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GOVERNMENT GAZETTE

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STATE PRESIDENT'S OFFICE

No. 2.

5 January 1994

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

No. 189 of 1993: Environment Conservation Second Amendment Act, 1993.

KANTOOR VAN DIE STAATSPRESIDENT

No. 2.

5 Januarie 1994

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

No. 189 van 1993: Tweede Wysigingswet op Omgewingsbewaring, 1993.

GENERAL EXPLANATORY NOTE:

Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Environment Conservation Act, 1989, in order to make provision for the Minister to determine policy also with regard to the implementation and application of a convention, treaty or agreement; to grant the Minister the power to lay down norms and standards at the determination of policy; to grant the Director-General the power to ensure that the policy is complied with; and to further regulate the delegation of powers and assignment of duties; and to make provision for matters connected therewith.

*(English text signed by the State President.)
(Assented to 22 December 1993.)*

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

Amendment of section 2 of Act 73 of 1989, as amended by section 2 of Act 79 of 1992

1. Section 2 of the Environment Conservation Act, 1989 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“(1) Subject to the provisions of subsection (2) the Minister may by notice in the *Gazette* determine the general policy, including policy with regard to the implementation and application of a convention, treaty or agreement relating to the environment which has been entered into or ratified, or to be entered into or ratified, by the Government of the Republic, to be applied with a view to—”; and

(b) by the insertion of the following subsection after subsection (1):

“(1A) The Minister may, in determining the policy under subsection (1), if in the opinion of the Minister it will further the objectives mentioned in subsection (1)(a), (b), (c) and (d), determine norms and standards to be complied with.”.

Substitution of section 3 of Act 73 of 1989, as substituted by section 3 of Act 79 of 1992

2. The following section is hereby substituted for section 3 of the principal Act:

“Compliance with policy

3. (1) Each Minister, Administrator, local authority and government institution upon which any power has been conferred or to which

ALGEMENE VERDUIDELIKENDE NOTA:

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Omgewingsbewing, 1989, ten einde voorsiening te maak dat die Minister ook met betrekking tot die implementering en toepassing van 'n konvensie, verdrag of ooreenkoms beleid kan bepaal; aan die Minister die bevoegdheid te verleen om by die bepaling van beleid norme en standaarde te bepaal; aan die Direkteur-generaal die bevoegdheid te verleen om toe te sien dat die beleid gevolg word; en die delegering van bevoegdhede en die opdra van pligte verder te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 22 Desember 1993.)

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

Wysiging van artikel 2 van Wet 73 van 1989, soos gewysig deur artikel 2 van Wet 79 van 1992

5 1. Artikel 2 van die Wet op Omgewingsbewing, 1989 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

10 “(1) Behoudens die bepalings van subartikel (2) kan die Minister by kennisgewing in die *Staatskoerant* die algemene beleid, met inbegrip van beleid met betrekking tot die implementering en toepassing van 'n konvensie, verdrag of ooreenkoms aangaande die omgewing wat deur die Regering van die Republiek aangegaan of bekragtig is, of aangegaan of bekragtig staan te word, bepaal wat gevolg moet word met die oog op—”; en

15 (b) deur na subartikel (1) die volgende subartikel in te voeg:

20 “(1A) Die Minister kan by die bepaling van die beleid kragtens subartikel (1), indien dit na die mening van die Minister die oogmerke in subartikel (1)(a), (b), (c) en (d) vermeld, sal bevorder, norme en standaarde bepaal waaraan voldoen moet word.”.

Vervanging van artikel 3 van Wet 73 van 1989, soos vervang deur artikel 3 van Wet 79 van 1992

2. Artikel 3 van die Hoofwet word hierby deur die volgende artikel vervang:

“Nakoming van beleid

25 3. (1) Elke Minister, Administrateur, plaaslike owerheid en owerheidsinstelling aan wie 'n bevoegdheid of plig wat 'n invloed op

any duty which may have an influence on the environment has been assigned by or under any law, shall exercise such power and perform such duty in accordance with the policy referred to in section 2.

(2) The Director-General shall ensure that the policy which has been determined under section 2(1), is complied with by each Minister, Administrator, local authority and government institution referred to in subsection (1), and may—

(a) take any steps or make any inquiries he deems fit in order to determine if the said policy is being complied with by any such Minister, Administrator, local authority or government institution; and

(b) if in pursuance of any step taken or inquiry made under paragraph (a), he is of opinion that the said policy is not being complied with by any such Minister, Administrator, local authority or government institution, take such steps as he deems fit in order to ensure that the policy is complied with by such Minister, Administrator, local authority or government institution.”.

Substitution of section 33 of Act 73 of 1989, as substituted by section 20 of Act 79 of 1992

3. The following section is hereby substituted for section 33 of the principal Act:

“Delegation

33. (1) 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), 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.

(2) The Director-General may, on such conditions as he may deem fit, delegate or assign any power or duty conferred upon or assigned to him by or under this Act, to any officer or employee of the Department.”.

Short title

4. This Act shall be called the Environment Conservation Second Amendment Act, 1993.

die omgewing kan hê by of kragtens 'n wet opgedra of opgelê is, moet daardie bevoegdheid en plig uitoefen en verrig ooreenkomstig die beleid in artikel 2 bedoel.

5 (2) Die Direkteur-generaal moet toesien dat die beleid wat kragtens artikel 2(1) bepaal is, gevolg word deur elke Minister, Administrateur, plaaslike owerheid en owerheidsinstelling in subartikel (1) bedoel, en kan—

10 (a) enige stappe of ondersoek doen wat hy goedvind ten einde vas te stel of bedoelde beleid gevolg word deur enige sodanige Minister, Administrateur, plaaslike owerheid of owerheidsinstelling; en

15 (b) indien hy, na aanleiding van enige stap of ondersoek onder paragraaf (a) gedoen, van mening is dat enige sodanige Minister, Administrateur, plaaslike owerheid of owerheidsinstelling nie bedoelde beleid volg nie, sodanige stappe doen wat hy goedvind ten einde te verseker dat die beleid gevolg word deur sodanige Minister, Administrateur, plaaslike owerheid of owerheidsinstelling.”.

Vervanging van artikel 33 van Wet 73 van 1989, soos vervang deur artikel 20 van
20 Wet 79 van 1992

3. Artikel 33 van die Hoofwet word hierby deur die volgende artikel vervang:

“Delegering

25 33. (1) 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 'n bevoegdheid bedoel in artikels 2, 16(2), 18(1), 18(4), 24, 25, 26, 27 en 28, aan onderskeidelik enige beamppte of werknemer van die Departement, die Departement van Waterwese of die betrokke provinsiale administrasie of plaaslike owerheid of owerheidsinstelling deleger of opdra op die voorwaardes wat hy goedvind.

30 (2) Die Direkteur-generaal kan 'n bevoegdheid of plig by of kragtens hierdie Wet aan hom verleen of opgedra, aan enige beamppte of werknemer van die Departement deleger of opdra op
35 die voorwaardes wat hy goedvind.”.

Kort titel

4. Hierdie Wet heet die Tweede Wysigingswet op Omgewingsbewing, 1993.

