



SWAZILAND GOVERNMENT GAZETTE

VOL. XXXVIII]

MBABANE, Friday, April 21st., 2000

[No. 558

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NOTICE

Notice is hereby given that I, Sigwalaza Alpheus Dlamini of Manzini Region intend to apply to the Honourable Minister for Justice of the Kingdom of Swaziland for authorisation to assume the surname Ngubane after the fourth publication of this notice in each of the four consecutive weeks in the Times of Swaziland Newspaper, being the only newspaper circulating in the Region where I reside and designated for this purpose by the Regional Secretary for the Manzini Region and in the Government Gazette.

The reason I want to assume the surname is because Ngubane is my natural surname.

Any person or persons likely to object to my assuming the surname Ngubane should lodge their objections in writing with me at the address given below and with the Regional Secretary for Manzini Region.

P. O. Box 149
Bhunya

B400 4x28-04-2000

NOTICE

Notice is hereby given that I, Sanele Percy Zwane of Manzini Region intend to apply to the Honourable Minister for Justice of the Kingdom of Swaziland for authorisation to assume the surname Ndlovu after the fourth publication of this notice in each of the four consecutive weeks in the Times of Swaziland Newspaper, being the only newspaper circulating in the Region where I reside and designated for this purpose by the Regional Secretary for the Manzini Region and in the Government Gazette.

The reason I want to assume the surname is because Ndlovu is my natural surname.

Any person or persons likely to object to my assuming the surname Ndlovu should lodge their objections in writing with me at the address given below and with the Regional Secretary for Manzini Region.

P. O. Box 2560
Mbabane

B524 4x05-05-2000

NOTICE

ESTATE LATE: JABULANE LUKHELE ESTATE NO. EH73/2000

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within twenty one (21) days after the date of publication of this notice.

MRS ESTER LUKHELE
P. O. Box 905
Mbabane

B532 21-04-2000

263

NOTICE

IN THE ESTATE OF THE LATE VUSUMUZI ARTHUR MAPHALALA

All creditors and person interested ab intestato or otherwise in the abovementioned estate are hereby called upon within twenty one days from the date hereof, to lodge in writing with the Master of the High Court of Swaziland at Mbabane, Swaziland, the particulars of their claims against the said estate and their objections, if any, to the signing and sealing by him of the Letters of Administration granted in terms of the Black Administration Act 1927 by the Magistrate's Court, Alberton Gauteng on the 6th August 1997 to **MARY VERONICA MAPHALALA**

ROBINSON BERTRAM
Attorneys for Executor/Testamentary
P. O. Box 24
Mbabane

B507 2x-21-2000

NOTICE

APPLICATION FOR LOST TITLE DEED

Notice is hereby given that we intend to apply for a certified copy of Notarial Cession No. 29/1951 dated 11th December 1951 held by HL & H Forest Products Swaziland (Proprietary) Limited (Certificate of Incorporation No. 11/1983) in respect of:

CERTAIN : Remaining Extent of Land Concession No. 142L situate in the Mankayane District, Swaziland.

MEASURING : 638,4189 (Six Three Eight Comma Four One Eight Nine) hectares

Any person having objection to the issue of such copy is hereby required to lodge it in writing with the Registrar of Deeds within three (3) weeks from the date of the last publication of this notice.

DATED AT MBABANE ON THIS THE DAY OF 2000.

RJS PERRY
Applicant's Attorney
2nd Floor Development House
Swazi Plaza
P. O. Box 4869
Mbabane

B508 2x-21-04-2000

NOTICE

ESTATE LATE: SAMUEL DOCTOR MBISHI DLAMINI ESTATE NO. EH200/98

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

MRS REBECCA DLAMINI
P. O. Box 518
Mbabane

B533 21-04-2000

NOTICE

Notice is hereby given that we intend applying for a certified copy of: Deed of Transfer No. 202/1955 dated 12th LIONEL LIPKIN (born in the year 1922) in respect of:-

CERTAIN : Portion 35 of the Farm NOTCLIFFE No. 674, situate in the district of Siteki, formerly Central District Swaziland, on Crown Land Area No. 256

MEASURING : 2 (TWO) Morgen 308 (Three Hundred and Eight) Square Roods

ANY person having objection to the issue of such copy is hereby requested to lodge it in writing with the Registrar of Deed within three (3) weeks of the last publication of this Notice.

DATED AT MBABANE THIS 6TH DAY OF APRIL 2000.

SHILUBANE, NTIWANE & PARTNERS
Attorneys for Applicant
Fourth Floor Mbandzeni Building
Smuts/Church Streets
P. O. Box A93 Swazi Plaza
Mbabane

B523 2x21-04-2000

NOTICE

ESTATE LATE: SAMSON F. MAVUSO ESTATE NO. ES120/97

Notice is hereby given in terms of Section 51 bis of the Administration of Estates Act No. 28 of 1902 that the First and Final Liquidation and Distribution Account will lie open for inspection at the office of the Master of the High Court of Swaziland Mbabane, and at the offices of the Regional Administration Mbabane, for a period of twenty-one days from date of appearance of this NOTICE.

Any person objecting to the account may lodge his/her objection in writing and in duplicate with the Master and with the undersigned at any time before the expiry of the said period.

BEN J. SIMELANE AND ASSOCIATES
Attorney of Executor Dative
1st Floor Amalgam House
P. O. Box 1444
Matsapha

B536 21-04-2000

NOTICE

ESTATE LATE: AARON JOHN DLAMINI ESTATE NO. ES204/98

Debtors and Creditors in the abovementioned Estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

JABULANE DLAMINI
P. O. Box 1
Mbabane

B534 21-04-2000

NOTICE

Notice is hereby given that we intend applying for the cancellation of entries in the Deeds Office register relating to:

1. Mortgage Bond No. 79/1972 dated the 11th December, 1972 for an amount of E2 000.00 (TWO THOUSAND EMALANGENI); and
2. Mortgage Bond No. 159/1978 dated the 11th December, 1972 for an amount of E15 000.00 (FIFTEEN THOUSAND EMALANGENI);

Both passed by PATRICIA JEANE KATHLEEN DRESSER, (born ATKINS on the 14th February, 1914), married in ENGLAND to ARTHUR ROBERT FRANK DRESSER, which marriage is governed by the Laws of ENGLAND in favour of SWAZILAND BUILDING SOCIETY.

Any person having an objection to the cancellation of entry in the Deeds Office Register is hereby requested to lodge such objection in writing with the Register of Deeds within three (3) weeks of the last publication of this Notice.

DATED AT MBABANE ON THIS 10TH DAY OF APRIL, 2000.

ROBINSON BERTRAM
Attorneys for Applicant
Sokhamlilo Building
P. O. Box 24
Mbabane

B521 2x21-04-2000

NOTICE

Notice is hereby given that we intend applying for a certified copy of: Deed of Transfer No. 185/1980 dated the 24th July 1980 in favour of SUSAN THEMBAYENA SING'LILY NXUMALO, MAJOR SPINSTER (BORN ON THE 21ST JUNE 1934) in respect of:

CERTAIN : Lot No. 475 situate in Ngwane Park Township, District of Manzini, Swaziland;

MEASURING : 2023 (Two Zero Two Three) square metres;

Any person having objections to the issue of such copy is hereby requested to lodge it in writing with the Registrar of Deeds within three (3) weeks of the last publication of this notice.

DATED AT MBABANE THIS 10TH DAY OF APRIL 2000.

ROBINSON BERTRAM
Attorneys for Applicant
Sokhamlilo Building
P. O. Box 24
Mbabane

B522 2x21-04-2000

NOTICE

ESTATE OF THE LATE MESHACK SIMEMO MATSEBULA ES26/97

Notice is hereby given in terms of Section 51 bis of the Administration of Estates Act No. 28 of 1902 that the First and Final Liquidation and Distribution Account will lie open for inspection at the office of the Master of the High Court of Swaziland at Mbabane and at the office of the Regional Administrator (Mbabane) for a period of twenty-one (21) days from the date of appearance of this Notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before expiry of the said period.

P. R. DUNSEITH
Attorney for the Executrix
Lansdowne House
Post Street
P. O. Box 423
Mbabane

B535 21-04-2000

NOTICE

ESTATE LATE: ERWIN KARL GUNIA ESTATE NO. EH135/99

Notice is hereby given in terms of Section 51 bis of the Administration of Estates Act No. 28 of 1902 that the First and Final Liquidation and Distribution Account will lie open for inspection at the offices of the Master of the High Court of Swaziland at Mbabane and at the office of the Regional Administrator for the District of Hhohho for a period of Twenty One (21) days from the date of appearance of this notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before expiry of the said period.

ROBINSON BERTRAM
Attorneys for the Executor/Executrix
P. O. Box 24
Mbabane

B537 21-04-2000

NOTICE

ESTATE LATE: MAKHOSAZANA VIVIAN NDZINISA ESTATE NO. ES102/97

Debtors and Creditors in the abovementioned Estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

MSHIYENI NDZINISA
P. O. Box 56
Hlathikhulu

B541 21-04-2000

NOTICE

IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. 2235/98

In the matter between:

SWAZILAND DEVELOPMENT & SAVINGS BANK

Plaintiff

and

JOYCE NONHLANHLA TSABEDZE (BORN VILAKATI)

Defendant

NOTICE OF SALE

Notice is hereby given that pursuant to a Writ of Execution issued in the above matter, the undermentioned property will be sold by Public Auction by the Deputy Sheriff for the District of Manzini outside the Regional Administrator's Building, Nkoseluhlaza Street, Manzini, District of Manzini at 2:30 p.m on Friday the 5th day of May 2000.

- CERTAIN : Lot No. 1145 situate in the Manzini Extension No. 9, Manzini, District of Manzini, Swaziland.
- MEASURING : 1163 (One One Six Three) square metres.
- EXTENDING : As Deed of Transfer No. 258/93 made in favour of the Town Council of Manzini on the 17th day of November 1986 and two subsequent Deeds of Transfer the latter being Deed of Transfer No. 145/1990 made in favour of the Appearer's Principal on the 20th of March 1990, will more fully point out.
- IMPROVEMENTS : Improvements on the property as follows:
3 bedroomed house.
- RESERVE PRICE : E170 000.00 (One Hundred and Seventy Thousand Emalangeni).

The Conditions of Sale are available for inspection at the office of the Sheriff in the High Court Building, Mbabane and at the Regional Administrator's Office in Nhlanguano.

Further particulars may be obtained from the undersigned.

DATED AT MBABANE ON THIS THE 5TH OF APRIL 2000.

S J GAMA
Sheriff of Swaziland
The High Court of Swaziland
Mbabane

B538 21-04-2000

NOTICE

ESTATE LATE: GEORGE S. DUPONT ESTATE NO. EM216/96

Notice is hereby given in terms of Section 52 bis of the Administration of Estates Act No. 28 of 1902 that the First and Final Liquidation and Distribution Account will lie open at the office of the Master of the High Court of Swaziland, Mbabane for a period of 21 (Twenty One) days from date of publication of this Notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before expiry of the said period.

MLANGENI AND COMPANY
Attorneys for the Executor
P. O. Box 3311
Manzini

B539 21-04-2000

NOTICE

ESTATE LATE: NHLANHLA GERALD THWALA ESTATE NO. EP63/99

Notice is hereby given in terms of Section 52 bis of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation Account will lie open at the office of the Master of the High Court of Swaziland Mbabane for a period of 21 days (Twenty One Days) from the date of publication of this Notice.

Any person objecting to the account may lodge his/her objection in writing, in duplicate with the Master of the High Court at any time before expiry of the said period.

JOSEPHINE THWALA
P/B Manzini

B542 21-04-2000

NOTICE

ESTATE LATE: MAFA'ZILE CLEMENT MAMBA ESTATE NO. EM400/99

Debtors and Creditors in the abovementioned Estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty days after the date of publication of this Notice.

ZONKE MAGAGULA & COMPANY
Attorneys for Executrix Dative
P. O. Box 590
Manzini
M200

B543 21-04-2000

NOTICE

IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. 2684/99

In the matter between:

SWAZILAND DEVELOPMENT & SAVINGS BANK

Plaintiff

and

SAMSON MKHIZE THWALA

Defendant

NOTICE OF SALE

Notice is hereby given that pursuant to a Writ of Execution issued in the above matter, the undermentioned property will be sold by Public Auction by the Deputy Sheriff for the District of Hhohho North outside the High Court Building, Mbabane, at 11:30 a.m. on Friday the 2nd June 2000.

CERTAIN : Lot No. 364 situate in the Piggs Peak Township, Hhohho District, Swaziland;

MEASURING : 990 (Nine Nine Zero) Square Metres.

HELD : By the Defendant, under Crown Grant No. 90/1993 registered on the 8th July 1993;

IMPROVEMENTS : Three bedroomed house.

RESERVE PRICE : E185,000.00 (One Hundred and Eighty Five Thousand Emalangeni).

The Conditions of Sale are available for inspection at the office of the Sheriff in the High Court Building in Mbabane.

Further particulars may be obtained from the undersigned.

DATED AT MBABANE THIS 14TH DAY OF APRIL 2000.

T. S. MAZIYA
Sheriff of Swaziland
c/o The Registrar of the High Court
Mbabane

B544 21-04-2000

NOTICE

IN THE ESTATE OF THE LATE ALIDA MARIA GREYLING EH99/98

All Debtors and Creditors in the above estate are hereby required to lodge their claims with and pay their debts due to the undersigned within 30 (thirty) days from the date of publication hereof.

ROBINSON BERTRAM
Attorneys for Executor/Testamentary
P. O. Box 24
Mbabane

B546 2x28-04-2000

NOTICE

IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. 1342/99

In the matter between:

STANDARD BANK SWAZILAND LTD
(FORMERLY BARCLAYS BANK OF SWAZILAND LTD)

Plaintiff

and

ABEDNIGO KUSENI HLOPHE

Defendant

NOTICE OF SALE

Notice is hereby given that pursuant to a Writ of Execution issued in the above matter, the undermentioned property will be sold by Public Auction by the Deputy Sheriff for the District of Manzini outside the Regional Administrator's Offices Building, Manzini, at 2:30 p.m. on Friday the 2nd June 2000.

CERTAIN : Lot No. 129, Fairview Township, District of Manzini, Swaziland;
MEASURING : 1510 (One Five One Zero) Square Metres;
HELD : By the Defendant, under Deed of Transfer No. 532/93 dated 1st December 1993.
IMPROVEMENTS : three bedroomed house with a two bedroomed out building cottage.
RESERVE PRICE : E290,000.00 (Two Hundred and Ninety Thousand Emalangen).

The Conditions of Sale are available for inspection at the office of the Sheriff in the High Court Building in Mbabane.

Further particulars may be obtained from the undersigned.

DATED AT MBABANE THIS 14TH DAY OF APRIL 2000.

T. S. MAZIYA
Sheriff of Swaziland
c/o The Registrar of the High Court
Mbabane

B545 21-04-2000

NOTICE

ESTATE LATE: SIMON W. MKHABELA ESTATE NO. EM45/99

Debtors and Creditors in the above estate are hereby required to lodge their claims with and pay their debts to the undersigned within 30 (thirty) days from date of publication hereof.

MAKHOSAZANE MKHABELA
P. O. Box 128
Veni

B548 21-04-2000

NOTICE

IN THE ESTATE OF THE LATE: GERHARDUS PAULUS SWART

All Creditors and persons interested ab *intestato* or otherwise in the abovementioned Estate are hereby called upon within twenty-one days from the date hereof, to lodge in writing with the Master of the High Court of Swaziland at MBABANE - SWAZILAND, the particulars of their claims against the said Estate and their objections, if any, to the signing and sealing by him of the Letters of Executorship granted by the Master of the High Court of South Africa at PRETORIA on the 23rd day of December, 1999 to GERHARDUS PAULUS SWART and ALBERTUS BERNARDUS MOSTERT as Executors Testamentary of the said Estate.

ROBINSON BERTRAM
Attorneys for Executor/s
Testamentary
P. O. Box 24
Mbabane

B531 21-04-2000

NOTICE

ESTATE LATE: ALBERT NAKANE DLAMINI ESTATE NO. EM402/98

Notice is hereby given in terms of Section 52 bis of the Administration of Estates Act No. 28 of 1902 that the First and Final Liquidation and Distribution Account will lie open at the office of the Master of the High Court of Swaziland, Mbabane for a period of twenty one (21) days from date of publication of this Notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before expiry of the said period.

