

**REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID-AFRIKA**

**Vol. 525**

**Cape Town,  
Kaapstad, 10**

**March  
Maart**

**2009**

**No. 32000**

**THE PRESIDENCY**

**No. 278**

**10 March 2009**

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

**No. 59 of 2008: National Environmental Management: Waste Act, 2008.**

**MOPRESIDENTE**

**No. 278**

**10 March 2009**

Go itsisiwi fano gore MoPresidente o saennwe Molao o o latelang o o phasalediawang kitso ya botlhe fano:—

**No. 59 wa 2008: Tsamaiso Tikologo ya Bosetšhaba: Molao wa Lešwe wa, 2008.**

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*(English text signed by the President.)  
(Assented to 6 March 2009.)*

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# ACT

**To reform the law regulating waste management in order to protect health and the environment by providing reasonable measures for the prevention of pollution and ecological degradation and for securing ecologically sustainable development; to provide for institutional arrangements and planning matters; to provide for national norms and standards for regulating the management of waste by all spheres of government; to provide for specific waste management measures; to provide for the licensing and control of waste management activities; to provide for the remediation of contaminated land; to provide for the national waste information system; to provide for compliance and enforcement; and to provide for matters connected therewith.**

## PREAMBLE

**WHEREAS** everyone has the constitutional right to have an environment that is not harmful to his or her health and to have the environment protected for the benefit of present and future generations through reasonable legislative and other measures that—

- (a) prevent pollution and ecological degradation;
- (b) promote conservation; and
- (c) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development;

**AND WHEREAS** waste management practices in many areas of the Republic are not conducive to a healthy environment and the impact of improper waste management practices are often borne disproportionately by the poor;

**AND WHEREAS** poor waste management practices can have an adverse impact both locally and globally;

**AND WHEREAS** sustainable development requires that the generation of waste is avoided, or where it cannot be avoided, that it is reduced, re-used, recycled or recovered and only as a last resort treated and safely disposed of;

**AND WHEREAS** the minimisation of pollution and the use of natural resources through vigorous control, cleaner technologies, cleaner production and consumption practices, and waste minimisation are key to ensuring that the environment is protected from the impact of waste;

**AND WHEREAS** waste under certain circumstances is a resource and offers economic opportunities;

*(English text signed by the President.)  
(Assented to 6 March 2009.)*

# MOLAO

Go tľhabolola molao o o laolang tsamaiso ya lešwe gore go tle go sirelediwe boitekanelo le tikologo ka go neelana ka dikgato tse di utľwalalang tsa thibelo ya kgotlelo le koafatso ya ekholoji le go nna le tľhabololo e e tšweledisang ekholoji; go neelana ka dintľha tsa thulaganyo le leano la setheo; go neelalana ka maemo le mekgwa ya bošetšhaba ya tsamiso ya botsaimaisi ba lešwe ka tiriso ya maphata otlhe a puso; go neelana ka dikgato tse di totobetseng tsa tsamaiso ya lešwe, go kgontsha neelo ya laesense le taolo ya tsamiso ya lešwe, go kgontsha phepafatso ya lefatshe le le kgotlelesegileng; go neelana ka thulaganyo ya tshedimosetso ka ga leswe, go neelanana ka tiragatso le kobamelo molao; le go neelana ka dintľha tse di tšhwanang le tse.

## PULAMADIBOGO

**E RE JAAKA** mongwe le mongwe a na le tšhwanelo ya molaotheo ya go nna le tikologo e e seng borai mo boitekanelong jwa gagwe le go nna le tšhireletso ya tikologo mo molemong wa ditshika tsa gompieno le tsa isago, ka peomolao e e utľwalang le dikgato tse dingwe tse di—

- (a) thibelang kgotlelo le koafatso ya ikholoji;
- (b) tšweletsang tšhomarelo; le
- (c) sireletsang tľhabololo ya leruri le tiriso ya metšwedi ya tľholego mme e bile e tšweledisa tľhabololo e e siameng ya ikonometri le ya loago;

**GAPE E RE JAAKA** ditľwaelo tsa tsamaiso ya lešwe mo dikarolong tse dintsi tsa Rephaboliki di sa siamela gore go nne le tikologo e e boitekanelo le ditlamorago tsa tsamaiso e e sa siamamang ya lešwe gantsi e rwalwa thata ka botľhokatekano ke bahumanegi;

**GAPE E RE JAAKA** ditiro tsa tsamaiso e e bokoa ya lešwe di ka nna le ditlamorago tse di bosula mo gae le mo lefatšheng lotľhe;

**GAPE E RE JAAKA** tľhabologo ya seleruri e batla gore go tilwe tľholego ya lešwe, kgotsa fa go sa kgonagale, a fokodiwe, a dirisiwe gape, a dirisiwe seša kgotsa a tsewe gape mme a fetolwe mme go latľhiwa e nne kgato ya bofelo le gone a latľhiwe ka pabalesego;

**GAPE E RE JAAKA** phokotso ya kgotlelo le tiriso ya metšwedi ya tľholego ka taolo e e gagametseng, thekenoloji e e phepa, tľhagiso e e phepa le mekgwa ya tiriso, le phokotso ya lešwe ke dintľha tse botľhokwa tsa go netefatsa gore tikologo e sireleditswe go ditlamorago tsa lešwe;

**GAPE E RE JAAKA** mo mabakeng mangwe, lešwe ka bo lona ke metšwedi o o tľhagisang ditšhono tsa ikonometri;

**GAPE E RE JAAKA** peomolao ya tľaleletso e le botľhokwa go nonotsha maano a Puso a tšhireletso ya tikologo le boitekanelo le go tšhela sentle ga batho,

**AND WHEREAS** waste and management practices relating to waste are matters that—

- require national legislation to maintain essential national standards;
- in order to be dealt with effectively, require uniform norms and standards that apply throughout the Republic; and
- in order to promote and give effect to the right to an environment that is not harmful to health and well-being, have to apply uniformly throughout the Republic; and
- require strategies, norms and standards which seek to ensure best waste practices within a system of co-operative governance,

**B**E IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

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TSAMAISO TIKOLOGO YA BOSETŠHABA:  
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**GAPE E RE JAAKA** lešwe le ditlwaelo tsa tsamaiso ke dintlha tse di amanang le merero e e—

- tlhokang molao wa bosetšhaba go tshegetsa maemo a bothokwa a Bosetšhaba;
- tlareng ga go dirilwe ka natla, e be e tlhoka mokgwa o o tshwanang wa meetlo le mekgwa e e diragadiwang mo Rephaboliking ka bophara; le
- gore go tsholediwe go be go diragadiwe tshwanelo ya go nna le tikologo e e seng borai mo boitekanelong le mo go tsheleng sentle, go tlhokega gore go diragadiwe ka go tswana mo Rephaboliking ka bophara; le
- tlhokagalo ya ditogamaano, meetlo le maemo a a batlang go netefatsa mekgwa ya tsamaiso ya go dira ka lešwe mo ntlheng ya tirisano-mmogo ya bobusi,

**O** fetisitswe ke Palamente ya Rephaboliki ya Aforika Borwa ka mokgwa o o latelang:—

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  - “**acceptable exposure**” means the exposure of the maximum permissible concentration of a substance to the environment that will have a minimal negative effect on health or the environment; 30
  - “**associated structures and infrastructure**”, when referred to in Schedule 1, means any building or infrastructure that is necessary for the functioning of a facility or waste management activity or that is used for an ancillary service or use from the facility; 35
  - “**best practicable environmental option**” means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term;
  - “**building and demolition waste**” means waste, excluding hazardous waste, produced during the construction, alteration, repair or demolition of any structure, and includes rubble, earth, rock and wood displaced during that construction, alteration, repair or demolition; 40
  - “**business waste**” means waste that emanates from premises that are used wholly or mainly for commercial, retail, wholesale, entertainment or government administration purposes; 45
  - “**by-product**” means a substance that is produced as part of a process that is primarily intended to produce another substance or product and that has the characteristics of an equivalent virgin product or material;
  - “**clean production**” means the continuous application of integrated preventative environmental strategies to processes, products and services to increase overall efficiency and to reduce the impact of such processes, procedures and services on health and the environment; 50

