice.

(2) The Administrator may by notice in the *Official Gazette* concerned issue directions in respect of any land or water in a protected natural environment in order to achieve the general policy and objects of this Act: Provided that—

- (a) a copy of the directions applicable to the area shall be handed or forwarded by post to the last-known address of every owner of, and every holder of a real right in, the land in question; and
- (b) the directions shall only be issued with the concurrence of each Minister charged with the administration of any law which in the opinion of the Administrator relates to a matter affecting the environment in that area.

(3) Every owner of, and every holder of a real right in, land situated within a protected natural environment in respect of which directions have been issued in terms of subsection (2), and the successors in title of such owner and holder of the real right, shall be subject to the provisions of such directions.

(4) The Administrator shall in writing direct the registrar of deeds of the deeds registry in which the title deed of land referred to in subsection (3) is registered, to make an entry of the directions in question in his registers and to endorse the office copy of the title deed accordingly.

(5) The Administrator may with the concurrence of the Minister of Finance out of money appropriated by Parliament for that purpose and subject to such conditions as he may determine, render financial aid by way of grants or otherwise to the owner of, and the holder of a real right in, land situated within a protected natural environment in respect of expenses incurred by the owner or holder of the right in compliance with any direction issued in terms of subsection (2).

(6) An Administrator may—

- (a) with the concurrence of a local authority or government institution assign the control and management of a protected natural environment to such local authority or government institution; or
- (b) withdraw such control and management from such local authority or government institution.

Management advisory committees in respect of protected natural environment

17. (1) An Administrator may in respect of any protected natural environment establish a management advisory committee to advise him with regard to the control and management of such protected natural environment in order to advance the objects referred to in section 16 (1) (a).

(2) The Administrator shall determine the membership of a management advisory committee.

(3) Subject to the provisions of subsection (4), the members of a management advisory committee shall be appointed by the Administrator from persons who—

- (a) shall represent the following interests, namely—
 - (i) the Department and any other department of State which in the opinion of the Administrator should be represented in the management advisory committee;
 - (ii) the provincial administration concerned;
 - (iii) every local authority whose area of jurisdiction falls wholly or partly within the protected natural environment;
 - (iv) the owners of, and the holders of real rights in, land situated within that protected natural environment; and
 - (v) the users of such land; and
- (b) in the opinion of the Administrator are capable of assisting the management advisory committee in the performance of its functions.

(4) If an Administrator assigns the control and management of a protected natural environment to a local authority or government institution in terms of section 16 (6), the appointment of members of such management advisory committee shall be made with the concurrence of such local authority or government institution.

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is, kennis gee van sy voorneme om daardie grond tot 'n beskermde natuuumgewing te verklaar en sodanige eienaars en houters uitnoodig om enige besware teen die voorgenome verklaring binne 30 dae na die datum van die kennisgewing by die Direkteur-generaal van daardie provinsie in te dien.

(2) Die Administrateur kan by kennisgewing in die betrokke *Offisiële Koerant* voorskrifte met betrekking tot enige grond of watermassa in 'n beskermde natuuumgewing uitvaardig ten einde die algemene beleid en oogmerke van hierdie Wet te bereik: Met dien verstande dat—

- (a) 'n afskrif van die voorskrifte wat op die gebied van toepassing is, aan elke eienaar van, en elke houer van 'n saaklike reg op, die betrokke grond oorhandig of per pos aan sy laasbekende adres gestuur word; en
 - (b) die voorskrifte slegs uitgevaardig word met die instemming van elke Minister wat belas is met die uitvoering van 'n wet wat na die oordeel van die Administrateur betrekking het op 'n aangeleentheid wat die omgewing in daardie gebied raak.
- (3) Elke eienaar van, en elke houer van 'n saaklike reg op, grond geleë in 'n beskermde natuuumgewing ten opsigte waarvan voorskrifte ingevolge subartikel (2) uitgevaardig is, en die opvolgers in regte van die eienaar en die houer van die saaklike reg, is aan die bepalinge van daardie voorskrifte onderworpe.
- (4) Die Administrateur gelas die registrateur van aktes van die registrasiekantoor waarin die titelbewys van grond vermeld in subartikel (3) geregistreer is, skriftelik om in sy registers 'n aantekening van die tersaaklike voorskrifte te maak en om die kantoorafskrif van die titelbewys dienooreenkomstig te endosseer.
- (5) Die Administrateur kan met die instemming van die Minister van Finansies uit geld wat die Parlement vir dié doel bewillig en onderworpe aan die voorwaardes wat hy bepaal, geldelike bystand verleen by wyse van toekennings of andersins aan die eienaar van, of die houer van 'n saaklike reg op, grond geleë in 'n beskermde natuuumgewing, ten opsigte van uitgawes deur die eienaar of houer van die reg aangegaan ter voldoening aan 'n voorskrif ingevolge subartikel (2) uitgevaardig.
- (6) 'n Administrateur kan—
- (a) met die instemming van 'n plaaslike owerheid of owerheidsinstelling die beheer en bestuur van 'n beskermde natuuumgewing aan daardie plaaslike owerheid of owerheidsinstelling opdra; of
 - (b) daardie beheer of bestuur aan so 'n plaaslike owerheid of owerheidsinstelling onttrek.

Bestuursadvieskomitees ten opsigte van beskermde natuuumgewing

17. (1) 'n Administrateur kan ten opsigte van 'n beskermde natuuumgewing 'n bestuursadvieskomitee instel om hom te adviseer met betrekking tot die beheer en bestuur van daardie beskermde natuuumgewing ten einde die oogmerke bedoel in artikel 16 (1) (a) te bevorder.

(2) Die Administrateur bepaal die ledetal van 'n bestuursadvieskomitee.

(3) Behoudens die bepalinge van subartikel (4), word die lede van 'n bestuursadvieskomitee deur die Administrateur aangestel uit persone wat—

- (a) die volgende belange verteenwoordig, te wete—
 - (i) die Departement en enige ander Staatsdepartement wat na die oordeel van die Administrateur in die bestuursadvieskomitee verteenwoordig behoort te word;
 - (ii) die betrokke provinsiale administrasie;
 - (iii) elke plaaslike owerheid wie se regsgebied in die geheel of gedeeltelik in die beskermde natuuumgewing val;
 - (iv) die eienaars van, en die houters van saaklike regte op, grond geleë in daardie beskermde natuuumgewing; en
 - (v) die gebruikers van daardie grond; en
- (b) na die oordeel van die Administrateur in staat is om die bestuursadvieskomitee by die verrigting van sy werksaamhede by te staan.

(4) Indien 'n Administrateur die beheer en bestuur van 'n beskermde natuuumgewing ingevolge artikel 16 (6) aan 'n plaaslike owerheid of owerheidsinstelling opdra, moet die aanstelling van lede op daardie bestuursadvieskomitee geskied met die instemming van sodanige plaaslike owerheid of owerheidsinstelling.

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(5) The Administrator shall designate one member of a management advisory committee as chairman and another member as vice-chairman.

(6) A member of a management advisory committee shall hold office for such period as the Administrator may determine at the time of the appointment of such member, but may be reappointed at the expiry of his term of office: Provided that the Administrator may, if in his opinion there are sufficient reasons for doing so, at any time remove a member from office.

(7) The Director-General of the relevant provincial administration shall, subject to the provisions of the Public Service Act, 1984 (Act No. 111 of 1984), designate as many officers and employees of the provincial administration as may be necessary to assist a management advisory committee in the administrative work connected with the performance of the functions of the committee: Provided that where the control and management of a protected natural environment has been assigned to another local authority or government institution in terms of section 16 (6) the chief executive officer of such local authority or government institution shall designate as many employees of the relevant local authority or government institution as may be necessary to assist a management advisory committee with the said administrative work: Provided further that with the approval of the Minister such administrative work may be performed by any person other than such officer or employee at the remuneration and allowances which the Minister with the concurrence of the Minister of Finance may determine.

(8) A member of a management advisory committee who is not in the full-time employment of the State or a local authority may be paid from money appropriated by Parliament for that purpose, such remuneration and allowances as the Administrator may, with the concurrence of the Minister of Finance, determine in general or in any particular case.

Special nature reserves

18. (1) The Minister may by notice in the *Gazette* declare any area defined by him, and situated in the Republic of South Africa, including the territorial waters as defined in section 2 of the Territorial Waters Act, 1963 (Act No. 87 of 1963), to be a special nature reserve.

