THE PRESIDENCY

No. 530 24 July 2013

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:


MO-PRESIDENTE

No. 530 24 July 2013

Mo go tsebiswa gore Mo-Presidente o dumetse molao o latelago, wona o tla gatiswa e le tsebiso ya kakaretso:

Nmr 14 ya 2013: Molao wa Phetoilelo ya Melao ya Bosetshaba ya Tsamaiso ya Tikologo, wa 2013
GENERAL EXPLANATORY NOTE:

Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President)
(Assented to 24 July 2013)

ACT

To amend the—

- National Environmental Management: Biodiversity Act, 2004, so as to amend certain definitions and to define certain words and expressions; to revise the objectives of the Act to emphasise the need to protect the ecosystem as a whole, including species which are not targeted for exploitation; to revise the purpose of Chapter 4 to provide for the regulation of threatened and indigenous species to ensure that the utilisation of these species are done in an ecologically sustainable manner; to effect certain textual amendments to the provisions on protection of species; to address some of the regulatory gaps within the permitting system; to facilitate the implementation of self-administration; to extend the functions of the scientific authority to include assisting with species to which an international agreement regulating international trade applies; to revise the purpose and application of Chapter 6; to insert a provision to allow for the domestic or subsistence use of indigenous biological resources; to repeal the appeal provisions; to provide for circumstances under which a permit application or permit may be deferred, refused, cancelled or suspended; to extend the powers of the Minister to make regulations; to add offences and penalties; and to provide for the Minister to declare amnesty in certain circumstances;

- National Environmental Management: Air Quality Act, 2004, so as to align the penalties with other specific environmental management Acts;

- National Environmental Management: Waste Act, 2008, so as to provide for textual amendment to the definition of waste;

- National Environment Management Laws Amendment Act, 2008, so as to correct an incorrect citation; and

- National Environmental Management: Protected Areas Amendment Act, 2009, so as to correct an incorrect citation,

and to provide for matters connected therewith.
MOLAO

Go fetola—

- Molao wa Bosetšhaba wa Tsamaiso ya Tikologo: Molao wa Biodiversity, wa 2004, go fetola mafoko le dithalosoa tse di rileng le go tlhalosa mafoko le mareo; go tokaafatsa maikaelelo a Molao go mametlelela bothlokwa jwa go sireletsaa ditsheddi le tlhago ka kakaretsa; go akarediwa le ditsheddi tse di sa lebaganganang le tiriso bothhatswa; go tokaafatsa maikaelelo a Kgaolo 4 go tlamela ka taolo ya ditsheddi tse di mo kotsing le ditsheddi tsa tlhago go netefatsa fa tiriso ya ditsheddi tse di sa lebaganganang le tiriso bothhatswa; go dira diphetogo tse di rileng go ditaelo tsa tshireletso ya ditsheddi; go tobana le diphatla tse di tlholwang ke melao ya lenaane la makwaltletla; go etelapele tiragatso ya tsamaiso ya boitaolo jwa sebele; go atolosa ditiro tsa boloaedi jwa saense go akaretsa go thusa ditsheddi tse di amiwang ke tumelano ya dinaga tsa bodišhabatsšaba e laolang kgwebelano ya dinagantle; go fetola maikaelelo le tiragatso ya Kgaolo 6; go kwalalai titaelo go letelela tiriso ya selegae le ya kgwebelano ya metswedi ya tlholec; go fedisa ditaelo tse boipelaetsa; go tlamela ka mabaka ao kopo ya phemiti kotsa kopo e kgaqabelang thoko, ganwa, fedisiwa kotsa gogelwa Morago ka wona; go atolosa ditahla tsa Tona go dira melawana; go tlheletsaa ka dikotlhao le ditatofatsa; le go tlamela Tona ka thata ya go ithwarela/lebalela ka fa tlase ga mabaka a rileng;


- Molao Phetolelo wa Melao ya Bosetšhaba ya Tsamaiso ya Tikologo, wa 2008, go baakanya tshwaelo e fosagenseng; le

- National Environmental Management: Protected Areas Amendment Act, 2009, go baakanya tshwaelo e fosagenseng le go tlamela ka merero e e maleba, mme le go phethagaletsaa merero ye malebana.
BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 10 of 2004, as amended by section 29 of Act 14 of 2009

1. Section 1 of the National Environmental Management: Biodiversity Act, 2004, is hereby amended—

(a) by the insertion after the definition of “biological diversity” or “biodiversity” of the following definition:

“biodiversity sector’ means any sector or sub-sector that carries out restricted activities involving indigenous biological resources, whether for commercial or for conservation purposes;”;

(b) by the deletion in the definition of “bioprospecting” of the word “or” at the end of paragraph (b), the insertion in that definition of the word “or” at the end of paragraph (c) and the addition to that definition of the following paragraph:

“(d) the trading in and exporting of indigenous biological resources in order to develop and produce products, such as drugs, industrial enzymes, food flavours, fragrances, cosmetics, emulsifiers, oleoresins, colours, extracts and essential oils;”;

(c) by the insertion after the definition of “Board” of the following definition:

“commercial exploitation”, means the engaging in any bioprospecting activity with the intention of making a profit;”;

(d) by the substitution for the definition of “commercialisation” of the following definition:

“commercialisation”, in relation to indigenous biological resources, includes the following activities:

(a) the filing of any complete intellectual property application, whether in South Africa or elsewhere;

(b) obtaining or transferring any intellectual property rights or other rights;

(c) commencing [clinical trials and] product development, including the conducting of market research and seeking pre-market approval for the sale of resulting products; [or]

(d) the multiplication of indigenous biological resources through cultivation, propagation, cloning or other means to develop and produce products, such as drugs, industrial enzymes, food flavours, fragrances, cosmetics, emulsifiers, oleoresins, colours [and], extracts and essential oils;

(e) trading in and exporting of indigenous biological resources to develop and produce products, such as drugs, industry enzymes, food flavours, fragrances, cosmetics, emulsifiers, oleoresins, colours, extracts and essential oils; and

(f) commercial exploitation;”;

(e) by the substitution for the definition of “competent authority” of the following definition:

“competent authority”, in relation to the control of an alien or invasive species, means—

(a) the Minister;

(b) the MEC; or

[(b)(c) an organ of state in the national, provincial or local sphere of government [designated by regulation] delegated as a competent authority for the control of an alien species or a listed invasive species in terms of [this Act] section 42 of the National Environmental Management Act, 1998; [or]

(c) any other organ of state];”;

(f) by the substitution for the definition of “delegation” of the following definition:

“delegation”, in relation to a duty, includes an instruction to perform the duty] has the meaning assigned to it in section 1 of the National Environmental Management Act, 1998;”;

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E ATLANE GISIWE ke Palamente ya Rephaboliki ya Aforika Borwa, jaana:—

Go fetolwa ga karolo 1 ya Molao 10 wa 2004, jaaka o fetotswe ka karolo 29 ya Molao 14 wa 2009

1. Karolo 1ya Molao wa Bosetšhaba wa Tsamaiso ya Tikologo: Molao Biodiversity wa, 2004, wa fetolwa—

(a) ka go kwala morago ga tlhalosoy ya “tlhogo le ka go farologana” kgotsa “pharologano ya tlhogo” tlhaloso e e letelang:

1. ‘lekala la pharologano ya tlhogo’ go bolela lekala lengwe le lengwe kgotsa lekalanyana le le dirang ditiro tse di lebaganeng le metswedi ya ditshed tsa tlhogo, le fa e le mabaka a kgwebelano kgotsa a pabalelo;”

(b) ka go tlosa mo tlhalosong ya “bioprospecting” lefoko “kgotsa” mo bofelong jwa temana (b), ka go kwala mo tlhalosong ya lefoko “kgotsa” mo bofelong jwa temana (c) le ka go tleleletsa tlhalosoy ya lefoko leo ka temana e e letelang:

“(d) kgwebelano ka le go romelwante ga dirwër tsa tlhago ka maikaeleloa go tlhoma le go thagisa dikuno tsa_diribatsi, enzyme tsa indaseteri, ditatso tsa dijo, menko, ditlolo, dikgomaretsi, dieorini, mebala, ditamosiwa le mafura a tlhogo;”

(c) ka go kwala morago ga tlhalosoy ya “Boto” tlhaloso e e letelang:

“‘tirisobotlhatswa ya kgwebelano’, go bolela go dira tiro ngwe le ngwe ya bioprospecting ka maikaelelo a go dira morokotso;”

(d) ka go kwala boemong jwa tlhalosoy ya “kgwebelano” tlhaloso e e letelang:

“‘kgwebelano’ mabapi le metswedi ya dirwër tsa tlhago e akaretse ditiro tse di letelang:

(a) go diriwa ga kopop ngwe le ngwe ya thoto ya bong, mo Aforika Borwa kgotsa felo gongwe le gongwe;

(b) kamogelo kgotsa tshutiso ya tshwanelo ngwe le ngwe ya thoto ya bong kgotsa ditshwanelo tse dingwe;

(c) tshimololo ya [diteko tsa saense le] tlhabololo ya dikuno, go akarediwa le go diriwa ga tshekatsheko ya mebaraka le go batla katlane gis o pele ya mebaraka tebang le thekiso ya dikuno; [kgotsa]

(d) koketso ya metswedi ya tlhago ka go kotula, phatlasatso, koketso kgotsa mekgwa e mengwe ya go tlhabololo le ya thagisa ya dikuno tsa_diribatsi, dienzyme tsa indaseteri, ditatso tsa dijo, menko, ditlolo, dikgomaretsi, dieorini, mebala [le] ditamosiwa le mafura a tlhogo;

(e) kgwebelano ka le go romelwante ga dirwër tsa tlhago ka maikaelelo a go tlhoma le go thagisa dikuno tsa_diribatsi, enzyme tsa indaseteri, ditatso tsa dijo, menko, ditlolo, dikgomaretsi, dieorini, mebala, ditamosiwa le mafura a tlhogo; le

(f) tiriso bothatswa ya kgwebelano;”

(e) ka go kwala mo boemong jwa tlhalosoy ya “bolaodi jo bo na leng bokgoni” tlhaloso e e letelang:

“‘bolaodi jo bo na leng bokgoni’, tebang le taolo ya ditshed tse di sa batlegeng kgotsa tse di kotsi, go bolela—

(a) Tona;

(b) Mec; kgotsa

[(b)] [c] lefapha la puso mo logatong la bosetšhaba, porofense kgotsa pusoselegae [le le theiwenge ka molao] le thomilwe jaaka bolaodi jo bo na leng bokgoni go laola ditshed tse di sa batlegeng kgotsa tse di kotsi go ya ka [Molao ô] karolo 42 ya Molao wa Bosetšhaba wa Tsamaiso ya Tikologo wa 1998; [kgotsa

(c) setheo sengwe le sengwe sa puso];

(f) ka go kwala boemong jwa tlhalosoy ya “taelo” tlhaloso e e letelang:

“‘taelo’, tebang le tiro, go akaretse taelo ya go dira tiro] e na le tlhalosoy e tlhalositsweng ka yona mo karolo 1 ya Molao wa Bosetšhaba wa Tsamaiso ya Tikologo wa 1998;”;

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(g) by the substitution for the definition of “Department” of the following definition:

‘Department’ means the national Department of Environmental Affairs and Tourism responsible for environmental affairs;’’;

(h) by the substitution for the definition of “derivative” of the following definition:

‘derivative’, in relation to an animal, plant or other organism, means any part, tissue or extract of an animal, plant or other organism, whether fresh, preserved or processed, and includes any genetic material or chemical compound derived from such part, tissue or extract;’’;

(i) by the substitution for paragraph (b) of the definition of “genetic resource” of the following paragraph:

“(b) the genetic potential or characteristics or information of any species;’’;

(j) by the substitution for the definition of “issuing authority” of the following definition:

‘issuing authority’, in relation to permits a permit or registration regulating the matters a matter mentioned in section 87, means—

(a) the Minister as contemplated in section 87A(1) or (3); [or]

(b) the MEC as contemplated in section 87A(2) or (3); or

(c) an organ of state in the national, provincial or local sphere of government designated by regulation in terms of section 97 delegated in terms of section 42 of the National Environmental Management Act, 1998 or assigned in terms of section 41 of the National Environmental Management Act, 1998 as an issuing authority for permits a permit or registration of the kind in question;’’; and

(k) by the insertion after the definition of “restricted activity” of the following definition:

‘self-administration’ means the introduction of measures to facilitate compliance with provisions of the Act and standards set by associations or organisations recognised through the system contemplated in terms of section 59(f) of the Act, but excludes measures that relate to the issuance of permits in terms of Chapter 7 or functions of environmental management inspectors;’’.