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82. Ditaolo tsa pakakgabaganyo tebang le go kwalwa ga lenane la ditiro tsa tsamaiso ya lešwe  
83. Setlhogo se sekhutshwane le tshimololo

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**MANANE**

1. Ditiro tsa tsamaiso ya lešwe tse di tlhokang go re di reboletwe laesense  
2. Peomolao e e phimotsweng kgotsa e e tlhabolotsweng

**KGAOLO YA 1****THANOLO LE DITHEO****Ditlhaloso**

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1. Mo molaong o, ntle le gore bokao bo supe sengwe—  
“**kamano e e amogelesegang**” go tewa palogodimo e e letlelesegang ya kitlano ya dire go netefatsa gore di tla nna le kamo e e nnyenye mo boitkanelong kgotsa mo tikologo;  
“**dikago tse di amanang le mafaratlhatlha**” fa go buiwa ka ona mo Lenaneng la l go tewa kago ngwe le ngwe kgotsa mafaratlhatlha a a tlhokafalang gore tlamelo kgotsa tiro ya tsamaiso ya lešwe kgotsa tseo di dirisetswang tirelo ya bobedi (tlaleletso) kgotsa tiriso go tswa mo lefelong;  
“**tlhopho e e ka diregang ya tikologo e e siameng go gaisa**” go tewa tlhophelo e e fang mesola e mentsi go gaisa kgotsa e e dirang gore go nne le tshenyego e nnyenye mo tikologong ka phelelo, ka tlhotlwa e e amogelesegang mo setšhabeng, mo pakateleleleng ga mmogo le mo pakakhutshwaneng;” ;  
“**lešwe la kago le thubo ya dikago**” go tewa lešwe le le dirilweng fa go agiwa, go sa akarediwa matlakala a a diphatsa go fetolwa, go baakanya ngwe le ngwe kgotsa go thubiwa kago epe mme e bile go akarediwa thotobolo, mmu, matlapa kgotsa dikgong tse di phatlaletseng fa go agiwa, go fetolwa go baakangwa le go thubiwa ga dikago ngwe le ngwe;  
“**lešwe la kgwebo**” go tewa lešwe le le tswang mo dikagong le lefatsheng le le dirisediwang ka botlalo kgotsa le le dirisediwang segolo bogolo tiro ya kgwebo, ya dikgwebopotlana, ya dikgwebo tse dikgolo, ya boitumediso kgotsa ya tsamaiso ya puso;  
“**ka-tlhagiso**” go tewa sengwe se se tlhagisitsweng e le karolo ya tirego e maikaelelo magolo a yona e leng go tlhagisa sengwe se sele kgotsa setlhagiswa se gape e bile se nale dintlha tse di tshwanang le tsa setlhagiswa kgotsa setlhagiswa se ntlha se se iseng se umisiwe;

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**“commence”** means the start of any physical activity, including site preparation or any other activity on the site in furtherance of a waste management activity, but does not include any activity required for investigation or feasibility study purposes as long as such investigation or feasibility study does not constitute a waste management activity; 5

**“Constitution”** means the Constitution of the Republic of South Africa, 1996;

**“container”** means a disposable or re-usable vessel in which waste is placed for the purposes of storing, accumulating, handling, transporting, treating or disposing of that waste, and includes bins, bin-liners and skips;

**“contaminated”**, in relation to Part 8 of Chapter 4, means the presence in or under any land, site, buildings or structures of a substance or micro-organism above the concentration that is normally present in or under that land, which substance or micro-organism directly or indirectly affects or may affect the quality of soil or the environment adversely; 10

**“decommissioning”**, in relation to waste treatment, waste transfer or waste disposal facilities, means the planning for and management and remediation of the closure of a facility that is in operation or that no longer operates; 15

**“Department”** means the Department of Environmental Affairs and Tourism;

**“disposal”** means the burial, deposit, discharge, abandoning, dumping, placing or release of any waste into, or onto, any land; 20

**“domestic waste”** means waste, excluding hazardous waste, that emanates from premises that are used wholly or mainly for residential, educational, health care, sport or recreation purposes;

**“environment”** has the meaning assigned to it in section 1 of the National Environmental Management Act; 25

**“Environment Conservation Act”** means the Environment Conservation Act, 1989 (Act No. 73 of 1989);

**“environmentally sound management”** means the taking of all practicable steps to ensure that waste is managed in a manner that will protect health and the environment; 30

**“export”** means to take or send waste from the Republic to another country or territory;

**“extended producer responsibility measures”** means measures that extend a person’s financial or physical responsibility for a product to the post-consumer stage of the product, and includes— 35

- (a) waste minimisation programmes;
- (b) financial arrangements for any fund that has been established to promote the reduction, re-use, recycling and recovery of waste;
- (c) awareness programmes to inform the public of the impacts of waste emanating from the product on health and the environment; and 40
- (d) any other measures to reduce the potential impact of the product on health and the environment;

**“Gazette”**, when used in relation to—

- (a) the Minister, means the *Government Gazette*; and
- (b) the MEC, means the *Provincial Gazette* of the province concerned; 45

**“general waste”** means waste that does not pose an immediate hazard or threat to health or to the environment, and includes—

- (a) domestic waste;
- (b) building and demolition waste;
- (c) business waste; and 50
- (d) inert waste;

**“hazardous waste”** means any waste that contains organic or inorganic elements or compounds that may, owing to the inherent physical, chemical or toxicological

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**“tlhagiso e e phepa”** go tewa tiragatso ya kopanelothibelo ya ditogamaano tsa tikologo tsa go fetolaboleng, ditlhagiswa le ditirelo go oketsa bokgoni ka kakaretso le go fokotsa ditlamorago tsa ditsela, ditsamaiso le ditirelo tseo mo boitekanelong le mo tikologong;

**“Tshimololo”** go tewa tshimololo ya tiro epe e e dirwang ka mmele ka matlhagatlhaga, go akarediwa paakanyo ya lefelo kgotsa tiro epe e sele mo lefelong mo tsewedising ya tiro ya tsamaiso ya lešwe, mme e sa akaretse tiro epe e e ka tlhokwang go diragatsa maikaelelo a dipatlisiso kgotsa dithuto tsa tshekatsheko ya kgonagalo, fa fela patlisiso kgotsa thuto ya tshekatsheko ya kgonagalo eo e se tiro ya tsamaiso ya lešwe;

**“Molaotheo”** go tewa Molaotheo wa Rephaboliki ya Aforika Borwa, 1996;

**“setshelo”** go tewa setshodi se se ka latlhiwang morago ga tiriso kgotsa se se ka dirisiwang gape, se mo go sona go tshelwang lešwe ka maikaelelo a go a boloka, go a kgobokanya, go a tshola, go a tsamaisa, go a fetola, kgotsa go a latlha mme setshodi seo se akaretse diolelalešwe, dipampiri kgotsa dipolasetiki tse di alwang mo teng ga diolelalešwe, le di-skip;

**“kgotlelegileng”** tebang le Kgaolo ya 4, Karolo ya 8 go tewa go nna teng mo lefatsheng kgotsa ka fa tlase ga lefatše, lefelo, dikago kgotsa meago ya kokotlelesego ya dilo kgotsa ditshedinyana tse dinnyenye e e fetang e e leng teng ka tlwaelo mo lefatsheng leo, kgotsa ka fa tlase ga lone kgotsa dilo kgotsa ditshedinyana tse ka tthamalalo kgotsa eseng ka tthamalalo di amang kgotsa di ka amang boleng jwa mmu kgotsa tikologo ka tsela e e maswe;

**“ntshotirisong”** tebang le phetolo ya lešwe, khuduso ya lešwe kgotsa lefelo la tatlho ya lešwe go tewa thulaganyetso le tsamaiso le phepafatso ya tswalo ya lefelo le le dirang kgotsa le le sa tlholeng le dira;

**“Lefapha”** go tewa Lefapha la Merero ya Tikologo le Bojanala;

**“tatlho”** go tewa go fitlhiwa, go baya, go ntsha, go tlogela, go phuaganya, go baya kgotsa go latlhela lešwe lengwe le lengwe mo teng, kgotsa mo godimo ga lefatše lepe;