(2) A declaration under subsection (1) shall only be made—

- (a) for purposes of the protection of the environment in such area;
- (b) in respect of land or water of which the State is the owner or which is under the exclusive control of the State; and
- (c) with the concurrence of the committee.

(3) The declaration of a special nature reserve shall not be withdrawn or the boundaries thereof altered except by resolution of Parliament.

(4) The Minister may assign the control of a special nature reserve to any local authority or government institution, providing such assignment takes place—

- (a) with the concurrence of the local authority or government institution in question; and
- (b) if a management plan for the special nature reserve is drawn up in consultation with the local authority or government institution in question and accompanies such assignment.

(5) The controlling local authority or government institution referred to in subsection (4) may amend the management plan with the concurrence of the Minister.

(6) Subject to the provisions of subsection (7) no person shall—

- (a) gain admittance to a special nature reserve; or
- (b) perform any activity in or on a special nature reserve.

(7) The controlling local authority or government institution referred to in subsection (4) may, on the conditions determined by it, after consultation with the Minister, in writing grant exemption from the provisions of subsection (6), to—

- (a) any scientist occupied with any specific project; or
- (b) any officer charged with specific official duties.

(8) For the purposes of subsection (6) a special nature reserve shall include the air space to a level of 500 metres above the ground level of that special nature reserve.

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(5) Die Administrateur wys een lid van 'n bestuursadvieskomitee as voorsitter en 'n ander lid as ondervoorsitter aan.

(6) 'n Lid van 'n bestuursadvieskomitee beklee sy amp vir die tydperk wat die Administrateur ten tyde van die aanstelling van daardie lid bepaal, maar kan by die verstryking van sy ampstermyn weer aangestel word: Met dien verstande dat, indien daar na die oordeel van die Administrateur gegronde redes bestaan, hy te eniger tyd 'n lid van sy amp kan onthef.

(7) Die Direkteur-generaal van die betrokke provinsiale administrasie wys, behoudens die bepalings van die Staatsdienswet, 1984 (Wet No. 111 van 1984), soveel beamptes en werknemers van die provinsiale administrasie aan as wat nodig is om 'n bestuursadvieskomitee met die administratiewe werk verbonde aan die verrigting van die werksaamhede van die komitee by te staan: Met dien verstande dat waar die beheer en bestuur van 'n beskermde naturomgewing kragtens artikel 16 (6) aan 'n plaaslike owerheid of owerheidsinstelling opgedra is, die hoof-uitvoerende beampte van daardie plaaslike owerheid of owerheidsinstelling soveel werknemers van die betrokke plaaslike owerheid of owerheidsinstelling aanwys as wat nodig is om 'n bestuursadvieskomitee met genoemde administratiewe werk by te staan: Met dien verstande voorts dat met die goedkeuring van die Minister daardie administratiewe werk deur enige persoon behalwe so 'n beampte of werknemer verrig kan word teen die besoldiging en toelaes wat die Minister met die instemming van die Minister van Finansies bepaal.

(8) Daar kan aan 'n lid van 'n bestuursadvieskomitee wat nie in die heeltidse diens van die Staat of 'n plaaslike owerheid is nie, uit geld wat die Parlement vir dié doel bewillig, die besoldiging en toelaes betaal word wat die Administrateur, met die instemming van die Minister van Finansies, of in die algemeen of in 'n besondere geval bepaal.

Spesiale natuurreservate

18. (1) Die Minister kan by kennisgewing in die *Staatskoerant* enige gebied wat hy omskryf en wat geleë is in die Republiek van Suid-Afrika, met inbegrip van die territoriale waters soos omskryf in artikel 2 van die Wet op Territoriale Waters, 1963 (Wet No. 87 van 1963), tot 'n spesiale natuurreservaat verklaar.

(2) 'n Verklaring ingevolge subartikel (1) word slegs gedoen—

- (a) met die oog op die beskerming van die omgewing in daardie gebied;
- (b) ten opsigte van grond of water waarvan die Staat die eienaar is of waaroor die Staat uitsluitlike beheer het; en
- (c) met die instemming van die komitee.

(3) Die verklaring van 'n spesiale natuurreservaat word nie herroep of die grense daarvan gewysig nie behalwe by besluit van die Parlement.

(4) Die Minister kan die beheer van 'n spesiale natuurreservaat aan enige plaaslike owerheid of owerheidsinstelling opdra, mits die opdrag geskied—

- (a) met die instemming van die betrokke plaaslike owerheid of owerheidsinstelling; en
- (b) indien 'n bestuursplan in oorleg met daardie plaaslike owerheid of owerheidsinstelling vir die spesiale natuurreservaat opgestel word en die opdrag vergesel.

(5) Die beherende plaaslike owerheid of owerheidsinstelling bedoel in subartikel (4) kan die bestuursplan met die instemming van die Minister wysig.

(6) Behoudens die bepalings van subartikel (7), mag niemand—

- (a) enige toegang tot 'n spesiale natuurreservaat verkry nie; of
- (b) enige handeling in of op 'n spesiale natuurreservaat verrig nie.

(7) Die beherende plaaslike owerheid of owerheidsinstelling bedoel in subartikel (4) kan, op die voorwaardes wat hy bepaal, na oorleg met die Minister, skriftelik vrystelling van die bepalings van subartikel (6) verleen aan—

- (a) 'n wetenskaplike wat met 'n bepaalde projek besig is; of
- (b) 'n beampte wat met bepaalde amptelike pligte belas is.

(8) By die toepassing van subartikel (6) sluit 'n spesiale natuurreservaat die lugruim tot 'n hoogte van 500 meter bo die grondvlak van daardie spesiale natuurreservaat in.

PART IV

CONTROL OF ENVIRONMENTAL POLLUTION

Prohibition of littering

19. (1) No person shall discard, dump or leave any litter on any land or water surface, street, road or site in or on any place to which the public has access, except in a container or at a place which has been specially indicated, provided or set apart for such purpose. 5

(2) Every person or authority in control of or responsible for the maintenance of any place to which the public has access shall at all times ensure that containers or places are provided which will normally be adequate and suitable for the discarding of litter by the public. 10

Waste management

20. (1) No person shall establish, provide or operate any disposal site without a permit issued by the Minister of Water Affairs and except subject to the conditions contained in such permit. 15

(2) Any application for a permit referred to in subsection (1) shall be in the form and be accompanied by such information as the Minister may prescribe.

(3) If the Minister of Water Affairs should require any further information to enable him to make a decision on an application for a permit referred to in subsection (1), he may demand such information from the applicant. 20

(4) The Minister of Water Affairs shall maintain a register in which details of every disposal site for which a permit has been issued shall be recorded.

(5) The Minister of Water Affairs may from time to time by notice in the *Gazette* issue directions with regard to—

- (a) the control and management of disposal sites in general; 25
- (b) the control and management of certain disposal sites or disposal sites handling particular types of waste; and
- (c) the procedure to be followed before any disposal site may be withdrawn from use or utilized for another purpose.

(6) Subject to the provisions of any other law no person shall discard waste or dispose of it in any other manner, except— 30

- (a) at a disposal site for which a permit has been issued in terms of subsection (1); or
- (b) in a manner or by means of a facility or method and subject to such conditions as the Minister may prescribe. 35

PART V

CONTROL OF ACTIVITIES WHICH MAY HAVE DETRIMENTAL EFFECT ON THE ENVIRONMENT

Identification of activities which will probably have detrimental effect on environment

21. (1) The Minister may by notice in the *Gazette* identify those activities which in his opinion may have a substantial detrimental effect on the environment, whether in general or in respect of certain areas. 40

(2) Activities which are identified in terms of subsection (1) may include any activity in any of the following categories, but are not limited thereto:

- (a) Land use and transformation;
- (b) water use and disposal; 45
- (c) resource removal, including natural living resources;
- (d) resource renewal;
- (e) agricultural processes;
- (f) industrial processes;
- (g) transportation; 50
- (h) energy generation and distribution;
- (i) waste and sewage disposal;
- (j) chemical treatment;
- (k) recreation.

DEEL IV

BEHEER OOR OMGEWINGSBESOEDELING

Verbod op storting van rommel

19. (1) Niemand mag enige rommel gooi, stort of laat op enige grond- of
5 wateroppervlak, straat, pad of terrein in of op enige plek waartoe die publiek
toegang het nie, behalwe in 'n houer of op 'n plek wat spesiaal vir die doel aangewys,
ingerig of afgesonder is.

