Nomvula Paula Mokonyane, Minister of Environmental Affairs, hereby under section 24(5)(bß), read with section 44(1)(a), of the National Environmental Management Act, 1998 (Act No. 107 of 1998), make the regulations laying down the procedure to be followed for the adoption of spatial tools and environmental management instruments to be used for the purposes of sections 24(2)(c) and (e), in the Schedule hereto.

NOMVULA PAULA MOKONYANE
MINISTER OF ENVIRONMENTAL AFFAIRS

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. 542
05 APRIL 2019

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998
(Act No. 107 of 1998)

REGULATIONS LAYING DOWN THE PROCEDURE TO BE FOLLOWED FOR THE ADOPTION OF SPATIAL TOOLS OR ENVIRONMENTAL MANAGEMENT INSTRUMENTS CONTEMPLATED IN SECTION 24(2)(c) AND (e) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (Act No. 107 of 1998)
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—


2. Purpose of Regulations

The purpose of these Regulations is to provide for the process of adoption of spatial tools and environmental management instruments contemplated in section 24(2)(c) and (e) of the Act.

Adoption requirements

3. Before adopting a spatial tool or environmental management instrument, the Minister or MEC must ensure that the spatial tool or environmental management instrument indicates the purpose for which it was developed.

Notification and consultation requirements

Content of the notice

5. A notice published in terms of regulation 4 must include—

(a) an invitation to members of the public to submit comments in connection with the proposed adoption to the official indicated in the notice;

(b) notification of a period of at least 30 days to submit comments, the period reckoned from the date of the last publication; and
6. The Minister or the 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 spatial tool or environmental management instrument.

Consideration of comment

7. Once the Minister or the MEC, in concurrence with the Minister, adopts a spatial tool or environmental management instrument contemplated in section 24(2)(c) or (e) of the Act, notice must be given in the relevant Gazette of the—

   (a) adoption of the spatial tool or environmental management instrument; and
   
   (b) availability of the spatial tool or environmental management instrument for public access on the website of the Department of Environmental Affairs and/or the relevant province.

Notification of adoption

Record keeping requirement

8. The Minister must—

Commencement

9. These Regulations take effect immediately on the date of publication in the Gazette.