Amendment of section 2 of Act 10 of 2004

2. Section 2 of the National Environmental Management: Biodiversity Act, 2004, is hereby amended by the insertion in paragraph (a) after subsection (1) of the following subparagraph:

“(iA) the need to protect the ecosystem as a whole, including species which are not targeted for exploitation;’’.

Amendment of section 51 of Act 10 of 2004

3. Section 51 of the National Environmental Management: Biodiversity Act, 2004, is hereby amended by the deletion of the word “and” at the end of paragraph (c), the insertion of the word “and” at the end of paragraph (d) and the addition of the following paragraph:

“(e) provide for the regulation of threatened or protected indigenous species to ensure that the utilisation of these species is managed in an ecologically sustainable manner.’’.

Amendment of section 56 of Act 10 of 2004

4. Section 56 of the National Environmental Management: Biodiversity Act, 2004, is hereby amended—

(a) by the substitution in subsection (1) for paragraph (d) of the following paragraph:

“(d) protected species, being any species which are of [such] high conservation value or national importance [that they require national protection, although they are not listed in terms of
(g) ka go kwala boemong jwa tlhaoso ya “Lefapha” tlhaloso e e latelang:
   “‘Lefapha’ go bolela Lefapha [la Meroro ya Tikologo le Bojanala] le le rweleng maikarabelo a merero ya tikologo;”;

(h) ka go kwala boemong jwa tlhaoso ya “setlhagisiwa go tswa go’’ tlhaloso e e latelang
   “‘setlhagiswa go tswa go’, tebang le phologolo, semela kgotsa setshedsi se sengwe go bolela karolo ngwe le ngwe, thišu kgotsa setamosiwa[,] sa phologolo, semela kgotsa ditshedsi tse dingwe, le fa e le ditswa mmung, dijo tse dikgotleleditsweng go akarediwa setlhagiswa sengwe le sengwe sa dikuno kgotsa sa khemikale e e nštshitsweng mo thišung kgotsa setamosiwi;”;

(i) ka go kwala boemong jwa temana (b) tlhaloso ya “motswedi wa digenetiki” ya temana e e latelang:
   “‘(b) bokgoni jwa digenetiki [kgotsa], dintlha kgotsa tshedimoseto ya setshedsi sengwe le sengwe;”;

(j) ka go kwala boemong jwa “Bolaodi jwa katlenegiso” tlhaloso e e latelang:
   “‘bolaodi jwa katlenegiso’ tebang le [diphemiti] phemiti kgotsa kwadiso e e laolang [merero] ntlha e e tshitswengseng mo karolo 87, go bolela—
   (a) Tona go ya ka tlhaloso ya karolo 87A(1) kgotsa (3); [kgotsa]
   (b) Mec go ya ka tlhaloso ya karolo 87A(2) kgotsa (3); kgotsa [(b)](c) lefapha la puso mo logatong la bosetšhaba, porofense kgotsa pusesolegae [le le theišweng ka diašelo tsa karolo 97] le thomilwe go ya ka karolo 42 ya Molao wa Bosetšhaba wa Tsamaiso ya Tikologo wa 1998 kgotsa le le laetsweng go ya ka karolo 41 ya Molao wa Bosetšhaba wa Tsamaiso ya Tikologo wa 1998 jaaka bolaodi jwa katlenegiso ya [diphemiti] phemiti kgotsa kwadiso ya mofuta oo;”;

(k) ka go kwala morago ga tlhaloso ya “tiro e ileleśweng” tlhaloso e e latelang:
   “‘tsamaiso ya sebele’ go bolela go tsengwa tiriso ma gaano a go mametlela kobamelosia diašelo tsa Molao le maemolao a lthomamisitsweng ke mekgatlhikgotsa makoko a amogotsweng ka lenaane la le le tshitswengseng mo karolo 59(f) ya Molao, mme fela go sa akaretswe maano a amang kaabo ya phemiti go ya ka mabaka a Kgaolo 7 kgotsa ditiro tsa bathathlopho ka taolo ya tikologo;”.

Go fetolwa ga karolo 2 ya Molao 10 wa 2004

2. Karolo 2 ya Tsamaiso ya Bosetšhaba ya Tikologo: Molao wa Biodiversity wa 2004, o fetolwa ka go tlaleletsa mo temana (a) morago ga karolotlaleletso (1) ka temenatlateletso e e latelang:
   “(iA) bothokwa jwa tshireletso ya taolo ya ditshedsi le tlholego ka kakaretso, go akarediwa ditshedsi tse di sa dirisiweng bothatswa;”.

Go fetolwa ga karolo 51 ya Molao 10 wa 2004

3. Karolo 51 ya Tsamaiso ya Bosetšhaba ya Tikologo: Molao wa Biodiversity, wa 2004, o fotolwa ka go tlaleletsa mo temana (a) morago ga karolotlaleletso (1) ka temenatlateletso e e latelang:
   “(iA) bothokwa jwa tshireletso ya taolo ya ditshedsi le tlholego ka kakaretso, go akarediwa ditshedsi tse di sa dirisiweng bothatswa;”.

Go fetolwa ga karolo 56 ya Molao 10 wa 2004

4. Karolo 56 ya Tsamaiso ya Bosetšhaba ya Tikologo: Molao wa Biodiversity wa, 2004, wa fetolwa—
   (a) ka go kwala mo karolotlaleletso (1) boemong jwa temana (d) temana e e latelang:
      “(d) ditshedsi tse di siredlešweng, e ka nna setshedsi sengwe le sengwe [ebong] sa maemo a kwa godimo a tshireletso, kgotsa a bothokwa jwa bosetšhaba [tselitshoinga tshireletso ya bosetšhaba, le fa di
paragraph (a), (b) or (c)] or require regulation in order to ensure that the species are managed in an ecologically sustainable manner; and

(b) by the insertion after subsection (1) of the following subsections:

“(1A) The Minister may further categorise within the different categories of species listed in subsection (1)(a) to (d) when compiling the lists referred to in subsection (1).

(1B) The notice contemplated in subsection (1) may apply generally throughout the Republic or a province, as the case may be, or only in a specified area or category of areas.”.

Amendment of section 57 of Act 10 of 2004, as amended by section 35 of Act 14 of 2009

5. Section 57 of the National Environmental Management: Biodiversity Act, 2004, is hereby amended—

(a) by the substitution for the heading of the following heading:

“Restricted activities involving listed threatened or protected species and species to which an international agreement regulating international trade applies”;

(b) by the insertion after subsection (1) of the following subsection:

“(1A) A person may not import, export, re-export or introduce from the sea, a specimen of a species listed in terms of the Convention on International Trade in Endangered Species of Wild Fauna and Flora without a permit issued in terms of Chapter 7.”;

(c) by the substitution in subsection (2) for the words preceding paragraph (a) of the following for the words:

“The Minister may, by notice in the Gazette and subject to such conditions as the Minister may specify in the notice, prohibit the carrying out of any activity—”;

(d) by the substitution for subsection (3) of the following subsection:

“(3) [Subsection] Subsections (1) [does] and (1A) do not apply in respect of a specimen of a listed threatened or protected species or a species to which an international agreement regulating international trade applies conveyed from outside the Republic in transit through the Republic to a destination outside the Republic, provided that such transit through the Republic takes place [under the control of an environmental management inspector] with the required original documentation from the country of origin accompanying the shipment.”;

(e) by the substitution in subsection (4) for paragraph (a) of the following paragraph:

“(a) The Minister may, by notice in the Gazette and subject to such conditions as the Minister may specify in the notice, exempt a person or category of persons from a restriction contemplated in subsection (1) or (1A).”; and

(f) by the addition of the following subsections:

“(5) A notice in terms of subsection (2) or (4) may—

(a) apply generally—

(i) throughout the Republic or a province, as the case may be, or only in a specified area or specified category of areas;

(ii) to all persons or only to a specified category of persons;

(iii) to all species or only to a specified species or specified category of species; or

(b) differentiate between—

(i) areas or categories of areas;

(ii) persons or categories of persons; or

(iii) species or categories of species.”.
sa tlhalosiwa mo temana (a), (b) kgotsa (c) kgotsa tse di tlhokang go sirelela ka molao go netefatsa fa tao lo ya ditshedí e tsamaelana le ntshegoole ya tshomarelo ya ditshedí.""; le

(b) ka go kwala morago ga karotlotlaleletso (1) dikarotlotlaleletso tse di latelang:

"(1A) Gape, Tona e ka tlhola ditshedí ka maemo a farologaneng go ya ka tlhlaso ya karotlotlaleletso (1) go fitla go (d) fa a thala lenaa le le tlhalositsweng mo karotlotlaleletso (1).

(1B) Kitsiso e e tlhalositsweng mo karotlotlaleletso (1) e ka dirisiwa mo Rephuboliking ka bophara kgotsa mo porofenseng, jaaka go tlhokega, kgotsa fela mo kgao long e tlhalositsweng kgotsa go ya ka maemo a dikgaolo.".

Go fetolwa ga karolo 57 ya Molao 10 wa 2004, jaaka o fetotswe mo karolo 35 ya Molao 14 wa 2009

5. Karolo 57 ya Tsamaiso ya Bopetshába ya Tikologo: Molao wa Biodiversity, wa 2004, wa fetolwa—

(a) ka go kwala boemong jwa setlhogo, setlhogo se se latelang:

"Ditiro tsa kiletso tse di amang lenaane la ditshedí tse di mo kotsing kgotsa ditshedí tse di sireleditsweng le ditshedí tse di amiwang ke kgo lagano ya boditšhabatšhaba e laolang kgwebelano le dinang antle";

(b) ka go kwala morago ga karotlotlaleletso (1) karotlotlaleletso e e latelang:

"(1A) Ga go ope yo o tshwanseneng go amogela, go romelante go romelanle gape, kgotsa go tsama isa ka lewatle dirw? tsa ditshedí tse di tlhalositsweng mo Convention on International Trade in Endangered Species of Wild Fauna and Flora ntle le lokwalotetla le le tlhalositsweng mo Kgaolo 7.";

(c) ka go kwala mo karotlotlaleletso (2) fa pele ga temana (a) mafoko a a latelang:

"Go ya ka kitsiso mo Lokwalodikgang la Puso le mabaka a ka tlhomamisiwang ke Tona, Tona e ka thibela tiragatso ya tiro ngwe le ngwe—";

(d) ka go kwala mo karotlotlaleletso (3) karotlotlaleletso e e latelang:

"(3) [Karolotlaleletso] Dikarotlotlaleletso (1) [ya letla] mme (1A) ga e dirisiwe mabapi le servë sa setshedí se se mo kotsing go ya ka tlhalosó kgotsa setshedí se se sireleditsweng, kgotsa ditshedí tse di tlhalositsweng mo tumelanong ya boditšhabatšhaba e e laolang kgwebelano ya dinang antle go nshiwa mo Rephuboliki go romelwa go lefelo kwantle kgotsa Rephuboliki, fa fela thomelo ya go ntshiwa mo Rephuboliking e diriwa [ka fa tlaa go tolo ya motlhathlobi wa tsamaiso ya tikologo] e patilwe ka ditokomane tsa leruri tse di tlhokeganga tsa naga ya setlogo go tsamaya le thoto.";

