
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. 987

15 SEPTEMBER 2017

**NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998
(ACT NO. 107 OF 1998)****CONSULTATION ON DRAFT REGULATIONS LAYING DOWN THE PROCEDURE TO BE
FOLLOWED FOR THE ADOPTION OF ENVIRONMENTAL MANAGEMENT INSTRUMENTS**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby give notice of my intention to make the regulations laying down the procedure to be followed for the adoption of environmental management instruments under section 24(5)(bA) and (bB) read with section 44(1)(b) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as set out in the Schedule hereto.

Members of the public are invited to submit written comments or inputs, within 30 days from the date of the publication of this notice in the *Gazette*, to any of the following addresses:

By post to: The Director-General: National Department of Environmental Affairs
Attention: Mr. Franz Scheepers
Private Bag X447
Pretoria
0001

By hand at: Reception, Environment House, 473 Steve Biko Street, Arcadia, Pretoria, 0083

By e-mail: fscheepers@environment.gov.za

Any enquiries in connection with the Notice can be directed to Mr. Franz Scheepers at (012) 399 9285.

Comments received after the closing date may not be considered.



**BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

SCHEDULE

Definitions

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act, has that meaning, and unless the context requires otherwise—

“environmental management instrument” means any tool or instrument developed and adopted for the purposes of sections 24(2)(c) and (e) of the Act; and

“the Act” means the National Environmental Management Act, 1998 (Act No. 107 of 1998).

Adoption of environmental management instruments

2.(1) The Minister or the MEC, with the concurrence of the Minister, must before adopting an environmental management instrument, give notice of the proposed decision—

- (a) if the proposed decision may affect the rights of the public throughout the Republic, in the *Gazette* and a newspaper, which is distributed distributed throughout the Republic;
- (b) if the proposed decision may affect the rights of the public in a particular province only, in the *Provincial Gazette* of that province and a newspaper which is distributed throughout that province; or
- (c) if the proposed decision may affect the rights of the public in a specific area only, in a newspaper which is distributed in that specific area.

(2) A notice published in terms of subregulation (1) must include:

- (a) an invitation to members of the public to submit comments in connection with the proposed decision to the administrator concerned on or before a date specified in the notice, which date may not be earlier than 30 days from the date of publication of the notice;
- (b) a caution that comments received after the closing date may be disregarded.

(3) The Minister or MEC, as the case may be, must give due consideration to all the comments received before making a decision on the adoption of the proposed environmental management instrument.

(4) Once the Minister or the MEC, in concurrence with the Minister, adopted the environmental management instrument, notice must be given in the relevant *Gazette* of such adoption and where the relevant environmental instrument can be accessed.

Register of environmental management instruments

3. The Minister must keep a register of all environmental management instruments adopted in terms of the Act.

Transitional provision

4. Any environmental management tool or instrument, which exists at the commencement of these Regulations, shall be regarded as an environmental management instrument as defined and adopted in terms of these Regulations.

Short title and commencement

5. These Regulations are called the Environmental Management Instruments Regulations, 2017 and take effect immediately on the date of publication in the *Gazette*.