(2) Elke persoon of instansie wat in beheer is van of verantwoordelik is vir die
instandhouding van 'n plek waartoe die publiek toegang het, moet te alle tye sorg dra
10 dat houters of plekke voorsien word wat normaalweg voldoende en geskik is vir die
storting van rommel deur die publiek.

Afvalbestuur

20. (1) Niemand mag enige stortterrein instel, voorsien of bedryf sonder 'n permit
uitgereik deur die Minister van Waterwese en behalwe onderworpe aan die
15 voorwaardes in die permit vervat nie.

(2) 'n Aansoek om 'n permit in subartikel (1) bedoel, geskied in die vorm, en gaan
vergesel van die inligting, wat die Minister voorskryf.

(3) Indien die Minister van Waterwese nadere inligting nodig het ten einde hom in
staat te stel om 'n besluit te neem oor 'n aansoek om 'n permit in subartikel (1)
20 bedoel, kan hy daardie inligting van die aansoeker vereis.

(4) Die Minister van Waterwese moet 'n register byhou waarin die besonderhede
van elke stortterrein waarvoor 'n permit uitgereik is, aangeteken word.

(5) Die Minister van Waterwese kan van tyd tot tyd by kennisgewing in die
Staatskoerant voorskrifte uitreik met betrekking tot—

- 25 (a) die beheer en bestuur van stortterreine in die algemeen;
- (b) die beheer en bestuur van bepaalde stortterreine of stortterreine wat
bepaalde soorte afval hanteer; en
- (c) die prosedure wat gevolg moet word voordat 'n stortterrein aan gebruik
onttrek of vir 'n ander doel aangewend mag word.

30 (6) Behoudens die bepalings van enige ander wet mag niemand afval wegdoen of
op enige wyse daarvoor beskik nie behalwe—

- (a) op 'n stortterrein waarvoor 'n permit ingevolge subartikel (1) uitgereik is;
of
- 35 (b) op 'n wyse of deur middel van 'n fasiliteit of metode en onderworpe aan die
voorwaardes wat die Minister voorskryf.

DEEL V

BEHEER OOR HANDELINGE WAT NADELIGE INVLOED OP DIE OMGEWING KAN HÊ

Identifisering van handelinge wat waarskynlik nadelige invloed op omgewing sal hê

21. (1) Die Minister kan by kennisgewing in die *Staatskoerant* daardie handelinge
40 identifiseer wat na sy mening waarskynlik 'n wesenlike nadelige invloed op die
omgewing kan hê, hetsy in die algemeen, hetsy ten opsigte van bepaalde gebiede.

(2) Handelinge wat ingevolge subartikel (1) geïdentifiseer word, kan enige
handeling in enige van die volgende kategorieë insluit, maar is nie daartoe beperk
nie:

- 45 (a) Grondgebruik en -omvorming;
- (b) watergebruik en -wegdoening;
- (c) hulpbronnonttrekking, met inbegrip van natuurlike lewende hulpbronne;
- (d) hulpbronvernuwing;
- (e) landbouprosesse;
- 50 (f) nywerheidsprosesse;
- (g) vervoerwese;
- (h) energie-ontwikkeling en -verspreiding;
- (i) afval- en rioolbeskikking;
- (j) chemiese behandeling;
- 55 (k) ontspanning.

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(3) The Minister identifies an activity in terms of subsection (1) after consultation with the council and the Administrator of each province, and with the concurrence of—

- (a) the Minister of each department of State responsible for the execution, approval or control of such activity; and
- (b) the Minister of Finance and the Minister of Economic Affairs and Technology.

Prohibition of undertaking of identified activities

22. (1) No person shall undertake an activity identified in terms of section 21 (1) or cause such an activity to be undertaken except by virtue of a written authorization issued by the Minister or a local authority or an officer designated by the Minister by regulation.

(2) The authorization referred to in subsection (1) shall only be issued after consideration of reports concerning the impact of the activity in question and of alternative activities on the environment, which shall be compiled and submitted by such persons and in such manner as may be prescribed.

(3) The Minister or a local authority or officer referred to in subsection (1), may at his or its discretion refuse or grant the authorization for the activity or an alternative activity in question on such conditions if any, as he or it may deem necessary.

(4) If a condition imposed in terms of subsection (3) is not being complied with, the Minister, local authority or officer, as the case may be, may withdraw the authorization in respect of which such condition was imposed after at least 30 days' written notice was given to the person concerned.

Limited development areas

23. (1) The Minister may by notice in the *Gazette* declare any area defined by him, as a limited development area.

(2) No person shall undertake in a limited development area any development or activity prohibited by the Minister by notice in the *Gazette* or cause such development or activity to be undertaken unless he has on application been authorized thereto by the Minister or a local authority designated by the Minister in the notice, on the conditions contained in such authorization.

(3) In considering an application for an authorization referred to in subsection (2) the Minister or the designated local authority may request the person to submit a report as prescribed, concerning the influence of the proposed activity on the environment in the limited development area.

(4) A limited development area shall not be declared unless the Minister—

- (a) has given notice in the *Gazette* and in not fewer than one English and one Afrikaans newspaper circulating in the area in question of his intention to declare such area as a limited development area;
- (b) has permitted not fewer than 60 days for the submission to the Director-General of comment on the proposed declaration;
- (c) has considered all representations received in terms of such notice; and
- (d) has consulted each Minister charged with the administration of any law which in the opinion of the Minister relates to a matter affecting the environment in that area, as well as the Administrator in question.

PART VI**REGULATIONS****Regulations regarding waste management**

24. The Minister may make regulations with regard to waste management, concerning—

- (a) the manner in which an application for a permit in terms of section 20 (1) shall be submitted;

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- (3) Die Minister identifiseer 'n handeling ingevolge subartikel (1) na raadpleging van die raad en die Administrateur van elke provinsie, en met die instemming van—
- (a) die Minister van elke Staatsdepartement wat verantwoordelik is vir die uitvoering of goedkeuring van of die beheer oor sodanige handeling; en
- 5 (b) die Minister van Finansies en die Minister van Ekonomiese Sake en Tegnologie.

Verbod op verrigting van geïdentifiseerde handelinge

22. (1) Niemand mag 'n handeling wat ingevolge artikel 21 (1) geïdentifiseer is, verrig of laat verrig nie behalwe kragtens 'n skriftelike goedkeuring verleen deur die
- 10 Minister of 'n plaaslike owerheid of 'n beampte wat deur die Minister by regulasie aangewys word.

- (2) Die goedkeuring bedoel in subartikel (1) word slegs verleen na oorweging van verslae betreffende die invloed van die betrokke handeling en van alternatiewe handelinge op die omgewing, wat deur die persone en op die wyse soos voorgeskryf
- 15 saamgestel en voorgeleë moet word.

- (3) Die Minister of 'n plaaslike owerheid of beampte in subartikel (1) bedoel, kan die goedkeuring na goeë dunde ten opsigte van die betrokke handeling of 'n alternatiewe handeling weerhou, of dit verleen op die voorwaardes, as daar is, wat hy nodig ag.

- 20 (4) Indien 'n voorwaarde wat kragtens subartikel (3) opgelê is, nie nagekom word nie, kan die Minister, plaaslike owerheid of beampte, na gelang van die geval, na minstens 30 dae skriftelike kennisgewing aan die betrokke persoon die goedkeuring ten opsigte waarvan daardie voorwaarde opgelê is, intrek.

Beperkte ontwikkelingsgebiede

- 25 23. (1) Die Minister kan by kennisgewing in die *Staatskoerant* enige gebied wat hy omskryf tot 'n beperkte ontwikkelingsgebied verklaar.

- (2) Niemand mag in 'n beperkte ontwikkelingsgebied enige ontwikkeling of handeling wat deur die Minister by kennisgewing in die *Staatskoerant* verbied word, onderneem of laat onderneem nie tensy hy op aansoek deur die Minister of 'n
- 30 plaaslike owerheid wat die Minister by daardie kennisgewing aanwys, daartoe gemagtig word, op die voorwaardes in die magtiging vervat.

- (3) By oorweging van 'n aansoek om 'n magtiging in subartikel (2) bedoel, kan die Minister of die aangewese plaaslike owerheid die persoon versoek om 'n verslag soos voorgeskryf, aangaande die invloed van die voorgenome handeling op die omgewing
- 35 in die beperkte ontwikkelingsgebied, voor te lê.