SAMUEL S. EARNSHAW & PARTNERS
Executrix of the above Estate
2nd Floor Mandlenkosi Ecumenical Bldg
Esser Street
P. O. Box 2563
Manzini
M200

B549 21-04-2000

NOTICE

ESTATE LATE: EVELYN MATFOTI SIKHONDZE ESTATE NO. EH185/99

Debtors and Creditors in the abovementioned Estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

BHEKI C. SKOSANA
P. O. Box 8
Siphofaneni

B547 21-04-2000

NOTICE

IN THE HIGH COURT OF SWAZILAND

HOLDEN AT MBABANE ON THE 7TH DAY OF APRIL 2000,
BEFORE THE HONOURABLE LORDSHIP SAPIRE C.J;

CIV.T. NO.: 1025/2000

In the ex parte application of
WILLIAM JOHN DUNBAR GRAY

Applicant

in re:

MOTSHANE DEVELOPMENT COMPANY (PTY) LIMITED

Respondent

ORDER

Whereupon hearing Counsel for the Applicant;

IT IS ORDERED:

- 1 That an Order do hereby issue calling upon all interested parties to show cause on 5 May 2000 why an order in the following terms should not be made final;
 - 1.1 That Motshane Development Company (Pty) Limited be and is hereby restored to the Registrar of Companies;
 - 1.2 That the property registered in the name of the Respondent under Deed of Transfer No. 217/1972 and Certificate of Registered Title No. 193/1971 be declared to be no longer *bona vacantia* and that it be restored to the Respondent.
- 2 That Orders No. 1, 1.1 and 1.2 above be published in the Government Gazette as well as in two publications of a newspaper circulating in Swaziland and be served upon the Registrar of Deeds for Swaziland, Registrar of Companies and the Attorney General.

BY ORDER OF THE HIGH COURT
GIVEN UNDER MY HAND AT MBABANE
THIS 14TH DAY OF APRIL, 2000.

REGISTRAR OF THE HIGH COURT MBABANE

B530 21-04-2000

SUPPLEMENT TO
THE
SWAZILAND GOVERNMENT
GAZETTE

VOL. XXXVIII]

MBABANE, Friday, April 21st., 2000

[No. 558

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LEGAL NOTICE NO. 30 OF 2000

THE SWAZILAND ENVIRONMENT AUTHORITY ACT, 1992
(Act No. 15 of 1992)

**THE ENVIRONMENTAL AUDIT, ASSESSMENT AND REVIEW
REGULATIONS, 2000**
(Under Section 18)

In exercise of the powers conferred by section 18 of the Swaziland Environment Authority, Act, 1992, and in consultation with the Authority, the Minister for Tourism, Environment and Communications makes the following Regulations -

PART A: INTRODUCTION

Citation and Commencement

1. These Regulations may be cited as the Environmental Audit, Assessment and Review Regulations, 2000 and shall come into operation on the date of publication in the Gazette, except that the Third Schedule shall come into operation on a date prescribed by the Minister by notice in the Gazette, and until that date all references in these Regulations to fees shall have no legal effect.

Application

2. These Regulations shall apply to the Government and any other persons, bodies and institutions.

Interpretation

3. In these Regulations, unless the context otherwise requires -

“authorising agency” means any person empowered by law - to issue a permit, licence, consent or approval in respect of a project, undertaking or activity which may have an impact on the environment;

“category” means a class or projects to which a proposed project may be assigned under sub-regulation 6(1) and which is subject to a specific environmental review procedure;

“comprehensive mitigation plan” or “CMP” means a document containing a description of the mitigation measures to be implemented that would prevent, reduce or otherwise manage the environmental impacts of a project and done according to the reporting requirements in the Second Schedule;

“day” excludes Saturday, Sunday and an official public holiday;

“environmental audit” or “EA” means work done to identify and evaluate the environmental impacts of existing projects which is done according to the reporting requirements in the Second Schedule;

“environmental compliance certificate” or “ECC” means a certificate issued by the Authority under regulation 15 which certifies that the Authority has consented to an existing undertaking continuing to operate, or, to a proposed project proceeding, subject to the operator or proponent complying with the conditions specified in the certificate and in the approved comprehensive mitigation plan;

“environmental impact” means any positive or negative impact, on the natural and/or built environment, on any form of life, on the social, economic and/or cultural conditions that influence human life, or on any inter-relationship between these elements or factors, which is, will be, or may be, directly or indirectly caused by an existing or proposed project, policy, plan or programme;

“environmental impact assessment” or EIA means the process of predicting and evaluating the likely environmental impacts of a proposed project where the scale, extent and significance of the environmental impacts cannot be easily determined;

“environmentally sensitive area” means an area which merits a high degree of environmental protection because the environment in that area, or any constituent part of it, is rare, endangered, or sensitive to harm, or has particular environmental, archaeological, social, or cultural significance or value, whether or not the area is legally or administratively protected, and includes areas designated as environmentally sensitive by the Minister under Regulation 6(2);

“existing undertaking” means an enterprise or activity which was being conducted on a site in Swaziland on 12 April 1996 and which has continued to be conducted on the same site without interruption until the present;

“initial environmental evaluation” or IEE means an environmental analysis of a proposed project whose environmental impacts may be easily determined and for which there are appropriate, well known and tested mitigation measures;

“operator” means a person who is the owner of, in control of, or responsible for the management of, an existing undertaking or project;

“person” includes both natural and legal persons, a government ministry, department or agency, a statutory public body, a body answerable directly to the Ngwenyama which is empowered to formulate or implement policies, programmes, plans or projects which may have an impact on the environment, a municipality, a local authority, a partnership, an unincorporated joint venture and an unincorporated association;

“project” means an enterprise, undertaking or activity, or a proposal or plan for a new enterprise or activity to significantly change an enterprise, an undertaking or a project, and includes a plan, operation, undertaking, construction, development, change in land use, or alteration which may not be implemented without a permit, license, consent or approval from an authorising agency;

“project brief” means a document which incorporates a brief plan and/or outline proposal for a project which contains sufficient information to enable the Authority or an authorising agency to determine to which category the proposed project should be assigned;

“project compliance report” or “PCR” means a report produced periodically, during and after the implementation of a CMP, which describes actions and results taken to implement a CMP and which is done according to the reporting guidelines in the Second Schedule;

“proponent” means a person responsible for initiating a project and obtaining the appropriate authorization;

“notice of acceptance” means a notice issued in accordance with regulation 10 by the Authority or an authorising agency to an operator or proponent in respect of an EA, IEE, EIA, CMP or summary submitted by that operator or proponent confirming that the document in question appears to conform with the requirements of these Regulations and any relevant guidelines issued by the Authority and will be made public and evaluated for the purposes of deciding whether or not to grant an environmental compliance certificate.

PART B: EXISTING UNDERTAKINGS*Preparation of Environmental Audit Reports*

4. (1) The Authority shall -

- (a) identify and maintain a list of undertakings which cause concern to the Authority or to the public because of their impact on the environment and shall publish the list of these undertakings in its annual report;
- (b) require an operator of an identified or listed undertaking to submit an EA report and a CMP to the Authority and that operator shall submit to the Authority the EA report and the CMP within six (6) months after notification to do so.

(2) An operator on whom a notice to submit an EA report and CMP is served under sub-regulation 1 shall -

- (a) submit these documents together with the fee prescribed in the Third Schedule to the Authority within six (6) months of the date of the notice;
- (b) indicate any information in these documents which the operator considers should not be made public on the basis that it is commercially confidential or that disclosure would be contrary to the public interest and shall indicate the grounds for maintaining the confidentiality of the information; and
- (c) bear the costs of the preparation of the EA report and the CMP.

(3) The Authority shall consider any EA report and CMP submitted to it and shall-

- (a) issue a notice of acceptance to the operator if the Authority considers that the EA report and the CMP -
 - (i) comply with the requirements of these Regulations and to any relevant guidelines published by the Authority; and
 - (ii) are satisfactory to enable a decision to be made as to whether or not the Authority should issue an environmental compliance certificate, and if so, to determine the terms and conditions on which it should be issued; or
- (b) notify the operator of the amendments to the EA report and/or the CMP which the Authority requires and the date by which the amended document must be resubmitted to the Authority together with the fee prescribed in the Third Schedule; and
- (c) where the Authority is satisfied that some of the information in the EA report or the CMP should not be made public on the grounds of commercial confidentiality or in the public interest, the Authority shall, by notice in writing, require the operator to submit a summary of that EA report and/or the CMP which excludes the confidential information, to the Authority within 15 days of the notice.

(4) Where the Authority is not satisfied that an amended EA report or CMP which has been submitted in response to a notice under sub-regulation (3)(b), complies with the requirements of these Regulations and to any relevant guidelines published by the Authority; the Authority may itself amend the EA report or CMP and issue a notice of acceptance in respect of the amended document and charge the operator the fee prescribed in the Third Schedule.

(5) Where the Authority is not satisfied that a summary which has been submitted in response to a notice under sub-regulation (3)(c), is sufficiently clear, comprehensive or accurate to enable the public to appreciate the full environmental implications of the undertaking bearing in mind the need to maintain the confidentiality of certain information, the Authority shall require the operator to submit a revised summary within a period specified by the Authority and where the operator does not submit a revised summary which is acceptable to the Authority within the period specified, the Authority may itself amend the summary and issue a notice of acceptance in respect of the amended document on payment of the fee prescribed in the Third Schedule.

(6) The Authority shall distribute copies of the EA report and the CMP to every ministry concerned or responsible for the control of the project for its comments.

(7) A ministry required under sub-regulation (3) to comment shall submit its comments to the Authority within a period of four (4) weeks after receipt of the copies of the EA report and the CMP.

(8) Any EA report, CMP or summary of one of these documents, in respect of which the Authority has issued a notice of acceptance, shall be a public document and may be inspected by the public at a place designated by the Authority and may be copied subject to payment of the cost of the copies.

(9) The Authority may make available copies of an EA report and the CMP or any summary of these documents for inspection by members of the public at selected locations in the vicinity of a project, to which it relates, for a period of not less than twenty (20) days.

(10) The procedure for public review, inspection, submission of comments and objections shall be in accordance with regulation 11.

PART C: PROPOSED PROJECTS

Submission of Project Briefs

5. (1) The proponent of a proposed project which -

- (a) requires a permit, licence, approval or other consent from an authorising agency; or
- (b) is forwarded to the Ministry of Economic Planning and Development (MEPD) for inclusion in the Development Plan,

shall submit to the appropriate authorising agency a project brief which incorporates a brief plan and/or outline proposal for a project and which contains sufficient information to enable the authorising agency to determine to which category the proposed project should be assigned in accordance with regulation 6.

(2) The Ministry of Economic Planning and Development shall be the authorising agency in respect of any proposed project is forwarded to that ministry for inclusion in the Development Plan by a Government ministry, department or agency, a public body, or a body concerned with national development which is answerable directly to the Ngwenyama.

(3) Where the project requires a permit, licence, consent or approval from more than one authorising agency, for the purposes of sub-regulation (1) the "appropriate authorising agency" means-

- (a) the municipality or local authority within whose area of jurisdiction the proposed project is to be situated unless the municipality or local authority is the proponent;

- (b) the Authority if the authorising agency is also the proponent of the project or if the project is not situated within the area of jurisdiction of a municipality or local authority and there is more than one authorising agency.

Categorization of projects

6. (1) The appropriate authorising agency shall review the project brief and may request the proponent to amplify the project brief or to provide any additional information which the authorising agency may reasonably require, by a date specified by the authorising agency. Once the authorising agency is satisfied that it has sufficient information concerning the proposed project the authorising agency shall categorise the proposed project -

- (a) as a category 1 project if the authorising agency considers that the proposed project is unlikely to have any significant adverse environmental impacts.
- (b) as a category 2 project if the authorising agency considers that the proposed project is likely to have some significant adverse environmental impacts but that the impacts are relatively well-known and easy to predict and the measures which can be taken to prevent or mitigate these impacts are well-known;
- (c) as a category 3 project if the authorising agency considers that the proposed project is likely to have significant adverse environmental impacts and that in-depth study is required to determine the scale, extent and significance of the impacts and to identify appropriate mitigation measures.

(Illustrative examples of the types of projects which would ordinarily be assigned to each category are given in the First Schedule).

(2) In deciding to which category a proposed project should be assigned, the authorising agency shall take into consideration all relevant factors including the scale of the proposed project and its location in relation to environmentally sensitive areas.

(3) The Minister, by notice in the Gazette, may designate areas as environmentally sensitive areas for the purposes of these regulations.

(4) Subject to sub-regulation 7(2), the authorising agency shall, within fifteen (15) days of assigning a proposed project to a category, submit to the Authority the project brief, a written copy of the decision categorizing the proposed project and the reasons for the decision.

(5) The Authority may, within five (5) days after receipt of that decision of the authorising agency change the categorisation of the proposed project. If the Authority re-categorises the proposed project the Authority shall, within ten (10) days of the date of the re-categorization, notify in writing the authorising agency which first categorised the project.

(6) A person shall not, after the Authority has accepted or amended a categorisation of a project, subsequently change, alter or amend that categorisation without the consent of the Authority.

Category 1 Projects

7. (1) Where a project is classified under category 1 the Authority or an authorising agency to which power has been delegated under sub-regulation (2), shall within ten (10) days of the classification or reclassification, issue an environmental compliance certificate.

(2) Where the Authority considers that a municipality, Ministry or other public body has sufficient expertise to correctly identify and classify category 1 projects, the Director may, by

notice in writing delegate authority to that body to issue notices of acceptance and environmental compliance certificates on behalf of the Authority for category 1 projects in respect of which that body is the appropriate authorising agency under sub-regulation 5(2) or (3) and any such delegation shall be subject to the condition that the agency to whom this authority is delegated shall keep a record of each project brief and the reasons for classifying it as a category 1 project for at least three (3) years and at the request of the Authority shall forward copies of any of these records to the Authority to enable the Authority to satisfy itself that the agency is classifying projects correctly.

Category 2 Projects

8. (1) Where a project is classified under category 2, -

- (a) the proponent shall prepare an IEE report and a CMP in accordance with the requirements set out in the Second Schedule and shall submit three copies of the IEE report and the CMP to the appropriate authorising agency and one copy to the Authority together with the fee prescribed in the Third Schedule;
- (b) the Authority shall, within fifteen (15) days of receipt of the IEE report and the CMP, decide whether the IEE report and the CMP conform to the prescribed reporting requirements specified in the Second Schedule and to any relevant guidelines published by the Authority, and -
 - (i) if they do conform, the Authority shall issue a notice of acceptance to the proponent and notify the proponent of the number of copies of the IEE report and the CMP which the Authority requires for public review purposes; and
 - (ii) if they do not conform, the Authority shall order the project proponent to prepare and submit an amended IEE report and CMP to the Authority;
- (c) the Authority shall within fifteen (15) days of receipt of the amended documents together with the fee prescribed in the Third Schedule, either issue a notice of acceptance if the Authority considers that the amended documents comply with the requirements of these Regulations and to any relevant guidelines published by the Authority; or notify the proponent in writing that the documents have been rejected giving reasons for the decision;
- (d) after issuing a notice of acceptance the Authority shall review that IEE report and the CMP and if it considers that further studies are necessary to assess the likely impacts of the project or to identify appropriate mitigation measures, the Authority may by notice to the project proponent and copied to the authorising agency order the project proponent to prepare and submit an EIA and a revised CMP and to follow the procedure under regulation 9 for projects under category 3.

Category 3 Projects

9. (1) A proponent in respect of a project classified under category 3 shall, before preparing an EIA report and CMP, effect a consultation process to involve or include concerned or affected Government agencies, local authorities, non-governmental organizations and any other interested and affected persons to help determine the scope and effect of the project or work to be carried out.

(2) A proponent, after compliance with sub-regulation (1), shall submit to the Authority for its determination a draft of the terms of reference which shall take into account the results of the consultation mentioned in sub-regulation (1).

(3) The Authority shall, within five (5) days after receipt of the draft of the terms of reference, determine whether or not it is acceptable and where the draft is not acceptable, the proponent with the assistance of the Authority shall prepare and submit to the Authority acceptable and final terms of reference.

