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CONTENTS • INHOUD

No.

Page
No. Gazette
 No.

GOVERNMENT NOTICE

Environmental Affairs, Department of

Government Notice

R. 205 National Environmental Management Act (107/1998): National Appeal Amendment Regulations 3 38559

GOVERNMENT NOTICE

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

No. R. 205

12 March 2015

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998)

NATIONAL APPEAL AMENDMENT REGULATIONS

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby amend the National Appeal Regulations, 2014 published under Government Notice No. 993 in Government Gazette No. 38303 of 8 December 2014, in terms of Section 44(1)(a), 43(4) and 47A(1)(b) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as set out in the Schedule hereto.



BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS

SCHEDULE

Definition

1. In these Regulations—
“the principal Regulations” means the National Appeal Regulations, 2014, published under Government Notice No. R. 993 of 8 December 2014.

Amendment of Regulation 1 of the principal Regulations

2. Regulation 1 of the principal Regulations are amended by—
 - (a) the insertion after the definition of “decision-maker” of the following definitions:
“Environmental Impact Assessment Regulations, 2006” means the Environmental Impact Assessment Regulations, 2006 published under Government Notice No. R. 385 of 21 April 2006;
“Environmental Impact Assessment Regulations, 2010” means the Environmental Impact Assessment Regulations, 2010 published under Government Notice No. R. 543 of 2 August 2010;” and

(b) placing the definition of "applicant" in the correct alphabetical order after "appellant"

Amendment of regulation 10 of the principal Regulations

3. Regulation 10 of the principal Regulations is hereby amended:

(a) by the substitution for sub-regulation (2) of the following sub-regulation:

"(2) An appeal lodged after 8 December 2014 against a decision taken—

- (a) in relation to a waste management license or integrated in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), which followed the processes in the regulations referred to in paragraph (b) and (c);
- (b) in terms of the Environmental Impact Assessment Regulations, 2006; or
- (c) in terms of the Environmental Impact Assessment Regulations, 2010,

must despite the repeal of the regulations referred to in paragraphs (b) and (c) be dispensed with in terms of the Environmental Impact Assessment Regulations, 2010 as if those regulations have not been repealed: Provided in the instance where a decision was taken after 8 December 2014, but prior to the publication of the National Appeal Amendment Regulations, 2015, and the applicant was informed in such decision to follow a different appeal process than the process indicated in sub-regulation (2), the appeal process indicated in such decision must be followed, unless otherwise informed by the relevant appeal authority."; and

(b) by the addition of the following sub-regulations:

(3) For all decisions, other than decisions in sub-regulation (2)—

- (a) an appeal lodged after 8 December 2014 against a decision taken prior to 8 December 2014, must follow the appeal process applicable at the time of the decision; and
- (b) an appeal lodged after 8 December 2014 against a decision taken after 8 December 2014, in terms of the legislation indicated in regulation 3 of these Regulations, must be submitted, processed and considered in terms of these Regulations."

Short title

4. These regulations are called the National Appeal Amendment Regulations, 2015