(e) ka go kwala mo karotlotlaleletso (4) boemong jwa temana (a) temana e e latelang:

"(a) Go ya ka kitsiso mo Lokwalodikgang la Puso le mabaka a ka tlhomamisiwang ke Tona mo kitsisong, Tona e ka, thibela motho kgotsa maemo a rileng a batho go amiwa ke kiletso e e tlhalositsweng mo karotlotlaleletso (1) kgotsa (1A).”; le

(f) ka go tlaleletsa ka karotlotlaleletso e e latelang:

"(5) Kitsiso go ya ka karotlotlaleletso (2) kgotsa (4) e ka—

(a) ama ka kakaretso—

(i) Rephuboliki ka bophara kgotsa porofense, ka moo go leng bothokwa, kgotsa fela mo kgao long e e kgethiweng kgotsa dikarolo tsa dikgaolo tse di kgethiweng;

(ii) batho bothle kgotsa maemo a kgethiweng a batho;

(iii) ditshedí tsothle kgotsa ditshedí tse di kgethiweng fela kgotsa maemo a kgethiweng a ditshedí; kgotsa

(b) go farologanyo gare ga—

(i) dikgaolo kgotsa dikgaolo tse di farologaneng;

(ii) batho kgotsa magato a farologaneng a batho; kgotsa

(iii) ditshedí kgotsa magato a farologaneng a ditshedí.".
Substitution of section 58 of Act 10 of 2004, as substituted by section 36 of Act 14 of 2009

6. The following section is hereby substituted for section 58 of the National Environmental Management: Biodiversity Act, 2004:

“Amendment of notices

58. The Minister may by notice in the Gazette amend or repeal any notice published in terms of section 56(1), [56(2)] or 57(2) or (4).”.

Amendment of section 59 of Act 10 of 2004

7. Section 59 of the National Environmental Management: Biodiversity Act, 2004, is hereby amended—

(a) by the deletion of the word “and” at the end of paragraph (e) and the substitution for paragraph (f) of the following paragraph:

“(f) may prescribe a system and the requirements for the compulsory or voluntary registration of persons, institutions, ranching operations, game farms, nurseries, captive breeding or keeping operations and other facilities or operations, and the recognition of associations relating to these persons, operations or facilities; and”;

(b) by the addition of the following paragraph:

“(g) may prescribe a system and the requirements for the compulsory registration of professional hunters, hunting outfitters and trainers in the hunting industry.”.

Amendment of section 60 of Act 10 of 2004

8. Section 60 of the National Environmental Management: Biodiversity Act, 2004, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Minister must establish a scientific authority for the purpose of assisting in regulating and restricting the trade in specimens of listed threatened or protected species and species to which an international agreement regulating international trade applies.”.

Substitution to section 61 of Act 10 of 2004

9. Section 61 of the National Environmental Management: Biodiversity Act, 2004, is hereby amended by the substitution in subsection (1) for paragraph (d) of the following paragraph:

“(d) make non-detriment findings on the impact of actions relating to the international trade in specimens of listed threatened or protected species and species to which an international agreement regulating international trade applies, and must submit those findings to the Minister.”.

Substitution of section 62 of Act 10 of 2004

10. The following section is hereby substituted for section 62 of the National Environmental Management: Biodiversity Act, 2004:

“Annual non-detriment findings

62. (1) The [scientific authority] Minister must, by notice in the Gazette, publish [in the Gazette] any [annual] non-detriment findings made by the scientific authority on trade in specimens of listed threatened or protected species and species to which an international agreement regulating international trade applies, in accordance with [an] the requirements of the international agreement regulating international trade [in specimens of
Go fetolwa ga karolo 58 ya Molao 10 wa 2004, jaaka o fetotswe ka karolo 36 ya Molao 14 wa 2009

6. Karolo e e latelang e kwadiwa boemong jwa karolo 58 ya Tsamaiso ya Bosetšhaba ya Tikologo: Molao wa *Biodiversity*, wa 2004:

"Kitsiso ya diphetogo"

58. Ka kitsiso mo Lokwalodikgang la Puso, Tona e kgona go fetola kgotsa go fedisa kitsiso ngwe le ngwe e e phatlaladitsweng ya karolo 56(1), [56(2)] kgotsa 57(2) kgotsa (4)."

Go fetolwa ga karolo 59 ya Molao 10 wa 2004

7. Karolo 59 ya Tsamaiso ya Bosetšhaba ya Tikologo: Molao wa *Biodiversity*, wa 2004 wa fetolwa—

(a) ka go tlosa lefoko "le" mo bofelong jwa temana (e) le go kwala boemong jwa temana (f) temana e e latelang:

"(f) a ka thalosalos mo kgwele le ditlhokego tsa kwadiso ya kgapeletso kgotsa ya boithaopo ya batho, ditheo, mafelo a botsomi, polasi ya diphologolo, tshingwana ya dimela, ditirelo tsa go tsadisa ka kgapeletso kgotsa ditirelo tsa go bolokela le madirelo a mangwe; kotsa madirelo le kamogelo ya mekgatlhoo e lebaganyeng le batho bao, ditirelo kgotsa di diriswa; le"; le

(b) ka go tlaleletsa ka temana e e latelang:

"(g) a ka thalosalos mo kgwele le ditlhokego tsa kwadiso ya kgapeletso ya botsomi ba ba letleletsweng, diaparo tsa botsomi le bakatisi ba indaseteri ya botsomi."

Phetolo ya karolo 60 ya Molao 10 wa 2004

8. Karolo 60 ya Tsamaiso ya Bosetšhaba ya Tikologo: Molao wa *Biodiversity*, wa 2004, o fetolwa ka go kwala boemong jwa karolotlaleletso (1) karolotlaleletso e e latelang:

"(1) Tona e tshwanetse go tlhoma bolaodi jwa saense go thuwa ka taolo le kiletsa ya kgwebo ya dirwê tsa ditshedí tse di mo kotsing le ditshedí tse di sireleditsweng le ditshedí tse di amiwang ke kgolagano ya boditšhabatšhaba e e laolang kgwebelano ya dinagantle."

Tlaleletso mo karolo 61 ya Molao 10 wa 2004

9. Karolo 61 ya Tsamaiso ya Bosetšhaba ya Tikologo: Molao wa *Biodiversity*, wa 2004, e fetolwa ka go tlaleletsa mo karolotlaleletso (1) boemong jwa temana (d) ka temana e e latelang:

"(d) go dira ditshwetso e se nang kotsi ka ga ditlamagago tsa ditiro tse di amang kgwebelano ya boditšhabatšhaba ya dirwê tsa ditshedí tse di mo kotsing le ditshedí tse di sireleditsweng le ditshedí tse di amiwang ke tumelana ya boditšhabatšhaba e e laolang kgwebelano ya dinagantle, e bile Tona o tshwanetse go romelelwa dipholo tseo;".

Go kwadiwa ga karolo 62 ya Molao 10 wa 2004

10. Karolo e e latelang e kwala boemong jwa karolo 62 ya Tsamaiso ya Bosetšhaba ya Tikologo: Molao wa *Biodiversity*, wa 2004:

"Ditshwaelo tse di se nang kotsi tsa ngwaga le ngwaga"

62. (1) [bolaodi jwa saense] Tona e tshwanetse go phasalatsa ka kitsiso mo Lokwalodikgang la Puso [mo Lokwalodikgang la Puso] ngwe le ngwe ya ditshwaelo tse di se nang kotsi [ngwaga le ngwaga] tse di dirilweng ke bolaodi jwa saense ka ga kgwebelano ya dirwê tsa di ditshedí tse di mo kotsing kgotsa tse di sireleditsweng le ditshedí tse di amiwang ke tumelana ya boditšhabatšhaba e e laolang kgwebelano le dinagantle, go tsamaelana le
listed threatened or protected species which is] that are binding on the
Republic.

(2) Any interim findings of the scientific authority must be published in the
Gazette by the Minister for public information within 30 days after the
[decision] finding has been made.

(3) Before publishing, amending or repealing a notice in terms of
subsection (1), the Minister must publish any non-detriment findings made
by the scientific authority in the Gazette, inviting members of the public to
submit to the scientific authority, within 30 days of publication in the
Gazette, written scientific information relating to the non-detriment
findings.''.

Insertion of section 62A in Act 10 of 2004

11. The following section is hereby inserted in the National Environmental
Management: Biodiversity Act, 2004, after section 62:

“Amendment of notices

62A. The Minister may by notice in the Gazette amend or repeal a notice
published in terms of section 62(1).”.

Amendment of section 63 of Act 10 of 2004

12. Section 63 of the National Environmental Management: Biodiversity Act, 2004,
is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Before publishing a notice in terms of section 52(1), 53(1), 56(1) [or], 57(2)
or 57(4), or amending or repealing such a notice in terms of section 55 or 58, the
Minister must follow a consultative process in accordance with sections 99 and
100.”.

Amendment of section 66 of Act 10 of 2004

13. Section 66 of the National Environmental Management: Biodiversity Act, 2004,
is hereby amended—
(a) by the substitution for subsection (1) of the following subsection:

‘‘(1) The Minister may, by notice in the Gazette and subject to such
conditions as the Minister may specify in the notice, exempt [from the
provisions of section 65]—
(a) any alien species specified in the notice; [or]
(b) any alien species of a category specified in the notice; or
(c) any person,
from the provisions of section 65.”; and

(b) by the addition of the following subsection:

“(4) The notice in terms of subsection (1) may—
(a) apply generally—
(i) throughout the Republic or a province, as the case may be, or
only in a specified area or a specified category of areas;
(ii) to all persons or only to a specified category of persons;
(iii) to all species or only to a specified species or specified
category of species; or
(b) differentiate between—
(i) areas or categories of areas;
(ii) persons or categories of persons; or
(iii) species or categories of species.”.
ditlhokego tsa tumelano ya boditšhabatšhaba e e laolang kgwebelano ya dinagantle [ka ga dirvē tsa ditshedí tse di mo kotsing kgotsa tse di siredëditšweng] tse di tlamang Rephaboliki.

(2) Tshwaelo ngwe le ngwe ya nakwana ya bolaodi jwa saense e tshwanetse go phatlatladiwa mo Lokwalodikgang la Puso ke Tona go itise baagi ka ga tshedimosetso eo no nakong ya matsatsi a le 30 morago ga [kitsiso] ya tshwaelo.

(3) Pele go phatlalatswa, go fetolwa kgotsa go tlosiwa kitsiso go ya ka karolotlaleletso (1), Tona e tshwanetse go phatlalatsa tshwaelo ngwe ngwe e e senang kotsi e e dirilweng ke bolaodi jwa saense mo Lokwalodikgang la Puso, ka go laletsa maloko a setšhaba go romela bolaodi jwa saense ditshwaelo tsa bona mo nakong ya matsatsi a le 30 morago ga phatlalatso ya kitsiso mo Lokwalodikgang la Puso.”.

Go kwalwa karolo 62A mo Molao 10 wa 2004

11. Karolo e latelang e kwadiwa mo molaong wa Tsamaiso ya Bosetšhaba wa Tikologo: Molao wa Biodiversity, wa 2004, morago ga karolo 62:

“Phetolo ya kitsiso

62A. Ka kitsiso mo Lokwalodikgang la Puso, Tona e ka fetola kgotsa phimola kitsiso e e phatlaladitsweng go ya ka karolo 62(1).”