- (4) 'n Beperkte ontwikkelingsgebied word nie verklaar nie tensy die Minister—

- (a) in die *Staatskoerant* en in minstens een Engelstalige en een Afrikaanstalige koerant wat in die betrokke gebied in omloop is, kennis gegee het van sy voorneme om daardie gebied tot 'n beperkte ontwikkelingsgebied te
- 40 verklaar;

- (b) minstens 60 dae toegelaat het vir die indiening by die Direkteur-generaal van kommentaar op die voorgenome verklaring;

- (c) alle verhoë wat ingevolge sodanige kennisgewing ontvang word, in oorweging geneem het; en

- 45 (d) elke Minister wat belas is met die uitvoering van 'n wet wat na die oordeel van die Minister betrekking het op 'n aangeleentheid wat die omgewing in daardie gebied raak, sowel as die betrokke Administrateur, geraadpleeg het.

DEEL VI**REGULASIES****Regulasies met betrekking tot afvalbestuur**

24. Die Minister kan regulasies uitvaardig met betrekking tot afvalbestuur, betreffende—

- (a) die wyse waarop daar aansoek gedoen moet word om 'n permit ingevolge
- 55 artikel 20 (1);

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- (b) the submission, subject to the provisions of section 3 (3) of the Statistics Act, 1976 (Act No. 66 of 1976), of statistics on the quantity of waste produced;
- (c) the classification of different types of waste and the handling, storage, transport and disposal of such waste; 5
- (d) the reduction of waste by—
 - (i) modifications in the design and marketing of products;
 - (ii) modifications to manufacturing processes; and
 - (iii) the use of alternative products;
- (e) the utilization of waste by way of recovery, re-use or processing of waste; 10
- (f) the location, planning and design of disposal sites and sites used for waste disposal;
- (g) control over the management of sites, installations and equipment used for waste disposal;
- (h) the administrative arrangements for the effective disposal of waste; 15
- (i) the dissemination of information to the public on effective waste disposal;
- (j) control over the import and export of waste; and
- (k) any other matter which he may deem necessary or expedient in connection with the effective disposal of waste for the protection of the environment.

Regulations regarding noise, vibration and shock

20

25. The Minister may make regulations with regard to the control of noise, vibration and shock, concerning—

- (a) the definition of noise, vibration and shock;
- (b) the prevention, reduction or elimination of noise, vibration and shock;
- (c) the levels of noise, vibration and shock which shall not be exceeded, either in general or by specified apparatus or machinery or in specified instances or places; 25
- (d) the type of measuring instrument which can be used for the determination of the levels of noise, vibration and shock, and the utilization and calibration thereof; 30
- (e) the powers of provincial administrations and local authorities to control noise, vibration and shock; and
- (f) any other matter which he may deem necessary or expedient in connection with the effective control and combating of noise, vibration and shock.

Regulations regarding environmental impact reports

35

26. The Minister may make regulations with regard to any activity identified in terms of section 21 (1) concerning—

- (a) the scope and content of environmental impact reports, which may include, but are not limited to—
 - (i) a description of the activity in question and of alternative activities; 40
 - (ii) the identification of the physical environment which may be affected by the activity in question and by the alternative activities;
 - (iii) an estimation of the nature and extent of the effect of the activity in question and of the alternative activities on the land, air, water, biota and other elements or features of the natural and man-made environments; 45
 - (iv) the identification of the economic and social interests which may be affected by the activity in question and by the alternative activities;
 - (v) an estimation of the nature and extent of the effect of the activity in question and the alternative activities on the social and economic interests; 50
 - (vi) a description of the design or management principles proposed for the reduction of adverse environmental effects; and
 - (vii) a concise summary of the finding of the environmental impact report;

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- (b) die verstrekking, behoudens die bepalinge van artikel 3 (3) van die Wet op Statistieke, 1976 (Wet No. 66 van 1976), van statistieke oor die hoeveelheid afval wat geproduseer word;
- (c) die klassifikasie van verskillende soorte afval en die hantering, berging en vervoer van en die beskikking oor sodanige afval;
- (d) die vermindering van afval deur—
 - (i) wysigings in die ontwerp en bemerking van produkte;
 - (ii) wysigings in vervaardigingsprosesse; en
 - (iii) die gebruik van alternatiewe produkte;
- (e) die benutting van afval by wyse van die herwinning, hergebruik of verwerking van afval;
- (f) die plasing, beplanning en ontwerp van stortterreine en terreine wat vir afvalbeskikking aangewend word;
- (g) beheer oor die bedryf van terreine, installasies en toerusting wat vir afvalbeskikking aangewend word;
- (h) die administratiewe reëlings vir die doeltreffende beskikking oor afval;
- (i) die verspreiding van inligting aan die publiek oor doeltreffende afvalbeskikking;
- (j) beheer oor die invoer en uitvoer van afval; en
- (k) enige ander aangeleentheid wat hy nodig of dienstig ag in verband met die doeltreffende beskikking oor afval ter beskerming van die omgewing.

Regulasies met betrekking tot geraas, vibrasie en skok

25. Die Minister kan regulasies uitvaardig met betrekking tot die beheer van geraas, vibrasie en skok, betreffende—
- (a) die omskrywing van geraas, vibrasie en skok;
 - (b) die voorkoming, vermindering of uitskakeling van geraas, vibrasie en skok;
 - (c) die peile van geraas, vibrasie en skok wat nie oorskry mag word nie, in die algemeen of deur bepaalde apparate of masjiene of in bepaalde gevalle of plekke;
 - (d) die soort meetinstrument wat vir die bepaling van die peile van geraas, vibrasie en skok gebruik kan word, en die gebruik en kalibrering daarvan;
 - (e) die bevoegdhede van provinsiale administrasies en plaaslike owerhede om geraas, vibrasie en skok te bekamp; en
 - (f) enige ander aangeleentheid wat hy nodig of dienstig ag in verband met die doeltreffende beheer en bekamping van geraas, vibrasie en skok.

Regulasies met betrekking tot omgewingsinvloedverslae

26. Die Minister kan regulasies uitvaardig met betrekking tot 'n handeling wat ingevolge artikel 21 (1) geïdentifiseer is, betreffende—
- (a) die omvang en inhoud van omgewingsinvloedverslae, wat kan insluit, maar nie beperk is nie tot—
 - (i) 'n beskrywing van die betrokke handeling en van alternatiewe handelinge;
 - (ii) die identifikasie van die fisiese omgewing wat deur die betrokke handeling en die alternatiewe handelinge beïnvloed mag word;
 - (iii) 'n raming van die aard en omvang van die invloed van die betrokke handeling en van die alternatiewe handelinge op die grond, lug, water, biota en ander elemente of kenmerke van die natuurlike en mensgemaakte omgewings;
 - (iv) die identifikasie van die ekonomiese en sosiale belange wat deur die betrokke handeling en deur die alternatiewe handelinge beïnvloed mag word;
 - (v) 'n raming van die aard en omvang van die invloed van die betrokke handeling en die alternatiewe handelinge op die sosiale en ekonomiese belange;
 - (vi) 'n beskrywing van die ontwerp of bestuursbeginsels wat voorgestel word vir die vermindering van ongunstige omgewingsinvloede; en
 - (vii) 'n beknopte opsomming van die bevinding van die omgewingsinvloedverslag;

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- (b) the drafting and evaluation of environmental impact reports and of the effect of the activity in question and of the alternative activities on the environment; and
- (c) the procedure to be followed in the course of and after the performance of the activity in question or the alternative activities in order to substantiate the estimations of the environmental impact report and to provide for preventative or additional actions if deemed necessary or desirable.

Regulations regarding limited development areas

27. The Minister may make regulations with regard to limited development areas, concerning—

- (a) the imposition of restrictions on the nature and extent of development or activities in connection with development in such area;
- (b) the procedure to be followed for obtaining permission for development in such area; and
- (c) the repair of damage to the environment in such area by unauthorized development or activities.