**“lešwe la mo gae”** go tewa lešwe, ntle le go akaretse lešwe le le diphatsa, le le tswang mo maagelelong (*premises*) a a dirisediwa ka botlalo bonno jwa batho, dithuto, tlhokang ya boitekanelo, metshameko kgotsa boitapoloso;

**“tikologo”** e na le bokao jo e bo filweng mo karolong ya 1 ya Molao wa Bosetšhaba wa Tsamaiso ya Tikologo;

**“Molao wa Tshomarelo ya Tikologo”** go tewa Molao wa Tshomarelo ya Tikologo, 1989 (Molao No. 73 wa 1989);

**“tsamaiso e e rekegelang tikologo”** go tewa go tsewa ga dikgato tsothhe tse di utlwalang go netefatsa gore lešwe a tsamaisiwa/ka mokgwa o o tla sireletsang boitekanelo le tikologo;

**“thomelontle”** go tewa go isa kgotsa go romela lešwe go tswa mo Rephaboliking go ya kwa nageng kgotsa lefatsheng le sele;

**“dikgato tse di katololositsweng tsa maikarabelo a motlhagisi”** go tewa dikgato tse di katololang maikarabelo a motho a tšhelete kgotsa a lefelo a tlhagiso go fitlha tlhagiso eo e fitlha mo legatong la morago la tlhagiso mme le akaretse—

(a) Dithulaganyo tsa phokotso ya lešwe;

(b) Dithulaganyetso tsa madi tsa letlole lepe le le tlhomilweng go tseletsisa phokotso, tirisogape, tirisosešwa le tseogape ya lešwe;

(c) Dithulaganyo tsa go itsise setšhaba ka ga ditlamorago tsa lešwe le le tswang mo ditlhagising le le ka amang boitekanelo jwa batho le tikologo; le

(d) dikgato dipe gape tse di fokotsang ditlamorago tse di ka nnang teng tsa tlhagiso tse di ka amang boitekanelo le tikologo;

**“Kasete”** fa e dirisiwa malebang le—

(a) Tona, e raya *Kasete ya Puso*; le

(b) Mo-MEC, e raya *Kasete ya Porofense*, Porofense e go buiwang ka ga yone;

**“lešwe ka kakaretso”** go tewa lešwe le le seng kotsi le se matshosetsi go boitekanelo kgotsa go tikologo, le akaretse—

(a) lešwe a mo malapeng;

(b) lešwe la kago le makgerekgetšana a dikago tse di thubilweng;

(c) lešwe la dikgwebo; le

(d) lešwe le le sa tlharologeng.

**“Lešwe le le kotsi”** go tewa lešwe le le nang le dielemente tse di ka bolang le tse di sa boleng tsa dikhompaante tse ka ntsha ya pharologantsho ya popego,

characteristics of that waste, have a detrimental impact on health and the environment;

**“high-risk activity”** means an undertaking, including processes involving substances that present a likelihood of harm to health or the environment;

**“holder of waste”** means any person who imports, generates, stores, accumulates, transports, processes, treats, or exports waste or disposes of waste; 5

**“import”** means any entry into the Republic other than entry for transit;

**“incineration”** means any method, technique or process to convert waste to flue gases and residues by means of oxidation;

**“industry”** includes commercial activities, commercial agricultural activities, mining activities and the operation of power stations; 10

**“industry waste management plan”** means a plan referred to in Part 7 of Chapter 4;

**“inert waste”** means waste that—

(a) does not undergo any significant physical, chemical or biological transformation after disposal; 15

(b) does not burn, react physically or chemically biodegrade or otherwise adversely affect any other matter or environment with which it may come into contact; and

(c) does not impact negatively on the environment, because of its pollutant content and because the toxicity of its leachate is insignificant; 20

**“integrated waste management plan”** means a plan prepared in terms of section 12;

**“investigation area”** means an area identified as such in terms of section 37;

**“licensing authority”** means an authority referred to in section 43 and that is responsible for implementing the licensing system provided for in Chapter 5; 25

**“life cycle assessment”** means a process where the potential environmental effects or impacts of a product or service throughout the life of that product or service is being evaluated;

**“MEC”** means the Member of the Executive Council of a province who is responsible for waste management in the province; 30

**“minimisation”**, when used in relation to waste, means the avoidance of the amount and toxicity of waste that is generated and, in the event where waste is generated, the reduction of the amount and toxicity of waste that is disposed of;

**“Minister”** means the Minister of Environmental Affairs and Tourism; 35

**“municipality”** means a municipality established in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

**“Municipal Systems Act”** means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

**“National Environmental Management Act”** means the National Environmental Management Act, 1998 (Act No. 107 of 1998); 40

**“non-substantive”**, in relation to the amendment or substitution of a regulation, notice, strategy, licence, approval, or provision thereof, includes—

(a) any clerical mistake, unintentional error or omission;

(b) the correction of any miscalculated figure; and 45

(c) the correction of any incorrect description of any person, thing, property or waste management activity;

**“organ of state”** has the meaning assigned to it in section 239 of the Constitution;

**“person”** has the meaning assigned to it in the Interpretation Act, 1957 (Act No. 33 of 1957), and includes an organ of state; 50

**“pollution”** has the meaning assigned to it in section 1 of the National Environmental Management Act;

**“prescribe”** means prescribe by regulation under this Act;

**“priority waste”** means a waste declared to be a priority waste in terms of section 14; 55

**“recovery”** means the controlled extraction of a material or the retrieval of energy from waste to produce a product;

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khemikhale, kgotsa tekhesolojikhale ya pharologantshe ya lešwe leo. le le ka amang pholo le tikologo mo go maswe;

**“tiro e e kotsi”** go tewa tiro e e akaretsang ditsamaiso tse di amang selo se se naleng kgonagalo ya go ama pholo kgotsa tikologo;

**“motshola lešwe”** go tewa motho ofe le ofe yo o romelang teng, yo o dirang, yô bolokang, yô kgobokanyang, yô tsamaisang lešwe, a a direga, a a tlathloba, kgotsa a a romela ntle kgotsa go a latlha;

**“thomeloteng”** go tewa go tsena mo Rephaboliking e se go tsena kantlha ya ketelo;

**“phiso”** go tewa mothale ope, mofuta, thekeniki kgotsa tsela ya go fetola matlakala go nna digase le masaledi a *flue* ka tiriso ya *oxidation*”; 10

**“madirelo”** a akaretsa ditiro tsa kgwebo, ditiro tsa kgwebo ya temothuo, ditiro tsa meepo, le tsamaiso ya diseteišene tse di fetlhang motlakase;

**“leano la tsamaiso ya lešwe la madirelo”** go tewa leano le le umakilweng mo Karolo 7, Kgaolo 4; 15

**“lešwe le le sa fetogeng”** go tewa lešwe le le

(a) senang phetogo e kgolo efe kgotsa efe, ya khemikhale kgotsa ya bayoloji morago ga a sena go latlha;

(b) sa šweng, a sebopego se sa tsibogeng, se sena khemikhale e e sa koafatse botshelo, go ama mo go maswe dilo dife kgotsa dife tse di kgomanang le ona; mme 20

(c) e sa ame tikologo mo go maswe ka ntlha ya go nna le sekgotlelo le ka ntlha ya gore botlhole jwa ona ga bo botlhokwa;

**“Leanokopanelo la tsamaiso ya lešwe”** go tewa Leano le le umakiwang mo karolong ya 12; 25

**“lefelo la tlhothomiso”** go tewa lefelo le le kailweng go ya ka karolo ya 37;

**“bothati jo bo neelanang ka dilaesense”** go tewa bothati jo bo umakilweng mo karolong ya 43 mme bo nale maikarabelo a go diragatsa tsamaiso ya go rebola dilaesense jaaka go umakilwe mo Kgaolong ya 5;

