

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 2320

29 July 2022

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

AMENDMENT OF THE SECTION 24H REGISTRATION AUTHORITY REGULATIONS, 2016

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby, in terms of sections 24(5)(e), 24H and 44 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), read with regulation 1(2) of the Environmental Impact Assessment Regulations, 2014 amend the Section 24H Registration Authority Regulations, 2016, as amended, as set out in the Schedule.



**BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

SCHEDULE

Definitions

1. In this Schedule unless the context indicates otherwise—

“the Regulations” means the Section 24H Registration Authority Regulations, 2016, published under Government Notice No. 849 in *Government Gazette* No. 40154 of 22 July 2016, as amended by Government Notice No. 906 in *Government Gazette* No. 43632 of 21 August 2020, as amended by Government Notice No. 1733 in *Government Gazette* No. 45883 of 7 February 2022 and as amended by Government Notice No. 1735 in *Government Gazette* No. 45886 of 8 February 2022.

Amendment of index of the Regulations

2. The index is hereby amended—
- (a) by the substitution for the heading of Chapter 1 of the following heading:
“INTERPRETATION, PURPOSE AND APPLICATION OF THESE REGULATIONS”; and
- (b) by the insertion, after the heading of regulation 2, of the following heading:
“2A. Application of these Regulations”.

Amendment of Chapter 1 of the Regulations

3. Chapter 1 of the Regulations is hereby amended by the substitution for the heading of the following heading:
“INTERPRETATION, PURPOSE AND APPLICATION OF THESE REGULATIONS”.

Amendment of regulation 1 of the Regulations

4. Regulation 1 of the Regulations is hereby amended—
- (a) by the insertion, in the definition of **“applicant”** after the word “practitioner” of the words “or candidate environmental assessment practitioner”;
- (b) by the deletion of the definition of **“application”**;
- (c) by the insertion after the definition of **“applicant”** of the following definition:
““Environmental Impact Assessment Regulations” means the Environmental Impact Assessment Regulations published in terms of section 24(5) and 44 of the Act;”;
- (d) by the deletion of the definition of **“EMPr”**;
- (e) by the deletion of the definition of **“environmental assessment practitioner”**;
- (f) by the substitution for the definition of **“registered candidate environmental assessment practitioner”** of the following definition:

“**registered candidate environmental assessment practitioner**” means a candidate environmental assessment practitioner who is registered as such by the registration authority appointed in terms of section 24H of the Act in accordance with criteria prescribed in these Regulations;” and

- (g) by the substitution for the definition of “**registered environmental assessment practitioner**” of the following definition:
“**registered environmental assessment practitioner**” means an environmental assessment practitioner who is registered as such by the registration authority appointed in terms of section 24H of the Act in accordance with criteria prescribed in these Regulations;”

Amendment of regulation 2 of the Regulations

5. Regulation 2 of the Regulations is hereby amended by the substitution for paragraph numbers (1), (2) and (3) of paragraph numbers (a), (b) and (c).

Insertion of regulation 2A in the Regulations

6. The following regulation is hereby inserted in the Regulations after regulation 2:

“2A. Application of these Regulations

These Regulations apply to an application for an environmental authorisation contemplated in —

- (a) Chapter 5 of the Act, read with the Environmental Impact Assessment Regulations;
- (b) section 24G of the Act; and
- (c) Chapter 5 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), read with the Environmental Impact Assessment Regulations.”

Substitution of regulation 14 of the Regulations

7. The following regulation is hereby substituted for regulation 14 of the Regulations:

“14. Requirement to register as environmental assessment practitioner

- (1) Only a person registered as an environmental assessment practitioner may perform tasks in connection with an application for an environmental authorisation contemplated in —
- (a) Chapter 5 of the Act, read with the Environmental Impact Assessment Regulations;
 - (b) section 24G of the Act; and
 - (c) Chapter 5 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), read with the Environmental Impact Assessment Regulations.

