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**DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

NO. 4494

13 March 2024

**NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998)****AMENDMENTS TO THE REGULATIONS LAYING DOWN THE PROCEDURE TO BE FOLLOWED FOR THE ADOPTION OF SPATIAL TOOLS OR ENVIRONMENTAL MANAGEMENT INSTRUMENTS**

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby publish, in terms of section 24(5)(bA) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), amendments to the Regulations laying down the procedure to be followed for the adoption of spatial tools or environmental management instruments, as published in Government Notice No. 542 in Government Gazette No. 42380 of 5 April 2019, as set out in the Schedule hereto.

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

## SCHEDULE

### Definitions

1. In this Schedule any word or expression to which a meaning has been assigned in the Act, has that meaning and, unless the context indicates otherwise—

“the Act” means the National Environmental Management Act, 1998 (Act No. 107 of 1998); and

“the Regulations” means the Regulations laying down the procedure to be followed for the adoption of spatial tools or environmental management instruments, published under Government Notice No. 542 in Government Gazette No. 42380 of 5 April 2019, as amended by Government Notice No. 2688 in Government Gazette No. 47377 of 28 October 2022.

### Amendment of the title of the Regulations

2. The title of the Regulations is hereby amended by the substitution for the title of the following title:

**“REGULATIONS LAYING DOWN THE PROCEDURE TO BE FOLLOWED FOR THE ADOPTION OF ENVIRONMENTAL MANAGEMENT INSTRUMENTS”.**

### Substitution of regulation 2 of the Regulations

3. Regulation 2 is hereby amended by the substitution for regulation 2 of the following regulation:

**“2. Purpose of Regulations**

The purpose of these Regulations is to provide for the process of adoption of environmental management instruments contemplated in section 24(2)(c) and (e) of the Act and to provide for registration requirements, where deemed appropriate, for the exclusion of activities based on the adoption of an environmental management instrument in terms of these Regulations.”

### Substitution of regulation 3 of the Regulations

4. Regulation 3 is hereby amended by the substitution for regulation 3 of the following regulation:

**“3. Adoption requirements**

Before adopting an environmental management instrument, the Minister or MEC must ensure that the environmental management instrument indicates the purpose for which it was developed and the exclusion which results from such adoption, where deemed appropriate.”

### Amendment of regulation 4 of the Regulations

5. Regulation 4 is hereby amended by—

- (a) the deletion in paragraph (c) of subregulation (1) of the words “spatial tool or”;
- (b) the substitution for paragraph (d) of subregulation (1) of the following paragraph:
  - “(d) on the website of the national department responsible for the environment in order to make the proposed environmental management instrument publicly available.”;
- (c) by the deletion in paragraph (b) of subregulation (2) of the words “spatial tool or”; and
- (d) by the substitution for paragraph (c) of subregulation (2) of the following paragraph:
  - “(c) where deemed appropriate by the MEC, in a regional newspaper circulating in the geographical area for which the environmental management instrument was prepared.”

#### **Amendment of regulation 6 of the Regulations**

- 6. Regulation 6 is hereby amended by the deletion of the words “spatial tool or”.

#### **Substitution of regulation 7 of the Regulations**

- 7. Regulation 7 is hereby amended by the substitution for regulation 7 of the following regulation:

##### **“7. Notification of adoption**

Once the Minister or the MEC, in concurrence with the Minister, adopts an 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 environmental management instrument;
- (b) availability of the environmental management instrument for public access on the website of the national, and where relevant, the provincial department responsible for the environment; and
- (c) exclusion contemplated in section 24(2)(c) or (e) of the Act that has resulted from the adoption and any registration requirements, if relevant.”

#### **Amendment of regulation 8 of the Regulations**

- 8. Regulation 8 is hereby amended by—
  - (a) the deletion in paragraph (a) of the words “spatial tools or”; and
  - (b) the substitution in paragraph (b) for the words “Department of Environmental Affairs” of the words “national department responsible for the environment”.