General regulatory powers

28. Any regulation made under this Part—

- (a) may assign functions to any provincial administration or any local authority;
- (b) may relate to the qualifications, powers and duties of officers enforcing the provisions of this Act, including the power to seize any book, document, vehicle or other thing which such officer deems necessary in the execution of his functions;
- (c) may relate to the application of the provisions of any international convention, treaty or agreement relating to the protection of the environment which has been entered into by the Government of the Republic of South Africa or has been ratified on behalf of such Government;
- (d) may provide that an officer, local authority or government institution may by notice call upon a person contravening a provision of this Act to take certain steps or to cease certain activities within a specified period;
- (e) may provide that any person who contravenes, or who fails to comply with, any provision thereof, shall be guilty of an offence and liable on conviction to a fine not exceeding R100 000 or to imprisonment for a period not exceeding 10 years or to both such fine and such imprisonment, and to a fine not exceeding three times the commercial value of any thing in respect of which the offence was committed, and, in the event of a continuing contravention, to a fine not exceeding R250 or to imprisonment for a period not exceeding 20 days or to both such fine and such imprisonment in respect of every day on which such contravention continues;
- (f) may be made in respect of different regions or different matters which the Minister may deem necessary or expedient;
- (g) may relate to any matter which in terms of this Act shall or may be prescribed by regulation;
- (h) may in general relate to any matter which aims at furthering the objects of this Act;
- (i) (i) which will entail the expenditure of State funds shall be made only with the concurrence of the Minister of Finance;
- (ii) which may affect the economic development or the creation of job opportunities shall only be promulgated with the concurrence of the Minister of Economic Affairs and Technology;
- (iii) which may affect the activities of any local authority or government institution shall only be promulgated with the concurrence of such local authority or government institution.

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- (b) die opstel en die beoordeling van omgewingsinvloedverslae en van die invloed van die betrokke handeling en van die alternatiewe handelinge op die omgewing; en
- (c) die prosedure wat gevolg moet word tydens en na die uitvoering van die betrokke handeling of die alternatiewe handelinge ten einde die ramings van die omgewingsinvloedverslag te staaf en voorsiening te maak vir voorkomende of bykomende optrede indien dit nodig of wenslik geag word.

Regulasies met betrekking tot beperkte ontwikkelingsgebiede

27. Die Minister kan regulasies uitvaardig met betrekking tot beperkte ontwikkelingsgebiede, betreffende—
- (a) die op lê van beperkings op die aard en omvang van ontwikkeling of handelinge in verband met ontwikkeling in so 'n gebied;
 - (b) die prosedure wat gevolg moet word om toestemming vir ontwikkeling in so 'n gebied te verkry; en
 - (c) die herstel van skade aan die omgewing in so 'n gebied deur ongemagtigde ontwikkeling of handelinge.

Algemene regulasiebevoegdhere

28. 'n Regulasie ingevolge hierdie Deel uitgevaardig—
- (a) kan werksaamhede aan 'n provinsiale administrasie of 'n plaaslike owerheid opdra;
 - (b) kan betrekking hê op die kwalifikasies, bevoegdhere en pligte van beamptes wat die bepalings van hierdie Wet toepas, met inbegrip van die bevoegdheid om beslag te lê op enige boek, stuk, voertuig of ander saak wat so 'n beampte by die uitoefening of verrigting van sy werksaamhede nodig ag;
 - (c) kan betrekking hê op die toepassing van die bepalings van 'n internasionale konvensie, verdrag of ooreenkoms met betrekking tot die beskerming van die omgewing wat deur die Regering van die Republiek van Suid-Afrika aangegaan is of namens daardie Regering bekragtig is;
 - (d) kan bepaal dat 'n beampte, plaaslike owerheid of owerheidsinstelling 'n persoon wat 'n bepaling van hierdie Wet oortree, by kennisgewing kan aansê om binne 'n bepaalde tydperk sekere stappe te doen of sekere optrede te staak;
 - (e) kan bepaal dat iemand wat 'n bepaling daarvan oortree of versuim om aan 'n bepaling daarvan te voldoen, skuldig is aan 'n misdryf en by skuldigbevinding strafbaar is met 'n boete van hoogstens R100 000 of met gevangenisstraf vir 'n tydperk van hoogstens 10 jaar of met daardie boete sowel as daardie gevangenisstraf, en met 'n boete van hoogstens drie maal die handelswaarde van enige saak ten opsigte waarvan die misdryf gepleeg is, en, in die geval van 'n voortdurende oortreding, met 'n boete van hoogstens R250 of met gevangenisstraf vir 'n tydperk van hoogstens 20 dae of met daardie boete sowel as daardie gevangenisstraf vir elke dag waarop die oortreding voortduur;
 - (f) kan betrekking hê op verskillende gebiede of verskillende aangeleenthede wat die Minister nodig of dienstig ag;
 - (g) kan betrekking hê op enige aangeleentheid wat ingevolge hierdie Wet by regulasie voorgeskryf moet of kan word;
 - (h) kan in die algemeen betrekking hê op enige aangeleentheid wat beoog om die oogmerke van hierdie Wet te bevorder;
 - (i) (i) wat die besteding van Staatsgeld sal meebring, word slegs met die instemming van die Minister van Finansies uitgevaardig;
 - (ii) wat die ekonomiese ontwikkeling of die skepping van werkgeleenthede kan beïnvloed, word slegs met die instemming van die Minister van Ekonomiese Sake en Tegnologie uitgevaardig;
 - (iii) wat die werksaamhede van 'n plaaslike owerheid of owerheidsinstelling kan beïnvloed, word slegs met die instemming van daardie plaaslike owerheid of owerheidsinstelling uitgevaardig.

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PART VII

OFFENCES, PENALTIES AND FORFEITURE

Offences and penalties

29. (1) Any person—

- (a) who, having been duly summoned to appear at proceedings under section 15, fails without lawful excuse so to appear; or 5
- (b) who, having appeared as a witness at proceedings under section 15, refuses without lawful excuse to be sworn or to make affirmation or to produce any book, document or thing or to answer any question which he may be lawfully required to produce or answer, 10

shall be guilty of an offence.

(2) Any person—

- (a) referred to in section 16 (3) who contravenes any provision of a direction issued under section 16 (2) or fails to comply therewith; or
- (b) who contravenes a provision of section 18 (6) or a condition of an exemption in terms of section 18 (7), 15

shall be guilty of an offence and liable on conviction to a fine not exceeding R8 000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

(3) Any person who contravenes a provision of section 19 (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000 or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment. 20

(4) Any person who contravenes a provision of section 20 (1), 20 (6), 22 (1) or 23 (2) or a direction issued under section 20 (5) or fails to comply with a condition of a permit, permission, authorization or direction issued or granted under the said provisions shall be guilty of an offence and liable on conviction to a fine not exceeding R100 000 or to imprisonment for a period not exceeding 10 years or to both such fine and such imprisonment, and to a fine not exceeding three times the commercial value of any thing in respect of which the offence was committed. 25

(5) Any person convicted of an offence in terms of this Act for which no penalty is expressly provided, shall be liable to a fine not exceeding R2 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment. 30

(6) Any person convicted of an offence in terms of this Act, and who after such conviction persists in the act or omission which constituted such offence, shall be guilty of a continuing offence and liable on conviction to a fine not exceeding R250 or to imprisonment for a period not exceeding 20 days or to both such fine and such imprisonment in respect of every day on which he so persists with such act or omission. 35

(7) In the event of a conviction in terms of this Act the court may order that any damage to the environment resulting from the offence be repaired by the person so convicted, to the satisfaction of the Minister or the local authority concerned. 40

(8) If within a period of 30 days after a conviction or such longer period as the court may determine at the time of the conviction, an order in terms of subsection (7) is not being complied with, the Minister or local authority concerned may itself take the necessary steps to repair the damage and recover the cost thereof from the person so convicted. 45

(9) Notwithstanding anything to the contrary in any law contained, a magistrate's court shall be competent to impose any penalty provided for in this Act.

Forfeiture

50

30. (1) Notwithstanding anything to the contrary in any law contained, a court convicting any person of an offence under this Act may declare any vehicle or other thing by means whereof the offence concerned was committed or which was used in the commission of such offence, or the rights of the convicted person to such vehicle or other thing, to be forfeited to the State. 55

DEEL VII

MISDRYWE, STRAWWE EN VERBEURDVERKLARING

Misdrywe en strawwe

29. (1) Iemand wat—

- 5 (a) nadat hy behoorlik gedagvaar is om by verrigtinge ingevolge artikel 15 te verskyn, sonder wettige rede versuim om aldus te verskyn; of
(b) nadat hy as 'n getuie by verrigtinge ingevolge artikel 15 verskyn het, sonder wettige rede weier om beëdig te word of 'n bevestiging te doen of om 'n boek, stuk of saak oor te lê of 'n vraag te beantwoord wat hy wettig aangesê
- 10 kan word om oor te lê of te beantwoord,

is aan 'n misdryf skuldig.