(4) After the Authority has approved the terms of reference, the proponent shall:

- (a) prepare an EIA report and a CMP in accordance with the requirements set out in the Second Schedule and shall submit one copy of the EIA report and the CMP to the appropriate authorising agency and three copies to the Authority together with the fee prescribed in the Third Schedule; and
- (b) the Authority shall within twenty (20) days of receipt of the EIA report and the CMP, decide whether the EIA report and the CMP conform to the prescribed reporting requirements specified in the Second Schedule and to any relevant guidelines published by the Authority and -
 - (i) if they do conform, the Authority shall issue a notice of acceptance to the proponent; and
 - (ii) if they do not conform, the Authority shall order, the project proponent to prepare and submit an amended EIA report and CMP and notify the proponent of the number of copies of the EIA report and the CMP which the Authority requires for public review purposes;
- (d) the Authority which shall, within twenty (20) days of receipt of the amended documents together with the fee prescribed in the Third Schedule, either:
 - (i) issue a notice of acceptance if the Authority considers that the amended documents comply with the requirements of these Regulations and to any relevant guidelines published by the Authority and notify the proponent of the number of copies of the EIA report and the CMP which the Authority requires for public review purposes; or
 - (ii) notify the proponent in writing that the documents have been rejected giving reasons for the decision.

PART D: ACCEPTANCE OF DOCUMENTS AND PUBLIC PARTICIPATION

Notices of Acceptance

10. (1) The Authority or the appropriate authorising agency shall issue a notice of acceptance to an operator or proponent in respect of an EA, IEE, EIA, CMP or summary submitted by that operator or proponent if, in the opinion of the Authority or the authorising agency, the document in question conforms with the requirements of these Regulations and any relevant guidelines issued by the Authority.

(2) A notice of acceptance constitutes confirmation by the Authority or the appropriate authorising agency, that the document to which it refers is acceptable to the Authority and will be made public and evaluated for the purposes of deciding whether or not to grant an environmental compliance certificate.

(3) Irrespective of whether or not a notice of acceptance has been issued in respect of any document concerning an undertaking or project, the Authority may, at any time, by notice in writing, require the operator or proponent to furnish the Authority with further information which

the Authority considers to be necessary or desirable to enable it to make a properly informed decision as to whether or not to issue, suspend or cancel an environmental compliance certificate.

Public Reviews

11. (1) Immediately after the Authority has issued a notice of acceptance in respect of an IEE or EIA and the accompanying CMP, or a summary of any of these documents, and has received any additional copies of these documents requested from the proponent, the Authority shall concurrently-

- (a) distribute copies of these documents to concerned and affected ministries, local authorities, parastatals, non-governmental organizations and any other persons;
- (b) display conspicuously such copies in public places or such other places in the vicinity of the site of the proposed project; and
- (c) advertise the public review -
 - (i) in the Government Gazette;
 - (ii) on the Swaziland Broadcasting Service; and
 - (iii) in a newspaper circulating in Swaziland twice a week and for two consecutive weeks,

specifying the place and the times where copies may be available for inspection, inviting objections, comments or submissions from interested and affected persons, specifying the procedure for the submission of comments and objections and the date on which the public review period will terminate in accordance with sub-regulation (2).

(2) The period for public review of the reports mentioned in the sub-regulation (1) shall be calculated from the date of the last notification in the newspaper and subject to sub-regulation (3), shall not be less than,

- (a) fifteen (15) days for category 2 projects; and
- (b) twenty (20) days for category 3 projects.

(3) The Authority may extend a public review period for a period of not more than ten (10) days where the Authority considers it necessary because of the sensitive nature of a project.

(4) Where the Authority believes a project is likely to have significant impacts on the environment of a neighbouring country or that country so requests the Authority shall forward the relevant reports and documents to that country at the same time the reports or documents are made available for public review in Swaziland.

(5) The Authority shall immediately after receipt of objections, comments or submissions:

- (a) acknowledge receipt of all written objections, comments or submissions; and
- (b) send a copy of the objections, comments or submissions to the proponent and the authorising agency.

(6) The Authority shall, at the expiration of the public review periods specified under sub-regulations (3) review the comments or submissions and in accordance with regulation 12, determine within five (5) days whether or not to hold a public hearing.

(7) The Authority shall not, if so requested by a person who submitted a written comment or an objection, disclose or make public the personal information or data of that person.

(8) The proponent shall be responsible for all expenses incurred including expenses for the preparation of an IEE, EIA reports and the CMP and shall provide sufficient copies during all review procedures.

Public hearings

12. (1) The Authority shall hold a public hearing, where -

- (a) after examining the IEE and/or EIA report and accompanying CMP for the proposed project, it is of the opinion that the project is of such a sensitive or significant nature that the public should have the opportunity to make submissions or comments at a public hearing; or
- (b) the public concern over the project is great and the number of written and substantiated objections exceeds ten (10).

(2) The Authority shall, where a public hearing is to be held,

- (a) publish a notice, at least once a week for two (2) consecutive weeks, in a newspaper circulating in Swaziland, stating the date and place where the public hearing is to be held at least fifteen (15) days before the public hearing is held and the expenses in respect of the publication of the notice shall be borne by the proponent;
- (b) display and make available for inspection and copying in public or other places in the vicinity of the proposed project, all reports, documents, written comments and objections during and after the period of public review until the public hearing is finalised; and
- (c) call upon any party who has an interest in the outcome of the public hearing, including the project proponent, the authorising agency, the commenting agency and any other person, to attend the public hearing or solicit in writing comments from other government agencies or offices with expertise or regulatory power over the proposed project.

(3) A public hearing provided for under sub-regulation (1) shall be held within twenty-five (25) days after compliance with sub-regulation (2), by the Authority, but where the Authority is of the opinion that the number and complexity of the issues to be considered at the hearing requires additional time for preparation by any party to the public hearing, it may extend by ten (10) days the date of the public hearing.

Appointment of Officers for Public Hearings

13. (1) The Authority shall appoint a tribunal to conduct the public hearing of not less than three (3) and not more than five (5) persons, the majority of whom shall be persons holding professional qualifications in Environmental Management, Sociology, Economics, Engineering or Law and one of whom shall be the chairperson.

(2) Subject to sub-regulation (3), an appointment made under these regulations shall be for a specific and determinable period of time, commensurate with and coextensive with the duration of a public hearing which duration may be determined by the complexity of the issues to be heard and which, in any event, shall not exceed two (2) months.

(3) The Authority shall not, under these regulations, in any event appoint a person to be a hearing officer for a period of time exceeding two (2) months in any one appointment and no person shall be lawfully or deemed for whatever reason or fact to be appointed in contravention of this sub-regulation

Findings of Public Hearings

14. (1) The Chairperson of the public hearing shall make and deliver within fifteen (15) days after that public hearing a report approved by all the appointed hearing officers who participated in the public hearing, of its findings to the Authority for its determination.

(2) The Authority, shall make the report of the public hearing available for public inspection for a period of not less than twenty (20) days, and shall advertise details of where and when it may be inspected and copied, in accordance with regulation 11(1)(c).

PART E: ENVIRONMENTAL COMPLIANCE CERTIFICATES

Issue of Environmental Compliance Certificates

15. (1) The Authority shall, within twenty (20) days after the expiry of the period for public review under regulation 11, or if a public hearing has been held, after receipt of a report of a public hearing consider any EA, IEE, EIA, CMP and summary in respect of which a notice of acceptance has been issued, the comments, submissions and objections put forward by interested and affected persons, and the report of any public hearing, and either issue, or refuse to issue, an environmental compliance certificate

(2) The Authority shall issue an environmental compliance certificate subject to whatever terms and conditions the Authority considers appropriate to ensure that the adverse environmental impacts of the undertaking or project are satisfactorily mitigated, if the Authority considers that all the environmental concerns or impacts are adequately addressed by the EA, IEE or EIA report and the accompanying CMP.

(3) The Authority shall refuse to issue an environmental compliance certificate:

- (a) in respect of an existing undertaking, if the Authority considers that the continued operation of the undertaking is causing, or is reasonably likely to cause, danger to the environment or the public and that the mitigation measures proposed in the CMP are inadequate to satisfactorily mitigate the danger and the adverse environmental impacts of the undertaking;
- (b) in respect of a project, if the Authority considers that the implementation of the project would bring about unacceptable environmental impacts or that the mitigation measures may be inadequate to satisfactorily mitigate the adverse environmental impacts of the proposed project.

(4) If the Authority refuses to issue an environmental compliance certificate under sub-regulation 3(a), the Authority shall simultaneously give notice to the operator to rectify or remove the cause of danger or potential danger in accordance with sub-regulation 5(5) of the Act.

(5) The terms and conditions to be complied with by the operator of an undertaking, or by the proponent in undertaking the project, shall be specified in the environmental compliance certificate, and may be expressly stated in the certificate or incorporated by reference to the relevant CMP which shall form part of, the environmental compliance certificate.

(6) The Authority shall communicate its decision under sub-regulation (1):-

- (a) in writing to any authorising agency giving reasons for its decision;
- (b) by publishing that decision in a medium to be decided by the Authority;

- (c) by publishing a detailed statement of the decision for public inspection in the manner specified in sub-regulation 11(1); and
- (d) by sending a copy of the decision to any person who has in writing submitted comments or lodged an objection to the Authority in terms of these Regulations.

Implementation of CMPs

16. (1) The person to whom an environmental compliance certificate is issued shall be responsible for implementing the CMP which forms part of the environmental compliance certificate, and for monitoring the environmental impacts of the project and the implementation of the CMP.

(2) The operator of an existing undertaking shall commence implementation of the CMP within fifteen (15) days of the date of issue of the environmental compliance certificate and the Authority shall monitor the undertaking to ensure that the operator is complying with the CMP.

(3) The holder of the environmental compliance certificate shall submit periodic Project Compliance Reports containing information on the implementation of the CMP in accordance with the provisions of the Second Schedule and with the directions of the Authority.

(4) Any authorising agency which issues any authorisation in relation to the undertaking or project shall ensure that the terms and conditions of that authorisation are consistent with the terms and conditions of the environmental compliance certificate (including the CMP).

(5) Where the proponent of a project is a government ministry or department it shall ensure that all contracts for implementing the project are consistent with the terms and conditions of the environmental compliance certificate and shall monitor the implementation of the project.

(6) Any person who monitors the implementation of a project or a CMP and who discovers that any term or condition of the environmental compliance certificate is not being complied with, or that unforeseen damage to the environment is occurring, shall immediately report this to the Authority.

Expiry of environmental compliance certificates

17. (1) An environmental compliance certificate shall expire after three (3) years from the date of its issue if by that date, no substantial progress has been made in implementing the project such as earthworks or construction work, or if the project has been abandoned or postponed.

(2) Where an environmental compliance certificate has expired and the proponent intends to revive and proceed with the project, that proponent shall submit a revised project brief to the appropriate authorising agency.

(3) The proponent shall, when complying with sub-regulation (2), inform the authorising agency of any changes or differences in the present proposals and the proposals sanctioned in the expired environmental compliance certificate and the authorising agency, shall in turn inform the Authority of those changes or differences.

(4) The Authority, on being informed as required by this regulation, shall determine -

- (a) whether the proponent ought to prepare an additional IEE or EIA report, and a CMP;
or
- (b) whether the proponent ought to do additional work to supplement an IEE or EIA report, and the CMP.

(5) Where the Authority determines that an additional IEE or EIA report and the accompanying CMP, should be done, the provisions of regulation 8 or 9 (including the payment of the relevant fees prescribed in the Third Schedule) shall apply to that project.

(6) Where the Authority determines that only a supplementary work to the existing IEE report and the CMP, and EIA report and the CMP is required, it shall advise the proponent as to the nature of the additional work or information so required and the proponent shall comply before proceeding with the project.

(7) The Authority shall, on receipt of the supplementary work or information, display, distribute and lay open for review by any interested or affected person.

(8) An interested or affected person who is mentioned in sub-regulation (7) may, within twenty (20) days from the first day of the review mentioned in that sub-regulation, submit objections or comments to the Authority.

(9) The Authority shall within ten (10) days after the period of submission of objections and comments, decide in accordance with regulation 16 whether or not to issue an environmental compliance certificate.

Suspension, Amendment and Cancellation of ECCs

18. (1) If, on the basis of information which has become available to the Authority after the issue of an environmental compliance certificate, the Authority considers that the implementation of the project or the continued operation of the undertaking is causing, or is reasonably likely to cause, danger to the environment or to the public, the Authority -

- (a) may suspend the environmental compliance certificate and give notice to the proponent or operator to rectify or remove the cause of danger or potential danger in accordance with sub-section 5(5) of the Act; and
- (b) may give the operator or proponent a reasonable opportunity of proposing amendments to the environmental compliance certificate which are acceptable to the Authority;
- (c) subject to sub-regulation (2), may amend or cancel the environmental compliance certificate by notice in writing to the proponent or operator.

(2) The Authority shall not cancel an environmental compliance certificate unless the Authority is of the opinion that the danger to, or adverse effect on, the environment or the public cannot be satisfactorily mitigated.

PART F: GENERAL MATTERS

Appeals

19. (1) Any natural person residing in Swaziland or legal person carrying on business in Swaziland or established under the laws of Swaziland, who -

- (a) has an interest in a decision of the Authority;
- (b) is aggrieved by its decision; and
- (c) has paid the appeal fee prescribed in the Third Schedule,

may lodge an appeal in writing to the Minister in the prescribed form within the time specified under section 17 of the Act.

(2) In determining an appeal, the Minister may, if necessitated by the technical nature of the issues involved, seek an expert opinion for the Minister's consideration.

(3) In deciding appeals the Minister shall take into account the objectives of the Swaziland Environment Authority Act and may also take into consideration relevant environment policies, guidelines and practice of the Authority.

(4) An appellant shall be responsible for charges, costs and any other expenses reasonably incurred by the Authority incidental to the appeal including charges for expert opinions.

(5) The decision of the Minister shall be in writing, shall set out the reasons for the decision and shall be final.

Offences

20. (1) Any person who-

- (a) fails to comply with a written notice from the Authority requiring that person to comply with a condition imposed in an environmental compliance certificate within the period stipulated in the notice;
- (b) fails to comply with an instruction by the Authority under section 5(4)(a)(iii) of the Act to stop the operation, works or project;
- (c) continues to implement a project or conduct an undertaking, either after the environmental compliance certificate in respect of that project or undertaking has been cancelled, or while it is suspended,

commits an offence and is liable on conviction to a fine or to a term of imprisonment or to both such fine or term of imprisonment not exceeding the maximum permissible under the Act.

(2) Where a person fails to comply with a written notice from the Authority requiring that person to comply with a condition imposed in an environmental compliance certificate within the period stipulated in the notice, the Authority may serve an enforcement notice on that person requiring that person to admit the commission of the offence in writing and to pay to the Authority within 30 days of the date of the enforcement notice, a penalty fee stipulated in the enforcement notice which shall not exceed five thousand Emalangeni, failing which that person may be prosecuted under sub-regulation (1)(a).

(3) A person who pays a penalty fee in accordance with an enforcement notice under sub-regulation (2) shall not be prosecuted for the offence specified in the enforcement notice.

Powers of the Court

21. On convicting any person for a contravention of these regulations, in addition to any penalty imposed, the court may order-

- (a) the person convicted to pay the costs of, and incidental to, any measurement, testing, analysis or other matter or procedure undertaken by or on behalf of the prosecution towards the investigation of the offence and the giving of evidence (including expert witness fees) and may make whatever order concerning those costs as the court considers just;

- (b) the person convicted to compensate any person (including the Authority) who has or is likely to, suffer loss or damage caused by the offence including any expenses reasonably incurred in attempting to mitigate or repair environmental damage caused by the offence; and
- (c) the cancellation of an environmental compliance certificate; or
- (d) the suspension of an environmental compliance certificate subject to whatever terms and conditions the court considers appropriate to give effect to the objectives of the Act and these regulations.

Repeals

22. The Environmental Audit, Assessment and Review Regulations, 1996 are revoked.

Transitional Provisions

23. (1) Any application made, EA, IEE, or EIA conducted, document submitted, approval given, or environmental compliance certificate issued, under the Environmental Audit, Assessment and Review Regulations, 1996, shall be deemed to have made, conducted, submitted, given, or issued under these Regulations.

(2) Notwithstanding sub-regulation (1), any person who made an application or submitted documents to the Authority for approval prior to the commencement of these Regulations shall be exempted from paying any fees which would have been payable had the application been made or the documents been submitted after the commencement of these Regulations.

FIRST SCHEDULE

(regulation 6(2))

Illustrative lists of the types of projects which may be allocated to categories 1, 2 and 3.

Note: The types of projects listed in this Schedule are indicative only. When assigning a category, it is essential to consider the scale of the proposed project and its location, particularly in relation to environmentally sensitive areas. Projects are more likely to be classified as falling within a higher project category (i.e. category 3 instead of category 2, or category 2 instead of category 1) if the area likely to be influenced by the proposed project includes an environmentally sensitive area.

