



REPUBLIEK VAN SUID-AFRIKA

# STAATSKOERANT

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# GOVERNMENT GAZETTE

FOR THE REPUBLIC OF SOUTH AFRICA

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1768.

26 Junie 1992

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

No. 79 van 1992: Wysigingswet op Omgewingsbewaring, 1992.

No. 1768.

26 June 1992

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

No. 79 of 1992: Environment Conservation Amendment Act, 1992.

**ALGEMENE VERDUIDELIKENDE NOTA:**

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

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

# WET

Tot wysiging van die Wet op Omgewingsbewaring, 1989, ten einde sekere uitdrukkings te omskryf of nader te omskryf; verdere voorsiening te maak aangaande die bepaling en nakoming van die beleid vir omgewingsbewaring; die samestelling van die Raad vir die Omgewing verder te reël; sekere verwysings te verbeter; voorsiening te maak dat die Minister in sekere gevalle private grond of water tot 'n spesiale natuurreservaat kan verklaar, en die vrystellings ten opsigte van die verbod op toegang tot spesiale natuurreservate uit te brei; 'n persoon of instansie in beheer van 'n plek waartoe die publiek toegang het, te verplig om rommel wat op so 'n plek gegooi, gestort of gelaat is, te verwyder; die bevoegdheid van die Minister van Waterwese om permitte in verband met stortterreine uit te reik, nader te omskryf; verdere voorsiening te maak in verband met die identifisering van handeling wat waarskynlik 'n nadelige invloed op die omgewing kan hê; Administrateurs ook te magtig om goedkeuring te verleen vir die verrigting van geïdentifiseerde handeling; aan Administrateurs ook die bevoegdheid te verleen om ontwikkeling in beperkte ontwikkelingsgebiede te magtig; die Minister te magtig om regulasies uit te vaardig oor die verstrekking van statistieke oor die soorte afval wat geproduseer word; die Minister te magtig om regulasies met betrekking tot die storting van rommel uit te vaardig; die Minister te magtig om regulasies met betrekking tot omgewingsinvloedverslae uit te vaardig ten opsigte van handeling wat in beperkte ontwikkelingsgebiede verbied is; die vereiste te skrap waarvolgens sekere regulasies slegs met die instemming van 'n plaaslike owerheid binne sy regsgebied van toepassing gemaak kan word; die Minister te magtig om vrystelling te verleen van die toepassing van regulasies, kennisgewings of voorskrifte kragtens die Wet uitgevaardig of uitgereik; die bepaling aangaande misdrywe en strawwe uit te brei; aan die Minister, 'n Administrateur en 'n plaaslike owerheid of owerheidsinstelling sekere bevoegdhede te verleen waar die omgewing beskadig, in gevaar gestel of benadeel word; die Minister se bevoegdheid om te deleger, uit te brei; en aan persone deur die Minister daartoe gemagtig die reg te verleen om grond te betree; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 18 Junie 1992.)*

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

Wysiging van artikel 1 van Wet 73 van 1989, soos gewysig deur artikel 1 van Wet 98 van 1991

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

**GENERAL EXPLANATORY NOTE:**

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

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

# ACT

To amend the Environment Conservation Act, 1989, so as to define or further define certain expressions; to make further provision concerning the determination of and compliance with the policy for environmental conservation; to further regulate the constitution of the Council for the Environment; to emend certain references; to provide that the Minister may in certain instances declare private land or water to be a special nature reserve, and to extend the exemptions in respect of the prohibition on admittance to special nature reserves; to compel any person or authority in control of any place to which the public has access to remove any litter discarded, dumped or left at such place; to further define the power of the Minister of Water Affairs to issue permits in connection with disposal sites; to make further provision in connection with the identification of actions likely to have a detrimental effect on the environment; to empower Administrators also to authorize the performance of identified activities; to empower Administrators also to authorize development in limited development areas; to empower the Minister to make regulations regarding the submission of statistics on the types of waste produced; to empower the Minister to make regulations regarding the dumping of litter; to empower the Minister to make regulations regarding environmental impact reports in respect of activities prohibited in limited development areas; to delete the requirement in terms of which certain regulations may only be made applicable within the area of jurisdiction of a local authority with the concurrence of such local authority; to empower the Minister to grant exemption from the application of regulations, notices or directions promulgated or issued in terms of the Act; to extend the provision regarding offences and penalties; to confer upon the Minister, an Administrator and a local authority or government institution certain powers where the environment is damaged, endangered or detrimentally affected; to extend the powers of the Minister to delegate; and to empower persons authorized thereto by the Minister to enter upon land; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)*  
*(Assented to 18 June 1992.)*