(2) Iemand—

- (a) bedoel in artikel 16 (3) wat 'n bepaling van 'n voorskrif uitgevaardig kragtens artikel 16 (2) oortree of versuim om daaraan te voldoen; of
- 15 (b) wat 'n bepaling van artikel 18 (6) of 'n voorwaarde van 'n vrystelling kragtens artikel 18 (7) oortree,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R8 000 of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met daardie boete sowel as daardie gevangenisstraf.

- 20 (3) Iemand wat 'n bepaling van artikel 19 (1) oortree, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens R1 000 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met daardie boete sowel as daardie gevangenisstraf.

- (4) Iemand wat 'n bepaling van artikel 20 (1), 20 (6), 22 (1) of 23 (2) of 'n voorskrif kragtens artikel 20 (5) uitgereik, oortree of versuim om aan 'n voorwaarde van 'n permit, goedkeuring, magtiging of voorskrif uitgereik of verleen ingevolge gemelde
- 25 bepaling te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R100 000 of met gevangenisstraf vir 'n tydperk van hoogstens 10 jaar of met daardie boete sowel as daardie gevangenisstraf, en met 'n boete van
- 30 hoogstens drie maal die handelswaarde van enige saak ten opsigte waarvan die misdryf gepleeg is.

- (5) Iemand wat skuldig bevind word aan 'n misdryf ingevolge hierdie Wet waarvoor geen straf uitdruklik voorgeskryf word nie, is strafbaar met 'n boete van hoogstens R2 000 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of
- 35 met daardie boete sowel as daardie gevangenisstraf.

- (6) Iemand wat aan 'n misdryf ingevolge hierdie Wet skuldig bevind word en wat na skuldigbevinding voortgaan met die handeling of versuim wat daardie misdryf uitgemaak het, is aan 'n voortdurende misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R250 of met gevangenisstraf vir 'n tydperk van
- 40 hoogstens 20 dae of met daardie boete sowel as daardie gevangenisstraf vir elke dag waarop hy aldus met daardie handeling of versuim voortgaan.

- (7) In die geval van 'n skuldigbevinding ingevolge hierdie Wet kan die hof gelas dat enige skade aan die omgewing wat uit die misdryf voortgespruit het, tot bevrediging van die Minister of die betrokke plaaslike owerheid deur die veroordeelde persoon herstel word.
- 45

- (8) Indien daar nie binne 'n tydperk van 30 dae na 'n skuldigbevinding of die langer tydperk wat die hof by skuldigbevinding bepaal, aan 'n lasgewing kragtens subartikel (7) voldoen word nie, kan die Minister of betrokke plaaslike owerheid self die nodige stappe doen om die skade te herstel en die koste daarvan op die
- 50 veroordeelde persoon verhaal.

- (9) Ondanks andersluidende bepalinge van enige ander wet, is 'n landdroshof bevoeg om enige straf op te lê waarvoor hierdie Wet voorsiening maak.

Verbeurdverklaring

30. (1) Ondanks andersluidende bepalinge van die een of ander wet, kan die hof
- 55 wat iemand weens 'n misdryf ingevolge hierdie Wet skuldig bevind, enige voertuig of ander saak deur middel waarvan die betrokke misdryf gepleeg is of wat by die pleging van daardie misdryf gebruik is, of die regte van die veroordeelde persoon op sodanige voertuig of ander saak, ten gunste van die staat verbeurd verklaar.

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(2) A declaration of forfeiture under subsection (1) shall not affect the rights which any person other than the convicted person may have to the vehicle or other thing concerned, if it is proved that he did not know that the vehicle or other thing was used or would be used for the purpose of or in connection with the commission of the offence concerned or that he could not prevent such use. 5

(3) The provisions of section 35 (3) and (4) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), shall *mutatis mutandis* apply to any declaration of forfeiture under this section.

PART VIII

GENERAL PROVISIONS

10

Powers of Minister and Administrator in case of default by local authority

31. (1) If in the opinion of the Administrator of the province in question, any local authority fails to perform any function assigned to it by or under this Act, that Administrator may, after affording that local authority an opportunity of making representations to him, in writing direct such local authority to perform such function within a period specified in the direction, and if that local authority fails to comply with such direction, the Administrator may perform such function as if he were that local authority and may authorize any person to take all steps required for that purpose. 15

(2) Any expenditure incurred by the Administrator in the performance of any function by virtue of the provisions of subsection (1), may be recovered from the local authority concerned. 20

(3) Whenever in the opinion of the Minister a local authority has failed to perform a function in terms of subsection (1), the Minister may request the Administrator in question to act in terms of subsection (1), and if the Administrator fails within 90 days after the date of such request to act accordingly, the Minister may do anything which the Administrator could have done, and the provisions of subsections (1) and (2) shall apply *mutatis mutandis* with reference to the Minister and anything done by him or under his authority. 25

Publication for comment

30

32. (1) If the Minister, the Minister of Water Affairs, an Administrator or any local authority, as the case may be, intends to—

- (a) issue a regulation or a direction in terms of the provisions of this Act;
- (b) make a declaration or identification in terms of section 16 (1), 18 (1), 21 (1) or 23 (1); or
- (c) determine a policy in terms of section 2,

a draft notice shall first be published in the *Gazette* or the *Official Gazette* in question, as the case may be. 35

(2) The draft notice referred to in subsection (1) shall include—

- (a) the text of the proposed regulation, direction, declaration, identification or determination of policy;
- (b) a request that interested parties shall submit comments in connection with the proposed regulation, direction, declaration, identification or determination of policy within the period stated in the notice, which period shall not be fewer than 30 days after the date of publication of the notice;
- (c) the address to which such comments shall be submitted. 40

(3) If the Minister, Administrator or local authority concerned thereafter determines on any alteration of the draft notice published as aforesaid, it shall not be necessary to publish such alteration before finally issuing the notice. 45

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(2) 'n Verbeurdverklaring ingevolge subartikel (1) raak geen regte wat iemand anders as die veroordeelde persoon op die betrokke voertuig of ander saak het nie, indien dit bewys word dat hy nie geweet het dat die voertuig of ander saak vir die doel van of in verband met die pleeg van die betrokke misdryf gebruik was of sou word nie of dat hy sodanige gebruik nie kon verhoed nie.

(3) Die bepalings van artikel 35 (3) en (4) van die Strafproseswet, 1977 (Wet No. 51 van 1977), is *mutatis mutandis* van toepassing op 'n verbeurdverklaring ingevolge hierdie artikel.

DEEL VIII

10

ALGEMENE BEPALINGS

Bevoegdhede van Minister en Administrateur in geval van versuim deur plaaslike owerheid

31. (1) Indien 'n plaaslike owerheid na die oordeel van die Administrateur van die betrokke provinsie versuim om 'n werksaamheid te verrig wat by of kragtens hierdie Wet aan hom opgedra is, kan daardie Administrateur, nadat hy daardie plaaslike owerheid 'n geleentheid gebied het om vertoë tot hom te rig, die plaaslike owerheid skriftelik gelas om binne 'n tydperk in die lasgewing vermeld daardie werksaamheid te verrig, en indien die plaaslike owerheid versuim om aan daardie lasgewing te voldoen, kan die Administrateur daardie werksaamheid verrig asof hy daardie plaaslike owerheid is en kan hy enigiemand magtig om alle stappe wat vir daardie doel nodig is, te doen.

(2) Enige uitgawe deur die Administrateur aangegaan by die verrigting van 'n werksaamheid uit hoofde van die bepalings van subartikel (1), kan op die betrokke plaaslike owerheid verhaal word.

25 (3) Wanneer na die oordeel van die Minister 'n plaaslike owerheid versuim het om 'n werksaamheid ingevolge subartikel (1) te verrig, kan die Minister die betrokke Administrateur versoek om ingevolge subartikel (1) op te tree, en as die Administrateur versuim om binne 90 dae na die datum van die versoek aldus op te tree, kan die Minister enigiets doen wat die Administrateur sou kon doen, en is die bepalings 30 van subartikels (1) en (2) *mutatis mutandis* van toepassing met betrekking tot die Minister en enigiets deur hom of kragtens sy magtiging gedoen.

Publikasie vir kommentaar

32. (1) Indien die Minister, die Minister van Waterwese, 'n Administrateur of enige plaaslike owerheid, na gelang van die geval, van voorneme is om—
35 (a) kragtens die bepalings van hierdie Wet 'n regulasie of 'n voorskrif uit te vaardig;
(b) 'n verklaring of identifisering kragtens artikel 16 (1), 18 (1), 21 (1) of 23 (1) te maak; of
(c) beleid kragtens artikel 2 te bepaal,
40 moet 'n konsep-kennisgewing vooraf in die *Staatskoerant* of die betrokke *Offisiële Koerant*, na gelang van die geval, gepubliseer word.