Category 1 Projects

Projects under this category are unlikely to cause any significant environmental impact. The following types of projects are likely to be classified as category 1 projects:-

- residential development not exceeding three (3) houses;
- renovations to existing structures not involving asbestos or other hazardous substances;
- small-scale commercial buildings and structures;
- research activities; prospecting for groundwater, minerals and hydrocarbons using vibroisolation and similar techniques;
- small-scale social infrastructure provision (rural health, educational, family planning);
- technical assistance and institutional strengthening activities;
- small scale tourism projects.

Category 2 Projects

Projects under this category are likely to cause environmental impacts, some of which may be significant, unless mitigation actions are taken. Such projects cause impacts which are relatively well-known and easy to predict. Also, the mitigation actions to prevent or reduce the impacts are well-known.

The following types of projects are likely to be classified as category 2 projects -

- Agro-industries (medium-scale);
- Electrical transmission lines and rural electrification (medium-scale);
- Irrigation and drainage (medium-scale)
- Renewable energy production;
- Residential development of more than three (3) and less than (10) houses;
- Hotels, camp-sites and lodges;
- Rural water supply and sanitation;
- Watershed management and rehabilitation;
- Urban area rehabilitation (medium-scale);
- Small-scale infrastructure (roads, sewerage systems, water pipelines and treatment works);
- Hospitals (medium-scale)
- Non-food industries (medium-scale) without discharge of toxic substances or storage and use of hazardous substances;
- Projects located near environmentally sensitive area.

Category 3 Projects

Projects under this category are likely to have significant adverse impacts whose scale, extent and significance cannot be determined without in-depth study. Appropriate mitigation measures can only be identified after such study. The following types of projects are likely to be classified as category 3 projects:-

- residential development exceeding ten (10) houses;
- Dams and reservoirs;
- Afforestation schemes and wood processing facilities (large-scale);
- Industries and industrial estates (large-scale);
- Irrigation, drainage and flood control (large-scale);
- Mineral development (including hydrocarbons);
- Reclamation and opening of new areas for agriculture;
- Projects involving resettlement;
- River basin development;
- Thermal and hydropower;
- Manufacture, transport and use of pesticides or other hazardous substances;
- Agriculture (especially involving large-scale monoculture);
- Roads;
- Projects located in environmentally sensitive areas;
- Mining, soil excavation (large-scale)
- Urban water supply and sanitation projects (large-scale).

SECOND SCHEDULE
(regulations 8(1)(a) and 9(4)(a))

REPORTING FORMAT

A. INITIAL ENVIRONMENTAL EVALUATION

Introduction

Purpose of the IEE

Description of the Project

Location, size, construction or operational activities, schedule for implementation, workforce, any alternatives.

Description of the Project

Brief description of physical, ecological and human aspects of the site and its surroundings.

Impact Description and Evaluation

Brief account of the significant impacts likely to occur if no mitigation occurs. If an EIA is needed because of the nature and extent of expected impacts then a recommendation to this effect should be made.

Impact Management

Description of mitigation measures, monitoring programmes and schedule of implementation. Technical and institutional requirements for successful implementation.

The IEE report should be short (no more than 20 pages) and written in clear, simple language. The IEE should result in a short IEE report and a CMP as per the format outlined in this Schedule (Reporting Format, under A)

B. ENVIRONMENTAL IMPACT ASSESSMENT

Executive Summary

A brief account (no more than 10 pages) of the findings of the EIA with emphasis on the key issues, for consideration by decision-makers in the Swaziland Environment Authority, the authorizing agencies and members of the public.

Introduction

Purposes of the EIA. Boundary of study area and time horizon for which impacts will be predicted (speculated future date or time).

Description of the Project and Reasonable Alternatives

Location, size, construction or operation activities, workforce, schedule for implementation.

Description of any associated project (for example roads, aggregate extraction) needed

Description of the Environment

An overall evaluation of the type and quality of the environment (bio-physical and social components and processes) within the study area with specific information presented only when relevant to the prediction and evaluation of impacts.

Description of any expected changes to the "baseline" environmental situation before implementation of the project subject to an EIA (the "no project" alternative).

Prediction and Evaluation of Impacts

For all alternatives:-

- * distinguish between significant adverse and beneficial impacts;
- * identify irreversible impacts;
- * allocate significance against international and or national regulations, standards and quality objectives governing:
 - health and safety;
 - protection of environmentally sensitive areas;
 - land use; and
 - ambient pollution levels;
- * identify significant data deficiencies and assumptions made;
- * determine the spatial and temporal distribution of impacts;
- * identify mitigating measures.

Analysis of Alternatives and Selection of Preferred Option

Select preferred alternative by comparing the residual environmental impacts of each option (i.e. the environmental impacts which cannot be prevented) on the basis of the expected results of all mitigating actions to be implemented.

Impact Management Plan (For Preferred Alternative)

Action to enhance benefits and prevent or reduce adverse impacts. Required monitoring programmes. Schedule for implementation. Technical and institutional requirements for successful implementation.

Consultations

Results of any consultation held with government agencies, NGOs and the public during EIA work

The results from the EIA should be contained in an EIA report and a CMP as per the format outlined in this Schedule (Reporting Format, under B)

C. ENVIRONMENTAL AUDIT REPORT*Introduction*

Purpose of EA Report

Description of the Project

Location, size, workforce, inputs and outputs, operations and manufacturing processes, transport.

Description of the Environment

Brief description of physical, ecological and human aspects of the site and its surroundings.

Impact description and Evaluation

Inventory, with amounts of all effluent discharges, after pre-treatment to air, water and land (including noise and vibration and odour). Inventory of all solid wastes produced and their handling, storage, transport and eventual disposal.

Inventory of chemicals which are used in operational or manufacturing processes and which reach air, water or land through non-point source.

Concentrations of chemical, radiological and energy pollutants in air, water, land in the vicinity of the installation (based on inventory).

Identification and evaluation of the impacts of these concentrations on the environment and health (when data allows). (The results should be contained in an EA report and a CMP as per the format outlined in this Schedule, under C.)

D. COMPREHENSIVE MITIGATION PLAN

This plan is prepared by using the results obtained from IEE, EIA and EA Reports
Its identifies:-

- * impacts to be prevented or reduced in severity
- * benefits to be enhanced
- * mitigation measure, to achieve the above
- * costs, institutional and training requirements
- * monitoring programmes to track project related impacts and implementation of mitigation measures
- * community liaison procedures needed

The plan must contain

- * schedules for implementation/targets
- * reporting procedures
- * work programmes
- * budget
- * staffing and training requirements

E. PROJECT COMPLIANCE REPORT

Introduction

Purpose of the report.

Description of Project

Location, size, phase of implementation (construction or operation) workforce.

Performance Review

Checking of implementation of CMP
Actual impacts of projects (if data allows)

Recommendations

In order to improve performance
Preparation of next Project Compliance Report

THIRD SCHEDULE
SCHEDULE OF FEES

	Regulation no.	Fee
Existing Undertakings		
Submission of EA report and CMP.	4(2)(a)	E1500
Resubmission of EA report and/or CMP.	4(3)(b)	E500
Amendment of EA report and/or CMP by the Authority.	4(4)	E500
Amendment of summary by the Authority.	4(5)	E500
Category 2 Projects		
Submission of IEE report and CMP.	8(1)(a)	E1500
Resubmission of IEE report and/or CMP.	8(1)(c)	E500
Category 3 Projects		
Submission of EIA report and CMP.	9(4)(a)	E3000
Resubmission of EIA report and/or CMP.	9(4)(c)	E500
Appeals		
Submission of Appeal.	19(1)(c)	E1000

G. S. VILAKATI
Minister for Tourism, Environment and Communications

LEGAL NOTICE NO. 31 OF 2000

THE SWAZILAND ENVIRONMENT AUTHORITY ACT 1992
(Act No. 15 of 1992)

THE WASTE REGULATIONS 2000
(Under Section 18)

In exercise of the powers conferred by section 18 of the Swaziland Environment Authority Act, 1992, and in consultation with the Authority, the Minister for Tourism, Environment and Communications makes the following Regulations -

PART I: PRELIMINARY

Citation and Commencement

1. These Regulations may be cited as the Waste Regulations, 2000 and shall come into operation on the date of publication in the Gazette.

Application

2. These Regulations regulate the management of solid waste and liquid waste disposed of on land, and are binding on the State.

Interpretation

3. (1) In these Regulations, unless the context otherwise requires -

“adverse effect” means any harmful or detrimental effect on the environment, whether actual or potential:

- (a) that is, or may in future be, more than trivial or insignificant;
- (b) that impairs, or may in future impair, human health; or
- (c) that results in, or may in future result in, an impairment of the ability of people and communities to provide for their health, safety, and cultural and economic well-being, that is more than trivial or insignificant,

and the risk of a potential adverse effect occurring shall be deemed to be significant if either it is reasonably likely that the adverse effect may occur, or if it is unlikely that the adverse effect will occur but if it did occur it would be serious and/or irreversible;

“approved waste disposal facility” means, in respect of any category of waste, a facility which has been licensed by the authority under these Regulations as a facility at which that type of waste may be permanently disposed of, and includes a landfill site and an incinerator;

“clinical waste” means any waste produced by hospitals, clinics, nursing homes, doctor’s offices, medical laboratories, medical research facilities and veterinarians which is infectious or potentially infectious, and, without limitation, includes: microbial wastes such as cultures and stocks of infectious wastes; human blood and blood products; pathological wastes of human origin such as tissues, organs and body parts; contaminated animal wastes including animal carcasses, body parts and bedding which have been exposed to infectious agents; isolation wastes associated with animals or humans which have been isolated as a result of being infected with a disease; and contaminated and uncontaminated sharps including hypodermic needles, scalpels and broken glassware;

“commercial waste” means waste from premises used wholly or mainly for the purposes of a trade or business or for the purposes of sport, recreation or entertainment, but excluding: household waste; industrial waste; waste from any mine or quarry; and waste from premises used for agriculture;

“disposal” of waste includes deposit of waste into or onto land, and incineration of waste, but does not include temporary storage of waste, pending collection, in accordance with these Regulations;

“environmental compliance certificate” means an Environmental Compliance Certificate issued under and in accordance with the Environmental Audit, Assessment and Review Regulations 2000;

“hazardous waste” means any waste -

- (a) which is listed in Part I of Schedule Three and to which a six digit waste code has been assigned in that Schedule, and which displays any of the properties specified in Part II of Schedule Three; or

- (b) which displays any of the following hazardous properties as defined in Part II of Schedule Three: highly "flammable" (only liquid substances and preparations having a flash point below 21°C), "irritant", "harmful", "toxic", "carcinogenic" or "corrosive",

unless the waste does not exceed any of the threshold criteria for certain hazardous properties set out in Part III of Schedule Three;

"household waste" means waste from any of the following premises:

- (a) a home, that is to say, a building or self-contained part of a building which is used wholly for the purposes of living accommodation, or a caravan or a mobile home;
- (b) premises forming part of a university or school or other educational establishment;
- (c) premises forming part of a residential home, hospital or nursing home,

but does not include commercial, industrial or hazardous waste, sand, earth, effluent, or garden waste;

"industrial waste" means waste from a factory or from any premises used for the purposes of, or in connection with, the provision to the public of: transport services by land, water or air; gas, water, electricity or sewerage services; or postal or telecommunications services;

"litter" means any waste which is discarded in any public place or vacant land, other than in a waste receptacle;

"local authority" means a municipal council or a town council established under Part II of the Urban Government Act 1969, or a town board established under Part XIII of that Act, and in relation to a company town, means the company that controls the town;

"local waste disposal site" means a site designated for the disposal of waste in a waste control area in accordance with regulation 12;

"local waste collection site" means a site designated for the collection of waste in a waste control area in accordance with regulation 12;

"occupier" means, in relation to any land or premises, any person in actual occupation, in charge of, or responsible for managing, the land or premises, and includes a person occupying a portion of Swazi Nation land with the permission of a Chief, and in respect of Swazi Nation land which has not been allocated to a particular person, the Chief of that area;

"premises" means any building or part of a building and the land used or occupied in connection with it;

"recovery" in relation to waste, means the recycling, re-use or reclamation of waste or any other process which is applied to waste with a view to extracting secondary raw materials, or generating heat or any other form of energy, from the waste;

"special waste" means hazardous waste and clinical waste;

"statutory nuisance" means any state of affairs or matter which is defined in any legislation as constituting a nuisance or a public nuisance;

"urban area" means an area within the area or jurisdiction of a local authority;

"waste" means any substance or thing that the holder discards or disposes of, or intends or is required to discard or dispose of, irrespective of its value to anyone, and any substance or thing deemed by a regulation to be waste; and for the purposes of this definition: "holder" means a person in possession of the waste, or a person whose activities produced the waste, or a person who carried out pre-processing, mixing or other operations that changed the nature or composition of the waste;

"waste control area" means an area designated as such by the Minister in accordance with regulation 12(1);

"waste disposal facility" means a landfill site, incinerator or any other facility at which waste is permanently disposed of;

"waste regulation authority" means:

- (i) in respect of an urban area, the local authority responsible for that area;
- (ii) in respect of a waste control area, the Office of the Deputy Prime Minister; or the body to which responsibility for the management of waste in the waste control area has been delegated under regulation 12(2); and
- (iii) in any other area, the Office of the Deputy Prime Minister.

PART II: GENERAL PROVISIONS

General Prohibition and Duty of Care

4. (1) A person shall not collect, transport, sort, recover, treat, store, dispose of or otherwise manage waste in a manner that is likely to result in an adverse effect.

(2) Every person who imports, produces, collects, recovers, transports, keeps, treats or disposes of waste must take all reasonable measures to prevent any other person contravening sub-regulation (1) in relation to that waste.

(3) Any person who contravenes sub-regulations (1) or (2) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni and, in the case of a natural person, to imprisonment for a term not exceeding two years, or to both imprisonment and a fine.

Disposal of waste

5. (1) Subject to sub-regulation (2), no person shall dispose of:

- (a) commercial or industrial waste, or household waste produced in urban areas, except at an approved waste disposal facility;
- (b) special waste except at an approved waste disposal facility;
- (c) any household waste produced in a waste control area except at a local waste disposal site or a local waste collection site designated by the Authority under regulation 12(3) or at an approved waste disposal facility.

(2) The following acts do not contravene sub-regulation (1):

- (a) the discharge directly into a water body of commercial or industrial waste, other than special waste, in the form of effluent in compliance with the [Water Pollution Control Regulations 2000] or
- (b) the emission into the atmosphere of commercial or industrial waste, other than special waste, in the form of gas or particulates, in compliance with the [Air Pollution Control Regulations 2000].

(3) Any person who contravenes sub-regulation (1) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni and, in the case of a natural person, to imprisonment to a term not exceeding two years, or to both imprisonment and a fine.

Import, export and trade in waste

6. (1) Subject to paragraph (2), no person shall import, export or trade in waste without the written permission of the Authority and subject to the terms and conditions imposed by the Authority

(2) The import of hazardous waste into Swaziland is prohibited.

(3) Any person who contravenes sub-regulation (1) or (2) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni and imprisonment to a term not exceeding two years, or both.

PART III: ADMINISTRATION

Functions of the Authority

7. The Authority shall -

- (a) prepare a national waste strategy;
- (b) give general or specific directions to waste regulation authorities regarding their functions relating to the collection and disposal of waste in their areas, in order to promote the protection of the environment and the wise use of resources;
- (c) monitor the management of waste in waste control areas in accordance with Part V;
- (d) issue special waste carrier licences under Part VI and keep a register containing details of all persons to whom such licenses have been issued;
- (e) inspect all waste disposal and recovery facilities in respect of which a waste management licence is in force at least once every six months;
- (f) issue special waste management licences under regulation 23;
- (g) issue waste recovery licences and waste separation permits under Part X;
- (h) issue waste management licences under Part VIII;
- (i) regulate the management of waste in accordance with Part VIII;

- (j) regulate the management of special waste in accordance with Part IX;
- (k) monitor compliance with licences issued under these Regulations;
- (l) take enforcement action where necessary, including variation, revocation and suspension of licences in the case of breach of licence conditions;
- (m) review and monitor the implementation by local authorities of waste management plans; and
- (n) collect and analyse statistical data on waste produced and waste composition in Swaziland and include the findings of this research and appropriate recommendations in the annual report of the Authority.