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

**Amendment of section 1 of Act 73 of 1989, as amended by section 1 of Act 98 of 1991**

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

- (a) deur die omskrywing van "afval" deur die volgende omskrywing te vervang:  
 " 'afval' enige stof, hetsy gasagtig, vloeibaar of solied of enige kombinasie daarvan, **[afkomstig van enige woon-, handels- of nywerheidsgebied of landbougebied]** wat van tyd tot tyd by kennisgewing in die *Staatskoerant* deur die Minister aangewys word as ongewenste of oortollige neweproduk, afskeiding, oorskiet of restant van enige proses of handeling;";
- (b) deur die omskrywing van "hierdie Wet" deur die volgende omskrywing te vervang:  
 " 'hierdie Wet' ook die regulasies en enige kennisgewing kragtens die Wet uitgereik;";
- (c) deur die omskrywing van "omgewingsinvloedverslag" deur die volgende omskrywing te vervang:  
 " 'omgewingsinvloedverslag' 'n verslag bedoel in artikel 22(2) of 23(3);";
- (d) deur die volgende omskrywing na die omskrywing van "omgewingsinvloedverslag" in te voeg:  
 " 'omskryf' ook 'n omskrywing by wyse van 'n kaart waarop voldoende inligting aangedui word om 'n gebied te kan identifiseer;";
- (e) deur die omskrywing van "owerheidsinstelling" deur die volgende omskrywing te vervang:  
 " 'owerheidsinstelling' enige  
**[(a) by of kragtens wet ingestelde] instelling**, liggaam, maatskappy of beslote korporasie **[of (b) ander instelling of liggaam]** deur die Minister by kennisgewing in die *Staatskoerant* erken;";
- (f) deur na die omskrywing van "raad" die volgende omskrywing in te voeg:  
 " 'regulasie' 'n regulasie wat kragtens hierdie Wet uitgevaardig is;";
- (g) deur die omskrywing van "rommel" deur die volgende omskrywing te vervang:  
 " 'rommel' enige voorwerp of stof wat weggegooi of agtergelaat word deur 'n persoon in wie se besit of beheer dit was;"; en
- (h) deur die omskrywing van "voorskryf" deur die volgende omskrywing te vervang:  
 " 'voorskryf' by regulasie of kennisgewing in die Staatskoerant voorskryf."

### Wysiging van artikel 2 van Wet 73 van 1989

2. Artikel 2 van die Hoofwet word hierby gewysig—
- (a) deur paragrawe (b) en (c) van subartikel (1) deur onderskeidelik die volgende paragrawe te vervang:  
 "(b) die bevordering van **[volgehoue]** volhoubare benutting van spesies en ekosisteme en die doeltreffende aanwending en hergebruik van natuurlike hulpbronne;  
 (c) die beveiliging van die omgewing teen versteuring, agteruitgang, skending, vergiftiging, besoedeling of vernietiging as gevolg van mensgemaakte strukture, aanlegte, prosesse of produkte of menslike handeling; en"; en
- (b) deur subartikel (2) deur die volgende subartikel te vervang:  
 "(2) Die beleid beoog in subartikel (1) word deur die Minister bepaal na **[raadpleging van die raad en die Administrateur van elke provinsie, en met die instemming van] oorleg met—**  
 (a) elke Minister wat belas is met die uitvoering van 'n wet wat na die oordeel van die Minister betrekking het op 'n aangeleentheid wat die omgewing raak; **[en]**  
 (b) die Minister van Finansies **[en die Minister van Ekonomiese Sake en Tegnologie];**  
 (c) die Administrateur van elke provinsie; en  
 (d) die raad."



- (a) by the insertion after the definition of "council" of the following definition:  
 "define" includes a description by means of a map on which sufficient information is indicated to identify an area;"
- 5 (b) by the substitution for the definition of "environmental impact report" of the following definition:  
 "'environmental impact report' means a report referred to in section 22(2) or 23(3);"
- 10 (c) by the substitution for the definition of "government institution" of the following definition:  
 "'government institution' means any  
 [(a)] institution, body, company or close corporation [established by or under any law; or  
 (b) other institution or body] recognized by the Minister by notice in the *Gazette*;"
- 15 (d) by the substitution for the definition of "litter" of the following definition:  
 "'litter' means any object or matter discarded or left behind by a person in whose possession or control it was;"
- 20 (e) by the substitution for the definition of "prescribe" of the following definition:  
 "'prescribe' means prescribe by regulation or notice in the *Gazette*;"
- 25 (f) by the insertion after the definition of "protected natural environment" of the following definition:  
 "'regulation' means a regulation made under this Act;"
- (g) by the substitution for the definition of "this Act" of the following definition:  
 "'this Act' includes the regulations and any notice issued under the Act;" and
- 30 (h) by the substitution for the definition of "waste" of the following definition:  
 "'waste' means any matter, whether gaseous, liquid or solid or any combination thereof, [originating from any residential, commercial or industrial area or agricultural area identified] which is from time to time designated by the Minister by notice in the *Gazette* as an undesirable or superfluous by-product, emission, residue or remainder of any process or activity."
- 35