Phetolo ya karolo 63 ya Molao 10 wa 2004

12. Karolo 63 ya Tsamaiso ya Bosetšhaba ya Tikologo: Molao wa Biodiversity, wa 2004, wa fetolwa ka go kwala karolotlaleletso (1) ya karolotlaleletso e e latelang:

“(1) Pele go phatlalatsa kitsiso go tsamaelana le karolo 52(1), 53(1), 56(1) [kgotsa], 57(2) kgotsa 57(4), kgotsa go fetolwa kgotsa go fedisiwa ga kitsiso ya mofuta o, go tsamaelana le karolo 55 kgotsa 58, Tona e tshwanetse go tshwara dipuisano go tsamaelana le dikarolo 99 le 100.”.

Phetolo ya karolo 66 ya Molao 10 wa 2004


(a) ka go kwala boemong jwa karolotlaleletso (1) karolotlaleletso e e latelang:

“(1) Ka kitsiso mo Lokwalodikgangla Puso le go ya ka lebaka lengwe le lengwe le le thomamisweng ke Tona mo kitsisong, Tona e ka iletsa [tiragatso ya ditaelo tsa karolo 65]—

(a) setshedí sengwe le sengwe se se kotsi se se tshalositsweng mo kitsisong; [kgotsa]

(b) setshedí sengwe le sengwe se se kotsi sa maemo a tshalositsweng mo kitsisong; kgotsa

(c) mongwe le mongwe, go ya ka ditaelo tsa karolo 65.”; le

(b) ka go tlaleletsa ka karolotlaleletso e e latelang:

“(4) Kitsiso go ya ka karolotlaleletso (1) e ka—

(a) ama ka kakaretso—

(i) Rephaboliki ka bophara kgotsa porofense, ngwe le ngwe le fa e le ka mokgwa ofe kgotsa fela kgaoelo e e tlhopilweng kgotsa dikgaolo tsa maemo a tlhopilweng;

(ii) batho bothe kgotsa batho ba maemo a tlhopilweng;

(iii) ditshedí sotthe kgotsa ditshedí tse di kgethilweng fela kgotsa ditshedí tsa maemo a kgethilweng; kgotsa

(b) go farologanyo gare ga—

(i) dikgaolo kgotsa maemo a dikgaolo;

(ii) batho kgotsa maemo a batho; kgotsa

(iii) ditshedí kgotsa maemo a ditshedí.”

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Amendment of section 70 of Act 10 of 2004

14. Section 70 of the National Environmental Management: Biodiversity Act, 2004, is hereby amended by the addition of the following subsection:

"(4) A notice in terms of subsection (1) may—

(a) apply generally—

(i) throughout the Republic or a province, as the case may be, or only in a specified area or a specified category of areas;
(ii) to all persons or only to a specified category of persons;
(iii) to all species or only to a specified species or a specified category of species; or

(b) differentiate between—

(i) areas or categories of areas;
(ii) persons or categories of persons; or
(iii) species or categories of species."

Amendment of section 71 of Act 10 of 2004

15. Section 71 of the National Environmental Management: Biodiversity Act, 2004, is hereby amended by the addition of the following subsections:

“(3) The Minister may, by notice in the Gazette and subject to such conditions as the Minister may specify in the notice, exempt a person from a restriction contemplated in subsection (1) or (2).

(4) A notice in terms of subsection (3) may—

(a) apply generally—

(i) throughout the Republic or a province, as the case may be, or only in a specified area or a specified category of areas;
(ii) to all persons or only to a specified category of persons;
(iii) to all species or only to a specified species or a specified category of species; or

(b) differentiate between—

(i) areas or categories of areas;
(ii) persons or categories of persons; or
(iii) species or categories of species.”

Insertion of section 71A in Act 10 of 2004

16. The following section is hereby inserted in the National Environmental Management: Biodiversity Act, 2004, after section 71:

"Prohibitions"

71A. (1) The Minister may, by notice in the Gazette and subject to such conditions as the Minister may specify in the notice, specify a specimen of a listed invasive species for which a permit to carry out a restricted activity may not be issued in terms of Chapter 7.

(2) The notice in terms of subsection (1) may—

(a) apply generally—

(i) throughout the Republic or a province, as the case may be, or only in a specified area or a specified category of areas;
(ii) to all persons or only to a specified category of persons;
(iii) to all species or only to a specified species or a specified category of species; or

(b) differentiate between—

(i) areas or categories of areas;
(ii) persons or categories of persons; or
(iii) species or categories of species.”

Substitution of section 72 of Act 10 of 2004

17. The following section is hereby substituted for section 72 of the National Environmental Management: Biodiversity Act, 2004:
Phetolo ya karolo 70 ya Molao 10 wa 2004

14. Karolo 70 ya Tsamaiso ya Bosetšhaba ya Tikologo: Molao wa Biodiversity, wa 2004, o fetolwa ka go tlaleletswa ka karolotlaleletso e e latelang:

“(4) Kitsiso go ya ka karolotlaleletso (1) e ka—

(a) ama ka kakaretso—

(i) Rephaboliki ka bophara kgotsa porofense, ngwe le ngwe le fa e le ka mokgwao ofe kgotsa fela kgaolo e tlhopilweng kgotsa dikgaolo tsa maemo a tlhopilweng;
(ii) batho kgotsa batho ba maemo;
(iii) ditshedi kgotsa ditshedi tsa maemo; kgotsa

(b) go farologanya gare ga—

(i) dikgaolo kgotsa maemo a dikgaolo;
(ii) batho kgotsa batho ba maemo; kgotsa
(iii) ditshedi kgotsa maemo a ditshedi.”.

Phetolo ya karolo 71 ya Molao 10 wa 2004

15. Karolo 71 ya Tsamaiso ya Bosetšhaba ya Tikologo: Molao wa Biodiversity, wa 2004 e fetolwa ka go tlaleletsa ka karolotlalelets o e e latelang:

“(3) Ka kitsiso mo Lokwalodikgang la Puso le go ya ka mabaka a tlhòamatisweng ke Tona, Tona e ka iletsa motho go diragatsa taelo ya karolotlaleletso (1) kgotsa (2).

(4) Kitsiso go ya ka karolotlaleletso (3) e ka—

(a) ama ka kakaretso—

(i) Rephaboliki ka bophara kgotsa porofense, ngwe le ngwe le fa e le ka mokgwao ofe kgotsa fela kgaolo e tlhopilweng kgotsa dikgaolo tsa maemo a tlhopilweng;
(ii) batho botlhe kgotsa batho ba maemo a tlhopilweng;
(iii) ditshedi tsotlhe kgotsa ditshedi tse di kgethilweng kgotsa ditshedi tsa maemo a kgethilweng; kgotsa

(b) go farologanya gare ga—

(i) dikgaolo kgotsa maemo a dikgaolo;
(ii) batho kgotsa batho ba maemo; kgotsa
(iii) ditshedi kgotsa maemo a ditshedi.”.

Go kwadiwa ga karolo 71A mo Molao 10 wa 2004

16. Karolo e e latelang e kwadiwa mo Tsamaiso ya Bosetšhaba ya Tikologo: Molao wa Biodiversity, wa 2004, morago ga karolo 71:

“Dikiletso

71A. (1) Ka kitsiso ya Lokwalodikgang la puso, Tona e ka tlhalosa serwê sa setshedi se se ifeletsweng seo se kitlho se ntshetswa phemiti ya tiro go ya ka Kgaolo 7.
(2) Kitsiso go tsamaelana le karolotlaleletso (1) e ka—

(a) ama ka kakaretso—

(i) Rephaboliki ka bophara kgotsa porofense, le fa e le ka mokgwao ofe kgotsa fela kgaolo e e tlhopilweng kgotsa dikgaolo tsa maemo a kgethilweng;
(ii) batho botlhe kgotsa batho ba maemo a kgethilweng;
(iii) ditshedi tsotlhe kgotsa ditshedi tse di kgethilweng kgotsa ditshedi tsa maemo a kgethilweng; kgotsa

(b) go farologanya gare ga—

(i) dikgaolo kgotsa dikgaolo tsa maemo;
(ii) batho kgotsa maemo a batho; kgotsa
(iii) ditshedi kgotsa maemo a ditshedi.”.

Phetolo ya karolo 72 ya Molao 10 wa 2004

17. Karolo e e latelang e kwadiwa boemong jwa karolo 72 ya Tsamaiso ya Bosetšhaba ya Tikologo: Molao wa Biodiversity, wa 2004:
Amendment of notices

72. (1) The Minister may, by notice in the Gazette, amend or repeal any notice published in terms of section 70(1)(a), 71(3) or 71A(1).

(2) The MEC may, by notice in the Gazette, amend or repeal any notice published in terms of section 70(1)(b)."

Amendment of section 79 of Act 10 of 2004

18. Section 79 of the National Environmental Management: Biodiversity Act, 2004, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Before publishing a notice in terms of section 66(1), 67(1) or 70(1), 71(3) or 71A(1), or amending or repealing such a notice in terms of section 68 or 72, the Minister must follow a consultative process in accordance with sections 99 and 100.”.

Amendment of section 80 of Act 10 of 2004

19. Section 80 of the National Environmental Management: Biodiversity Act, 2004, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The purpose of this Chapter is—

(a) to regulate bioprospecting involving indigenous genetic and biological resources;

(b) to regulate the export from the Republic of indigenous genetic and biological resources for the purpose of bioprospecting or any other kind of research;

and

(c) to provide for a fair and equitable sharing by stakeholders in benefits arising from bioprospecting involving indigenous genetic and biological resources;

and

(d) to ensure that the nation’s indigenous genetic and biological resources are developed and utilized in an ecologically sustainable manner while promoting social and economic development, in particular in the areas where the indigenous genetic or biological resources and associated traditional knowledge is accessed.”.

Amendment of section 86 of Act 10 of 2004, as amended by section 42 of Act 14 of 2009

20. Section 86 of the National Environmental Management: Biodiversity Act, 2004, is hereby amended—

(a) by the deletion in subsection (1) of the word “or” at the end of paragraph (a), the deletion in that subsection of the word “and” at the end of paragraph (b) and the insertion in that subsection after paragraph (b) of the following paragraphs:

“(bA) declare that this Chapter does not apply to the activity of collection, use, propagation cultivation or trade of indigenous biological resources for domestic use or subsistence purposes; or

(bB) declare that the benefit sharing agreements and material transfer agreements contemplated in section 83 and 84 do not apply to certain categories of commercial or industrial exploitation of indigenous biological resources.”;

(b) by the deletion in subsection (1) of paragraph (c);

(c) by the insertion after subsection (1) of the following subsection:

“(1A) The Minister may amend or withdraw any notice referred to in subsection (1).”;

and

(d) by the substitution for subsection (2) of the following subsection:

“(2) Before publishing a notice in terms of subsection (1), or amending or repealing such a notice in terms of subsection (1A), the Minister must follow a consultative process in accordance with sections 99 and 100.”.
Phetolo ya dikitsiso

72. (1) Ka kitsiso mo Lokwalodikgang la Puso, Tona e ka fetola kgotsa tlosa kitsiso ngwe le ngwe e e phasaladitsweng go ya ka karolo 70(1)(a), 71(3) kgotsa 71A(1).

(2) Ka kitsiso mo Lokwalodikgang la Puso, MEC e ka fetola kgotsa tlosa kitsiso ngwe le ngwe e e phasaladitsweng go ya ka karolo 70(1)(b).”.

Phetolo ya karolo 79 ya Molao 10 wa 2004

18. Karolo 79 ya Tsamaiso ya Botsešhaba ya Tikologo: Molao wa Biodiversity, wa 2004 e fetolwa ka go kwala karolotlaleletso (1) boemong jwa karolotlaleletso e e latelang:

“(1) Pele ga phatlalatso ya kitsiso go ya ka karolo 66(1), 67(1) [kgotsa], 70(1), 71(3) kgotsa 71A(1), kgotsa go fetola kgotsa go tlosa kitsiso eo go ya ka karolo 68 kgotsa 72, Tona e tshwanetse go latela tsamaiso ya dipuisano go tsamaelana le karolo 99 le 100.”.