(2) Die konsep-kennisgewing in subartikel (1) bedoel, moet insluit—

(a) die teks van die voorgenome regulasie, voorskrif, verklaring, identifikasie of beleidsbepaling;
45 (b) 'n versoek dat belanghebbende persone kommentaar lewer in verband met die voorgenome regulasie, voorskrif, verklaring, identifikasie of beleidsbepaling binne die tydperk in die kennisgewing genoem, wat nie minder as 30 dae na die datum van publikasie mag wees nie;
(c) die adres waarheen sodanige kommentaar gestuur moet word.

50 (3) Indien die betrokke Minister, Administrateur of plaaslike owerheid daarna besluit op 'n verandering van die konsep-kennisgewing wat soos voormeld gepubliseer is, is dit nie nodig om daardie verandering te publiseer voordat die kennisgewing finaal uitgevaardig word nie.

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Delegation

33. The Minister, the Minister of Water Affairs, an Administrator, a local authority or a government institution may on such conditions as he or it may deem fit delegate or assign any power or duty conferred upon or assigned to him or it by or under this Act, excluding any power referred to in sections 2, 16 (2), 18 (1), 18 (4), 20 (5), 24, 25, 26, 27 and 28, to, respectively, any officer or employee of the Department, the Department of Water Affairs or the provincial administration or local authority or government institution concerned. 5

Compensation for loss

34. (1) If in terms of the provisions of this Act limitations are placed on the purposes for which land may be used or on activities which may be undertaken on the land, the owner of, and the holder of a real right in, such land shall have a right to recover compensation from the Minister or Administrator concerned in respect of actual loss suffered by him consequent upon the application of such limitations. 10

(2) The amount so recoverable shall be determined by agreement entered into between such owner or holder of the real right and the Minister or Administrator, as the case may be, with the concurrence of the Minister of Finance. 15

(3) In the absence of such agreement the amount so to be paid shall be determined by a court referred to in section 14 of the Expropriation Act, 1975 (Act No. 63 of 1975), and the provisions of that section and section 15 of that Act shall *mutatis mutandis* apply in determining such amount. 20

Appeal to Minister or Administrator

35. (1) Any person who feels aggrieved at a decision referred to in section 20 in respect of which a power has been delegated to an officer or employee under section 33 may appeal against such decision to the Minister of Water Affairs in the prescribed manner, within the prescribed period and upon payment of the prescribed fee. 25

(2) Any person who feels aggrieved at a decision of an officer or employee enforcing a provision of this Act in respect of a protected natural environment may appeal against such decision to the Administrator concerned, in the prescribed manner, within the prescribed period and upon payment of the prescribed fee. 30

(3) Subject to the provisions of subsections (1) and (2) any person who feels aggrieved at a decision of an officer or employee exercising any power delegated to him in terms of this Act or conferred upon him by regulation, may appeal against such decision to the Minister in the prescribed manner, within the prescribed period and upon payment of the prescribed fee. 35

(4) The Minister, the Minister of Water Affairs or an Administrator, as the case may be, may, after considering such an appeal, confirm, set aside or vary the decision of the officer or employee or make such order as he may deem fit, including an order that the prescribed fee paid by the applicant or such part thereof as the Minister or Administrator concerned may determine be refunded to that person. 40

Review by court

36. (1) Notwithstanding the provisions of section 35, any person whose interests are affected by a decision of an administrative body under this Act, may within 30 days after having become aware of such decision, request such body in writing to furnish reasons for the decision within 30 days after receiving the request. 45

(2) Within 30 days after having been furnished with reasons in terms of subsection (1), or after the expiration of the period within which reasons had to be so furnished by the administrative body, the person in question may apply to a division of the Supreme Court having jurisdiction, to review the decision. 50

Delegering

33. Die Minister, die Minister van Waterwese, 'n Administrateur, 'n plaaslike owerheid of 'n owerheidsinstelling kan enige bevoegdheid of plig by of kragtens hierdie Wet aan hom verleen of opgedra, uitgesonderd die bevoegdheid bedoel in artikels 2, 16 (2), 18 (1), 18 (4), 20 (5), 24, 25, 26, 27 en 28, aan onderskeidelik enige beampte of werknemer van die Departement, die Departement van Waterwese of die betrokke provinsiale administrasie of plaaslike owerheid of owerheidsinstelling delegeer of opdra op die voorwaardes wat hy goedvind.

Vergoeding vir skade

34. (1) Indien daar ingevolge die bepalings van hierdie Wet beperkings geplaas word op die doeleindes waarvoor grond aangewend kan word of op die handelinge wat op grond uitgevoer kan word, het die eienaar van, en die houer van 'n saaklike reg op, die grond die reg om op die Minister of die betrokke Administrateur vergoeding te verhaal ten opsigte van werklike skade deur hom gelyk as gevolg van die toepassing van daardie beperkings.
- (2) Die bedrag wat aldus verhaal kan word, word bepaal by ooreenkoms gesluit tussen daardie eienaar of houer van die saaklike reg en die Minister of die Administrateur, na gelang van die geval, met die instemming van die Minister van Finansies.
- (3) By ontstentenis van so 'n ooreenkoms word die bedrag wat aldus betaal word, deur 'n hof bedoel in artikel 14 van die Onteieningswet, 1975 (Wet No. 63 van 1975), vasgestel, en die bepalings van daardie artikel en artikel 15 van daardie Wet geld *mutatis mutandis* by die vasstelling van sodanige bedrag.

Appel na Minister of Administrateur

35. (1) Iemand wat hom veronreg voel oor 'n beslissing bedoel in artikel 20 ten opsigte waarvan 'n bevoegdheid kragtens artikel 33 aan 'n beampte of werknemer gedelegeer is, kan op die voorgeskrewe wyse, binne die voorgeskrewe tydperk en by betaling van die voorgeskrewe geld na die Minister van Waterwese teen die beslissing appelleer.
- (2) Iemand wat hom veronreg voel oor 'n beslissing van 'n beampte of werknemer wat 'n bepaling van hierdie Wet met betrekking tot 'n beskermde natuuumgewing toepas, kan op die voorgeskrewe wyse, binne die voorgeskrewe tydperk en by betaling van die voorgeskrewe geld, na die betrokke Administrateur daarteen appelleer.
- (3) Behoudens die bepalings van subartikels (1) en (2) kan iemand wat hom veronreg voel oor 'n beslissing van 'n beampte of werknemer wat 'n bevoegdheid uitoefen wat kragtens hierdie Wet aan hom gedelegeer is, of wat by regulasie aan hom verleen is, binne die voorgeskrewe tydperk, op die voorgeskrewe wyse en by betaling van die voorgeskrewe geld, na die Minister daarteen appelleer.
- (4) Die Minister, die Minister van Waterwese of 'n Administrateur, na gelang van die geval, kan, na oorweging van so 'n appel, die beslissing van die beampte of werknemer bevestig, tersyde stel of verander of die bevel uitreik wat hy goedvind, met inbegrip van 'n opdrag dat die voorgeskrewe geld wat die appellant betaal het, of die deel daarvan wat die betrokke Minister of Administrateur bepaal, aan daardie persoon terugbetaal word.

Hersiening deur hof

36. (1) Ondanks die bepalings van artikel 35, kan iemand wie se belange geraak word deur 'n beslissing van 'n administratiewe liggaam ingevolge hierdie Wet, binne 30 dae nadat hy van so 'n beslissing bewus geword het, daardie liggaam skriftelik versoek om binne 30 dae vanaf ontvangs van die versoek redes vir die beslissing te verstrek.
- (2) Binne 30 dae nadat redes ingevolge subartikel (1) verstrekkend is, of na verstryking van die tydperk waarbinne die redes aldus deur die administratiewe liggaam verstrekkend moes word, kan die betrokke persoon by 'n bevoegde afdeling van die Hooggeregshof aansoek doen om hersiening van die beslissing.

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Restriction of liability

37. No person, including the State, shall be liable in respect of anything done in good faith in the exercise of a power or the performance of a duty conferred or imposed in terms of this Act.

Entering into and ratification of conventions, treaties and agreements

5

38. (1) The State President may by proclamation in the *Gazette* add to this Act any Schedule containing the provisions of an international convention, treaty or agreement relating to the protection of the environment which has been entered into or ratified by the Government of the Republic.