Functions of local authorities

8. (1) Each local authority shall, within the local authority's area of jurisdiction-
- (a) collect, or arrange for the collection of, all household waste at least once per week and ensure that it is disposed of at an approved waste disposal facility;
 - (b) ensure that all waste is collected, transported and disposed of in accordance with these Regulations;
 - (c) take all practical measures to promote and support the recovery of waste, particularly at the point at which it is produced;
 - (d) provide litter receptacles in public places in accordance with regulation 29; and
 - (e) prepare waste management plans in accordance with regulation 31.

(2) Each local authority shall report annually to the Authority on the quantity of household, commercial, industrial, hazardous and clinical waste generated and disposed of within its area of jurisdiction and on the implementation of its waste management plan.

PART IV: STORAGE, COLLECTION AND DISPOSAL OF WASTE IN URBAN AREAS

Storage of waste

9. (1) Every occupier of premises in an urban area shall provide suitable waste receptacles in accordance with sub-regulation (2), for the reception and storage of waste produced upon the premises, and shall ensure that such waste is deposited in these waste receptacles.

(2) If the occupier fails to provide suitable waste receptacles the local authority may provide the necessary receptacles and recover the cost from the occupier or owner of the premises.

(3) Every occupier of premises in an urban area shall:

- (a) provide and use separate receptacles for the reception and storage of each of the following categories of waste which it produces:
 - (i) household waste;
 - (ii) industrial and commercial waste;

- (iii) waste which is to be recycled; and
- (iv) special waste;
- (a) maintain all receptacles in good condition; and
- (b) ensure that the receptacles are covered at all times (except when waste is being deposited in or removed from a receptacle) and are located so as not to cause a statutory nuisance or be unnecessarily offensive to the occupiers of adjacent plots.

(4) Every owner of a plot in an urban area containing four or more residential or commercial units shall provide an enclosure for the storage of individual waste receptacles or common waste receptacles for all occupiers of that plot producing the same type of waste.

(5) Any person who contravenes sub-regulations (1), (3) or (4) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni and, in the case of a natural person, to imprisonment to a term not exceeding two years, or to both imprisonment and a fine.

Collection and disposal of household waste

10. (1) Every local authority shall ensure that skips or common receptacles are placed along access routes to and from any premises within its area or jurisdiction that are inaccessible to waste collection vehicles, for the collection of household waste.

(2) Every occupier of premises located in areas which are inaccessible to waste collection vehicles shall ensure that all household waste produced on their premises is transported to, and disposed of in, the skips or common receptacles provided by the local authority in accordance with sub-regulation (1).

(3) Every local authority shall ensure that all household waste produced within its area of jurisdiction is collected from the waste receptacles provided in accordance with regulation 9 and the skips and common receptacles provided in accordance with this regulation, at least once per week and is disposed of at an approved waste disposal facility or treated in accordance with these Regulations.

(4) The owner or occupier of any premises situated in an urban area in which a mechanised waste collection service is operated by the local authority or an operator licensed by the local authority, shall, on the days and at the times stipulated by the local authority, place the waste receptacles containing the household waste generated on the premises in front of their premises in a place accessible to the waste collection vehicles and shall remove all empty receptacles within twelve hours of the collection of the waste.

(5) Any person who contravenes sub-regulations (1), (2), (3) or (4) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni and, in the case of a natural person, to imprisonment to a term not exceeding two years, or to both imprisonment and a fine.

Collection of commercial and industrial waste

11. (1) The owner or occupier of any premises upon which commercial or industrial waste is produced shall arrange for the waste to be collected and transported to an approved waste disposal facility and disposed of at that facility or treated in accordance with these Regulations.

(2) Any owner or occupier of premises upon which commercial or industrial waste is produced may make a written request to the local authority to arrange for the collection of all or any of such waste.

(3) Upon receipt of a written request under sub-regulation (2), the local authority shall notify the applicant in writing with ten days whether or not it is able to collect the waste in question and where it is able to do so, the local authority shall enter into a written agreement with the owner or occupier of the premises or the producer of the waste, under which the local authority undertakes, for a fee, to collect the waste and to transport it to an approved waste disposal facility for disposal in accordance with these Regulations.

(4) Unless otherwise provided under a written agreement referred to in sub-regulation (3), the local authority shall act as the agent of the producer of the waste in handling, transporting and disposing of the waste.

PART V: STORAGE, COLLECTION AND DISPOSAL OF WASTE IN WASTE CONTROL AREAS

Designation of waste control areas

12. (1) Where the Minister for the Environment, acting on the advice of the Authority, and after consultation with the competent authority or organ of Government responsible for rural development considers that the disposal of waste in any non-urban area is resulting in an adverse effect, or there is a significant risk that it will result in an adverse effect, the Minister for the Environment may, by notice in the Gazette, designate the area as a waste control area.

(2) The organ of Government or public body that has primary responsibility for waste management in a waste control area-

- (a) shall prepare and submit to the Authority for approval, a plan for the management of waste in the waste control area that conforms to the requirements of the Authority including any national waste strategy published by the Authority;
- (b) shall designate one or more local waste disposal sites or local waste collection sites within each waste control area;
- (c) shall inform the public within the waste control area of the location of these designated waste disposal and waste collection sites; and
- (d) may request the Minister for the Environment to prescribe guidelines for the disposal of waste within the waste control area, either by regulation or in the form of a code of practice issued in accordance with section 87;
- (e) shall report at least once annually to the Authority on the implementation of its waste management plan.

(3) An organ of Government or public body with primary responsibility for waste management in a waste control area may, with the consent of the Minister responsible for environmental affairs, delegate some or all of its functions under this section to another organ of Government, public body, chief or traditional authority, or to an organisation which is representative of the people in the waste control area.

Duties of producers of waste in waste control areas

13. (1) Every person in a waste control area shall dispose of any household waste which the person generates-

- (i) in a local waste disposal site or at a local waste collection site designated by the Authority; or
- (ii) within the boundaries of the site which they occupy, by burying the waste in a pit in the ground which is located at a safe distance from human living areas and drinking water sources.

(2) Every person in a waste control area shall comply with directions by the Authority regarding the proper management and safe disposal of waste, of which they are notified or which are widely publicized in the waste disposal area.

(3) Any person who contravenes sub-regulations (1) or (2) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni and, in the case of a natural person, to imprisonment to a term not exceeding two years, or to both imprisonment and a fine.

PART VI: CARRIAGE OF WASTE

Special waste carrier licences

14. (1) No person shall transport special waste except under and in accordance with a special waste carrier licence issued by the Authority under this regulation.

(2) A person wishing to obtain a special waste carrier licence shall submit a written application to the Authority together with the fee prescribed in Schedule Four and the application shall include-

- (a) a description of the types of special wastes which the applicant wishes to transport;
- (b) the anticipated volume of special waste to be transported annually;
- (c) a description of the containers and vehicles which will be used to transport the special waste;
- (d) a description of the measures which will be taken to minimise any potential danger to the environment or to human health (including the safety of workers) arising from the handling and transportation of the special waste;
- (e) a description of the emergency contingency plans which the carrier has or will establish to deal with any accidental escape of special waste or any other unexpected threat to human health or the environment arising from the transportation of special waste; and
- (f) any other information which the Authority may reasonably require in order to determine the application.

(3) The Authority shall consider the application and if necessary request additional information from the applicant and within thirty days of receiving the application, or any additional information requested, shall decide whether or not to issue a special waste carrier licence and notify the applicant in writing of its decision.

(4) If the Authority is satisfied, firstly that the carriage of the special waste will not cause an adverse effect, and secondly that the carrier will take all reasonable precautions to minimise the risk of causing an adverse effect, the Authority shall issue a special waste carrier licence subject to whatever terms and conditions the Authority considers appropriate, but if it is not satisfied on both these counts, it shall refuse the application giving reasons for the refusal.

(5) A special waste carrier licence shall be valid for a period of three years, unless revoked in accordance with regulation 33(4).

(6) This Part shall not apply to waste oil from motor vehicles.

(7) Any person who contravenes sub-regulation (1) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni and, in the case of a natural person, to imprisonment to a term not exceeding two years, or to both imprisonment and a fine.

Consignment notes for special waste

15. (1) For the purposes of this regulation, in relation to a consignment of special waste -

“carrier” means the person who collects that waste from the premises at which it is being held and transports it to another place;

“consignee” means the person to whom that waste is transported;

“consignment note” means a note in a form corresponding to the form set out in Schedule 2, and includes any additional material accompanying the note; and

“consignor” means the person who causes that waste to be removed from the premises at which it is being held.

(2) Five copies of a consignment note shall be prepared for each consignment of special waste, and in accordance with this regulation, one copy shall be retained by the consignor, one copy by the carrier, one copy by the consignee, and the consignee shall send two copies to the consignee's waste regulation authority.

(3) The consignee's waste regulation authority shall retain one copy of the consignment note and, if applicable, shall send the other to the consignor's waste management authority.

(4) Before a consignment of special waste is removed from the premises at which it is being held -

(a) five copies of the consignment note shall be prepared and the consignor shall ensure that Part A (consignment details) and Part C (consignor's collection certificate) is completed on each of the copies;

(b) the carrier shall ensure that -

(i) Part B (carrier's collection certificate) is completed on those five copies;

(ii) one copy of the consignment note on which parts A, B and C have been completed is given to the consignor before the consignment is removed; and

(iii) he or she receives four of the copies on which Parts A, B and C have been completed and gives them to the consignee before or at the time the consignee receives the consignment.

(5) Subject to sub-regulation (7), the consignee shall on receiving a consignment -

(a) ensure that Part D (consignee's acceptance certificate) is completed on the four copies of the consignment note which the consignee receives;

- (b) retain one completed copy;
- (c) ensure that one completed copy is immediately given to the carrier; and
- (d) ensure that the remaining two copies are given, within 7 days of receipt of the consignment, to the waste regulation authority for the area to which the consignment has been transported.

(6) A waste regulation authority that receives copies of a consignment note for waste that has been transported from an area under the control of another waste regulation authority, shall immediately send a copy of that consignment note to the waste regulation authority for the area from which the consignment was transported.

(7) If a consignee refuses to accept delivery of a consignment of special waste, the requirements of sub-regulation (5) shall not apply to the consignee, and if the consignee has been given copies of the consignment note, the consignee shall, without completing Part D -

- (a) retain one copy;
- (b) ensure that two copies, accompanied by a written explanation of the reasons for not accepting delivery are given immediately to the waste regulation authority for the area to which the special waste has been transported; and
- (c) ensure that the other copy is returned to the carrier.

(8) Where a consignee refuses to accept delivery of a consignment of special waste, as described in paragraph (7), the carrier shall ensure that the consignment of waste is -

- (i) returned to the consignor; or
- (ii) delivered to another consignee designated by the consignor.

(9) Where a consignment of special waste is delivered to a consignee other than the consignee originally named in Part A of the consignment note, as described in paragraph (8) (ii) above, the carrier shall amend Part A of the consignment note accordingly and the consignor shall sign the amended Part of the consignment note before the new consignee may accept the consignment of waste.

(10) The consignor and the carrier shall retain their copies of the consignment note for a minimum period of five years and the consignee and the consignee's waste regulation authority shall retain their copies of the consignment note for a minimum period of ten years.

(11) The Authority may at any reasonable time inspect the consignment notes and records relating to the movement of special waste held by a consignor, carrier, consignee, or waste regulation authority.

PART VII: WASTE DISPOSAL FACILITIES

Construction and operation of a waste disposal facility

16. (1) A person shall not construct or operate a waste disposal facility, other than a local waste disposal site or a local waste collection site, except under and in accordance with the terms and conditions of an environmental compliance certificate.

(2) An applicant for an environmental compliance certificate for a waste disposal facility, shall

submit to the Authority the following information -

- (a) a description of the site;
- (b) the anticipated volume and categories of waste to be disposed of at the site annually;
- (c) in the case of a landfill site, evidence that the site -
 - (i) meets the minimum requirements set out in Schedule One;
 - (ii) is not located in an area referred to in sub-regulation (3)(b); and
 - (iii) is located and designed and is capable of being operated in such a way as to ensure that any leachate or gaseous emission, will not cause any adverse effect.

(3) The Authority shall not issue an environmental compliance certificate for a new landfill site or the upgrading of an existing site unless the Authority is satisfied that -

- (a) subject to sub-regulation (4), the site meets the minimum requirements set out in Schedule One;
- (b) the site is not located within -
 - (i) a national park, game reserve or any other protected area or area having national historical or archaeological significance;
 - (ii) an area which is flooded on average at least once every 25 years; or
 - (iii) an area in which geological faults occur; and
- (c) the site is located and designed and is capable of being operated in such a way as to ensure that any leachate or gaseous emission, will not cause any adverse effect.

(4) The Authority may grant exemptions from the minimum requirements in Schedule One in respect of a specific site where it is satisfied, based on the results of the environmental impact assessment and accompanying comprehensive mitigation plan, that there are good reasons for doing so and that the granting of the exemption will not result in any adverse effect.

(5) Any person who contravenes sub-regulation (1) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni and, in the case of a natural person, to imprisonment to a term not exceeding two years, or to both imprisonment and a fine.

PART VIII: WASTE MANAGEMENT LICENCES

Prohibition on unlicensed operation of a waste disposal facility

17. (1) A person shall not operate a waste disposal facility except under and in accordance with a waste management licence issued by the Authority under regulation 18.

(2) Any person who contravenes sub-regulation (1) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni and, in the case of a natural person, to imprisonment to a term not exceeding two years or to both imprisonment and a fine.

Applications for waste management licences

18. (1) Every person wishing to be granted a waste management licence shall submit an application to the Authority setting out details of -

- (a) the applicant (including name and contact details);
- (b) the site, including relevant land use in the surrounding area;
- (c) the proposed management and operating methods;
- (d) the technical expertise and experience of the applicant and its staff in undertaking the waste management activities for which the licence is required;
- (e) the actual and/or anticipated environmental impacts of the operation of the facility unless such information has already been submitted to the Authority in compliance with the requirements of the Environmental Audit, Assessment and Review Regulations 2000;
- (f) the fee prescribed in Schedule Four;
- (g) the anticipated categories and quantities of waste to be handled and disposed of at the facility; and
- (h) any other information which the Authority may reasonably require.

(2) Where the applicant intends to operate a waste disposal facility, the applicant shall include, with the application, a facility operating plan for the waste disposal facility that shall as a minimum include:

- (a) a set of facility rules and standards relating to the operation of the facility;
- (b) a list of the types and volumes of waste which may be accepted at the facility;
- (c) the technical standards of the facility
- (d) the staffing of the facility including security and monitoring measures; and
- (e) the overall management of the facility.

(3) Upon receipt of an application for a waste management licence the Authority shall inspect the site and may require the applicant to provide further information to enable the Authority to properly evaluate the application.

(4) The Authority shall evaluate each application for a waste management licence and any other relevant information submitted to it in connection with the issuing of an environmental compliance certificate, and shall within sixty days of receipt of the application and all other information required by the Authority, either -

- (a) grant a licence if the Authority is satisfied that the applicant has sufficient expertise to operate the waste disposal facility in accordance with guidelines prescribed by the Authority and in a manner which will not cause any adverse effect; or
- (b) reject the application giving its reasons in writing to the applicant.

(5) The Authority shall issue a waste management licence subject to whatever terms and conditions the Authority considers appropriate to ensure that the site is properly managed and the waste is disposed of without causing any adverse effect. These terms and conditions may be incorporated in the waste management licence by reference to the facility operating plan which shall form part of the waste management licence.

(6) The Authority may by written notice to the holder of a waste management licence, amend the terms and conditions of the licence (including the provisions of the facility operating plan) if the Authority considers that the amendments are necessary to avoid or mitigate any adverse effect.

(7) A waste management licence may not be surrendered by the holder except in accordance with regulation 19.

(8) A waste management licence is not transferable by the holder but the Authority may transfer it to another person under regulation 20.

(9) A waste management licence shall remain in force until it is revoked by the Authority under regulation 33(4) or its surrender is accepted by the Authority under regulation 19.

(10) The operator of a waste disposal facility shall -

- (a) take all reasonable steps to ensure that the disposal of waste at the site is carried out in such a manner as to avoid any adverse effect;
- (b) refuse to accept special waste at the facility unless it is delivered by the holder of a valid special waste management licence and special waste carrier licence and is accompanied by four copies of a consignment note in accordance with regulation 15;
- (c) ensure that special waste is disposed of separately in accordance with the requirements of the Authority;
- (d) monitor the site to ensure that the waste is being disposed of in accordance with the licence and without causing any adverse effect;
- (e) keep records on any monitoring for the duration of the waste management licence; and
- (f) submit any proposed amendment to the facility operating plan to the Authority for approval.