**“tlathlho ya sediko sa botshelo”** go tewa tirego e mo go yona go tlathlhoiwang ditlamorago kgotsa kamo e e maswe e e ka nnang teng mo tikologong, e tlišiwa ke setlhagiswa kgotsa tirelo mo botshelong jotlhe jwa tlhagiso kgotsa tirelo eo; 30

**“Mo-MEC”** go tewa Tokololo ya Khuduthamaga ya porofense yô nang le maikarabelo a tsamaiso ya lešwe mo porofenseng; 35

**“palotlase”** fa e dirisiwa tebang le lešwe go tewa go tla selekanyo sa botlhole jwa lešwe le le dirilweng mme, le fa go ka diragala gore lešwele dirwe, le tla dirisiwa go fokotsa selekanyo sa botlhole jwa lešwe le le latlhiwang;

**“Tona”** go tewa Tona ya Merero ya Tikologo le Bojanala;

**“mmasepala”** go tewa mmasepala o o tlhomilweng go ya ka Puso Selegae: Molao wa Ditheo tsa Mmasepala wa 1998 (Molao No. 117 wa 1998); 40

**“Molao wa Tsamaiso ya Dimmasepala”** go tewa Molao wa Puso-selegae wa Tsamaiso ya Dimmasepala wa 2000 (Molao No. 32 wa 2000);

**“Molao wa Bosetšhaba wa Tsamaiso ya Tikologo”** go tewa Molao wa Bosetšhaba wa Tsamaiso ya Tikologo wa 1998 (Molao No. 107 wa 1998); 45

**“se tlhoka tlaeletso”** tebang le tlhabololo kgotsa phetogo ya molawana, kitsiso, togamaano, laesense, thebolo kgotsa molawana wa teng yô akaretsang—

(a) phoso ngwe le ngwe e e dirilweng ke ditlhelereke, phosô kgotsa tlogelo e e seng ya ka bomo

(b) paakanyo ya palo ngwe le ngwe e e sa balelwang ka nepo; le 50

(c) paakanyo ya tlhaloso e e sa nepagalang ya motho ofe le ofe, selo, thoto kgotsa tiro ya tsamaiso ya lešwe;

**“setho sa puso”** se na le bokao jo bo tshwanang le jo e bo filweng mo karolong ya 239 ya Molaotheo;

**“motho”** o na le tlhaloso e e filweng mo Molao wa Thanolo, wa 1957 (Molao no. 33 wa 1957) mme o akaretsa setho sa puso; 55

**“kgotlhelo”** e na le bokao jo e bo filweng mo karolong ya 1 ya Molao wa Bosetšhaba wa Tsamaiso ya Tikologo;

**“laola”** go tewa go laola ga taolo ya molawana ka fa tlase ga Molao o;

**“lešwe la selejwapele”** go tewa malakala a go builweng gore ke lešwe la selejwa pele tebang le karolo 14; 60

**“tseogape”** go tewa go ntshiwa go go laolwang ga metheriale kgotsa go ntsha enoji mo matlakaleng gore go tlhagisiwe setlhagiswa;

**“recycle”** means a process where waste is reclaimed for further use, which process involves the separation of waste from a waste stream for further use and the processing of that separated material as a product or raw material;

**“re-use”** means to utilise articles from the waste stream again for a similar or different purpose without changing the form or properties of the articles;

**“specific environmental management Act”** has the meaning assigned to it in section 1 of the National Environmental Management Act;

**“storage”** means the accumulation of waste in a manner that does not constitute treatment or disposal of that waste;

**“sustainable development”** has the meaning assigned to it in section 1 of the National Environmental Management Act;

**“this Act”** includes—

(a) any regulations made in terms of this Act;

(b) any notice or other subordinate legislation issued or made in terms of this Act; and

(c) any regulation or direction that remains in force in terms of section 81;

**“transit”** means the continuous passage from one border of the Republic to another such border without storage other than temporary storage incidental to transport;

**“treatment”** means any method, technique or process that is designed to—

(a) change the physical, biological or chemical character or composition of a waste; or

(b) remove, separate, concentrate or recover a hazardous or toxic component of a waste; or

(c) destroy or reduce the toxicity of a waste, in order to minimise the impact of the waste on the environment prior to further use or disposal;

**“waste”** means any substance, whether or not that substance can be reduced, re-used, recycled and 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 recovered, ceases to be waste;

**“waste disposal facility”** means any site or premise used for the accumulation of waste with the purpose of disposing of that waste at that site or on that premise;

**“waste management activity”** means any activity listed in Schedule 1 or published by notice in the *Gazette* under section 19, and includes—

(a) the importation and exportation of waste;

(b) the generation of waste, including the undertaking of any activity or process that is likely to result in the generation of waste;

(c) the accumulation and storage of waste;

(d) the collection and handling of waste;

(e) the reduction, re-use, recycling and recovery of waste;

(f) the trading in waste;

(g) the transportation of waste;

(h) the transfer of waste;

(i) the treatment of waste; and

(j) the disposal of waste;

**“waste management control officer”** means a waste management control officer designated under section 58(1);

**“waste management licence”** means a licence issued in terms of section 49;

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**“tirisosešwa”** go tewa tirego ya go dirisa lešwe gape e leng tsela e e akaretsang le go kgaoganngwa ga lešwe mo motsweding wa lešwe gore a tswelale go dira tirego ya materile o o kgaogantsweng go nna setlhagiswa kgotsa seretala;

**“tirisogape”** go tewa go dirisa gape dilo tse di neng di le mo lešweng, mme di dirisetswa maikaelelo a a tshwanang kgotsa a a farologaneng ntle le go fetola selebo kgotsa sebopego sa dilo tseo;

**“Molao wa tsamaiso ya tikologo o o totobaditsweng”** o na le bokao jo o bo filweng mo karolong ya 1 ya Molao wa Bosetšhaba wa Tsamaiso ya Tikologo;

**“poloko”** go tewa kokotlolo ya lešwel ka tsela e e sa akaretseng tlhatlhobo le tatlo ya lešwe leo;

**“tlhabololo ya leruri”** e na le tlhaloso e, e e filweng mo karolong ya 1 ya Molao wa Bosetšhaba wa Tsamaiso ya Tikologo;

**“Molao yo,”** o akaretsa—

(a) melawana efe le efe e e dirwang tebang le Molao yô; kgotsa

(b) Kitsiso ngwe le ngwe kgotsa molawananyane o o rebotsweng kgotsa yô dirilweng go latela Molao yô;

(c) Molawana ofe le ofe kgotsa taelo e e tswelelang go dira go latela karolo 81;

**“kgabaganyo”** go tewa go feta mo go tswelatsweng pele go tswa kwa molelwaneng mongwe wa Rephaboliki go ya kwa go o mongwe ntle le poloko, fa e se poloko ya nakwana e e tlang ka ntlha ya go rwalwa ka dirori;

**“phetolo”** go tewa mothale ofe kgotsa ofe, thekeniki kgotsa tsela e e dirilweng go—

(a) fetola kagego ya fisikhale, ya bayolojikhale kgotsa khemikhale ga lešwe, kgotsa

(b) ntsha, go kgaoganya, go kokotletsa kgotsa go tsaya gape karolo e e bothole kgotsa e kotsi ya lešwe kgotsa tikologo; kgotsa

(c) go senya kgotsa go fokotsa bothole jwa lešwe, gore go tle go ngotliwe ditlamorago tsa go ama tikologo pele ga a ka tswelala go dirisiwa gape kgotsa pele ga a ka latlhiwa;

**“lešwe”** go tewa selo sefe sengwe le sengwe, go sa kgathalesege gore selo seo se ka fokodiwa, sa dirisiwa gape, sa dirisiwa sešwa, sa tsewa gape, se—

(a) se se ntsi go fetisa, se se sa batlegeng, se se gannweng, se se sa tlholeng se diriswa, se tlogetsweng kgotsa se latlhlweng;

(b) fa modiri wa lešwe a sa tlhole a na le tiriso e nngwegape ya go dira tlhagiso, go dira tirego le tiriso;

(c) se se tshwanetseng go fetolwa kgotsa go latlhiwa; kgotsa

(d) se se kailweng mo kulanteng ya Mmuso ke Tona gore kelešwe le go akaretsa matlakala a a dirwang ke mofama wa meepo, wa bongaka kgotsa mofama o sele; mme—

(i) se-katlhagiso ga se tsewe jaaka lešwe, e bile

(ii) Karololo ngwe le ngwe ya lešwe, fa e ka dirisiwagape, dirisiwasešwa, le go tsewa gape, ga e sa tlhole e tsewa jaaka lešwe;

**“lefelo la golatla lešwe”** go tewa lefelo kgotsa meago efe kgotsa efe e e dirisediwang kokotletso ya lešwe ka maikaelelo a go latlhela lešwe leo mo lefelong leo kgotsa mo moagong yô o;

**“tiro ya tsamaiso ya lešwe”** go tewa tiro ngwe le ngwe e e mo lenaneng la Mametleleo ya 1 kgotsa e e phasaladitsweng ka kitsiso mo Kaseteng ka fa tlase ga karolo 19, le gone e ka akaretsa—

(a) thomeloteng le thomelontle ya lešwe;

(b) e modiri a sa tlholeng a na le tiriso e nngwe gape ya yona ka maikaelelo a kumiso;”.