#### Amendment of section 2 of Act 73 of 1989

- 40 2. Section 2 of the principal Act is hereby amended—
- (a) by the substitution for paragraphs (b) and (c) of subsection (1) of the following paragraphs, respectively:  
 "(b) the promotion of [sustained] sustainable utilization of species and ecosystems and the effective application and re-use of natural resources;  
 (c) the protection of the environment against disturbance, deterioration, defacement, poisoning, pollution or destruction as a result of man-made structures, installations, processes or products or human activities; and"; and
- 50 (b) by the substitution for subsection (2) of the following subsection:  
 "(2) The policy contemplated in subsection (1) shall be determined by the Minister after consultation with [the council and the Administrator of each province, and with the concurrence of]—  
 (a) each Minister charged with the administration of any law which in the opinion of the Minister relates to a matter affecting the environment; [and]  
 (b) the Minister of Finance [and the Minister of Economic Affairs and Technology];  
 (c) the Administrator of each province; and  
 (d) the council."
- 55
- 60

**Vervanging van artikel 3 van Wet 73 van 1989**

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

**“Nakoming van beleid**

3. Elke Minister, Administrateur, plaaslike owerheid en owerheidsinstelling aan wie 'n bevoegdheid of plig **[in verband met]** wat 'n invloed op die omgewing kan hê by of kragtens 'n wet opgedra of opgelê is, moet daardie bevoegdheid en plig uitoefen en verrig ooreenkomstig die beleid in artikel 2 bedoel.” 5

**Wysiging van artikel 6 van Wet 73 van 1989**

4. Artikel 6 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang: 10

“(1) Die raad bestaan uit hoogstens 22 lede, wat deur die Minister aangestel word, en van wie—

(a) 18 lede na die oordeel van die Minister kennis het van en in staat is om 'n bydrae te lewer tot die beskerming en benutting van die omgewing; en 15

(b) **[deur die Minister aangestel word na raadpleging van]** een lid vir elke provinsie deur die Administrateur van [elke] die betrokke provinsie vir aanstelling genomineer word.”

**Wysiging van artikel 13 van Wet 73 van 1989**

5. Artikel 13 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang: 20

“(a) die Direkteur-generaal adviseer oor enige aangeleentheid **[rakende handeling]** wat 'n invloed op die beskerming en benutting van die omgewing kan hê; en” 25

**Wysiging van artikel 14 van Wet 73 van 1989**

6. Artikel 14 van die Hoofwet word hierby gewysig deur subparagrafe (i) en (ii) van paragraaf (d) van subartikel (1) deur onderskeidelik die volgende subparagrafe te vervang:

“(i) die **[Raad van Kuratore vir]** Nasionale **[Parke]** Parkeraad bedoel in artikel 5(1) van die Wet op Nasionale Parke, 1976 (Wet No. 57 van 1976); 30

(ii) die **[Raad vir]** Nasionale Botaniese **[Tuine]** Instituut ingestel by artikel 57 van die Boswet, 1984 (Wet No. 122 van 1984);”

**Wysiging van artikel 18 van Wet 73 van 1989**

7. Artikel 18 van die Hoofwet word hierby gewysig— 35

(a) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

“(a) met die oog op die beskerming van die omgewing in of besondere eienskappe van daardie gebied;” 40

(b) deur die woord “en” aan die einde van paragraaf (b) van subartikel (2) te skrap;

(c) deur die volgende paragraaf na paragraaf (b) van subartikel (2) in te voeg:

“(bA) ten opsigte van ander grond of water as grond of water in paragraaf (b) bedoel, op versoek van en met die skriftelike instemming van die eienaar van daardie grond of water, asook die houer van 'n reg op minerale ten opsigte van daardie grond, en onderworpe aan die voorwaardes waarop die Minister en die eienaar ooreengekom het; en;” 45

(d) deur subartikel (3) deur die volgende subartikel te vervang: 50

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

**Substitution of section 3 of Act 73 of 1989**

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

**“Compliance with policy**

- 5           3. Each Minister, Administrator, local authority and government institution upon which any power has been conferred or to which any duty which may have an influence on the environment has been assigned **[in connection with the environment]** by or under any law, shall exercise such power and perform such duty in accordance with the policy referred to in section 2.”.
- 10

**Amendment of section 6 of Act 73 of 1989**

4. Section 6 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

- 15           “(1) The council shall consist of not more than 22 members, who are appointed by the Minister, and of whom—
- (a) 18 members in the opinion of the Minister have knowledge of and are able to make a contribution towards the protection and utilization of the environment; and
- 20           (b) **[are appointed by the Minister after consultation with]** one member for each province is nominated for appointment by the Administrator of [each] the province concerned.”.

**Amendment of section 13 of Act 73 of 1989**

5. Section 13 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

- 25           “(a) advise the Director-General on any matter **[affecting activities]** which may influence the protection and utilization of the environment; and”.