Phetolo ya karolo 80 Molao 10 wa 2004

19. Karolo 80 Ya Tsamaiso ya Botsešhaba ya Tikologo: Molao wa Biodiversity, wa 2004, e fetolwa ka go akaretsa karolotlaleletso (1) ya karolotlaleletso e e latelang:

“(1) Maikaelelo a Kgolo ô ke—

(a) go laola ponelopele e amang metswedi ya dijenetiki le ditshedi tsá tlhago;

(b) go laola diromelwantle tsa Rephaboliki tsa metswedi ya dijenetiki le ditshedi tsa tlhagomabapi le ponelopele kgotsa mofuta mongwé le mongwé wa dipatlisiso; [le]

(c) go tlamela ka botsayakarolo jo bo lolameng le kabelano ka tekano ya beng ba dishere ya merokotso ya diithagiswá tsa bioprospecting e amang le dijenetiki le metswedi ya tlhago le; [le]

(d) go netefatsa fa metswedi ya dijenetiki le ditshedi tsa tlhago tsa tšêshêba e tlhaborolwa le go dirisiwa ka tsela ya go somarela ditshedi le tlhaborolo ya maemo a katlatleleloago le moruo, le phithelelo ya metswedi ya dijenetiki le ditshedi, segolo jaang mo dikagolong tsa metswedi ya dijenetiki le mo kitso e golagantsweng ya ditshedi tsá setso e bonwang gona.”.

Phetolo ya karolo 86 ya Molao 10 wa 2004, jaaka o fetotswe ka karolo 42 ya Molao 14 wa 2009

20. Karolo 86 ya Tsamaiso ya Botsešhaba ya Tikologo: Molao wa Biodiversity, wa 2004, ya fetolwa—

(a) ka go tlosa mo karolotlaleletso (1) lefoko “kgotsa” mo bofelong jwa temana (a), go tlosa mo karolotlaleletso eo lefoko “le” mo bofelong jwa temana (b) le go kwala mo karolotlaleletso eo morago ga temana (b) ya ditemana tse di latelang:

“(bA) Kgaolo ê, ga e ame ditiro tsa kgobokanyo, tiriso, phasalatso ya kgwebo kgotsa kgwebo ya metswedi ya ditshedi tsá tlhago tse di dirisiwang mo gae kgotsa mabaka a kgwebelano; kgotsa

(bB) ditumelano tsa kabelano ya morokotso le ditumelano tsa tuelo ya tsêlele ya dirwê tse di tlhalositsweng mo karolo 83 le 84 gi di ame maemo a rileng a kgwebelano kgotsa tirisobothatswa ya kgwebelano ya metswedi ya ditshedi tsá tlhago.”;

(b) ka go tlosa mo karolotlaleletso (1) temana (c);

(c) ka go kwala morago ga karolotlaleletso (1) karolotlaleletso e e latelang:

“(1A) Tona e ka fetola kgotsa gogela morago kitsiso ngwe le ngwe e tlhalositsweng mo karolotlaleletso (1).”; le

(d) ka go kwala boemong jwa karolotlaleletso (2) karolotlaleletso e e latelang:

“(2) Pele go phatlalatswa kitsiso go ya ka karolotlaleletso (1), kgotsa go fetola kgotsa go tlosa kitsiso ya mofuta oo, go ya ka karolotlaleletso (1A), Tona e tshwanetse go latela tsamaiso ya dipuisano go tsamaelana le karolo 99 le 100.”.
Amendment of section 87 of the Act 10 of 2004

21. Section 87 of the National Environmental Management: Biodiversity Act, 2004, is hereby amended by the deletion of the word “or” at the end of paragraph (c), the insertion of the word “or” at the end of paragraph (d) and the insertion after paragraph (d) of the following paragraph:

“(e) the import, export, re-export or introduction from the sea, of a specimen of a species listed in terms of the international agreement referred to in section 57(1A).”.

Insertion of section 87A in Act 10 of 2004

22. The following section is hereby inserted in the National Environmental Management: Biodiversity Act, 2004, after section 87:

Issuing authority

87A. (1) The Minister is the issuing authority responsible for deciding an application for a permit for—

(a) the carrying out of a restricted activity involving a specimen of a listed threatened or protected species—

(i) in a national protected area;

(ii) that is a marine species; or

(iii) applied for by an official, on behalf of—

(aa) a provincial department or provincial organ of state responsible for the conservation of biodiversity in a province;

(bb) a national protected area;

(cc) the South African National Biodiversity Institute; or

(dd) an organ of state in the national sphere of government;

(b) the import, export, re-export or introduction from the sea, of a specimen of a species listed in terms of the Convention on International Trade in Endangered Species of Wild Fauna and Flora—

(i) originating from a national protected area;

(ii) that is a marine species; or

(iii) applied for by an official, on behalf of—

(aa) a provincial department or provincial organ of state responsible for the conservation of biodiversity in a province;

(bb) a national protected area;

(cc) the South African National Biodiversity Institute; or

(dd) an organ of state in the national sphere of government;

(c) the carrying out of a restricted activity involving a specimen of an alien or a listed invasive species;

(d) the commercialisation phase of bioprospecting involving any indigenous biological resources; or

(e) the export of any indigenous biological resources from the Republic for the purpose of bioprospecting.

(2) The MEC is the issuing authority responsible for deciding an application for any permit not listed in subsection (1).

(3) Notwithstanding subsections (1) and (2), the Minister and the MEC may in writing agree that any application for a permit or a type of permit—

(a) contemplated in subsection (1) may be decided by the MEC; or

(b) contemplated in subsection (2) may be decided by the Minister.”.
Phetolo ya karolo 87 ya Molao 10 wa 2004

21. Karolo 87 ya Tsamaiso ya Bosetšhaba ya Tikologo: Molao wa *Biodiversity*, wa 2004, e fetolwa ka go tlosa lefoko “kgotsa” mo bofelong jwa temana *(c)*, go kwalwa lefoko “kgotsa” mo bofelong jwa temana *(d)* le go tlalelela ka temana e e latelang:

“*(e)* ditswantle, diromelantle kgotsa tsamaiso ka lewatle ya dirwê tsa ditshedi tse di tlhalositsweng mo tumelanong ya boditšhatšhaba e e tlhalositsweng mo karolo 57(1A).”

Go kwalwa karolo 87A mo Molao 10 wa 2004

22. Karolo e e latelang e kwadiwa mo molaong waTsamaiso ya Bosetšhaba ya Tikologo: Molao wa *Biodiversity*, wa 2004 morago ga karolo 87:

“Bolaodi jwa katlanehiso

87A. *(1)* Tona ke bolaodi jwa katlanegiso jo bo rweleng maikarabelo a go dira tshwetso ya kopo mabapi le pheniti boemong jwa—

(a) tiragatso ya tiro e e ileditsweng e amang dirwê tsa ditshedi tse di tlhalositsweng jaaka tse di mokotsing kgotsa ditshedi tse di sireleditsweng—

(i) mo kgao long ya bosetšhaba e e sireleditsweng;
(ii) tse e leng ditshedi tsametsi; kgotsa
(iii) tse di diretsweng kopo ke mohlankedied, boemong jwa—

(aa) lefapha la porofense kgotsa lekala la porofense ya puso e e rweleng maikarabelo a pabalesego ya mefuta ya tlhago e e farologaneng ya porofense;
(bb) kgao long ya bosetšhaba e e sireleditsweng;
(cc) Institšhuti ya Bosetšhaba ya *Biodiversity* ya Aforika Borwa; kgotsa

*(d)* setheo sa puso sa lekala la puso ya bosetšhaba;

(b) Diromelwandle, ditswantle le diromelwandle-gape kgotsa tsamaiso ka lewatle ya serwe sa setshedi se se tlhalositsweng go ya ka *Convention on International Trade in Endangered Species of Wild Fauna and Flora*—

(i) se se tlhagang go ts wa go kgao long ya bosetšhaba e e sireleditsweng;
(ii) seo e leng setshedied sa setsi; kgotsa
(iii) tse di diretsweng kopo ke mohlankedied, boemong jwa—

(aa) lefapha la porofense kgotsa lekala la porofense ya puso e e rweleng maikarabelo a pabalesego ya mefuta ya tlhago e e farologaneng ya porofense;
(bb) kgao long ya bosetšhaba e e sireleditsweng;
(cc) Institšhuti ya Bosetšhaba ya *Biodiversity* ya Aforika Borwa; kgotsa

*(d)* setheo sa puso sa lekala la puso ya bosetšhaba;

(c) tiragatso ya tiro e e ileditsweng e amang serwô sa setshedied se se batlegeng kgotsa se se tlhalositsweng jaaka se se senyang;

(d) kgwebalno ya logato la *bioprospecting* le le le amang metswedi ya ditshedie tsa tlhologo; kgotsa

(e) go romelwandle ga metswedi mengwe le mgwe ya ditshedie tsa tlhologo go ts wa go Rephaboliki ka ntlha ya mabaka a *bioprospecting*.

(2) MEC ke bolaodi jwa katlanehiso jo bo rweleng maikarabelo a go dira tshwetso ya kopo ya pheniti ngwe le ngwe e e sa tlhalosiwang mo karolotlaleletso *(1).*

(3) Go sa nyatswe karolotlaleletso *(1)* le *(2)*, Tona le MEC ba ka dumelana ka lekwal o gore kopo ngwe le ngwe ya pheniti kgotsa mofuta wa pheniti—

(a) o o tlhalositsweng mo karolotlaleletso *(1)* o ka tlhomamisiwa ke MEC; kgotsa

(b) o o tlhalositsweng mo karolotlaleletso *(2)* o ka tlhomamisiwa ke Tona.”.
Amendment of section 88 of the Act 10 of 2004

23. Section 88 of the National Environmental Management: Biodiversity Act, 2004, is hereby amended by the deletion in subsection (2) of the word “or” at the end of paragraph (c), the insertion in that subsection of the word “or” at the end of paragraph (d) and the addition of the following paragraph:

"(e) defer a decision to issue a permit if the applicant is under investigation for the contravention or failure to comply with any provision of this Act, until such time that the investigation is concluded and—

(i) no prosecution in respect of such contravention or failure is instituted against the applicant concerned;
(ii) the applicant concerned is acquitted or found not guilty, if a prosecution in respect of such contravention or failure has been instituted; or
(iii) the applicant concerned has been convicted by a court of law of an offence in respect of such contravention or failure and the applicant has in respect of the conviction exhausted all the recognised legal proceedings pertaining to appeal or review."

Insertion of section 92A in Act 10 of 2004

24. The following section is hereby inserted in the National Environmental Management: Biodiversity Act, 2004, after section 92:

"Refusal of permits

92A. (1) An issuing authority may refuse a permit—

(a) if the carrying out of the restricted activity is likely to have a negative impact on the survival of the listed threatened or protected species;
(b) if the applicant has been convicted of an offence in terms of this Act; or
(c) in accordance with a ground for refusal contemplated in any regulation.

(2) The Minister may from time to time issue directives, which are binding on the issuing authority, to ensure the effective implementation of subsection (1)."

Amendment of section 93 of Act 10 of 2004

25. Section 93 of the National Environmental Management: Biodiversity Act, 2004, is hereby amended—

(a) by the deletion of the word “or” at the end of paragraph (a) and the addition of the following paragraphs:

"(c) the applicant or permit holder has been convicted of an offence in terms of this Act; or
(d) the carrying out of the restricted activity has a detrimental impact on the species;”;

(b) by the addition of the following subsection, the existing section becoming subsection (1):

"(2) An issuing authority may recover any reasonable costs incurred by that authority and necessitated by the cancellation of the permit, from the permit holder.”