(c) kokotletso le poloko ya lešwe;

(d) kgobokanyo le tsholo ya lešwe;

(e) phokotso, tirisogape, tirisosešwa le tseogape;

(f) go gweba ka lešwe;

(g) thwalo ya lešwe;

(h) khuduso ya lešwe;

(i) phetolo ya lešwe; le

(j) tatlo ya lešwe;

**“motlhankedi wa taolo ya tsamaiso ya lešwe”** go tewa motlhankedi wa taolo ya tsamaiso ya lešwe o tlhomilweng ka fa tlase ga karolo ya 58(1);

**“Laesense ya tsamaiso ya lešwe”** go tewa laesense e e filweng tebang le karolo ya 49;

**“waste management officer”** means a waste management officer designated in terms of section 10;

**“waste management services”** means waste collection, treatment, recycling and disposal services;

**“waste minimisation programme”** means a programme that is intended to promote the reduced generation and disposal of waste; 5

**“waste transfer facility”** means a facility that is used to accumulate and temporarily store waste before it is transported to a recycling, treatment or waste disposal facility;

**“waste treatment facility”** means any site that is used to accumulate waste for the purpose of storage, recovery, treatment, reprocessing, recycling or sorting of that waste. 10

## Objects of Act

### 2. The objects of this Act are—

- (a) to protect health, well-being and the environment by providing reasonable measures for— 15
  - (i) minimising the consumption of natural resources;
  - (ii) avoiding and minimising the generation of waste;
  - (iii) reducing, re-using, recycling and recovering waste;
  - (iv) treating and safely disposing of waste as a last resort; 20
  - (v) preventing pollution and ecological degradation;
  - (vi) securing ecologically sustainable development while promoting justifiable economic and social development;
  - (vii) promoting and ensuring the effective delivery of waste services;
  - (viii) remediating land where contamination presents, or may present, a significant risk of harm to health or the environment; and 25
  - (ix) achieving integrated waste management reporting and planning;
- (b) to ensure that people are aware of the impact of waste on their health, well-being and the environment;
- (c) to provide for compliance with the measures set out in paragraph (a); and 30
- (d) generally, to give effect to section 24 of the Constitution in order to secure an environment that is not harmful to health and well-being.

## General duty of State

3. In fulfilling the rights contained in section 24 of the Constitution, the State, through the organs of state responsible for implementing this Act, must put in place uniform measures that seek to reduce the amount of waste that is generated and, where waste is generated, to ensure that waste is re-used, recycled and recovered in an environmentally sound manner before being safely treated and disposed of. 35

## Application of Act

- 4. (1) This Act does not apply to— 40
  - (a) radioactive waste that is regulated by the Hazardous Substances Act, 1973 (Act No. 15 of 1973), the National Nuclear Regulator Act, 1999 (Act No. 47 of 1999), and the Nuclear Energy Act, 1999 (Act No. 46 of 1999);
  - (b) residue deposits and residue stockpiles that are regulated under the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002); 45
  - (c) the disposal of explosives that is regulated by the Explosives Act, 2003 (Act No. 15 of 2003); or
  - (d) the disposal of animal carcasses that is regulated by the Animal Health Act, 2002 (Act No. 7 of 2002).

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**“mothhankedi wa tsamaiso ya lešwe”** go tewa mothhankedi wa tsamaiso ya lešwel yo o tlhomilweng tebang le karolo ya 10;

**“ditirelo tsa tsamaiso ya lešwe”** go tewa ditirelo tsa go kgobokanya, go fetola, go dirisagape le go latlhalešwe;

**“thulaganyo ya phokotso”** go tewa thulaganyo e e ikaeletseng go rotloetsa go 5  
dirwa lešwe mo go fokotsegileng mmogo le tatlo ya lešwe e e fokoditsweng.

**“lefelo la khuduso ya lešwe”** go tewa lefelo le le dirisediwang go kokotletsa le go boloka lešwe nakwana, pele le isiwa kwa lefelong le le yang go dirisiwa sešwa, go fetolwa kgotsa go latlhelwa teng;

**“lefelo la phetolo ya lešwe”** go tewa lefelo le le dirisiwang go kokotletsa lešwe 10  
gore a bolokiwe, go tsewe gape, go fetolwe, go fetolweboleng, go dirisiwe sešwa le go tlhaolwa;

**Maikaelelo a Molao****2. Maikaelelo a Molao o ke—**

- (a) go sireletsa phôlô, boitekanelo, le tikologo ka go neelana ka dikgato tse di 15  
utlwalang tsa—
- (i) ngotlo ya tiriso ya metswedi ya tlhologo;
  - (ii) tilo le ngotlo ya go dirwa ga lešwe;
  - (iii) phokotso, tirisogape, tirisosešwa le tseogape;
  - (iv) phetolo le tatlo e e babalesegileng ya lešwe jaaka tharabololo ya 20  
bofelo;
  - (v) thibelo ya kgotlelo le leswafatso ya ekholoji;
  - (vi) go nna le tlhabololo e e tswelletsang ekholoji, fa e ntse e tswelletsang  
tlhabololo e e siametseng ikonomi le loago.
  - (vii) tswelsetso le netefatso ya gore go nna le neelo ya ditirelo tsa lešwe 25  
e e nonofileng;
  - (viii) phepafatso ya lefatshe fa go nale kgotlhelego, kgotsa fa go ka nna  
matshosetsi a go ama boitekanelo kgotsa tikologo ka tsela e e  
maswe; le
  - (ix) go fitlhelela tsamaiso e e tlhakanetsweng ya lešwe ya bobegi le 30  
mananeo;
- (b) go netefatsa gore batho ba itse ka ditlamorago tsa lešwe mo boitekanelong, mo  
phôlông le mo tikologong;
- (c) go rulaganyetsa gore go tle go obamelwe molao le dikgato tse di beilweng mo  
temeng ya (a); le 35
- (d) go kgontsha ka kakaretso karolo ya 24 ya Molaotheo gore go tle go nne le  
tikologo e e seng kotsi mo boitekanelong le phôlô ya batho.

**Tiro ya kakaretso ya Puso**

**3. Mo tiragatsong ya ditshwanelo tse di mo karolong ya 24 ya Molaotheo, Puso ka**  
ditheo tsa puso tse di nang le maikarabelo a go diragatsa Molao, e tshwanetse go baya 40  
dikgato tse tshwanang tse di batlang go fokotsa bogolo jwa lešwe le le dirilweng, le gone  
fa go dirwang lešwe teng, go netefatsa gore lešwe le a fokodiwa, le dirisiwa gape, le  
dirisiwa sešwa, e bile le tsewa gape ka tsela e e siametseng tikologo pele ga le ka  
latlhiwa.