**Amendment of section 14 of Act 73 of 1989**

6. Section 14 of the principal Act is hereby amended by the substitution for subparagraphs (i) and (ii) of paragraph (d) of subsection (1) of the following subparagraphs, respectively:

- 30           “(i) the National Parks Board **[of Trustees]** referred to in section 5(1) of the National Parks Act, 1976 (Act No. 57 of 1976);
- 35           (ii) the **[Board for]** National **[Botanic Gardens]** Botanical Institute established by section 57 of the Forest Act, 1984 (Act No. 122 of 1984);”.

**Amendment of section 18 of Act 73 of 1989**

7. Section 18 of the principal Act is hereby amended—

- 40           (a) by the substitution for paragraph (a) of subsection (2) of the following paragraph:
- “(a) for the purpose of the protection of the environment in or special characteristics of such area;”;
- (b) by the deletion of the word “and” at the end of paragraph (b) of subsection (2);
- 45           (c) by the insertion of the following paragraph after paragraph (b) of subsection (2):
- “(bA) in respect of other land or water than land or water referred to in paragraph (b), at the request of and with the written consent of the owner of such land or water, as well as the holder of any right to minerals in respect of such land, and subject to the conditions agreed upon by the Minister and the owner; and”;**
- 50           (d) by the substitution for subsection (3) of the following subsection:
- 55           “(3) The declaration of a special nature reserve shall not be withdrawn or the boundaries thereof altered except by resolution

- die Parlement: Met dien verstande dat hierdie subartikel nie op 'n verklaring bedoel in subartikel (2)(bA) van toepassing is nie.";
- (e) deur die woord "en" aan die einde van paragraaf (a) van subartikel (4) te skrap;
- (f) deur die woord "en" aan die einde van paragraaf (b) van subartikel (4) in te voeg;
- (g) deur die volgende paragraaf by subartikel (4) te voeg:  
"(c) met die instemming van die eienaar van die grond of water, asook die houer van 'n reg op minerale ten opsigte van daardie grond, in subartikel (2)(bA) beoog.";
- (h) deur die woord "of" aan die einde van paragraaf (a) van subartikel (7) te skrap; en
- (i) deur die volgende paragraaf by subartikel (7) te voeg:  
"(c) enige ander persoon wat 'n spesiale natuurreservaat vanweë sy besondere aard of karakter wil besigtig."

#### Invoeging van artikel 19A in Wet 73 van 1989

8. Die volgende artikel word hierby in die Hoofwet na artikel 19 ingevoeg:

##### "Verwydering van rommel

**19A.** Ondanks die bepalings van artikel 19(2) moet elke persoon of instansie wat in beheer is van of verantwoordelik is vir die instandhouding van 'n plek waartoe die publiek toegang het, enige rommel wat gegooi, gestort of gelaat is op sodanige plek (met inbegrip van enige sypaadjie aangrensend aan, of grond geleë tussen, so 'n plek en 'n straat, pad of terrein wat deur die publiek gebruik word om toegang tot daardie plek te verkry), binne 'n redelike tyd nadat dit aldus gegooi, gestort of gelaat is, verwyder of laat verwyder."

#### Wysiging van artikel 20 van Wet 73 van 1989

9. Artikel 20 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Niemand mag enige stortterrein instel, voorsien of bedryf nie sonder 'n permit uitgereik deur die Minister van Waterwese **[en behalwe onderworpe aan die voorwaardes in die permit vervat nie]**, welke Minister—

(a) 'n permit kan uitreik onderworpe aan die voorwaardes wat hy goeddink;

(b) enige permit of voorwaarde in 'n permit kan wysig of intrek;

(c) kan weier om 'n permit uit te reik:

Met dien verstande dat sodanige Minister enige persoon of kategorie van persone kan vrystel van die verkryging van 'n permit, onderworpe aan die voorwaardes wat hy goeddink."

#### Wysiging van artikel 21 van Wet 73 van 1989

10. Artikel 21 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

"(3) Die Minister identifiseer 'n handeling ingevolge subartikel (1) na **[raadpleging van die raad en die Administrateur van elke provinsie, en met die instemming van]** oorleg met—

(a) die Minister van elke Staatsdepartement wat verantwoordelik is vir die uitvoering of goedkeuring van of die beheer oor sodanige handeling; **[en]**

(b) die Minister van Finansies **[en die Minister van Ekonomiese Sake en Tegnologie]; en**

(c) die Administrateur van die betrokke provinsie."



- of Parliament: Provided that this subsection shall not apply to a declaration contemplated in subsection (2)(bA).";
- (e) by the deletion of the word "and" at the end of paragraph (a) of subsection (4);
- 5 (f) by the addition of the word "and" at the end of paragraph (b) of subsection (4);
- (g) by the addition of the following paragraph to subsection (4):
- 10 "(c) with the concurrence of the owner of the land or water, as well as the holder of any right to minerals in respect of such land, contemplated in subsection (2)(bA).";
- (h) by the deletion of the word "or" at the end of paragraph (a) of subsection (7); and
- (i) by the addition of the following paragraph to subsection (7):
- 15 "(c) any other person desiring to view a special nature reserve on account of its special nature or characteristics."

