

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. 1314

26 OCTOBER 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998
(ACT NO. 107 OF 1998)****AMENDMENTS TO FINANCIAL PROVISIONING REGULATIONS, 2015**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby amend the Financial Provisioning Regulations, 2015, in terms of section 44(aE), (aF), (aG), (aH) read with sections 24(5)(b)(ix), 24(5)(d), 24N, 24P and 24R of the National Environmental Management Act, 1998, as set out in the Schedule hereto.



BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS

SCHEDULE**Definition**

1. In these regulations any word or expression to which a meaning has been assigned in the Regulations, shall have the meaning so assigned, and
“the Regulations” means the Financial Provisioning Regulations, 2015 published under Government Notice No. R. 1147 of 20 November 2015;
“Environmental Impact Assessment Regulations, 2014” means the Environmental Impact Assessment Regulation published under Government Notice R.982 in *Gazette* 38282 of 4 December 2014.

Amendment of regulation 17 of the Regulations

2. Regulation 17 of the Regulations is hereby amended by the deletion of subregulation (5).

Extension of the transitional period

3. A holder, or holder of a right or permit who applied for such right or permit prior to the commencement of the Regulations but who obtained such right or permit after the commencement of the Regulations, must within 39 months of the commencement of the Regulations and annually thereafter—

- (a) ensure that a review, assessment and adjustment of the financial provision is conducted in accordance with regulation 11 of the Regulations, read with the necessary changes; and
- (b) submit an updated financial provision, including the plans and report contemplated in regulation 11(1), a copy of the independent auditor's reports and proof of arrangements to provide the financial provision for approval by the Minister responsible for mineral resources, which updated financial provision must be—
 - (i) included in any audit required in terms of an environmental authorisation issued in terms of the Act; and
 - (ii) attached to any amendment of an environmental management programme to be submitted in terms of the Environmental Impact Assessment Regulations, 2014.

Short title and commencement

4. These regulations are called the Amendments to the Financial Provisioning Regulations, 2016 and come into operation on the date of publication in the *Gazette*.