**Tiragatso ya Molao**

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**4. (1) Molao yô ga o ame—**

- (a) lešwe la radioactife le laolwa ke Molao wa Dilo tse di Kotsi wa 1973 (Molao  
No. 15 wa 1973), Molao wa Bošetshaba wa Taolo ya Nuclear wa 1999 (Molao  
No. 47 wa 1999) le Molao wa Nulear Eneji wa 1999 (Molao No. 46 wa 1999);
- (b) masalela a tatlo le kokoanyo ya masalela e laolwa ka fa tlase ga Molao wa 50  
Tlhabololo ya Diminerale le Metswedi ya Pheteroliamo wa 2002 (Molao No.  
28 wa 2002);
- (c) go latlhiwa ga dithuthupi go go laolwang ke Molao wa Dithuthupi wa 2003  
(Molao No. 15 wa 2003); kgotsa
- (d) go latlhiwa ga ditoto tsa diphologolo mo go laolwang ke Molao wa 55  
Boitekanelo jwa Diphologolo, 2000 (Molao No. 7 wa 2002)

(2) This Act binds all organs of state.

### **Application of National Environmental Management Act**

5. (1) This Act must be read with the National Environmental Management Act, unless the context of this Act indicates that the National Environmental Management Act does not apply. 5

(2) The interpretation and application of this Act must be guided by the national environmental management principles set out in section 2 of the National Environmental Management Act.

## **CHAPTER 2**

### **NATIONAL WASTE MANAGEMENT STRATEGY, NORMS AND STANDARDS** 10

#### **Part 1**

#### ***National waste management strategy***

#### **Establishment of national waste management strategy**

6. (1) The Minister must, within two years of the date on which this section takes effect, by notice in the *Gazette* establish a national waste management strategy for achieving the objects of this Act, which must include— 15

- (a) objectives, plans, guidelines, systems and procedures relating to the protection of the environment and the generation (including the avoidance and minimisation of such generation), re-use, recycling, recovery, treatment, disposal, use, control and management of waste in order to achieve the objects of this Act; 20
- (b) mechanisms, systems and procedures for giving effect to the Republic's obligations in terms of relevant international agreements;
- (c) practical measures for achieving co-operative governance in waste management matters; 25
- (d) guidance on raising awareness regarding the impact of waste on health and the environment;
- (e) approaches for securing compliance with the requirements of this Act, including the monitoring of compliance; and 30
- (f) any other matter that the Minister considers necessary for achieving the objects of this Act.

(2) The national waste management strategy may include targets for waste reduction.

(3) The national waste management strategy—

- (a) binds all organs of state in all spheres of government, and all persons if and to the extent applicable; and 35
- (b) may, subject to section 3 of the Intergovernmental Fiscal Relations Act, 1997 (Act No. 97 of 1997), allocate and delineate responsibilities for the implementation of this Act amongst—
  - (i) the different spheres of government; and 40
  - (ii) different organs of state.

(4) An organ of state must give effect to the national waste management strategy when exercising a power or performing a duty in terms of this Act or any other legislation regulating waste management.

(5) The national waste management strategy— 45

- (a) may differentiate between different geographical areas;
- (b) may differentiate between different classes or categories of waste;
- (c) may provide for the phasing in of its provisions;
- (d) may be amended; and
- (e) must be reviewed by the Minister at intervals of not more than five years. 50

(6) Before publishing the national strategy, or any amendment to the strategy, the Minister must follow a consultative process in accordance with sections 72 and 73.

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(2) Molao o, o tlama ditho tsotlhe tsa puso.

**Tiragatso ya Molao wa Bosetšhaba wa Tsamaiso ya Tikologo**

5. (1) Molao o o tshwanetse go balwa mmogo le Molao wa Bosetšhaba wa Tsamaiso ya Tikologo, fa e se fela bokao jwa mafoko mo Molaong o bo kaya gore molawana o o mo Molaong wa Bosetšhaba wa Tsamaiso ya Tikologo ga o diragatswe. 5

(2) Thanolo le tiragatso ya Molao o, e tshwanetse go kaelwa ke ditheo tsa bosetšhaba tsa tsamaiso ya tikologo tse di leng mo karolong ya 2 ya Molao wa Bosetšhaba wa Tsamaiso ya Tikologo.

**KGAOLO YA 2**

**TOGAMAANO YA BOSETŠHABA YA TSAMAIISO YA LEŠWE, MEETLO LE MAEMO** 10

*Karolo ya 1*

*Togamaano ya Bosetšhaba ya Tsamaiso ya Lešwe*

**Tlhome ya togamaano a bosetšhaba a tsamaiso ya lešwe**

6. (1) Tona o tshwanetse gore, dingwaga tse pedi di ise di wele morago ga letlha le ka lona karolo e e tsenngwang tirisong, ka kitsiso mo *Kaseteng* a tlhome togamaano ya bosetšhaba ya tsamaiso ya lešwe gore go tle go kgonwe go diragatsa maikaelelo a Molao o, go akaretsa— 15

(a) Maikaelelo, maano, dikaelo, dikaedi, ditsela le ditsamaiso tse di malebana le tshireletso ya tikologo le tlhola — (go akarediwa tilo le phokotso ya tlhologo eo), go — tirisogape, tirisosešwa tseogape, phetolo tiriso taolo le tsamaiso ya lešwe go kgontsha maikaelelo a Molao yô. 20

(b) ditsela le ditsamaiso tse di tla kgontshang maikarabelo a Rephaboliki tebang le ditumalano tsa boditšhabatšhaba tse di maleba;

(c) dikgato tse di ka diregang tsa go kgona taolo e e kopanetsweng mo mererong ya tsamaiso ya lešwe; 25

(d) kaelo mo go oketseng kitso tebang le ditlamorago tsa lešwe mo boitekanelong le mo tikologong;

(e) ditsela tsa go nna le kobamelo ya ditôpô le ditaolo tsa Molao o, go akarediwa tebelelo ya kobamelo; le 30

(f) kgang ngwe le ngwe Tona a e tsayang e le botlhokwa go kgontsha maikaelelo a Molao yô.

(2) Togamaano ya Bosetšhaba ya tsamaiso ya lešwe e ka nna ya akaretsa go ipeela nako go fitlhelela phokotso ya lešwe.

(3) Togamaano ya bosetšhaba ya tsamaiso ya lešwe e— 35

(a) tlama ditheo tsotlhe tsa puso le maphata otlhe a puso, le batho botlhe fa e le ba bamaleba; gape

(b) go latela karolo ya 3 ya “Molao wa Tirisano ya Fisikhale wa Maphata a Puso, 1997 (Intergovernmental Fiscal Relations Act, 1997) e ka nna ya naya le go kgaoganya maikarabelo a Molao o fagare ga— . 40

(i) maphata a a farologaneng a puso; le

(ii) ditho tse di farologaneng tsa puso.

(4) Setheo sa puso se tshwanetse go naya leano la bosetšhaba la tsamaiso ya lešwe matla fa se dirisa dithata tsa sona kgotsa se dira tiro go ya ka se Molao o se buang kgotsa peomolao ngwe le ngwe e e laolang tsamaiso ya lešwe. 45

(5) Togamaano ya Bosetšhaba la Tsamaiso ya Lešwe—

(a) e ka nna ya baya pharologanyo fa gare ga mafelo a a farologaneng;

(b) e ka nna ya farologanya ditlhopho tse di farologaneng le go kgaoganngwa ga lešwe;

(c) e ka nna ya kgontsha gore go nne le go tsenngwa ditaolelo tsa yona, 50

(d) le ka nna la tlhabololwa; le gore

(e) e tshwanetse go thadisiwa ke Tona mo nakong e e sa feteng dingwaga tse tlhano.

(6) Pele Tona a ka phasalatsa togamaano ya bosetšhaba, tlhabololo efe kgotsa efe ya leano, o tshwanetse go latela tsela ya therisano e karolo ya 72 le ya 73 di buang ka yona. 55

(7) Subsection (6) need not be complied with if the strategy is amended in a non-substantive manner.

## Part 2

### *National norms and standards, provincial norms and standards and waste service standards*

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#### **National norms and standards**

7. (1) The Minister must, by notice in the *Gazette*, set national norms and standards for the—

- (a) classification of waste;
- (b) planning for and provision of waste management services; and 10
- (c) storage, treatment and disposal of waste, including the planning and operation of waste treatment and waste disposal facilities.