#### Insertion of section 19A in Act 73 of 1989

8. The following section is hereby inserted in the principal Act after section 19:

##### **"Removal of litter**

20 19A. Notwithstanding the provisions of section 19(2) every person or authority in control of or responsible for the maintenance of any place to which the public has access, shall within a reasonable time after any litter has been discarded, dumped or left behind at such place (with the inclusion of any pavement adjacent to, or land situated between, such a place and a street, road or site used by the public to get access to such place) remove such litter or cause it to be removed."

25

#### Amendment of section 20 of Act 73 of 1989

9. Section 20 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

30 "(1) No person shall establish, provide or operate any disposal site without a permit issued by the Minister of Water Affairs [and except subject to the conditions contained in such permit] and that Minister may—

35 (a) issue a permit subject to such conditions as he may deem fit;  
(b) alter or cancel any permit or condition in a permit;  
(c) refuse to issue a permit;  
Provided that such Minister may exempt any person or category of persons from obtaining a permit, subject to such conditions as he may deem fit."

#### 40 Amendment of section 21 of Act 73 of 1989

10. Section 21 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

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

(a) the Minister of each department of State responsible for the execution, approval or control of such activity; [and]  
(b) the Minister of Finance [and the Minister of Economic Affairs and Technology]; and  
 50 (c) the Administrator of the province concerned."

**Vervanging van artikel 22 van Wet 73 van 1989**

11. Artikel 22 van die Hoofwet word hierby deur die volgende artikel vervang:

**“Verbod op verrigting van geïdentifiseerde handelinge**

22. (1) Niemand mag 'n handeling wat ingevolge artikel 21(1) geïdentifiseer is, verrig of laat verrig nie behalwe kragtens 'n skriftelike goedkeuring verleen deur die Minister of deur 'n Administrateur, of 'n plaaslike owerheid of 'n beampte **[wat]**, welke Administrateur, owerheid of beampte deur die Minister by **[regulasie]** kennisgewing in die *Staatskoerant* aangewys word. 5

(2) Die goedkeuring in subartikel (1) word slegs verleen na oorweging van verslae betreffende die invloed van die **[betrokke]** voorgenome handeling en van alternatiewe voorgenome handelinge op die omgewing, wat deur die persone en op die wyse soos voorgeskryf saamgestel en voorgelê moet word. 10

(3) Die Minister of die Administrateur, of 'n plaaslike owerheid of beampte in subartikel (1) bedoel, kan die goedkeuring na goeddunke ten opsigte van die **[betrokke]** voorgenome handeling of 'n alternatiewe voorgenome handeling weerhou, of dit verleen op die voorwaardes, as daar is, wat hy nodig ag. 15

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

**Wysiging van artikel 23 van Wet 73 van 1989**

12. Artikel 23 van die Hoofwet word hierby gewysig deur subartikels (2) en (3) deur onderskeidelik die volgende subartikels te vervang:

“(2) Niemand mag in 'n beperkte ontwikkelingsgebied enige ontwikkeling of handeling wat deur die Minister by kennisgewing in die *Staatskoerant* verbied word, onderneem of laat onderneem nie tensy hy op aansoek deur die Minister of 'n Administrateur wat die Minister by kennisgewing in die *Staatskoerant* aanwys, of deur 'n plaaslike owerheid wat die Minister of so 'n Administrateur by **[daardie]** kennisgewing in die *Staatskoerant* of die *Offisiële Koerant*, na gelang van die geval, aanwys, daartoe gemagtig word, op die voorwaardes in die magtiging vervat. 30 35

(3) By oorweging van 'n aansoek om 'n magtiging in subartikel (2) bedoel, kan die Minister, die aangewese Administrateur of **[die aangewese]** plaaslike owerheid die persoon versoek om 'n verslag soos voorgeskryf, aangaande die invloed van die voorgenome handeling op die omgewing in die beperkte ontwikkelingsgebied, voor te lê.”. 40

**Wysiging van artikel 24 van Wet 73 van 1989**

13. Artikel 24 van die Hoofwet word hierby gewysig deur paragraaf (b) deur die volgende paragraaf te vervang:

“(b) die verstrekking, behoudens die bepalinge van artikel 3(3) van die Wet op Statistieke, 1976 (Wet No. 66 van 1976), van statistieke oor die hoeveelheid en soorte afval wat geproduseer word;” 45

**Invoeging van artikel 24A in Wet 73 van 1989**

14. Die volgende artikel word hierby in die Hoofwet na artikel 24 ingevoeg:

**“Regulasies met betrekking tot storting van rommel**

24A. Die Minister kan regulasies uitvaardig met betrekking tot beheer oor die storting van rommel, betreffende— 50

(a) die aard, ontwerp, getal, voorsiening en plasing van houers vir die storting van rommel;

**Substitution of section 22 of Act 73 of 1989**

11. The following section is hereby substituted for section 22 of the principal Act:

**“Prohibition on undertaking of identified activities**

5           22. (1) No person shall undertake an activity identified in terms of section 21(1) or cause such an activity to be undertaken except by virtue of a written authorization issued by the Minister or by an Administrator or a local authority or an officer, which Administrator, authority or officer shall be designated by the Minister by [regulation] notice in the *Gazette*.