- (2) The tasks contemplated in subregulation (1)(a) are the tasks specified relating to—
- (a) the investigation, assessment and preparation of a basic assessment report, EMPr and closure plan contemplated in regulations 19(1)(a), 19(2), 19(3), 19(4) and 19(6) and the assessment, evaluation and consideration of such reports and documents in order to inform a decision on an application for environmental authorisation contemplated in regulation 20(1) of Part 2 of Chapter 4 of the Environmental Impact Assessment Regulations;
 - (b) the investigation and preparation of a scoping report contemplated in regulation 21(1) and 21(3) and the evaluation and consideration of the scoping report in order to inform a decision contemplated in regulation 22 of Part 3 of Chapter 4 of the Environmental Impact Assessment Regulations;
 - (c) the investigation, assessment and preparation of an environmental impact assessment report, EMPr and closure plan contemplated in regulations 23(1)(a), 23(2), 23(3), 23(4) and 23(4B) and the assessment, evaluation and consideration of such reports and documents in order to inform a decision on an application for environmental authorisation contemplated in regulation 24(1) of Part 3 of Chapter 4 of the Environmental Impact Assessment Regulations; and
 - (d) the investigation, assessment and preparation of a report contemplated in regulations 32(1)(a) and 32(2) and the assessment, evaluation and consideration of such reports in order to inform a decision contemplated in regulation 33(1) of Part 2 of Chapter 5 of the Environmental Impact Assessment Regulations.
- (3) The tasks contemplated in subregulation (1)(b) are the tasks specified in—
- (a) section 24G(1)(a)(ii) and 24G(1)(b)(ii) of the Act in so far as it relates to the investigation, evaluation and assessment of impacts;
 - (b) section 24G(1)(a)(vii) and 24G(1)(b)(vii) of the Act in so far as it relates to the compilation of the report containing the information contemplated in paragraphs (aa) - (ee); and
 - (c) section 24G(2) of the Act in so far as it relates to the assessment, evaluation and consideration of the report or information submitted in order to inform a decision on an application contemplated in subregulation (1)(b).
- (4) The tasks contemplated in subregulation (1)(c) are the tasks specified in—
- (a) sections 45(2)(b) and 45(3) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in so far as it relates to the investigation, assessment and compilation of documentation and information;
 - (b) section 48 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in so far as it relates to the assessment, evaluation and consideration of all relevant matters; and

- (c) subregulation (2).
- (5) Notwithstanding subregulation (1), (2), (3) and (4), a person that—
- (a) takes the final decision, based on recommendations received, on an application contemplated in subregulation (1)(a) - (c) when that person is the Minister, Minister responsible for mineral resources, MEC, Director-General, the Director-General of the department responsible for mineral resources or a provincial head of department responsible for environmental affairs or a person acting in such position;
 - (b) provides comments on documents forming part of an application contemplated in subregulation (1)(a) – (c); or
 - (c) investigates, assesses or prepares specialist reports contemplated in regulation 19(8) and 23(5) of the Environmental Impact Assessment Regulations;
- is not required to be a registered environmental assessment practitioner.
- (6) When acting under supervision of a registered environmental assessment practitioner, a registered candidate environmental assessment practitioner may assist with the performance of tasks contemplated in subregulations (2), (3) and (4)."

Amendment of regulation 15 of the Regulations

8. Regulation 15 is hereby amended—
- (a) by the insertion in subparagraph (i) of paragraph (b) of subregulation (1), after the words "level of competence" of the words "contemplated in the Qualification: Environmental Assessment Practice";
 - (b) by the insertion in subparagraph (ii) of paragraph (b) of subregulation (1), after the words "level of competence" of the words "contemplated in the Qualification: Environmental Assessment Practice"; and
 - (c) by the insertion, in subregulation (4), before the word "sector" of the word "affected".

Amendment of regulation 16 of the Regulations

9. Regulation 16 is hereby amended—
- (a) by the insertion in subregulation (2) after the words "to register" of the words "contemplated in subregulation (1)"; and
 - (b) by the substitution of subparagraph (iv) in paragraph (b) of subregulation (2) for the following subparagraph:
 "(iv) any other information which is indicative of meeting the requirements contemplated in the Qualification: Environmental Assessment Practice."

Amendment of regulation 17 of the Regulations

10. Regulation 17 is hereby amended—

- (a) by the substitution for paragraph (a) of subregulation (2) of the following paragraph:
“(a) a portfolio of evidence demonstrating competence which is indicative of meeting the requirements contemplated in the Qualification: Environmental Assessment Practice over the previous five year registration period;” and
- (b) by the insertion in subregulation (5) after the words “as the application” of the words “for the renewal of registration”.

Amendment of regulation 18 of the Regulations

11. Regulation 18 is hereby amended—

- (a) by the insertion in paragraph (b) of subregulation (2) after the words “reasonable opportunity” of the words “of not less than 30 days”;
- (b) by the insertion in subregulation (3) after the words “of the decision” of the words “within 15 days”; and
- (c) by the deletion in paragraph (b) of subregulation (4) of the words “in instances where the planning, management, coordination or review of an environmental impact assessment and associated EMPr has been initiated but not yet completed by the time of termination of registration”.

Amendment of regulation 21 of the Regulations

12. The following regulation is hereby substituted for regulation 21 of the Regulations:

“21. Transitional provisions

If a situation arises where tasks contemplated in regulation 14 have been initiated or reports or documents have been submitted to the relevant authority for decision-making prior to the coming into effect of regulation 14 of these Regulations, the person performing such tasks may dispense of his or her responsibilities without complying with regulation 14 of these Regulations.”