(11) No amendment to the facility operating plan shall be effective unless approved by the Authority in writing and incorporated into the waste management licence.

Surrender of a waste management licence

19. (1) The holder of a waste management licence may not surrender the licence unless the Authority accepts the surrender in accordance with this regulation.

(2) The holder of a waste management licence may apply to the Authority for permission to surrender the licence and shall provide any information that the Authority may reasonably require to determine the application.

(3) Upon receipt of an application for the surrender of a waste management licence in respect of a waste disposal facility, the Authority shall inspect the facility, and the site, and where the Authority is -

- (a) satisfied that there is no significant risk of any adverse effects being caused directly or indirectly by the waste disposed of at the site, it shall accept the surrender of the licence;
- (b) not satisfied under paragraph (a), it shall refuse to accept the surrender of the licence, and shall notify the applicant of the measures that the Authority requires the applicant to take to remove the risk of any adverse effects, in order for the Authority to accept the surrender of the licence.

(4) If the holder of the licence fails to take the measures referred to in sub-regulation (3)(b), the Authority may take the measures and recover the costs incurred in doing so from the licence holder.

(5) Where the surrender of a licence is accepted under sub-regulation (3), the Authority shall issue to the applicant a certificate of completion stating that it is satisfied as stated in sub-regulation (3)(a) and, on the issue of that certificate, the licence shall cease to have effect.

Transfer of a waste management licence

20. (1) A waste management licence may be transferred to another person only in accordance with this regulation.

(2) Where the holder of a waste management licence wishes to transfer the licence to another person ("the proposed transferee") the licence holder and the proposed transferee shall jointly make an application to the Authority and shall provide whatever information the Authority may reasonably require to determine the application.

(3) If the Authority is satisfied that the proposed transferee has sufficient expertise to operate the waste disposal facility in accordance with guidelines prescribed by the Authority and in a manner which will not cause harm to the environment or human health, the Authority shall effect a transfer of the licence to the proposed transferee, and if it is not so satisfied it shall refuse the transfer application.

(4) The Authority shall effect a transfer of a licence under the sub-regulation (3) by causing to be endorsed with the name and other particulars of the proposed transferee as the holder the licence of the licence from such date specified in the endorsement as may be agreed with the applicants.

PART IX: SPECIAL WASTE

Storage and collection of special waste

21. (1) The owner or occupier of every premises upon which special waste is produced shall ensure that all special waste is separated from other waste, and is stored in separate containers pending disposal, in accordance with Authority's requirements.

(2) Any person who contravenes sub-regulation (1) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni and, in the case of a natural person, to imprisonment to a term not exceeding two years, or to both imprisonment and a fine.

Classification of special waste

22. Where a person is unable to determine whether or not any particular waste is hazardous waste, clinical waste or other waste, that person shall refer the matter to the Authority whose decision shall be final.

Special waste management licences

23. (1) A person shall not keep, treat or dispose of special waste except under and in accordance with a special waste management licence issued under this regulation.

(2) Every owner or occupier of any land or premises on which special waste is kept, treated or disposed of shall make a written application to the Authority for a special waste management licence accompanied by payment of the fee prescribed in Schedule Four, and if the waste is kept, treated or disposed of within an urban area, shall simultaneously submit a copy of the application to any local authority concerned.

(3) An application for a special waste management licence shall include details of -

- (a) the chemical composition, nature and volume of the waste which is being, or will be, produced;
- (b) the industrial process, trade or activity giving rise to the waste;
- (c) the frequency of disposal of the waste;
- (d) the number of persons employed on the premises;
- (e) the way in which the applicant proposes to keep, treat or dispose of the special waste, including storage and handling procedures;
- (f) a copy of the special waste carrier licence or an application for such a licence, relating to the transport or proposed transport of the special waste, regardless of whether or not the carrier and the applicant are the same person.
- (g) the precautions which will be taken to avoid any adverse effects being caused by the special waste; and
- (h) any other matter, including testing and laboratory analyses, which the Authority may reasonably require in order to determine the application.

(4) After receipt of the application, the Authority may require the applicant to provide further information to enable the Authority to evaluate the application properly.

(5) The Authority shall evaluate each application for a special waste management licence and any other relevant information submitted to it, and shall within twenty days of receipt of the application and all other information required by the Authority, either -

- (a) grant a special waste management licence if the Authority is satisfied that the proposed method of keeping, treating and disposing of the special waste will not cause any adverse effects; or
- (b) reject the application giving its reason in writing to the applicant and require the applicant to submit a revised application.

(6) The Authority shall issue a special waste management licence subject to whatever terms and conditions the Authority considers appropriate to ensure that the waste is stored, handled, treated and/or disposed of without causing any adverse effects.

(7) The terms and conditions referred to in paragraph (6) shall be specified in the licence, and may include conditions requiring the applicant -

- (a) to treat the waste in order to render it non-hazardous or less hazardous in accordance with standards and procedures prescribed by the Authority, at the place where it is produced;
- (b) to ensure that adequate records are kept and contractual arrangements concluded to enable the Authority to track any consignment of waste from the place where it is produced to the place where it is finally disposed of and to determine which party had custody of the waste at each point;
- (c) to take any other measures in respect of the waste which the Authority considers appropriate to ensure that the waste does not cause any adverse effects.

(8) The Authority may, by written notice to the holder of a special waste management licence, amend the terms and conditions of the licence if the Authority considers that the amendments are necessary to avoid or mitigate any adverse effects.

(9) A special waste management licence shall remain in effect for a period of five years, provided that the holder of the licence shall notify the Authority of any significant change in the volume or nature of the waste during the licence period and upon such notification the Authority may alter the licence as necessary to ensure that the waste is kept, treated, and/or disposed of, without causing any adverse effects.

(10) Any person who contravenes sub-regulation (1) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni and, in the case of a natural person, to imprisonment to a term not exceeding two years, or to both imprisonment and a fine.

Clinical Waste Generators

24. (1) The owner or occupier of any land or premises on which clinical waste is produced shall ensure that all clinical waste produced on the premises is immediately placed in heavy duty plastic bags or other containers prescribed by the Authority which are colour coded in accordance with sub-regulation (2).

(2) All plastic bags and containers containing clinical waste shall be colour coded and labelled as follows -

- (a) all clinical waste which has not been sterilised and rendered non-infectious shall be placed in heavy duty red plastic bags at the point of generation;
- (b) all clinical waste which has been sterilised by autoclave, microwave, chemical or other non-burning method, shall be placed in heavy duty yellow plastic bags;
- (c) all sharps, whether sterilised or not, shall be placed in rigid, sealed, plastic containers clearly marked "Clinical Waste - Sharps" in red lettering.

(3) All clinical waste shall be sterilised prior to final disposal in accordance with the requirements of the Authority, either on the premises where the waste was produced or at an authorised waste disposal facility.

(4) Every owner or occupier of premises on which clinical waste is produced shall provide periodic training on proper clinical waste handling procedures to all employees who may come in contact with clinical waste, in accordance with the requirements of the Authority.

(5) No person shall place clinical waste in any container that is not colour coded in accordance with sub-regulation (2).

(6) Any person who contravenes sub-regulations (1), (3), (4) or (5) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni and, in the case of a natural person, to imprisonment to a term not exceeding two years, or to both imprisonment and a fine.

PART X: RECOVERY OF WASTE

Waste separation at approved waste disposal facilities

25. (1) No person shall sort or separate any waste for the purpose of recovery at an approved waste disposal facility, except under and in accordance with -

- (a) a waste management licence in respect of that waste disposal facility;
- (b) a waste recovery licence issued under regulation 27(4); or
- (c) a waste separation permit issued under this regulation.

(2) Any person wishing to obtain a waste separation permit shall apply in person to the Authority or to the local authority or any other body to whom the Authority has delegated authority to issue waste separation permits.

(3) Any person who contravenes sub-regulation (1) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni.

Commercial waste recovery

26. (1) A person shall not undertake a business which involves the recovery of waste and which employs more than ten people, except under and in accordance with a waste recovery licence issued by the Authority.

(2) A person wishing to obtain a waste recovery licence shall submit a written application to the Authority that shall include -

- (a) details of the applicant;
- (b) a description of the site(s) at which the recovery operations will be conducted and whether or not they are within an existing waste disposal site;
- (c) a description of the material(s) the applicant wishes to recover;
- (d) the anticipated volume of the materials;
- (e) a description of the proposed manner of recovery;
- (f) the number of persons to be employed in the operation;
- (g) a description of storage containers to be used, their location and frequency of collection;
and
- (h) a health and safety plan for all sorting workers to include safety clothing and training.

(3) If the waste recovery business is to be undertaken partially or wholly within an approved waste disposal facility, the application under sub-regulation (2) shall in addition, include:

- (a) details of the precautions which will be taken to avoid disruption of the normal operation of the waste disposal facility; and
- (b) confirmation that all sorting activities shall conform to the facility operating plan.

(4) The Authority shall consult with any local authority in whose area of jurisdiction the waste recovery business is to be undertaken and if any part of the business is to be undertaken within an approved waste disposal facility, with the operator of the waste disposal facility and, taking their views into account, the Authority shall by written notice to the applicant copied to the parties consulted, either-

- (a) issue a waste recovery permit subject to such terms and conditions as the Authority considers appropriate; or
- (b) refuse the application giving reasons for the refusal.

(5) If the Authority is satisfied that waste recovery activities within an approved waste disposal facility will increase the operating costs of the waste disposal facility the Authority may require the applicant to pay a fee to the operator of the waste disposal facility as a condition of the issue of the waste recovery licence.

(6) A waste recovery permit issued for sorting at an approved waste disposal facility shall be valid for a period of five years, unless revoked in accordance with regulation 33(4).

(7) Any person who contravenes sub-regulation (1) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni and, in the case of a natural person, to imprisonment to a term not exceeding two years, or to both imprisonment and a fine.

Waste collection for recovery purposes

27. (1) No person shall place any specialised containers (other than a waste receptacle referred to in regulation 10) on any land, street or public place, for the purpose of sorting, storing or collecting recyclable materials such as paper, plastic, tins or glass bottles, or food waste for animal consumption, without a permit issued by the waste regulation authority for the area.

(2) An application for a permit under sub-regulation (1) shall include the following information-

- (a) a description of the materials to be sorted, stored or collected;
- (b) a description of the containers to be used for storing, storing or collecting those materials, and their specific location;
- (c) the schedule for, and method of, collecting the materials; and
- (d) the methods to be employed to control litter around the container(s);

(3) Upon receipt and evaluation of an application for maintaining, sorting, storing or collecting containers under this regulation, the local authority or the Authority may by written notice:

- (a) accept and approve of the application as submitted;

(b) attach such conditions to the approval of the application as the local authority or the Authority considers necessary to avoid or mitigate any adverse effects; and/or

(c) reject the application and order the removal of any existing containers.

(4) Any person who contravenes sub-regulation (1) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni.

PART XI: LITTERING AND ABANDONED VEHICLES

Littering

28. (1) No person shall dispose of waste in such a manner that it becomes litter or is likely to become litter.

(2) The driver and the owner of a vehicle from which litter is discarded in contravention of sub-regulation (1) shall be strictly, and jointly and severally, liable for the offence.

(3) Every person shall take all reasonable measures to prevent any contravention by any other person of sub-regulation (1).

(4) Any person who contravenes sub-regulation (1), (2) or (3) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni and, in the case of a natural person, to imprisonment to a term not exceeding two years, or to both imprisonment and a fine.

Receptacles in public places and buses

29. (1) Every local authority shall cause litter receptacles to be placed in public places within its area of jurisdiction where littering is likely to occur, including parks, public markets, commercial shopping areas, bus and train stations, and shall cause such receptacles to be emptied before they reach full capacity and in any case at least once per week.

(2) The owner of any commercially operated bus, minibus or taxi shall ensure that it is equipped with litter receptacles and that notices are displayed in conspicuous places in the vehicle informing all passengers that littering is an offence under the laws of Swaziland.

(3) Any person who contravenes sub-regulation (2) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni.

Abandoned Vehicles

30. (1) A person shall not place, throw, discard or abandon any vehicle or vehicle scrap upon any street, public place or unoccupied land.

(2) If a vehicle or vehicle scrap has been abandoned on any street, public place or unoccupied land in an urban area and has not been moved in at least thirty days, the local authority shall make reasonable efforts to identify the owner of the vehicle or vehicle scrap.

(3) If the owner is identified the local authority shall give a written notice to the owner requiring the owner to remove the vehicle or vehicle scrap within 10 days.

(4) If the owner cannot be identified or does not comply with a notice given under sub-regulation (3), the local authority may remove the vehicle or vehicle scrap and may serve an order on the owner requiring the owner to reimburse the local authority for the costs of removing the vehicle or vehicle scrap.

(5) If the owner fails to pay the costs specified in the notice the local authority may recover these costs as a liquidated debt by way of summary judgement proceedings.

(6) Any person who contravenes sub-regulation (1) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni.

PART XII: WASTE MANAGEMENT PLANS

Solid Waste Management Plans

31. (1) Each local authority shall prepare and submit to the Authority for approval, a long-term plan for the management of waste that conforms to the requirements of the Authority including any national waste strategy published by the Authority.

(2) Every solid waste plan shall include the following components -

- (a) details of the quantity and composition of household, commercial, and industrial waste currently produced in the area;
- (b) projections of the quantity and composition of solid waste generation over the next 10 years;
- (c) a description of current methods of solid management including collection, transportation, recycling, intermediate processing and disposal;
- (d) details of the capacities and remaining life of existing disposal facilities; and
- (e) a timetable for upgrading current solid waste management facilities, and goals for the management of solid waste over the next 10 years.

PART XIII: ENFORCEMENT

Authorised officers

32. (1) The Director may designate in writing any public officer, official of a municipality or representative of a traditional authority, either by name or *ex officio*, as an authorised officer for the purpose of enforcing these Regulations.

(2) An authorised officer may -

- (a) without a warrant -
 - (i) enter, inspect and search any premises, other than a building used exclusively as a dwelling house, if the authorised officer has reason to believe that the provisions of these Regulations are being contravened or are reasonably likely to be contravened;
 - (ii) stop, enter and search any vehicle, vessel or aircraft which he has reasonable grounds to believe may be transporting waste in contravention of these Regulations;

- (b) inspect, seize and take copies of any documents which may constitute evidence of the commission of an offence under these Regulations;
- (c) remove any waste deposited in contravention of these Regulations.

Enforcement Notices

33. (1) If the Authority believes that any condition of any licence or permit granted under these Regulations is being breached or that any adverse effect is being caused, or is likely to be caused, by operations or activities carried out under the licence or permit, the Authority may serve a notice on the licence holder requiring that person to remedy the breach and/or to take specified measures to prevent or mitigate the adverse effect, within a reasonable period stipulated in the notice.

(2) The Authority may by notice in writing to the holder of a licence or permit suspend the licence or permit with immediate effect if the Authority considers that this is necessary to prevent or mitigate a significant risk of a potential adverse effect occurring.

(3) If the licence or permit holder fails to remedy the breach or to take the measures specified in the notice, within the period stipulated in the notice, the Authority may suspend the licence or permit, and give a further notice to the licence or permit holder that if the breach is not remedied, or the specific steps are not taken, within a further period of time stipulated in the notice, the licence or permit will be revoked.

(4) If the breach is not remedied, or the specified steps are not taken, within the further period referred to in the notice given under sub-regulation (3), the Authority may -

- (a) revoke the licence or permit;
- (b) in the case of a waste management licence appoint a new operator or take over the management of the facility for a limited period; and/or
- (c) take a necessary steps to remedy the breach, or prevent or mitigate the adverse effect, and recover the cost from the licence or permit holder.

(5) During suspension of a waste management licence under this regulation, waste which would normally be disposed of at the facility to which the licence relates may be stored or disposed of at an alternative facility approved by the Authority and in accordance with the requirements of the Authority.

(6) Any licence or permit holder who fails to take measures to prevent or mitigate any adverse effect stipulated in a notice under sub-regulation (1) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni and, in the case of a natural person, to imprisonment to a term not exceeding two years, or to both imprisonment and a fine.

Enforcement of special waste management licences

34. (1) The Authority may, by notice in writing to the holder of a special waste management licence, suspend the licence with immediate effect if the Authority considers that this is necessary to prevent or mitigate a significant risk of a potential adverse effect occurring.

(2) If the Authority believes that any condition of a special waste management licence is being breached or that any adverse effect is being caused or is likely to be caused by the storage, handling, treatment or disposal of the special waste, the Authority may serve a notice on the licence holder requiring that person to remedy the breach and/or to take specified measures to prevent or mitigate the adverse effect, within a reasonable period stipulated in the notice.

