

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. 40

24 JANUARY 2020

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

CONSULTATION ON INTENTION TO AMENDMENT OF SECTION 24H REGISTRATION AUTHORITY REGULATIONS, 2016

I, Barbara Dallas Creecy, Minister of Environment, Forestry and Fisheries, hereby consult on my intention to amend the Section 24H Registration Authority Regulations, 2016, published under sections 24(5)(e), 24H and 44 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as set out in the Schedule hereto.

Members of the public are invited to submit written comments or inputs to the Minister, within 30 days of publication of this Notice in the Gazette, to the following addresses:

By post to: The Director-General:
Department of Environmental Affairs
Attention: Ms S Hlela
Private Bag X447
PRETORIA
0001

By hand at: Reception, Environment House, 473 Steve Biko Road, Arcadia, Pretoria, 0083
By email: SHlela@environment.gov.za

Any enquiries in connection with the Notice can be directed to Ms Sibusisiwe Hlela, Tel. 012 399 9322.

Comments received after the closing date may not be considered.



BARBARA DALLAS CREECY
MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES

SCHEDULE

Amendment of Regulation 22

Regulation 22 of the Section 24H Registration Authority Regulations, 2016, published under Government Notice No. 849 in Government Gazette 40154 of 22 July 2016, is hereby amended by the substitution for subregulation (2) of the following subregulation:

"(2) Regulation 14 of these Regulations takes effect 48 months from the date of the appointment of the first registration authority."

EXPLANATORY MEMORANDUM

1. The Environmental Assessment Practitioners Association of South Africa (EAPASA) was appointed on 8 February 2018 in terms of section 24H of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA).
2. The Section 24H Registration Authority Regulations, 2016 were gazetted on 22 July 2016 in Government Notice No. 849, in Government Gazette 40154 and, with the exception of regulation 14, commenced on 8 February 2018. Regulation 14 of the Section 24H Registration Authority Regulations, 2016 provides that no person other than a registered environmental assessment practitioner, registered with a registration authority, may hold primary responsibility for the planning, management, coordination or review of environmental impact assessments (EIAs) and associated Environmental Management Programmes (EMPrs). This regulation comes into effect 24 months from the date of the appointment of the first registration authority, namely 8 February 2020.
3. Once the compulsory registration of Environmental Assessment Practitioners (EAPs) becomes effective in February 2020, all EAPs who hold primary responsibility for EIAs and associated EMPrs will have to be registered.
4. To date, EAPASA has successfully registered only a limited number of applications. The Section 24H Registration Authority Regulations provide for a 120-day period for decision-making per application. This means that ideally applications should have been lodged by 8 October 2019 in order to meet the 120-day timeframe.
5. From a study conducted by the CSIR in March 2016, it was noted that there was a limited number of mechanisms for determining the number of EAPs in South Africa. However, it is estimated that there are 1700 EAPs in South Africa. Of this number, only those EAPs primarily responsible for an EIA are required to register. Even if only 50% of this total number of EAPs require registration, it is likely that the registration requirement will not be met by the due date.