(2) The State President may by proclamation in the *Gazette* amend the Schedule 10 to give effect to any amendment of or addition to any convention, treaty or agreement referred to in subsection (1) which may from time to time be effected and is ratified by the Government of the Republic.

(3) The Minister shall lay a copy of any proclamation issued under subsection (1) or (2), on the Table in Parliament within 14 days after publication thereof in the 15 *Gazette* if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within 14 days after the commencement of its next ensuing ordinary session.

Agreements with self-governing territories

39. The Minister may enter into an agreement with the government of a 20 self-governing territory as defined in section 38 of the National States Constitution Act, 1971 (Act No. 21 of 1971), in order to promote the objects of this Act.

State bound

40. The provisions of this Act shall bind the State, including any provincial 25 administration, except in so far as criminal liability is concerned.

Application of Act

41. (1) This Act shall also apply in respect of the Prince Edward Islands as defined in section 1 of the Prince Edward Islands Act, 1948 (Act No. 43 of 1948).

(2) The provisions of this Act shall not apply in respect of any matter to which the provisions of the National Monuments Act, 1969 (Act No. 28 of 1969), apply. 30

Repeal of laws, and savings

42. (1) Subject to the provisions of subsection (2), the laws mentioned in the Schedule are hereby repealed to the extent set out in the third column thereof.

(2) Anything done under any provision of a law repealed by subsection (1) and which could have been done under a provision of this Act shall be deemed to have 35 been done under the latter provision.

Amendment of section 1 of Act 88 of 1967, as substituted by section 1 of Act 73 of 1975 and amended by section 1 of Act 104 of 1977, section 1 of Act 51 of 1981, section 1 of Act 87 of 1983 and section 1 of Act 92 of 1985

43. Section 1 of the Physical Planning Act, 1967, is hereby amended by the 40 deletion of the definition of "nature area".

Amendment of section 4 of Act 88 of 1967, as substituted by section 3 of Act 51 of 1981

44. (1) Section 4 of the Physical Planning Act, 1967, is hereby amended by the deletion of paragraph (b) of subsection (1).

Beperking van aanspreeklikheid

37. Niemand, met inbegrip van die Staat, is aanspreeklik nie ten opsigte van enigiets wat te goeder trou gedoen is by die uitoefening van 'n bevoegdheid of die uitvoering van 'n plig wat ingevolge hierdie Wet verleen of opgedra is.

5 Aangaan en bekragtiging van konvensies, verdrae en ooreenkomste

38. (1) Die Staatspresident kan by proklamasie in die *Staatskoerant* by hierdie Wet enige Bylae voeg waarin die bepalings van 'n internasionale konvensie, verdrag of ooreenkoms met betrekking tot die beskerming van die omgewing wat deur die Regering van die Republiek aangegaan of bekragtig is, opgeneem word.

10 (2) Die Staatspresident kan by proklamasie in die *Staatskoerant* die Bylae wysig om gevolg te gee aan enige wysiging van of byvoeging by 'n konvensie, verdrag of ooreenkoms in subartikel (1) bedoel wat van tyd tot tyd aangebring mag word en deur die Regering van die Republiek bekragtig is.

15 (3) Die Minister moet 'n afskrif van enige proklamasie wat kragtens subartikel (1) of (2) uitgevaardig word in die Parlement ter Tafel lê binne 14 dae na publikasie daarvan in die *Staatskoerant* as die Parlement dan in gewone sessie is, of as die Parlement dan nie in gewone sessie is nie, binne 14 dae na die aanvang van sy eersvolgende gewone sessie.

Ooreenkomste met selfregerende gebiede

20 39. Die Minister kan 'n ooreenkoms met die regering van 'n selfregerende gebied soos omskryf in artikel 38 van die Grondwet van die Nasionale State, 1971 (Wet No. 21 van 1971), aangaan ten einde die oogmerke van hierdie Wet te bevorder.

Staat gebonde

25 40. Die bepalings van hierdie Wet bind die Staat, met inbegrip van 'n provinsiale administrasie, behalwe vir sover dit strafregtelike aanspreeklikheid betref.

Toepassing van Wet

41. (1) Hierdie Wet is ook van toepassing ten opsigte van die Prins Edward-eilande soos omskryf in artikel 1 van die Wet op die Prins Edward-eilande, 1948 (Wet No. 43 van 1948).

30 (2) Die bepalings van hierdie Wet is nie van toepassing nie ten opsigte van enige aangeleentheid waarop die bepalings van die Wet op Nasionale Gedenkwaardighede, 1969 (Wet No. 28 van 1969), van toepassing is.

Herroeping van wette, en voorbehoude

35 42. (1) Behoudens die bepalings van subartikel (2) word die wette in die Bylae vermeld hierby herroep in die mate in die derde kolom daarvan aangedui.

(2) Enigiets wat gedoen is kragtens 'n bepaling van 'n wet wat by subartikel (1) herroep is en wat kragtens 'n bepaling van hierdie Wet gedoen sou kon word, word geag kragtens laasgenoemde bepaling gedoen te gewees het.

40 Wysiging van artikel 1 van Wet 88 van 1967, soos vervang deur artikel 1 van Wet 73 van 1975 en gewysig deur artikel 1 van Wet 104 van 1977, artikel 1 van Wet 51 van 1981, artikel 1 van Wet 87 van 1983 en artikel 1 van Wet 92 van 1985

43. Artikel 1 van die Wet op Fisiese Beplanning, 1967, word hierby gewysig deur die omskrywing van "natuurgebied" te skrap.

45 Wysiging van artikel 4 van Wet 88 van 1967, soos vervang deur artikel 3 van Wet 51 van 1981

44. (1) Artikel 4 van die Wet op Fisiese Beplanning, 1967, word hierby gewysig deur paragraaf (b) van subartikel (1) te skrap.

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(2) At the commencement of this Act, land reserved as a nature area in terms of section 4 (1) (b) of the Physical Planning Act, 1967 (Act No. 88 of 1967), shall, notwithstanding the provisions of subsection (1), be deemed to be declared a protected natural environment in terms of section 16 (1) of this Act, and the provisions of section 4 (2) of the Physical Planning Act, 1967, shall continue to apply to such land. 5

Amendment of section 6 of Act 88 of 1967, as substituted by section 4 of Act 51 of 1981

45. Section 6 of the Physical Planning Act, 1967, is hereby amended by the substitution for subparagraph (i) of paragraph (e) of subsection (2) of the following subparagraph: 10

“(i) which has been reserved for the utilization of a particular natural resource
[or as a nature area];”.

Short title

46. This Act shall be called the Environment Conservation Act, 1989.

Schedule

No. and year of law	Title	Extent of repeal
Act 100 of 1982	Environment Conservation Act, 1982	The whole
Act 45 of 1983	Environment Conservation Amendment Act, 1983	The whole
Act 61 of 1987	Environment Conservation Amendment Act, 1987	The whole

WET OP OMGEWINGSBEWARING, 1989

Wet No. 73, 1989

(2) By die inwerkingtreding van hierdie Wet word grond wat kragtens artikel 4 (1) (b) van die Wet op Fisiese Beplanning, 1967 (Wet No. 88 van 1967), as 'n natuurgebied voorbehou is, ondanks die bepalinge van subartikel (1) geag tot 'n beskermde natuuumgewing kragtens artikel 16 (1) van hierdie Wet verklaar te wees, en hou die bepalinge van artikel 4 (2) van die Wet op Fisiese Beplanning, 1967, aan om op sodanige grond van toepassing te wees.

Wysiging van artikel 6 van Wet 88 van 1967, soos vervang deur artikel 4 van Wet 51 van 1981

45. Artikel 6 van die Wet op Fisiese Beplanning, 1967, word hierby gewysig deur subparagraaf (i) van paragraaf (e) van subartikel (2) deur die volgende subparagraaf te vervang:

“(i) vir die benutting van 'n bepaalde hulpbron **[of as 'n natuurgebied]** voorbehou is;”.

Kort titel

15 46. Hierdie Wet heet die Wet op Omgewingsbewing, 1989.

Bylae

No. en jaar van wet	Titel	In hoeverre herroep
Wet 100 van 1982	Wet op Omgewingsbewaring, 1982	Die geheel
Wet 45 van 1983	Wysigingswet op Omgewingsbewaring, 1983	Die geheel
Wet 61 van 1987	Wysigingswet op Omgewingsbewaring, 1987	Die geheel