Insertion of section 93B in Act 10 of 2004

26. The following section is hereby inserted in the National Environmental Management: Biodiversity Act, 2004, after section 93A:

"Suspension of permits

93B. (1) An issuing authority which issued a permit may suspend the permit if—"
Phetolo ya karolo 88 ya Molao 10 wa 2004

23. Karolo 88 ya Tsamaiso ya Bosetšhaba ya Tikologo: Molao wa Biodiversity, wa 2004, e fetolwa ka go tloso mo karolotlaleletso (2) lefoko “kgotsa” mo bofelong jwa temana (c), ka go kwalwa mo karolotlaleletso eo lefoko “kgotsa” mo bofelong jwa temana (d) le go tlaletsa ka temana e e latelang:

"(e) go kgaphelathoko tshwetsa ya go abelwa phemiti fa mokopi a le ka fa tla se ga dipatlisiso ka nthla ya go tiola kgotsa go palwla ke go obamela taelo ngwe le ngwe ya Molao, go fithela dipatlisiso di fela; le—

(i) fa go sena kgetsi kgathangon le mokopi kgotsa go tlhoka kobamelo kgathangon le mokopi yo o maleba;

(ii) fa mokopi yo o maleba a golotswe kgotsa a bonwa a se molato morago ga tsheko kgotsa tlhokego ya go obamela; kgotsa

(iii) fa mokopi yo o amang a bonwe molato ke kgotlatshekelo ya molao e bile a dirisitse mekgwa yotlhe ya semolaq malebana le boipiletse le tshekatsheko ya kgetsi."

Tlaletso ya karolo 92A mo Molao 10 wa 2004

24. Karolo e e latelang e kwadiwa mo Tsamaiso ya Bosetšhaba ya Tikologo: Molao wa Biodiversity, wa 2004, morago ga karolo 92:

"Go ganwa ga kopo ya diphemiti

92A. (1) bolaodi jwa katlanegiso ya diphemiti bo ka gana go ntsha phemiti—

(a) Fa go nale kgonagalo ya gore tiragatso ya tirelo e ileditsweng e ka nna le seabe se se mašwe mo botseleng jwa ditsedi tse di mo kotsing kgotsa tse di sireleditsweng;

(b) Fa mokopi a bonwe molato ka tatafotso ngwe go ya ka Molao ô; kgotsa

(c) go tsamaelana lebaka lengwe le lengwe la go gana kopo le le thhalositsweng mo molawaneng mongwe le mongwe.

(2) Nako ngwe le ngwe Tona e ka ntsha ditaelo tse di tlamang bolaodi jwa katlanegiso, go netefatsa tiragatso ya karolotlaleletso (1) ka manonthotlh."

Phetolo ya karolo 93 ya Molao 10 wa 2004

25. Karolo 93 ya Tsamaiso ya Bosetšhaba ya Tikologo: Molao wa Biodiversity, wa 2004, ya fetolw—a—

(a) ka go tloso lefoko “kgotsa” mo bofelong jwa temana (a), le go tlaletsa ka temana e e latelang:

"(c) fa mokopi kgotsa mongwa phemiti a bonwe molato go ya ka Molao ô; kgotsa

(d) ta tiragatso ya tiro e ileditsweng e nale seabe se se mašwe go ditsedi;"; le

(b) ka go tlaletsa karolotlaleletso e e latelang, ka karolo ya ga jaana ya karolotlaleletso (1):

"(2) Bolaodi jwa katlanegiso bo ka batla tshenvegelo ngwe le ngwe e e diragaletseng bolaodi joo, e tlhodilweng ke go tebisi ga phemiti ya mongwa phemiti."

Go kwalwa karolo 93B mo Molao 10 wa 2004

26. Karolo e e latelang e kwalwa mo Tsamaiso ya Bosetšhaba ya Tikologo: Molao wa Biodiversity, wa 2004 morago ga karolo 93A:

"Go gogela morago diphemiti

93B. (1) Bothati jwa katlanegiso jo bo ntshang diphemiti bo ka gogela morago phemiti fa—
(a) the carrying out of the restricted activity is likely to have a negative impact on the survival of the listed threatened or protected species; or

(b) the permit holder is under investigation for the contravention of or failure to comply with any provision of this Act or any condition of the permit.

(2) An issuing authority may recover any reasonable costs, incurred by that authority and necessitated by the suspension of the permit, from the permit holder.”.

Repeal of section 94 of Act 10 of 2004

27. Section 94 of the National Environmental Management: Biodiversity Act, 2004, is hereby repealed.

Repeal of section 95 of Act 10 of 2004

28. Section 95 of the National Environmental Management: Biodiversity Act, 2004, is hereby repealed.

Repeal of section 96 of Act 10 of 2004

29. Section 96 of the National Environmental Management: Biodiversity Act, 2004, is hereby repealed.

Amendment of section 97 of Act 10 of 2004, as amended by section 45 of Act 14 of 2009

30. Section 97 of the National Environmental Management: Biodiversity Act, 2004, is hereby amended—

(a) by the deletion in subsection (1)(b) of subparagraph (i);

(b) by the substitution in subsection (1)(b) for subparagraph (ii) of the following subparagraph:

“(iv) the facilitation of the implementation and enforcement of sections 57(1), 57(1A) or any notice published in terms of section 57(2);”;

(c) by the insertion in subsection (1)(b) after subparagraph (iii) of the following subparagraph:

“(iiiA) the circumstances in which restricted activities involving threatened or protected species may not be carried out;”;

(d) by the substitution in subsection (1)(b) for subparagraph (viii) of the following subparagraph:

“(viii) the ecologically sustainable utilization of biodiversity; or,

(aa) limiting the number of permits for a restricted activity;

(bb) qualifications or requirements necessary for the undertaking of a restricted activity;

(cc) criteria for the equitable allocation of permits for a restricted activity;”;

(e) by the addition to subsection (1)(b) of the following subparagraphs:

“(x) the duty of care in respect of threatened or protected species that cause damage;

(xi) the collection of samples for genetic analyses;”;

(f) by the deletion in subsection (1)(c) of subparagraphs (i) and (ii);

(g) by the insertion in subsection 1(c) after subparagraph (ii) of the following subparagraph:

“(iiA) the circumstances under which a restricted activity involving alien species or listed invasive species, may not be carried out;”;

(h) by the substitution in subsection (1)(c) for subparagraph (iii) of the following subparagraph:

“(iii) the facilitation of the implementation and enforcement of sections 57(1), 57(1A) or any notice published in terms of section 57(2);”;

(i) by the deletion in subsection (1)(d) of subparagraphs (i) and (ii);

(j) by the substitution in subsection (1)(d) for subparagraph (iii) of the following subparagraph:

“(iii) the circumstances in which restricted activities involving threatened or protected species may not be carried out;”;

(k) by the deletion in subsection (1)(e) of subparagraph (i);
(a) go na le kgonagalo ya gore tirelo e ileditsweng e ka nna le ditlamorago tse di sa itumediseng mo botshelong jwa ditshedile tse di mo kotsing kgotsa tse di sireleditsweng; kgotsa

(b) mongwá phemiti o ka fa tlase ga dipatlisiso ka ntlha ya tatrofato kgotsa go se obamele taelo ngwe le ngwe le Molao ó, kgotsa lebaka lengwe le lengwe la phemiti.

(2) Bothathi jwa kadlanegeois o ka batla tshenyegele ngwe le ngwe e e botlhokwa e thodiilweng ke go go gogela morago ga phemiti ya mongwá phemiti.”.

Go phimolwa karolo 94 ya Molao 10 wa 2004


Go phimolwa karolo 95 ya Molao 10 wa 2004


Go phimolwa ga karolo 96 ya Molao 10 wa 2004


Phetolo ya karolo 97 ya Molao 10 wa 2004, jaaka o fetotswe mo karolo 45 ya Molao 14 wa 2009

30. Karolo 97 ya Tsamaiso ya Bosetšhaba ya Tikologo: Molao wa Biodiversity, wa 2004, ya fetotswe—

(a) ka go tlosa karolotlaleletso (1)(b) ya temanatlaleletso (i);

(b) ka go kwala boemong jwa karolotlaleletso 1(b) tematlaleletso (ii) ya temanatlaleletso e e latelang:

“(iv) nišhetso pèle ya go tsengwa tirisong le tiragatso ya karolotlaleletso 57(1), 57(1A) kgotsa kistsiso ngwe le ngwe le phasaladitsweng go ya ka karolo 57(2);”;

(c) ka go kwala mo karolotlaleletso (1)(b) morago ga temanatlaleletso (iii) ya temanatlaleletso e e latelang:

“(iiiA) mabaka ao ditirelo tse di ileditsweng tse di amanang le ditshedile tse di mo kotsing kgotsa tse di sireleditsweng di sa tshwanelang go diriwa;”;

(d) Ka go kwala mo karolotlaleletso (1)(b) boemong jwa temanatlaleletso (viii) ya temanatlaleletso e e latelang:

“(vii) tiriso ya ditshedile ka mokgwa yo o babalelang tlhago le ditshedile [kgotsa, go akarediwa—

(aa) go lekanyetsa palo ya diphemi tsa ditirelo tse di ileditsweng;

(bb) maemo kgotsa ditlhokego tse di bothokwa go dira ditirelo tse di ileditsweng;

(cc) mokgwa wa kaabo ya diphemi tsa ditirelo tse di ileditsweng ka tekatekano;”;

(e) ka go akaretsa mo karolotlaleletso (1)(b) ditemanatlaleletso tse di latelang:

“(x) maikarabelo a thhokomelo tebang le ditshedile tse di mo kotsing kgotsa tse di sireleditsweng;

(xi) iaolo ya ditshedile tse di mo kotsing kgotsa tse di sireleditsweng tse di thholang tshenyo;

(xii) kgobokanyo ya disampole tsa tshekatsheko ya dijenetiki;”;

(f) ka go tlosa mo karolotlaleletso (1)(c) ya temanatlaleletso (i) le (ii);

(g) ka go akaretsa mo karolotlaleletso (1)(c) morago ga ya temanatlaleletso ya (ii) temanatlaleletso e e latelang:

“(iiA) mabaka ao tiro e ileditsweng e sa tshwanelang go diriwa ka fa tlase ga wona, fa e ama ditshedile tse di mo kotsing kgotsa ditshedile tse di sa batlegeng go ya ka tlhaloso;”;}
(h) by the substitution in subsection (1)(c) for subparagraphs (v) and (vi) of the following subparagraphs, respectively:

"(v) the assessment of risks and potential impacts on biodiversity of restricted activities involving specimens of alien species or of listed invasive species; [and]

(vi) the control and eradication of [listed] invasive species; and";

(i) by the addition to subsection (1)(e) of the following subparagraph:

"(vii) the coordination and implementation of programmes for the prevention, control or eradication of invasive species;"

(j) by the insertion in subsection (1) after paragraph (d) of the following paragraph:

"(dA) a system and requirements for the compulsory or voluntary registration of persons, institutions, ranching operations, game farms, nurseries, captive breeding or keeping operations and other facilities or operations;"

(k) by the deletion in subsection (1)(e) of subparagraph (i);

(l) by the substitution in subsection 1(f) for subparagraph (i) of the following subparagraph:

"(i) the conditions subject to which issuing authorities may issue, renew or amend permits or registrations in terms of this Act;"

(m) by the substitution in subsection 1(f) for subparagraph (ii) of the following subparagraph:

"(ii) the procedure to be followed and the fees to be paid in connection with the lodging and consideration of applications [for permits] and issuance of permits or registrations;"

(n) by the insertion in subsection (1)(f) after subparagraph (ii) of the following subparagraph:

"(iiiA) the procedure to be followed and the fees to be paid in connection with the marking of specimens;"

(o) by the insertion in subsection (1)(f) after subparagraph (vii) of the following subparagraphs:

"(viiA) timeframes for the consideration and issuance of a permit or registration by an issuing authority;

(viiB) the conducting and evaluation of a risk assessment;"