(3) If the licence holder fails to remedy the breach or to take the measures specified in the notice, within a period stipulated in the notice, the Authority may suspend the licence, and give a further notice to the licence holder that if the breach is not remedied, or the specified steps are not taken, within a further period of time stipulated in the notice, the licence will be revoked.

(4) If the breach is not remedied, or the specified steps are not taken, within the further period referred to in the notice given under sub-regulation (3), the Authority may -

- (a) take the necessary steps to remedy the breach or to prevent or mitigate the adverse effects, and recover the cost from the holder of the special waste management licence; and/or
- (b) revoke the licence.

(5) Any holder of a special waste management licence who fails to take measures to prevent or mitigate adverse effects stipulated in a notice under sub-regulation (2) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni and, in the case of a natural person, to imprisonment to a term not exceeding two years, or to both imprisonment and a fine.

Revision of Licences and Permits

35. The Authority may upon notice to the licence or permit holder revise a licence or permit issued under these Regulations if it is necessary in order to avoid or mitigate any adverse effects.

Abatement Notices

36. (1) If the Authority believes that any person is contravening any provision of these regulations or that any waste under the control of any person is causing an adverse effect or is posing a significant risk of a potential adverse effect occurring, the Authority may by written notice served on that person, require the person to take specified steps to comply with these Regulations or to remove or reduce the risk, within a period specified in the notice.

(2) If a person fails to comply with a notice under sub-regulation (2), the Authority may cause the required measures to be taken and may order the person on whom the notice was served to reimburse the Authority for the costs of taking such steps.

(3) Any person who is aggrieved by a cost order under sub-regulation (2) may appeal to the Minister in accordance with section 17(1) of the Act.

PART XIV: FINAL PROVISIONS

Fees

37. Nothing in these Regulations shall preclude the Authority or a local authority or other person from charging a reasonable fee for any services rendered in compliance with a duty under these Regulations.

Transitional Provisions

38. (1) Within ninety days of these Regulations entering into force ("the date of commencement")-

- (a) any person operating a waste disposal facility on the date of commencement who does not hold a valid environmental compliance certificate in respect of the facility must conduct an environmental audit in accordance with the Environmental Audit, Assessment and Review Regulations 2000, and apply for a waste management licence in accordance with regulation 18;

- (b) any owner or occupier of land or premises on which special waste is being produced on or before the date of commencement shall apply for a special waste management licence in accordance with regulation 23;
- (c) any owner or occupier of land or premises on which clinical waste is being produced on or before the date of commencement shall place all clinical waste in colour coded plastic bags or containers in accordance with regulation 24(2);
- (d) any person engaged in waste separation at a waste disposal site shall apply for a waste separation permit in accordance with regulation 25;
- (e) any person engaged in commercial waste recovery shall apply for a waste recovery licence in accordance with regulation 26; and
- (f) any person maintaining containers for the purpose of sorting, storing and collecting recyclable materials on the date of commencement shall apply for permission to continue doing so in accordance with regulation 27.

(2) Notwithstanding the provisions of any other regulation, the persons referred to in sub-regulation (1) shall be deemed to have permission from the Authority to continue with the activities in question until their application is decided in accordance with these Regulations, or if they fail to submit an application under sub-regulation (1), until the expiry of the period of ninety days calculated from the date of commencement.

SCHEDULE ONE (Regulation 16(3))

MINIMUM STANDARDS FOR LANDFILL SITES

Location

1. The location of the landfill should not give rise to any adverse effects or a significant risk of any adverse effects occurring.
2. Solid waste landfills shall meet the following minimum technical location standards -
 - (a) the bottom of the landfill shall be at least 3 metres above the seasonal high ground water level;
 - (b) the edge of the landfill shall be closer than 60 metres to a surface water body and 100 metres upstream from a public water supply well; and
 - (c) the landfill shall not be located in aquifer recharge areas or public water supply catchment areas unless there are no other feasible alternatives, in which case the landfill shall be lined with appropriate material and subject to additional water quality monitoring.

(3) The technical design of the landfill shall meet the standards required by the Authority to ensure that the operation of the facility does not cause an adverse effect or give rise to a significant risk of a potential adverse effect occurring.

Land use Impacts

4. No landfill site shall be located in any area where it is likely to have a significant negative impact on existing land uses.

5. All new landfill site shall meet the following criteria-

- (a) the site shall not be closer than 3 000 metres from an airport, airfield or site reserved for the construction of an airport or airfield;
- (b) the site shall be located and operated in such a manner that it does not create significant negative impacts on flora and fauna on adjoining land;
- (c) the site shall not be closer than 300 metres from an existing residential development;
- (d) the edge of the landfill shall not be closer than 100 metres from an area to which the public have access, a national park, protected area or an area having national historical or archaeological significance;
- (e) there must be a buffer area around the landfill of at least 20 metres to allow provision for visual screening from adjoining property and/or future access for installing additional ground water quality monitoring facilities and/or future remediation in the event of migration of gases or leachates; and
- (f) landfill access roads shall be located and constructed so as to have a minimum impact on adjacent residents.

SCHEDULE TWO
FORM OF CONSIGNMENT NOTE

(Regulation 15(1))

CONSIGNMENT NOTE FOR SPECIAL WASTE

(Waste Regulations 2000)

Name of consignor's waste regulation authority:

PART A. CONSIGNMENT DETAILS ☐ **Tick if additional sheet(s) attached.**

1.	The special waste described below is to be removed from:	Address:
2.	The consignor is:	Name: Contact: Telephone:
3.	The consignor's special waste management licence no. is:	
4.	The consignment will be:	a single consignment <input type="checkbox"/> a series <input type="checkbox"/> *
5.	The waste will be taken to:	Address:
6.	The consignee is:	Name: Contact: Telephone:
7.	The consignee's special waste management licence no. is:	

8.	The waste was generated by (if different from the consignor)	Name: Contact: Telephone:
DESCRIPTION OF THE WASTE (Refer to guidance notes)		
10.	The waste is:	
11.	The waste code is:	
12.	The process was:	
13.	The physical nature of the waste is:	solid <input type="checkbox"/> powder <input type="checkbox"/> liquid <input type="checkbox"/> sludge <input type="checkbox"/> gas <input type="checkbox"/> *
14.	The significant chemical/biological components that make the waste special are:	Component Concentration (% or mg per kg*)
15.	The dominant hazards are:	flammable <input type="checkbox"/> highly flammable <input type="checkbox"/> oxidising <input type="checkbox"/> explosive <input type="checkbox"/> toxic <input type="checkbox"/> carcinogenic <input type="checkbox"/> irritant <input type="checkbox"/> corrosive <input type="checkbox"/> harmful <input type="checkbox"/> ecotoxic <input type="checkbox"/> other <input type="checkbox"/> *
16.	Quantity etc. details are:	Container type: Size: Number: Waste Weight (kg/t*)
		Waste Vol. (m³/litres*):

PART B. CARRIER'S COLLECTION CERTIFICATE

1. The consignment details (if different from Part A, 11) are:
2. I certify that I have today collected the consignment and that the details in A1, 2, 5, 10, 11, 16 and B1 above, are correct subject to any amendments listed in this space:

Name: On behalf of (firm): Date: Signed:

PART C. CONSIGNOR'S COLLECTION CERTIFICATE

1. I certify that the information in Part A and B above are correct, that the carrier has a valid Special Waste Carrier Licence, and that the carrier was advised of the appropriate precautionary measures.

Name: On behalf of (firm): Date: Signed:

PART D. CONSIGNEE'S ACCEPTANCE CERTIFICATE

1. I certify that the consignee holds a valid Special Waste Management Licence number ☐ that authorises the management of the waste described in A.

2. I accept this special waste on at hours.
3. The weight/volume of the waste accepted is:kg/t*m³/litres
4. The special waste will be:
- landfilled ☐
- incinerated ☐
- treated until it is no longer special waste and reused or recycled ☐
- other (give details) ☐

Name:

On behalf of (firm):

Date

Signed:

* Delete as appropriate. Tick box or boxes as appropriate.

SCHEDULE THREE (regulation 3)

PART A: HAZARDOUS WASTE LIST

In part A of this Schedule Chapter Headings are assigned 2 and 4 digit codes and each category of hazardous waste is assigned a 6 digit waste code.

02 Waste from Agricultural, Horticultural, Hunting, Fishing and Aquaculture Primary Production, Food Preparation and Processing

- 0201 Primary Production Waste
020105 agrochemical wastes

03 Wastes from wood processing and the production of paper, cardboard, pulp, panels and furniture

- 0302 Wood Preservation Waste
- 030201 non-halogenated organic wood preservatives
030202 organochlorinated wood preservatives
030203 organometallic wood preservatives
030204 inorganic wood preservatives

04 Wastes from the Leather and Textile Industries

- 0401 Wastes from the Leather Industry
040103 degreasing wastes containing solvents without a liquid phase
- 0402 Wastes from Textile Industry
040211 halogenated wastes from dressing and finishing

05 Wastes from Petroleum Refining, Natural Gas Purification and Pyrolytic Treatment of Coal

Oily Sludges and Solid Wastes

- 050103 tank bottom sludges
- 050104 acid alkyl sludges
- 050105 oil spills
- 050107 acid tars
- 050108 other tars
- 0504 Spent Filter Clays
 - 050401 spent filter clays
- 0506 Waste from the Pyrolytic Treatment of Coal
 - 050601 acid tars
 - 050603 other tars
- 0507 Waste from Natural Gas Purification
 - 050701 sludges containing mercury
- 0508 Wastes from oil Regeneration
 - 050801 spent filter clays
 - 050802 acid tars
 - 050803 other tars
 - 050804 aqueous liquid waste from oil regeneration

06 Wastes from Inorganic Chemical Process

- 0601 Waste Acid Solutions
 - 060101 sulphuric acid and sulphurous acid
 - 060102 hydrochloric acid
 - 060103 hydrofluoric acid
 - 060104 phosphoric and phosphorous acid
 - 060105 nitric acid and nitrous acid
 - 060199 waste not otherwise specified
- 0602 Alkaline Solutions
 - 060201 calcium hydroxide
 - 060202 soda
 - 060203 ammonia
 - 060299 wastes not otherwise specified
- 0603 Waste Salts and their Solutions
 - 060311 salts and solutions containing cyanides
- 0604 Metal-Containing Wastes
 - 060402 metallic salts (except 0603)
 - 060403 wastes containing arsenic
 - 060404 wastes containing mercury
 - 060405 wastes containing heavy metals
- 0607 Wastes from Halogen Chemical Processes
 - 060701 wastes containing asbestos from electrolysis
 - 060702 activated carbon from chlorine production

- 0613 Wastes from other Inorganic Chemical Processes
 - 061301 inorganic pesticides, biocides and wood preserving agents
 - 061302 spent activated carbon (except 060702)

07 Wastes from Organic Chemical Processes

- 0701 Waste from the Manufacture, Formulation, Supply and Use (MFSU) of Basic Organic Chemicals
 - 070101 aqueous washing liquids and mother liquors
 - 070103 organic halogenated solvents, washing liquids and mother liquors
 - 070104 other organic solvents, washing liquids and mother liquors
 - 070107 halogenated still bottoms and reaction residues
 - 070108 other still bottoms and reaction residues
 - 070109 halogenated filter cakes, spent absorbents
 - 070110 other filter cakes, spent absorbents
- 0702 Waste from the MFSU of Plastics, Synthenc Rubber and Man-made Fibres
 - 070201 aqueous washing liquids and mother liquors
 - 070203 organic halogenated solvents, washing liquids and mother liquors
 - 070204 other organic solvents, washing liquids and mother liquors
 - 070207 halogenated still bottoms and reaction residues
 - 070208 other still bottoms and reaction residues
 - 070209 halogenated filter cakes, spent absorbents
 - 070210 other filter cakes, spent absorbents
- 0703 Waste from the MFSU for Organic Dyes and Pigments (Excluding 0611)
 - 070301 aqueous washing liquids and mother liquors
 - 070303 organic halogenated solvents, washing liquids and mother liquors
 - 070304 other organic solvents, washing liquids and mother liquors
 - 070307 halogenated still bottoms and reaction residues
 - 070308 other still bottoms and reaction residues
 - 070309 halogenated filter cakes, spent absorbents
 - 070310 other filter cakes, spent absorbents
- 0704 Waste from the MFSU for Organic Pesticides (Except 020105)
 - 070401 aqueous washing liquids and mother liquors
 - 070403 organic halogenated solvents, washing liquid and mother liquors
 - 070404 other organic solvents, washing liquids and mother liquors
 - 070407 halogenated still bottoms and reaction residues
 - 070408 other still bottoms and reaction residues
 - 070409 halogenated filter cakes, spent absorbents
 - 070410 other filter cakes, spent absorbents
- 0705 Waste from the MFSU of Pharmaceuncals
 - 070501 aqueous washing liquids and mother liquors
 - 070503 organic halogenated solvents, washing liquid and mother liquors
 - 070504 other organic solvents, washing liquids and mother liquors
 - 070507 halogenated still bottoms and reaction residues
 - 070508 other still bottoms and reaction residues
 - 070509 halogenated filter cakes, spent absorbents
 - 070510 other filter cakes, spent absorbents
- 0706 Waste from the MFSU of Fats, Grease, Soaps, Detergents, Disinfectants and Cosmetics
 - 070601 aqueous washing liquids and mother liquors
 - 070603 organic halogenated solvents, washing liquid and mother liquors

- 070604 other organic solvents, washing liquids and mother liquors
- 070607 halogenated still bottoms and reaction residues
- 070608 other still bottoms and reaction residues
- 070609 halogenated filter cakes, spent absorbents
- 070610 other filter cakes, spent absorbents

0707 Waste from the MFSU of Fine Chemicals and Chemical Products not otherwise specified

- 070701 aqueous washing liquids and mother liquors
- 070703 organic halogenated solvents, washing liquids and mother liquors
- 070704 other organic solvents, washing liquids and mother liquors
- 070707 halogenated still bottoms and reaction residues
- 070708 other still bottoms and reaction residues
- 070709 halogenated filter cakes, spent absorbents
- 070710 other filter cakes, spent absorbents

08 Wastes from the Manufacture, Formulation, Supply and Use (MFSU) of Coatings (Paints, Varnishes and Vitreous Enamels), Adhesive, Sealants and Printing Inks

0801 Wastes from MFSU of Paint and Varnish

- 080101 waste paints and varnish containing halogenated solvents
- 080102 waste paints and varnish free of halogenated solvents
- 080106 sludges from paint or varnish removal containing halogenated solvents
- 080107 sludges from paint or varnish removal free of halogenated solvents

0803 Wastes from MFSU of Printing Inks

- 080301 waste ink containing halogenated solvents
- 080302 waste ink free of halogenated solvents
- 080305 ink sludges containing halogenated solvents
- 080306 ink sludges free of halogenated solvents

0804 Wastes from MFSU of Adhesive and Sealants (including Water-Proofing products)

- 080401 waste adhesives and sealants containing halogenated solvents
- 080402 waste adhesives and sealants free of halogenated solvents
- 080405 adhesive and sealants sludges containing halogenated solvents
- 080406 adhesives and sealants sludges free of halogenated solvents

09 Wastes from the Photographic Industry

0901 Wastes from Photographic Industry

- 090101 water based developer and activator solutions
- 090102 water based offset plate developer solutions
- 090103 solvent based developer solutions
- 090104 fixer solutions
- 090105 bleach solutions and bleach fixer solutions
- 090106 waste containing silver from on-site treatment of photographic waste

10 Inorganic Wastes from Thermal Processes

1001 Wastes from Power Station and other Combustion Plants (except 1900)

- 100104 oil fly ash
- 100109 sulphuric acid

1003 Wastes from Aluminium Thermal Metallurgy

- 100301 tars and other carbon-containing wastes from anode manufacture
- 100303 skimmings
- 100304 primary smelting slags/white drosses

- 1004 Wastes from Lead Thermal Metallurgy
 - 100401 slags (1st and 2nd smelting)
 - 100402 dross and skimmings (1st and 2nd smelting)
 - 100403 calcium arsenate
 - 100404 flue gas dust
 - 100405 other particulates and dust
 - 100406 solid waste from gas treatment
 - 100407 sludges from gas treatment
- 1005 Wastes from Zinc Thermal Metallurgy
 - 100501 slags (1st and 2nd smelting)
 - 100502 dross and skimmings (1st and 2nd smelting)
 - 100503 flue gas dust
 - 100505 solid waste from gas treatment
 - 100506 sludges from gas treatment
- 1006 Wastes from Copper Thermal Metallurgy
 - 100603 flue gas dust
 - 100605 waste from electrolytic refining
 - 100606 solid waste from gas treatment
 - 100607 sludges from gas treatment