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

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

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

**Amendment of section 23 of Act 73 of 1989**

12. Section 23 of the principal Act is hereby amended by the substitution for subsections (2) and (3) of the following subsections, respectively:

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

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

**Amendment of section 24 of Act 73 of 1989**

13. Section 24 of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph:

45           “(b) the submission, subject to the provisions of section 3(3) of the Statistics Act, 1976 (Act No. 66 of 1976), of statistics on the quantity and types of waste produced;”.

**Insertion of section 24A in Act 73 of 1989**

14. The following section is hereby inserted in the principal Act after section 24:

**“Regulations regarding littering**

50           24A. The Minister may make regulations with regard to the control of the dumping of litter, concerning—

(a) the nature, design, number, provision and placing of containers for the dumping of litter;

- (b) die aard, ontwerp, getal, voorsiening en plasing van kennisgewings ten opsigte van die storting van rommel;
- (c) die skoonmaak, opruiming en verwydering van rommel en die leegmaak en instandhouding van houters vir die storting van rommel;
- (d) enige ander fasiliteite of metodes om die storting van rommel te voorkom, asook programme vir die opruiming van rommel;
- (e) die bevoegdhede van provinsiale administrasies, plaaslike owerhede of owerheidsinstellings om die storting van rommel te beheer en te voorkom; en
- (f) enige ander aangeleentheid wat hy nodig of dienstig ag ten einde die storting van rommel te beheer en te voorkom.”.

#### Wysiging van artikel 26 van Wet 73 van 1989

15. Artikel 26 van die Hoofwet word hierby gewysig deur die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
- “Die Minister kan regulasies uitvaardig met betrekking tot ’n handeling wat ingevolge artikel 21(1) geïdentifiseer is of ingevolge artikel 23(2) verbied is, betreffende—”.

#### Wysiging van artikel 28 van Wet 73 van 1989, soos gewysig deur artikel 2 van Wet 98 van 1991

16. Artikel 28 van die Hoofwet word hierby gewysig deur subparagrafe (ii) en (iii) van paragraaf (i) te skrap.

#### Invoeging van artikel 28A in Wet 73 van 1989

17. Die volgende artikel word hierby in die Hoofwet na artikel 28 ingevoeg:

#### “Vrystelling aan persone, plaaslike owerhede en owerheidsinstellings van toepassing van sekere bepalings

**28A.** (1) Enige persoon, plaaslike owerheid of owerheidsinstelling kan by die Minister skriftelik aansoek doen, met verstrekking van redes, om vrystelling van die toepassing van enige bepaling van ’n regulasie, kennisgewing of voorskrif wat ingevolge hierdie Wet uitgevaardig of uitgereik is.

(2) Ten einde hom in staat te stel om ’n besluit te neem oor ’n aansoek ingevolge subartikel (1), kan die Minister nadere inligting van die aansoeker vra.

(3) Die Minister kan na oorweging van ’n aansoek—

- (a) weier om vrystelling te verleen;
- (b) skriftelik vrystelling verleen van die nakoming van enige van of al die bepalings van enige regulasie, kennisgewing of voorskrif, onderworpe aan die voorwaardes wat hy goeddink.

(4) Indien ’n voorwaarde bedoel in subartikel (3)(b) nie nagekom word nie, kan die Minister die betrokke vrystelling skriftelik intrek of na goeddunke nuwe voorwaardes bepaal.

(5) Die Minister kan van tyd tot tyd enige vrystelling verleen of voorwaarde opgelê, hersien, en indien hy dit nodig ag, sodanige vrystelling intrek of sodanige voorwaarde skrap of wysig.”.

#### Wysiging van artikel 29 van Wet 73 van 1989

18. Artikel 29 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Iemand wat ’n bepaling van artikel 19**[(1)]** of 19A oortree of versuim om daaraan te voldoen, of versuim om aan ’n lasgewing ingevolge artikel 31A(1) of (2) te voldoen, of wat iemand wat ingevolge artikel 41A gemagtig is, verhinder om sodanige grond te betree of hom in die uitoefening van sy bevoegdhede hinder, is skuldig aan ’n misdryf en by skuldigbevinding



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- 5 (b) the nature, design, number, provision and placing of notices in respect of the dumping of litter;
- (c) the cleaning, clearing away and removal of litter and the emptying and maintenance of containers for the dumping of litter;
- 10 (d) any other facilities or methods to prevent the dumping of litter, as well as programmes for the clearing away of litter;
- (e) the powers of provincial administrations, local authorities or government institutions to control and prevent the dumping of litter; and
- (f) any other matter which he deems necessary or desirable to control and prevent the dumping of litter.”.