(p) by the insertion in subsection (1)(f) after paragraph (f) of the following paragraph:

"(fA) self-administration within the biodiversity sector and the recognition of associations relating to persons, operations or facilities contemplated in section 59 of the Act;"

(q) by the deletion of the word "and" at the end of paragraph (g);

(r) by the insertion in subsection (1) after paragraph (f) of the following paragraph:

"(fA) self-administration within the biodiversity sector and the recognition of associations relating to persons, operations or facilities contemplated in section 59 of the Act;"

(t) by the deletion in subsection (1)(f) of subparagraph (xvi);

(u) by the substitution of paragraph (h) for the following paragraph:

"(h) any other matter that may be necessary to facilitate the implementation of this Act[.]; and"
(h) ka go akaretso mo karolotlaleletso (1)(c) ditemana (v) le (vi) ka ditemanatlaleletso tse di latelang, ka go farologana:

“(v) tshekatsheko ya matshosetsi le honelehole ya ditlamorogo go tlhago le ditshedle tsa ditirelo tse di ile ditlweng tse di amang dirwê tsa ditshedle tse di kotsi kgotsa tse di sa batlegeng; [le]
(vi) taolo le phediso ya ditshedle tse di tlhalo ditlweng jaaka tse di sa batlegeng; le’’;

(i) ka go kwala mo karolotlaleletso (1)(c) temanatlaleletso e e latelang:

“(vii) kgogolagano le tiragatso ya diporograma tsa go thibela, go laola, kgotsa go fedisa ditshedle tse di kotsi;’’;

(j) ka go kwala mo karolotlaleletso (1) morago ga temanatlaleletso (d) temana e e latelang:

“(dA) lenaane le ditlhokego mabapi le kwadiso ya kgapeletso kgotsa ya boithaopo ya batho, ditheo, ditirelo tsa batsomi, dipolasi tsa dipholologolo, ditshingwana, tsadiso ya kgapeletso kgotsa ditirelo tsa polokelo le ditlbakelo tse dingwe kgotsa ditirelo,’’;

(k) ka go tlosa mo karolotlaleletso (1)(e) temanatlaleletso (i);

(l) ka go kwala boemong jwa karolotlaleletso (1)(f) ya temana (i) temanatlaleletso e e latelang:

“(i) mabaka ao ka ona bolaodi jwa katalanegiso bo ka ntshang, ntshwafatsa kgotsa fetola diphemiti kgotsa dikwadiso go tsamaelana le Molao ô;’’;

(m) ka go kwala boemong jwa karolotlaleletso (1)(f) temana (ii) ya temanatlaleletso e e latelang:

“(ii) tsamaiso e e tsamaiseng go dirisiwa le ditulweng tse di tsamaiseng go difula malephane le go bega le tshekatsheko ya dikopo [mabapi le diphemiti] le go ntshiwa ga diphemiti le kwadiso,’’;

(n) ka go kwala mo karolotlaleletso (1)(f) morago ga temanatlaleletso (ii) temana e e latelang:

“(iii)A) tsamaiso e e tsamaiseng go dirisiwa le ditulweng tse di tsamaiseng go difula malephane le go tsamaiseng go dirwê;’’

(o) ka go kwala mo karolotlaleletso (1)(f) morago ga temanatlaleletso (vii) temana e e latelang:

“(viiA) dinako tsa go sekaseka le go ntshiwa ga phemiti kgotsa kwakiso ke botha tja kwatlanegiso;
(viiB) tiragatso le tshekatsheko ya thathobho ya matsosetsi,’’;

(p) ka go kwala mo karolotlaleletso (1)(f) morago ga temanatlaleletso (viii) temana e e latelang:

“(viiiA) mefuta e farologaneng ya diphemiti tse di tsamaiseng go ntshiwa go tsamaelana le Molao ô;’’;

(q) ka go kwala mo karolotlaleletso (1)(f) boemong jwa temanatlaleletso (ix) temanatlaleletso e e latelang:

“(ix) magato, sebopego le dintlha tsa diphemiti le dikgaolo mo diphemiti di dirang gona,’’;

(r) ka go akaretso mo karolotlaleletso (1)(f) morago ga temanatlaleletso (xi) ya temana tlaletse e e latelang:

“(xiA) maemo kgotsa mabaka ao diphemiti kgotsa dikwadiso go ige le fetho, ganwa kgotsa gogelwa morago,’’;

(s) ka go kwala mo karolotlaleletso (1)(f) boemong jwa temanatlaleletso (xiii), (xiv) le (xv) ya ditemanatlaleletso tse di latelang:

“(xiii) paka ya go naa tiriseng ga [diphemiti] phemiti kgotsa kwadiso; (xiv) tsoloko ya [diphemiti] phemiti kgotsa kwadiso;
(xv) mai karabelo le ditlhokego tsa tsamaiso ya bolaodi jwa kgotsa le kgalagana, [tsa] ben ke beng ba diphemiti le beng ba dikwadiso;’’;

(t) ka go tlosa mo karolotlaleletso (1)(f) ya temanatlaleletso (xvi);

(u) ka go kwala mo karolotlaleletso (1) morago ga (f) temana e e latelang:

“(fA) tsamaiso ya sebele mo lephateng la biodiversity le kamogelo ya mekgatho e amang le batho, dikwebo kgotsa di diriswa tse di tlhalositsweng mo karolo 59 ya Molao;’’;

(v) ka go tlosa lefoko “le” mo bofelo jwa temana (a);

(w) ka go kwala mo boemong jwa temana (h) temana e e latelang:

“(h) mororo mongwe le mongwe yo o ka mma botlhokwa go ntshetsapele tiragatso ya Molao ô[,] le’’;
(x) by the addition of the following paragraph:

"(i) any matter that is necessary or expedient to achieve the objectives of the Act;"; and

(y) by the insertion after subsection (3) of the following subsection:

"(3A) Any regulation made in terms of this Act must be submitted to Parliament 30 days prior to the publication of the regulations in the Gazette."

Amendment of section 98 of Act 10 of 2004

31. Section 98 of the National Environmental Management: Biodiversity Act, 2004, is hereby amended—

(a) by the substitution in subsection (1)(b) for subparagraph (iv) of the following subparagraph:

"(iv) generally with respect to all permits [or appeals] or only to a specified category of permits [or appeals]; or";

(b) by the substitution in subsection (1)(c) for subparagraph (iv) of the following subparagraph:

"(iv) categories of permits [or appeals]."; and

(c) by the addition of the following subsection:

"(3) Regulations made in terms of section 97 may differentiate between the penalties for the contravention of the different provisions thereof, but the maximum penalty may not exceed the penalty provided for in subsection (2).".

Amendment of section 101 of Act 10 of 2004

32. Section 101 of the National Environmental Management: Biodiversity Act, 2004, is hereby amended—

(a) by the substitution in subsection (1) for paragraph (a) of the following paragraph:

"(a) section 57(1), 57(1A), 65(1), 67(2), 71(1) [or], 81(1) or 81A(1);";

and

(b) by the insertion in subsection (2) of the word "or" at the end of paragraph (a), the deletion in that subsection of the word "or" at the end of paragraph (b) and the deletion in that subsection of paragraph (c); and

(c) by the deletion in subsection (3) of the word "or" at the end of paragraph (c), the insertion in that subsection of the word "or" at the end of paragraph (d) and the addition to that subsection of the following paragraph:

"(e) permits or allows any other person to do, or to omit to do, anything which is an offence in terms of subsection (1) or (2).".

Amendment of section 102 of Act 10 of 2004, as amended by section 47 of Act 14 of 2009

33. Section 102 of the National Environmental Management: Biodiversity Act, 2004, is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

"(2) If a person is convicted of an offence involving a specimen of a listed threatened or protected species, or an alien species or commencing the commercialisation phase of bioprospecting without a permit issued in terms of Chapter 7, a fine may be determined, either in terms of subsection (1) or equal to three times the commercial value of the specimen or activity in respect of which the offence was committed, whichever is the greater;"; and

(b) by the insertion after subsection (2) of the following subsection:
MOLAO WA PHETOLELO YA MELAO YA BOSETSHABA
YA TSAMAIISO YA TIKOLOGO, WA 2013

Phetolo ya karolo 98 ya Molao 10 wa 2004

31. Karolo 98 ya Tsaamaiso ya Bosetšhaba ya Tikologo: Molao wa Biodiversity, wa 2004, ya fetolwa—
   (a) ka go akaretša mo karolotlaleletso (1) boemong jwa temana (a) temana e e latelang:
      "(a) karolo 57(1), 57(1A), 65(1), 67(2), 71(1) [kgotsa 81(1) kgotsa 81A(1)];" le
   (b) ka go kwala mo karolotlaleletso (2) bofelo "kgotsa" mo bofelo jwa temana (a), ka go llosa mo karolotlaleletso eo lefoko "kgotsa" mo bofelo jwa temana (b) le go llosa mo karolotlaleletso eo temana (c); le
   (c) ka go kwala mo karolotlaleletso eo lefoko "kgotsa" mo bofelo jwa temana (d) le go oketsa karolotlaleletso eo ka temana e e latelang:
      "(e) go lelelela kgotsa go dumelela mongwe le mongwe go dira kgotsa go tlogela go dira, sengwe le sengwe se se le teng tafatso go ya ka karolotlaleletso (1) kgotsa (2).".

Phetolo ya karolo 101 ya Molao 10 wa 2004

32. Karolo 101 ya Tsaamaiso ya Bosetšhaba ya Tikologo: Molao wa Biodiversity, wa 2004, ya fetolwa—
   (a) ka go akaretsa mo karolotlaleletso (2) karolotlaleletso e e latelang:
      "(2) fa motho a bonwe molato ka tafatso e e amang servê sa setsedi se se kotsi kgotsa se se sireleditsweng, kgotsa setsedi se se sa lelelelewang kgotsa go simolola kgwebelano ya bioprospecting ntle le phemiti go ya ka Kgalo 7, go ka thomamisiwa tuelo ya tšelele, le fa e le ka mokgwa wa karolotlaleletso (1) kgotsa selekanyo sa makgetšho a mararo a thwathwha ya kgwebo ya dirwe kgotsa tiro mabapi le tafatso e e dirilweng, ngwe le ngwe e kwa godimo.;" le
   (b) ka go kwala morago ga karolotlaleletso (2) karolotlaleletso e e latelang:
“(2A) If a person is convicted of an offence involving a specimen of a listed invasive species, a fine may be determined, either in terms of subsection (1) or equal to the estimated cost associated with the control of the specimen in respect of which the offence was committed or both.”.

Insertion of sections 105A and 105B in Act 10 of 2004

34. The following sections are hereby inserted in the National Environmental Management: Biodiversity Act, 2004, after section 105:

“Emergency incidents

105A. (1) The Minister may, by notice in the Gazette, declare an emergency intervention for the purpose of the control or eradication of an alien species or a listed invasive species if that alien species or listed invasive species constitutes a significant threat to the environment.

(2) A notice contemplated in subsection (1) must—
(a) list the species to which the emergency intervention relates;
(b) indicate the reasons for the intervention; and
(c) provide the details relating to the intervention.

Amnesty

105B. (1) In this section, ‘amnesty’ means indemnity against prosecution for the—
(a) carrying out of a restricted activity involving specimens of listed threatened or protected species in terms of section 57(1), alien species in terms of section 65(1) or listed invasive species in terms of section 71(1); or
(b) engagement in the commercialisation phase of bioprospecting, without a permit issued in terms of Chapter 7.

(2) The Minister may, by notice in the Gazette and subject to such conditions as the Minister may determine in the notice, declare a period of amnesty to facilitate compliance with the provisions of the Act.

(3) A notice contemplated in subsection (2) must specify—
(a) the person or category of persons to whom the amnesty applies;
(b) the species to which the amnesty applies;
(c) the restricted activity to which the amnesty applies;
(d) the period during which a person must apply for a permit; and
(e) the period for which the amnesty applies.”.