(2) The Minister may, by notice in the *Gazette*, set national norms and standards for—

- (a) the minimisation, re-use, recycling and recovery of waste, including the separation of waste at the point of generation; 15
- (b) extended producer responsibility;
- (c) the regionalisation of waste management services; and
- (d) the remediation of contaminated land and soil quality.

(3) The Minister with the concurrence of the Minister of Finance may, by notice in the *Gazette*, set national standards in respect of tariffs for waste services provided by 20 municipalities.

(4) The norms and standards contemplated in subsection (1) may—

- (a) differentiate between different geographical areas;
- (b) differentiate between different classes or categories of waste;
- (c) provide for the phasing in of its provisions; and 25
- (d) be amended.

(5) The norms or standards contemplated in subsection (1)(b) may—

- (a) differentiate on an equitable basis between—
  - (i) different users of waste management services; and
  - (ii) different types of waste management services; 30
- (b) ensure that funds obtained from waste services are used for waste management services; and
- (c) provide for tariffs to be imposed to provide for waste management infrastructure or facilities.

(6) (a) Before publishing a notice in terms of subsection (1), (2) or (3), or any 35 amendment to the notice, the Minister must follow a consultative process in accordance with sections 72 and 73.

(b) Paragraph (a) need not be complied with if the notice is amended in a non-substantive manner.

#### **Provincial norms and standards**

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8. (1) The relevant MEC, within his or her jurisdiction, must ensure the implementation of the national waste management strategy and national norms and standards contemplated in sections 6 and 7, respectively.

(2) The relevant MEC, within his or her jurisdiction, may by notice in the *Gazette* set provincial norms and standards that are not in conflict with national norms and standards 45 contemplated in section 7.

(3) The norms and standards contemplated in subsection (2) must amongst other things facilitate and advance—

- (a) planning and provision of waste management services;
- (b) regionalisation of waste management services within the province; 50
- (c) minimisation, re-use, recycling and recovery of waste, with the exception of standards that may have national implications or that may have a significant impact on the national economy; and
- (d) treatment and disposal of waste, including the planning and operation of waste treatment and waste disposal facilities, licenced by provincial authorities. 55

(4) The norms and standards contemplated in subsection (2) may—

- (a) differentiate between different geographical areas in the province;
- (b) differentiate between different classes or categories of waste;

(7) Ga go tlhokafale gore go obamelwe Karolwana ya (6) fa leano togamano le sa tlhabololwa thata.

## Karolo ya 2

**Meetlo le maemo a bosetšhaba le a porofense le maemo a ditirelo tsa lešwe**

## Meetlo le Maemo a bosetšhaba

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7. (1) Tona o tshwanetse, ka kitsiso mo *Kaseteng*, go tlhoma meetlo le maemo a—  
 (a) go kgaoganya lešweka ditlhoppha;  
 (b) go rulaganyetsa leano la ditirelo tsa tsamaiso ya lešwe;  
 (c) poloko, phetolo le tatlo go akarediwa thulaganyetso le tsamaiso ya phetolo le ditlamelo tsa tatlo ya lešwe; 10
- (2) Tona a ka nna, ka kitsiso mo *Kaseteng*, a tlhoma dilekanyo le meetlo a—  
 (a) phokotso/ngotlo, tirisogape, tirisosešwa, le tseogape go akarediwa kgaoganyo ya matlakala kwa lefelong le a dirwang mo go lona;  
 (b) maikarabelo a a katolositsweng a motlhagisi;  
 (c) go rolelwa kwa dikgaolong ga ditirelo tsa tsamaiso ya lešwe; le 15  
 (d) phepafatso ya lefatshe le le kgotleselegileng le boleng jwa mmu;
- (3) Tona, ka therisano le Tona ya Matlotlo, a ka nna ka kitsiso mo *Kaseteng*, a tlhoma mkgwa wa bosetšhaba tebang le dikelotefo tsa ditirelo tsa lešwe tse di fiwang ke dimmasepala.
- (4) meetlo le maemo a a akantsweng mo karolwaneng ya (1) a ka nna a— 20  
 (a) farologanya fa gare ga mafelo a a farologaneng;  
 (b) farologanya fa gare ga ditlhoppha tse di farologaneng tsa mefuta ya lešwe;  
 (c) go rulaganyetsa go tsenngwa ka iketlo ga ditaolo; le go  
 (d) tlhabololwa.
- (5) yo le meetlo le maemo a a umakilweng mo karolwaneng ya (1)(b) di ka nna tsa— 25  
 (a) Farologanya ka tsela ya tekano fa gare ga—  
 (i) Badirisi ba ba farologaneng ba ditirelo tsa tsamaiso ya lešwe; le  
 (ii) Mefuta e e farologaneng ya ditirelo tsa tsamaiso ya lešwe;  
 (b) netefatsa gore matlole a a bonwang go tswa mo ditirelong tsa lešwe a dirisediwa ditirelo tsa tsamaiso ya lešwe; 30  
 (c) rulaganyetsa gore dikelotefo di dirisediwe mafaratlhatlha kgotsa ditlamelo tsa tsamaiso ya lešwe.
- (6) (a) Pele fa a ka phasalatsa kitsiso go ya ka karolwana ya (1), (2) kgotsa ya (3), kgotsa tlhabolole ngwe le ngwe ya kitsiso, Tona o tshwanetse go latela tsela ya therisano go latela dikarolo tsa 72 le 73. 35  
 (b) Ga gothlokafale gore tema ya (a) e obamelwe fela fa e le gore kitsiso ga e a tlhabololwa thata.

## Meetlo le le Maemo a Porofense

8. (1) Mo-MEC yo o malebane, mo kgaolong e a dirang mo go yona, o tshwanetse go netefatsa tiragatso ya togamaano ya bosetšhaba ya tsamaiso ya lešwe le tiragatso ya maemo le meetlo ya bosetšhaba jaaka go umakilweng mo karolong ya 7. 40
- (2) Mo-MEC yo o maleba mo kgaolong e a dirang mo go yona, a ka nna, ka kitsiso mo *Kaseteng*, a tlhoma meetlo le maemo a porofense mme a sa ganetsane le a bosetšhaba go latela karolo ya 7.
- (3) Meetlo le maemo a a umakilweng mo karolwaneng ya (2) a tshwanetse gore gare ga tse dingwe a bebofatse e bile a tswetsetse— 45
- (a) thulaganyetso le neelo ya ditirelo tsa tsamaiso ya lešwe;
- (b) go bewa mo dikgaolong ga ditirelo tsa teng mo karolwaneng ya samaiso ya lešwe mo porofenseng;
- (c) phokotso ya lešwe, tirisogape, tirisosešwa le tseogape, kwa ntle ga dilekanyo tse di ka nnang le ditlamorago mo bosetšhabeng kgotsa tse di ka amang ikonomi; le 50
- (d) phetolo le tatlo, go akarediwa thulaganyetso le tsamaiso ya phetolo ya lešwe le ditlamelo tsa tatlo ya lešwe, tse di filweng laesense ke bothati ba porofense. 55
- (4) Meetlo le maemo a a umakilweng mo karolwaneng ya (2) di ka nna tsa—
- (a) farologanya mafelo a a farologaneng a porofense;
- (b) farologanya ditlhopho le mefuta e e farologaeng ya lešwe

- (c) provide for the phasing in of its provisions; and
  - (d) be amended.
- (5) (a) Before publishing a notice in terms of subsection (2), or any amendment to the notice, the MEC must follow a consultative process in accordance with sections 72 and 73. 5
- (b) Paragraph (a) need not be complied with if the notice is amended in a non-substantive manner.