**Amendment of section 26 of Act 73 of 1989**

15 15. Section 26 of the principal Act is hereby amended by the substitution for the words preceding paragraph (a) of the following words:

“The Minister may make regulations with regard to any activity identified in terms of section 21(1) or prohibited in terms of section 23(2), concerning—”.

20 **Amendment of section 28 of Act 73 of 1989, as amended by section 2 of Act 98 of 1991**

16. Section 28 of the principal Act is hereby amended by the deletion of subparagraphs (ii) and (iii) of paragraph (i).

**Insertion of section 28A in Act 73 of 1989**

25 17. The following section is hereby inserted in the principal Act after section 28:

**“Exemption to persons, local authorities and government institutions from application of certain provisions**

30 **28A. (1) Any person, local authority or government institution may in writing apply to the Minister, with the furnishing of reasons, for exemption from the application of any provision of any regulation, notice or direction which has been promulgated or issued in terms of this Act.**

35 (2) In order to enable him to make a decision on an application in terms of subsection (1), the Minister may call for further information from the applicant.

(3) The Minister may after considering an application—

- 40 (a) refuse to grant exemption;
- (b) in writing grant exemption from compliance with any of or all the provisions of any regulation, notice or direction, subject to such conditions as he may deem fit.

(4) If any condition referred to in subsection (3)(b) is not being complied with, the Minister may in writing withdraw the exemption concerned or at his discretion determine new conditions.

45 (5) The Minister may from time to time review any exemption granted or condition determined, and if he deems it necessary, withdraw such exemption or delete or amend such condition.”.

**Amendment of section 29 of Act 73 of 1989**

50 18. Section 29 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) Any person who contravenes a provision of section 19[(1)] or 19A or fails to comply therewith, or fails to comply with a direction in terms of section 31A(1) or (2), or prevents any person authorized in terms of section 41A to enter upon such land or hinders him in the execution of his powers,

strafbaar met 'n boete, [van hoogstens R1 000] of met gevangenisstraf vir 'n tydperk van hoogstens drie maande [of met daardie boete sowel as daardie gevangenisstraf].”.

#### Invoeging van artikel 31A in Wet 73 van 1989

19. Die volgende artikel word hierby in die Hoofwet na artikel 31 ingevoeg: 5

**“Bevoegdhede van Minister, Administrateur, plaaslike owerheid of owerheidsinstelling waar omgewing beskadig, in gevaar gestel of benadeel word**

**31A. (1)** Indien, na die oordeel van die Minister of die betrokke Administrateur, plaaslike owerheid of owerheidsinstelling, enige persoon 'n handeling verrig of versuim om 'n handeling te verrig met die gevolg dat die omgewing ernstig beskadig, in gevaar gestel of nadelig beïnvloed word of kan word, kan die Minister, Administrateur, plaaslike owerheid of owerheidsinstelling, na gelang van die geval, daardie persoon skriftelik gelas om binne 'n tydperk in die lasgewing vermeld— 10 15

(a) die handeling te staak; of

(b) die stappe te doen wat die Minister, Administrateur, plaaslike owerheid of owerheidsinstelling, na gelang van die geval, goedvind, 20

ten einde die skade, gevaar of nadelige invloed uit te skakel, te verminder of te voorkom.

(2) Die Minister of die betrokke Administrateur, plaaslike owerheid of owerheidsinstelling kan die persoon in subartikel (1) bedoel, gelas om op so 'n persoon se koste enige handeling of werksaamheid te verrig ten einde enige skade wat as gevolg van die handeling of versuim bedoel in subartikel (1) aan die omgewing aangerig is, tot die tevredenheid van die Minister, Administrateur, plaaslike owerheid of owerheidsinstelling, na gelang van die geval, te herstel. 25 30

(3) Indien die persoon in subartikel (2) bedoel, versuim om die handeling of werksaamheid te verrig, kan die Minister, Administrateur, plaaslike owerheid of owerheidsinstelling, na gelang van wie die lasgewing uitgereik het, daardie handeling of werksaamheid verrig asof hy daardie persoon is en kan hy enigiemand magtig om alle stappe wat vir daardie doel nodig is, te doen. 35

(4) Enige uitgawe deur die Minister of 'n Administrateur, plaaslike owerheid of owerheidsinstelling aangegaan by die verrigting van 'n werksaamheid uit hoofde van die bepalings van subartikel (3), kan op die betrokke persoon verhaal word.”. 40

#### Vervanging van artikel 33 van Wet 73 van 1989

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

##### “Delegering

**33.** Die Minister, die Minister van Waterwese, 'n Administrateur, 'n plaaslike owerheid of 'n owerheidsinstelling kan enige bevoegdheid of plig by of kragtens hierdie Wet aan hom verleen of opgedra, uitgesonderd [die] 'n bevoegdheid bedoel in artikels 2, 16(2), 18(1), 18(4), [20(5)] 24, 25, 26, 27 en 28, aan onderskeidelik enige beampte of werknemer van die Departement, die Departement van Waterwese of die betrokke provinsiale administrasie of plaaslike owerheid of owerheidsinstelling delegeer of opdra op die voorwaardes wat hy goedvind.”. 45 50

#### Invoeging van artikel 41A in Wet 73 van 1989

21. Die volgende artikel word hierby in die Hoofwet na artikel 41 ingevoeg:

shall be guilty of an offence and liable on conviction to a fine, **[not exceeding R1 000]** or to imprisonment for a period not exceeding three months **[or to both such fine and such imprisonment]**.”.