11 Inorganic Waste with Metals from Metal Treatment and the Coating of Metals; Non-Ferrous Hydro-Metallurgy

- 1101 Liquid Wastes and Sludges from Metal Treatment and Coating of Metals (e.g. Galvanic Processes, Zinc Coating Processes, Pickling Processes, Etching, Phosphatizing, Alkaline De-greasing)
 - 110101 cyanidic (alkaline) wastes containing heavy metals other than chromium
 - 110102 cyanidic (alkaline) wastes which do not contain heavy metals
 - 110103 cyanide-free wastes containing chromium
 - 110105 acidic pickling solutions
 - 110106 acids not otherwise specified
 - 110107 alkalis not otherwise specified
 - 110108 phosphatizing sludges
- 1102 Wastes and Sludges from non-ferrous Hydrometallurgical Processes
 - 110202 sludges from zinc hydrometallurgy (including jarosite, geothite)
- 1103 Sludges and Solids from Tempering Processes
 - 110301 wastes containing cyanide
 - 110302 other wastes

12 Wastes from Shaping and Surface Treatment of Metals and Plastics

- 1201 Wastes from Shaping (including Forging, Welding, Pressing, Drawing, Turning, Cutting and Filing)
 - 120106 waste machining oils containing halogens (not emulsified)
 - 120107 waste machining oils free of halogens (not emulsified)
 - 120108 waste machining emulsions containing halogens
 - 120109 waste machining emulsions free of halogens
 - 120110 synthetic machining oils
 - 120111 machining sludges
 - 120112 spent waxes and fats

- 1203 Wastes from Water and Steam Degreasing Processes (except 1100)
 - 120301 aqueous washing liquids
 - 120302 steam degreasing wastes

13 Oil Wastes (except edible oils)

- 1301 Waste Hydraulic Oils and Brake Fluids
 - 130101 hydraulic oils, containing PCBs or PCTs
 - 130102 other chlorinated hydraulic oils (not emulsions)
 - 130103 non-chlorinated hydraulic oils (not emulsions)
 - 130104 chlorinated emulsions
 - 130105 non-chlorinated emulsions
 - 130106 hydraulic oils containing only mineral oil
 - 130107 other hydraulic oils
 - 130108 brake fluids
- 1302 Waste Engine, Gear and Lubricating Oils
 - 130201 chlorinated engine, gear and lubricating oils
 - 130202 non-chlorinated engine, gear and lubricating oils
 - 130203 other machine, gear and lubricating oils
- 1303 Waste Insulating and Heat Transmission Oils and other Liquids
 - 130301 insulating or heat transmission oils and other liquids containing PCBs or PCTs
 - 130302 other chlorinated insulating and heat transmission oils and other liquids
 - 130303 non-chlorinated insulating and heat transmission oils and other liquids
 - 130304 synthetic insulating and heat transmission oils and other liquids
 - 130305 mineral insulating and heat transmission oils
- 1304 Bilge Oils
 - 130401 bilge oils from inland navigation
 - 130402 bilge oils from jetty sewers
 - 130403 bilge oils from other navigation
- 1305 Oil/Water Separator Contents
 - 130501 oil/water separator solids
 - 130502 oil/water separator sludges
 - 130503 interceptor sludges
 - 130504 desalter sludges or emulsions
 - 130505 other emulsions
- 1306 Oil Waste not Otherwise Specified
 - 130601 oil waste not otherwise specified

14 Wastes from Organic substances employed as solvents (except 0700 and 0800)

- 1401 Wastes from Metal Degreasing and Machinery Maintenance
 - 140101 chlorofluorocarbons
 - 140102 other halogenated solvents and solvent
 - 140103 other solvents and solvent mixes
 - 140104 aqueous solvent mixes containing halogens
 - 140105 aqueous solvent mixes free of halogens
 - 140106 sludges or solid wastes containing halogenated solvents
 - 140107 sludges or solid wastes free of halogenated solvents

- 1402 Wastes from Textile Cleaning and Degreasing of Natural Products
 - 140201 halogenated solvents and solvent mixes
 - 140202 solvent mixes or organic liquids free of halogenated solvents
 - 140203 sludges or solid wastes containing halogenated solvents
 - 140204 sludges or solid wastes containing other solvents

- 1403 Wastes from the Electronic Industry
 - 140301 chlorofluorocarbons
 - 140302 other halogenated solvents
 - 140303 solvents and solvent mixes free of halogenated solvents
 - 140304 sludges or solid wastes containing halogenated solvents
 - 140305 sludges or solid wastes containing other solvents

- 1404 Wastes from Coolants, Foam/Aerosol Propellants
 - 140401 chlorofluorocarbons
 - 140402 other halogenated solvents and solvent mixes
 - 140403 other solvents and solvent mixes
 - 140404 sludges or solid wastes containing halogenated solvents
 - 140405 sludges or solid wastes containing other solvents

- 1405 Wastes from Solvent and Coolant Recovery (still bottoms)
 - 140501 chlorofluorocarbons
 - 140502 halogenated solvents and solvent mixes
 - 140503 other solvents and solvent mixes
 - 140504 sludges containing halogenated solvents
 - 140505 sludges containing other solvents

16 Wastes not otherwise specified in the catalogue

- 1602 Discarded Equipment and Shredder Residues
 - 160201 transformers and capacitors containing PCBs or PCTs

- 1604 Waste Explosives
 - 160401 waste ammunition
 - 160402 fireworks waste
 - 160403 other waste explosives

- 1606 Batteries and Accumulators
 - 160601 lead batteries
 - 160602 Ni-Cd batteries
 - 160603 mercury dry cells
 - 160606 electrolyte from batteries and accumulators

- 1607 Waste from Transport and Storage Tank Cleaning (except 0500 and 1200)
 - 160701 waste from marine transport tank cleaning, containing chemicals
 - 160702 waste from marine transport tank cleaning, containing oils
 - 160703 waste from railway and road transport tank cleaning, containing oil
 - 160704 waste from railway and road transport tank cleaning, containing chemicals
 - 160705 waste from storage tank cleaning, containing chemicals
 - 160706 waste from storage tank cleaning, containing oil

17 Construction and Demolition Waste (Including Road Construction)

- 1706 Insulation Materials
 - 170601 insulation materials containing asbestos

18 Waste from Human or Animal Health Care and/or Related Research (excluding kitchen and restaurant wastes which do not arise from immediate health care)

- 1801 Waste from Natal Care, Diagnosis, Treatment or Prevention of Disease in Humans
 - 180103 other wastes whose collection and disposal is subject to special requirements in view of the prevention of infection
- 1802 Waste from Research, Diagnosis, Treatment or Prevention of Disease Involving Animals
 - 180202 other wastes whose collection and disposal is subject to special requirements in view of the prevention of infection
 - 180204 discarded chemicals

19 Wastes from Waste Treatment Facilities, Off-site Waste Water Treatment Plants and the Water Industry

- 1901 Wastes from Incineration or Pyrolysis of Municipal and Similar Commercial, Industrial and Institutional Wastes
 - 190103 fly ash
 - 190104 boiler dust
 - 190105 filter cake from gas treatment
 - 190106 aqueous liquid waste from gas treatment and other aqueous liquid wastes
 - 190107 solid waste from gas treatment
 - 190110 spent activated carbon from flue gas treatment
- 1902 Wastes from Specific Physicochemical Treatment of Industrial Wastes (e.g. Dechromatation, Decyanidation, Neutralization)
 - 190201 metal hydroxide sludges and other sludges from metal insolubilization treatment
- 1904 Vitrified Wastes and Wastes from Vitrification
 - 190402 fly ash and other flue gas treatment wastes
 - 190403 non-vitrified solid phase
- 1908 Wastes from Waste Water Treatment Plants not otherwise specified
 - 190803 grease and oil mixture from oil/waste water separation
 - 190806 saturated or spent ion exchange resins
 - 190807 solutions and sludges from regeneration of ion exchangers

20 Municipal Wastes and Similar Commercial Industrial and Institutional Wastes including Separately collected Fractions

- 2001 Separately Collected Fractions
 - 200112 paint, inks, adhesives and resins
 - 200113 solvents
 - 200117 photo chemicals
 - 200119 pesticides
 - 200121 fluorescent tubes and other mercury containing waste

PART B:**HAZARDOUS PROPERTIES**

- H1 "Explosive": substances and preparations which may explode under the effect of flame or which are more sensitive to shocks or friction than dinitrobenzene.
- H2 "Oxidizing": substances and preparations which exhibit highly exothermic reactions when in contact with other substances, particularly flammable substances.
- H3-A "Highly flammable":
 -liquid substances and preparations having a flash point below 21°C (including extremely flammable liquids), or
 -substances and preparations which may become hot and finally catch fire in contact with air at ambient temperature without any application of energy, or
 -solid substances and preparations which may readily catch fire after brief contact with a source of ignition and which continue to burn or to be consumed after removal of the source of ignition, or
 -gaseous substances and preparations which are flammable in air at normal pressure, or
 -substances and preparations which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities.
- H3-B "Flammable": liquid substances and preparations having a flash point equal to or greater than 21°C and less than or equal to 55°C.
- H4 "Irritant": non-corrosive substances and preparations which, through immediate, prolonged or repeated contact with the skin or mucous membrane, can cause inflammation.
- HS "Harmful": substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may involve limited health risks.
- H6 "Toxic": substances and preparations (including very toxic substances and preparations) which, if they are inhaled or ingested or if they penetrate the skin, may involve serious, acute or chronic health risks and even death.
- H7 "Carcinogenic": substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce cancer or increase its incidence.
- HB "Corrosive": substances and preparations which may destroy living tissue on contact.
- H9 "Infectious": substances containing viable micro-organisms, or their toxins which are known or reliably believed to cause disease in man or other living organisms.
- H10 "Teratogenic": substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce non-hereditary congenital malformations or increase their incidence.
- H11 "Mutagenic": substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce hereditary genetic defects or increase their incidence.
- H12 Substances and preparations which release toxic or very toxic gases in contact with water, air or an acid.

- H13 Substances and preparations capable by any means, after disposal, of yielding another substances, e.g. a leachate, which possesses any of the characteristics listed above.
- H14 "Ecotoxic": substances and preparations which present or may present immediate or delayed risks for one or more sectors of the environment.
-

PART III

THRESHOLDS FOR CERTAIN HAZARDOUS PROPERTIES

In the waste:

- the total concentration of substances classified as irritant and having assigned to them any of the risk phrases R36 ("irritating to the eyes"), R37 ("irritating to the respiratory system") or R38 ("irritating to the skin") is equal to or greater than 20%;
- the total concentration of substances classified as irritant and having assigned to them the risk phrase R41 ("risk of serious damage to eyes") is equal to or greater than 10%;
- the total concentration of substances classified as harmful is equal to or greater than 25%;
-the total concentration of substances classified as very toxic is equal to or greater than 0.1%; -the total concentration of substances classified as toxic is equal to or greater than 3%;
- the total concentration of substances classified as carcinogenic and placed by the approved classification and labelling guide in category 1 or 2 of that classification is equal to or greater than 0.1%;
- the total concentration of substances classified as corrosive and having assigned to them the risk phrase R34 ("causes burns") is equal to or greater than 5%; and
- the total concentration of substances classified as corrosive and having assigned to them the risk phrase R35 ("causes severe burns") is equal to or greater than 1%.

PART IV:

RULES FOR THE INTERPRETATION OF THIS SCHEDULE

- (1) This Schedule shall be interpreted in accordance with rules prescribed by the Authority.
- (2) For the purposes of paragraph (1), the Authority shall make documents describing the rules for the interpretation of this Schedule available for inspection and copying at its offices during office hours.

SCHEDULE FOUR
SCHEDULE OF FEES

TASK	REGULATION NO.	FEE
Application for a special waste carrier licence	14	E500
Application for a waste management licence	18(1)	E500
Application for a special waste management licence	23(2)	E500

G. S. VILAKATI
Minister of Tourism, Environment and Communication

LEGAL NOTICE NO. 37 OF 2000

THE COMMISSIONS OF ENQUIRY ACT, 1963
(Act No. 35 of 1963)

**THE COMMISSION OF ENQUIRY INTO THE OPERATIONS OF THE OFFICE OF
THE MASTER OF THE HIGH COURT NOTICE, 2000**
(Under section 3)

In exercise of the powers conferred by Section 3 of the Commissions of Enquiry Act of 1963, the Minister for Justice and Constitutional Development issues the following Notice -

Citation and commencement

1. This Notice may be cited as the Commission of Enquiry into the operations of the Office of the Master of the High Court Notice, 2000 and shall come into force on the date of publication.

Establishment

2. (1) There is established a Commission of Enquiry to be known as the Commission of Enquiry into the operations of the Office of the Master of the High Court (hereinafter referred to in this Notice as the "Commission").

(2) The Commission shall consist of the following members:

- | | |
|---------------------------|-----------------|
| (a) Justice Thomas Masuku | - Chairman |
| (b) Mr. Dumisane Magagula | - Vice Chairman |
| (c) Mr. David Dlamini | - Member |
| (d) Mr. Johannes Dlamini | - Member |

- | | |
|-----------------------------------|-------------|
| (e) Chief Gcokoma | - Member |
| (f) Mr. Victor Ndlangamandla, MSD | - Member |
| (g) Mr. Nkos' ayibongwa Shongwe | - Member |
| (h) Ms. Gabsile Mabuza | - Secretary |

(3) The quorum of the Commission shall be five members including the Chairman and in the absence of the Chairman, the Vice Chairman shall act as Chairman.

Functions of the Commission

3. (1) The Commission shall -

- (a) examine and inquire into the circumstances surrounding the public outcry on the operations of the Office of the Master of the High Court, in particular, the administration of estates falling under the Administration of Estates Act: 1902;
- (b) the administration of companies under the Companies Act and the execution of the Master's duties under the Insolvency Act, 1955;
- (c) without derogating from the provisions of paragraph (a), inquire into the following:
 - (i) the causes of delays in the administration, distribution and winding up of estates;
 - (ii) whether or not there is proper preparation by the Master of executors of estates;
 - (iii) allegations of irregularities in the handling, administration, winding-up of such estates and transfer of ownership of such estates;
 - (iv) allegations of fraud, theft, misrepresentations and dishonest acts, by whomsoever, in the handling, administration and winding-up of such estates;
 - (vii) allegations of the failure to adequately consult next of kin on matters concerning deceased estates; and
 - (v) allegations of misappropriation of estates' assets by attorneys whether appointed by the Master, beneficiaries and the testator of the Estate?

(2) The Commission shall further -

- (a) review the present organizational structure of the Office of the Master with a view to establishing its efficiency or performance;
- (b) enquire into the appropriate mess of the qualifications of staff members of the Office of the Master;
- (c) carry out a skill's audit of the Office of the Master and its capability to carry out the duties imposed upon it by law, amongst others, the Administration of Estates Act, the Company's Act and the Insolvency Act;
- (d) advise on the possibility of decentralising the Office to the four regions of Swaziland so as to ensure easy access of such office by members of the public.

Powers of the Commission

4. In executing its functions, the Commission shall -

- (a) call for any documents it may deem necessary or relevant to the enquiry;
- (b) examine and inquire into any other matter relating to the subject matter of the inquiry as it may consider relevant;
- (c) after making appropriate findings, submit a report containing appropriate recommendations on any matter which is the subject of the inquiry including recommendations regarding the taking of any criminal, civil or disciplinary action against any person who may have been involved in any irregularities or unlawful acts.

Duration

- 5. (i) The Commission shall commence its functions on the 8th April, 2000 and shall present its Report not later than the 12th May, 2000 or on such later date as the Minister may, by Notice published in the Gazette, appoint.
- (ii) Notwithstanding paragraph (1), the Minister may extend the period within which the Commission is supposed to submit its findings.

Place where Commission shall hold its enquiry

6. The Enquiry shall be held at the Correctional Services Headquarters Conference Room or such other place as the Chairman may determine.

Enquiry in public

7. Unless the Chairman otherwise directs, the enquiry shall be held in public.

Payment of allowances and other reimbursements

8. Members of the Commission shall be paid such allowances as are payable to members of statutory boards.

CHIEF MAWENI

Minister of Justice and Constitutional Development

Mbabane

4th April 2000