Substitution of certain words in Act 10 of 2004

35. The National Environmental Management: Biodiversity Act, 2004, is hereby amended by the substitution for the words “designation” or “designated”, whenever it occurs, of the words “assignment” or “delegation”, except in sections 13(1)(b) and 100.

Amendment of Table of Contents of Act 10 of 2004

36. The Table of Contents of the National Environmental Management: Biodiversity Act, 2004 is hereby amended—
(a) by the insertion after item 62 of the following item:
“62A. Amendment of notices”;
(b) by the insertion after item 71 of the following item:
“71A. Prohibitions”;
(c) by the insertion after item 87 of the following item:
“87A. Issuing authority”;
(d) by the insertion after item 92 of the following item:
“92A. Refusal of permits”;
(e) by the insertion after item 93A of the following item:
“93B. Suspension of permits”;

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“(2A) Fa motho a bonwe molato ka tatófatšo e amang serwê sa ditsêedi tse di thlalositswêng jaaka tse dikôtsi, go ka tlhomamisiswa tuelo ya thêlete go ya ka karolotlaleletso (1) kgôtsa go tsamâlêna le tuelo ya selekanyo sa tlhâtshêlwê ya taolo ya serwê go ya ka tatófatšo e thlôdîlwêng kgôtsa tsoopedi.”.

Go kwêwiwa ga dikarolo 105A le 105B mo Molao 10 wa 2004

34. Dikarolo tse di lateng ditlaleletswa mo Tsamâiso ya Bosetšhâba ya Tikologo: Molao wa <i>Biodiversity</i>, wa 2004, morogo ga karolo 105:

“Dîtirâgalo tsa maemô a matshosetsî

105A. (1) Ka kitsisô mo Lokwalodikgang la Puso, Tona e ka thalosôsôvôo a go rarabolôlo matshosetsî ka maikaelôlo a go laolâ kgôtsa go fedisa setshêdi se se kotsi kgôtsa setshêdi se se thlalositswêng jaaka se se kotsi e bile se thshosetsa maemô a tikologo.
(2) Kitsisô e e thlalositswêng mo karolotlaleletso (1) e tshwanêtse go—
(a) thlôgisa dîtshêdi tse di lebagoaneng le maanô a tharabolôlo;
(b) thalosôsôvôo mabâka a tharabolôlo; le
(c) tlâmela ka dînthlêhôlo tse di amang tharabolôlo.

Boitshwarelo/Tebalelo

105B. (1) Mo karolong eno, “boitshwarelo” go bolela go sa latôfatswê mabôpi le—
(a) go diro tirô e ileditswêng e amanô le dirwôô tôsa dîtshêdi thlalositswêng jaaka tse di mo kotsîng kgôtsa tse di sireleditswêng go ya ka karolo 57(1), dîtshêdi tse di sa letlelêlwông go ya ka karolo 65(1) kgôtsa dîtshêdi tse senyang go ya ka karolo 71(1): kgôtsa
(b) go diro kgwebelano ya maemô a bioprospecting ntle le phemiti go ya ka Kgaolo 7.
(2) Ka kitsisô mo Lokwalodikgang la Puso le go tsamâlêna le mabôka a thlômamisitswêng ke Tona mo kitsisông, Tona e ka thalosôsôvôo paka ya boitshwarelo go matlafatsa kobamelo go tsamâlêna le ditaelô tsa Molao.
(3) Kitsisô e thlalositswêng mo karolotlaleletso (2) e tshwanêtse go thalosôsôvôo—
(a) mothô kgôtsa magato a batho ba ba amiwang ke boitshwarelo;
(b) dîtshêdi tse di amiwang ke boitshwarelo;
(c) tirô e ileditswêng e amiwang ke boitshwarelo;
(d) paka e batho ba thshwanêtseng go diro kopo ya phemiti ka yona; le
(e) paka e amiwang ke boitshwarelo.”.

Go kwêwiwa ga mafôko a rîlêng mo Molao 10 wa 2004

35. Tsamâiso ya Bosetšhâba ya Tikologo: Molao wa <i>Biodiversity</i>, wa 2004, o fetolwa ka go kwâla boemông jwa mafôko “taelo” kgôtsa “laetswêng” gongwe le gongwe mo le tlhâglelelang gona “tirô” kgôtsa “taelo”, ntle le mo karolotlaleletso 13(1)(b) le 100.

Phetolo ya Lenaaneo la Dînthlêhôlo tsa Molao 10 wa 2004

36. Lenaaneo la Dînthlêhôlo tsa Tsamâiso ya Bosetšhâba ya Tikologo: Molao wa <i>Biodiversity</i>, wa 2004, le a fetolwa—
(a) ka go kwâla morogo ga nthlôa 62 nthlêhôa e le latelânô:
“62A. Kitsisô ya diphetôgo”;
(b) ka go kwâla morogo ga nthlôa 71 nthlêhôa e le latelânô:
“71A. Dikiletso”;
(c) ka go kwâla morogo ga nthlôa 87 nthlêhôa e le latelânô:
“87A. Bolaodi jwa katlanegisô”;
(d) ka go kwâla morogo ga nthlô 92 nthlêhôa e le latelânô:
“92A. Go ganwa ga kopo ya diphemiti”;
(e) ka go kwâla morogo ga nthlô 93A nthlêhôa e le latelânô:
“93A. Go gogelwa morogo ga diphemiti”;
(f) by the deletion of items 94, 95 and 96; and

(g) by the insertion after item 105 of the following items:

105A. Emergency incidents

105B. Amnesty

Amendment of section 55 of Act 39 of 2004

37. Section 55 of the National Environmental Management: Air Quality Act, 2004, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Regulations made in terms of this Act may provide that any person who contravenes or fails to comply with a provision thereof is guilty of an offence and liable [on conviction to—

(a) imprisonment for a period not exceeding five years;

(b) an appropriate fine; or

(c) both a fine and imprisonment] in the case of a first conviction to a fine not exceeding R5 million or to imprisonment for a period not exceeding five years and in the case of a second or subsequent conviction to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years and in respect of both instances to both such fine and such imprisonment.”.

Amendment of section 1 of Act 59 of 2008

38. Section 1 of the National Environmental Management: Waste Act, 2008, is hereby amended by the substitution for the definition of ‘‘waste’’ of the following definition:

‘‘Waste’ means that any substance, whether or not that substance can be reduced, re-used, recycled [and] or recovered—

(a) that is surplus, unwanted, rejected, discarded, abandoned or disposed of;

(b) which the generator has no further use of for the purposes of production;

(c) that must be treated or disposed of; or

(d) that is identified as a waste by the Minister by notice in the Gazette;

and includes waste generated by the mining, medical or other sector, but—

(i) a by-product is not considered waste; and

(ii) any portion of waste, once re-used, recycled [and] or recovered, ceases to be waste’’.

Substitution of section 51 of Act 14 of 2009

39. The following section is hereby substituted for section 51 of the National Environment Management Laws Amendment Act, 2009:

“Short title and commencement

51. This Act is called the National Environmental Management Laws Amendment Act, [2008] 2009 and comes into effect on a date fixed by the President by proclamation in the Gazette.”.

Substitution of section 7 of Act 15 of 2009

40. The following section is hereby substituted for section 7 of the National Environmental Management: Protected Areas Amendment Act, 2009:

“Short title and commencement

[7]9. This Act is called the National Environmental Management: Protected Areas Amendment Act, 2009, and comes into effect on a date fixed by the President by proclamation in the Gazette.”.
(f) ka go tlosa dintla 94, 95 le 96; le
(g) ka go kwala morago ga nthla 105 dintla tse latelang:
  “105A. Ditiragalo tsa maemo a matshosets
  “105B. Boitshwarelo/Tebalelo”.

Ukuchibiyela isigaba sama-55 soMthetho wama-39 wezi-2004

37. Ngakho-ke isigaba sama-55 sokuPhathwa kweZeMvelo kaZwelonke: uMthetho weZinga loMoya, 2004, uchitshiyelwe ngokufaka endaweni yesigatshana sesi-(2) lesi sigatshana esilandelayo:
  “(2) Izimiso zoMthetho ezimiswe ngokwemigomo yalo Mthetho zingahlizekela ukuthi noma ubani ophula noma ohuleka ukufandela lowo mbandelwa unecala futhi uzobhekana [uma elahlwa icala—
  (a) uzoboshwa isikhathi esingadlulile eminyakeni emihlanu;
  (b) inhlawulo efanele; noma
  (c) abhekane nakho kokubili inhlawulo futhi aboshwe] uma elahlwa icala
  okokuqala uzokhokha engadlulile R5 wezigidi noma aboshwe
  isikhathi esingadlulile eminyakeni eyisihlanu futhi uma elahlwa icala
  okwesibili noma isikhathini esilandelayo uzokhokha inhlawulo engadlulile
  R10 wezigidi noma aboshwe isikhathi esingadlulile eminyakeni evi-10 futhi
  kukhona kokubili uzokhokha inhlawulo futhi aboshwe.”.

Phetolo ya karolo 1 ya Molao 59 wa 2008

38. Karolo 1 ya Tsamaiso ya Bosetšhaba ya Tikologo: Molao wa Waste Act, wa 2008, wa fetolwa ka go kwala boemong jwa tlahlosa ya “matlakala” tlahlosa e e latelang:
  “Matlakala” go bolela sengwe le sengwe, le fa go kgonega kgotsa go sa kgonagale gore selo se se feto yolwe, dirisiwe boswa, ntshefudlile [le] kgotsa
  se sethathathatho—
  (a) selo se se ntsi, sa batlegeng, latlhilweng, kgotsa sa;
  (b) se modirisi a sa tlhole a batla go se dirisa gape;
  (c) se se tshwanetseng go ntshefudlile kgotsa go latlhiva; kgotsa
  (d) se se tlahlositsweng ke Tona jaaka matlakala ka kitsiso mo LokwaloDikgang la Puso; se se akaretsa matlakala a dirilweng ke makala a moepo, boitekanelo
  kgotsa makala a mangwe, mme—
  (i) tlahgiso ya serwô ga e tseelwe jaaka matlakala; e bile
  (ii) karolo ngwe le ngwe ya matlakala ga e thole e le matlakala fa e diriswa
  seshwa gape, ntshefudlile [le] go tsosoloswa;”.

Vervanging van artikel 51 van Wet 14 van 2009

39. Artikel 51 van die Wysigingswet op Nasionale Omgewingsbestuurswette, 2009 word in die Engelse teks gewysig deur dit deur die volgende artikel te vervang:
  “Short title and commencement

51. This Act is called the National Environmental Management Laws Amendment Act, [2008] 2009 and comes into effect on a date fixed by the President by proclamation in the Gazette.”.

Sithatyathelw’ indawo isiqendu 7 soMthetho 15 ka-2009

40. Kufakelwa isiqendu esilandelayo endaweniyesiqendu 7 seNational Environmental Management: Protected Areas Amendment Act, ka-2009:
  “Igama lawo elfitshane nokuqalisa kwawo ukusebenza
  ukusebenza ngomhla ogqitywe nguMongameli ngokwenza isihlokomiso
  kuShicilelo-Mithetho.”.”.
Short title and commencement

41. This Act is called the National Environmental Management Laws Amendment Act, 2013, and comes into effect on the date published by the President in the Gazette.
MOLAO WA PHETOLELO YA MELAO YA BOSETSHABA
YA TSAMAI SO YA TIKOLOGO, WA 2013

Setlhogo se se khutshwane le tshimologo

41. Molao ó, o bidiwa Molao Phetolelo ya Melao ya Bosetshaba ya Tsamaiso ya Tikologo, wa 2013, mme o tla tsena tirisong ka lethla le le thomamisitsweng ke Mopresidente ka kgoeletso mo Lokwalodikgang la Puso.