#### Insertion of section 31A in Act 73 of 1989

- 5 19. The following section is hereby inserted in the principal Act after section 31:

**“Powers of Minister, Administrator, local authority or government institution where environment is damaged, endangered or detrimentally affected**

- 10 **31A. (1)** If, in the opinion of the Minister or the Administrator, local authority or government institution concerned, any person performs any activity or fails to perform any activity as a result of which the environment is or may be seriously damaged, endangered or detrimentally affected, the Minister, Administrator, local authority or government institution, as the case may be, may in writing direct such person—
- 15 (a) to cease such activity; or
- (b) to take such steps as the Minister, Administrator, local authority or government institution, as the case may be, may deem fit, within a period specified in the direction, with a view to eliminating, reducing or preventing the damage, danger or detrimental effect.
- 20 (2) The Minister or the Administrator, local authority or government institution concerned may direct the person referred to in subsection (1) to perform any activity or function at the expense of such person with a view to rehabilitating any damage caused to the environment as a result of the activity or failure referred to in subsection (1), to the satisfaction of the Minister, Administrator, local authority or government institution, as the case may be.
- 25 (3) If the person referred to in subsection (2) fails to perform the activity or function, the Minister, Administrator, local authority or government institution, depending on who or which issued the direction, may perform such activity or function as if he or it were that person and may authorize any person to take all steps required for that purpose.
- 30 (4) Any expenditure incurred by the Minister, an Administrator, a local authority or a government institution in the performance of any function by virtue of the provisions of subsection (3), may be recovered from the person concerned.”.
- 35

#### Substitution of section 33 of Act 73 of 1989

- 40 20. The following section is hereby substituted for section 33 of the principal Act:

#### **“Delegation**

- 45 **33.** The Minister, the Minister of Water Affairs, an Administrator, a local authority or a government institution may on such conditions as he or it may deem fit delegate or assign any power or duty conferred upon or assigned to him or it by or under this Act, excluding any power referred to in sections 2, 16(2), 18(1), 18(4), **[20(5)]**, 24, 25, 26, 27 and 28, to, respectively, any officer or employee of the Department, the Département of Water Affairs or the provincial administration or local authority or government institution concerned.”.
- 50

#### Insertion of section 41A in Act 73 of 1989

21. The following section is hereby inserted in the principal Act after section 41:

**“Reg om grond te betree**

**41A.** (1) Iemand wat skriftelik deur die Minister daartoe gemagtig is, kan na redelike kennisgewing aan die eienaar of okkuperder van enige grond, daardie grond te eniger redelike tyd betree om ondersoek in te stel of optrede nodig is ten einde aan die oogmerke van hierdie Wet gevolg te gee, of om te bepaal of daar voldoen word aan die bepalings van hierdie Wet of 'n regulasie, kennisgewing, magtiging, voorskrif of lasgewing daarkragtens uitgevaardig, uitgereik, verleen of gemaak of aan 'n voorwaarde daarkragtens opgelê of in 'n magtiging, voorskrif of lasgewing vervat. 5

(2) 'n Gemagtigde persoon kragtens subartikel (1) oefen nie 'n bevoegdheid uit nie of verrig nie 'n plig nie tensy hy in besit is van die betrokke magtiging. 10

(3) 'n Gemagtigde persoon moet sy magtiging toon op versoek van enige persoon wat 'n wesenlike belang by die betrokke aangeleentheid het.”. 15

**Kort titel**

**22.** Hierdie Wet heet die Wysigingswet op Omgewingsbewing, 1992.



**“Right to enter upon land**

5           **41A.** (1) Any person authorized thereto in writing by the Minister,  
may after reasonable notice to the owner or occupier of any land, at  
any reasonable time enter upon that land in order to investigate  
whether any action is necessary in order to give effect to the objects  
of this Act, or to determine whether the provisions of this Act or a  
regulation, notice, authorization, instruction or any direction pro-  
mulgated, issued, granted or made thereunder or any condition  
10 imposed thereunder or contained in any authorization, instruction or  
direction has been complied with.

(2) A person authorized under subsection (1) shall not exercise  
any power or perform any duty unless he is in possession of the  
authorization concerned.

15           (3) An authorized person shall produce his authorization at the  
request of any person having a material interest in the matter  
concerned.”.

**Short title**

**22.** This Act shall be called the Environment Conservation Amendment Act,  
1992.