### Waste service standards

9. (1) A municipality must exercise its executive authority to deliver waste management services, including waste removal, waste storage and waste disposal services, in a manner that does not conflict with section 7 or 8 of this Act. 10

(2) Each municipality must exercise its executive authority and perform its duty in relation to waste services, including waste collection, waste storage and waste disposal services, by—

- (a) adhering to all national and provincial norms and standards; 15
  - (b) integrating its waste management plans with its integrated development plans;
  - (c) ensuring access for all to such services;
  - (d) providing such services at an affordable price, in line with its tariff policy referred to in Chapter 8 of the Municipal Systems Act;
  - (e) ensuring sustainable services through effective and efficient management; 20
  - (f) keeping separate financial statements, including a balance sheet of the services provided. 20
- (3) In exercising its executive authority contemplated in subsection (1), a municipality may furthermore, amongst other things, set—
- (a) local standards for the separation, compacting and storage of solid waste that is collected as part of the municipal service or that is disposed of at a municipal waste disposal facility; 25
  - (b) local standards for the management of solid waste that is disposed of by the municipality or at a waste disposal facility owned by the municipality, including requirements in respect of the avoidance and minimisation of the generation of waste and the re-use, recycling and recovery of solid waste; 30
  - (c) local standards in respect of the directing of solid waste that is collected as part of the municipal service or that is disposed of by the municipality or at a municipal waste disposal facility to specific waste treatment and disposal facilities; and 35
  - (d) local standards in respect of the control of litter. 35
- (4) Whenever the Minister or MEC acts in terms of this Act in relation to a municipality, the Minister or MEC must seek to support and strengthen the municipality's ability or right to perform its functions in relation to waste management activities. 40
- (5) (a) Whenever a municipality intends passing a by-law so as to give effect to subsection (1), it must follow a consultative process provided for in Chapter 4 of the Municipal Systems Act.
- (b) Paragraph (a) need not be complied with if the by-law is amended in a non-substantive manner. 45

## CHAPTER 3

### INSTITUTIONAL AND PLANNING MATTERS

#### Designation of waste management officers

10. (1) The Minister must designate in writing an officer in the Department as the national waste management officer responsible for co-ordinating matters pertaining to waste management in the national government. 50

(2) The MEC must designate in writing an officer in the provincial administration as the provincial waste management officer responsible for co-ordinating matters pertaining to waste management in that province.

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- (c) rulagayetsa gore go tsenngwe ditaolo tsa one; le
- (d) go tlhabololwa.

(5) (a) Pele a ka phasalatsa kitsiso tebang le karolwana ya (2), kgotsa paakanyo eo ya kitsiso, Mo-MEC o tshwanetse go latela tsela ya therisano tebang le dikarolo tsa 72 le 73.

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(b) Tema ya (a) ga e tlhoke go obamelwa fa kitsiso e sa tlhabololwa thata,

**Maemo a ditirelo tsa lešwe**

9. (1) Mmasepala o tshwanetse go dirisa thata ya yone ya go laola, gore e tle e neele ditirelo tsa tsamaiso ya lešwe go akarediwa ditirelo tsa poloko le tatlo ya lešwe ka tsela e e sa thulaneng le karolo ya 7 kgotsa ya 8 ya Molao o.

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(2) Mmasepala mongwe le mongwe o tshwanetse go dirisa tshwanelo ya ona ya bobusi le go dira tiro ya ona tebang le ditirelo tsa lešwe, go akarediwa kgobokanyo poloko le tatlo ya lešwe, ka go—

- (a) tshegetsatsa meetlo le maemo otlhe a bosetšhaba le a diporofense;
- (b) go tlhakanya maano a yona a tsamaiso ya lešwe le maano a ditlhabololo a a tlhakantsweng;
- (c) netefatsa gore botlhe ba fithelela ditirelo tsa go nna jalo;
- (d) go neelana ka ditirelo tseo ka ditlhotlhoa tse di ka kgonwang ke botlhe, go tsamaelana le pholisi ya tefiso e e umakilweng mo Kgaolong ya 8 ya Molao wa Ditsamaiso tsa Dimmasepala;
- (e) netefatsa gore go nna le ditirelo tsa leruri ka ntlha ya tsamaiso ya nnete e e bonwang ka bonako;
- (f) baya dikwalo tsa madi tse di farologaneng, go akarediwa Balance sheet ya ditirelo tse di fiwang.

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(3) Mo go diriseng thata ya go laola e e builweng mo karolwaneng ya (1) mmasepala o ka nna gape, le gone gareng ga tse dingwe wa tlhoma—

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- (a) maemo a selegae a kgaoganyo, kitlanyo, le poloko ya lešwe le le sa tlharologeng le le kgobokanngwang jaaka karolo ya tirelo ya mmasepala kgotsa le le latlhelwang kwa lefelong la mmasepala la tatlo ya lešwe;
- (b) mekgwa wa selegae wa tsamaiso ya lešwe le le sa tlharologeng le le latlhiwang ke mmasepala kgotsa le le latlhelwang kwa lefelong la mmasepala la tatlo ya lešwe, go akarediwa ditlhokego tebang le tilo le ngotlo ya go dirwa ga lešwe le phokotso, tiroso gape, tirisosešwa le tseogape ya lešwe le le sa tlharologeng
- (c) mekgwa ya selegae tebang le ntlha ya lešwe le le sa tlharologeng le le kgobokanngwang jaaka karolo ya tirelo ya mmasepala kgotsa le le latlhiwang ke mmasepala kgotsa kwa lefelong la mmasepala la tatlo ya lešwe go ya kwa ditlamelong tse di totobaditsweng tsa phetolo le tatlo; le
- (d) mekgwa ya selegae tebang le taolo ya go se latlhele lešwe felo gongwe le gongwe.

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(4) Fa Tona kgotsa Mo-MEC a dira tebang le Molao tebang le mmasepala, Tona kgotsa Mo-MEC o tshwanetse go batla go tshegetsatsa le go nonotsha bokgoni jwa mmasepala jwa go diragatsa ditiro tsa ona tebang le ditiro tsa tsamaiso ya lešwe.

(5) (a) Fa mmasepala o ikaelela go baya molaowana gore go tle go diragadiwe karolwana ya (1), o tshwanetse go latela tsela ya therisano e e laotsweng mo Kgaolong ya 4 ya Molao wa Ditsamaiso tsa Dimmasepala.

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(b) Ga go tlhokafale gore go obamelwe Tema ya (a) fa melwana e tlhabolotswe ka tsela e e seng kgolo thata.

**KGAOLO****MERERO YA DITHEO LE DITHULAGANYETSO**

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**Tiro ya batlhankedi ba tsamaiso ya lešwe**

10. (1) Tona o tshwanetse go tlhoma ka mokwalo motlhankedi mo Lefapheng jaaka motlhankedi wa bosetšhaba wa tsamaiso ya lešwe yo o nang le maikarabelo a go gokaganya merero e e malebana le tsamaiso ya matlaka mo pusong ya bosetšhaba.

(2) Mo-MEC o tshwanetse go tlhoma ka mokwalo motlhankedi mo tsamaisong ya porofense jaaka motlhankedi wa tsamaiso ya lešwe yo a nang le maikarabelo a go gokaganya merero e e malebana le tsamaiso ya lešwe mo porofenseng eo.

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(3) Each municipality authorised to carry out waste management services by the Municipal Structures Act, 1998 (Act No. 117 of 1998), must designate in writing a waste management officer from its administration to be responsible for co-ordinating matters pertaining to waste management in that municipality.

(4) A power delegated or a duty assigned to a waste management officer by virtue of subsection (1), (2) or (3) may be subdelegated or further assigned by that officer to another official in the service of the same administration, subject to such limitations or conditions as may be determined by the Minister, MEC or municipality, respectively. 5

(5) Waste management officers must co-ordinate their activities with other waste management activities in the manner set out in the national waste management strategy established in terms of section 6 or determined by the Minister by notice in the *Gazette*. 10

### **Certain organs of state to prepare integrated waste management plans**

11. (1) The Department and the provincial departments responsible for waste management must prepare integrated waste management plans.

(2) A provincial department may incorporate its integrated waste management plan in any relevant provincial plan. 15

(3) The Department may incorporate its integrated waste management plan in any relevant national environmental plan.

(4) (a) Each municipality must—

(i) submit its integrated waste management plan to the MEC for approval; and 20

(ii) include the approved integrated waste management plan in its integrated development plan contemplated in Chapter 5 of the Municipal Systems Act.

(b) The MEC may within 30 days of receiving an integrated waste management plan or an amendment to an integrated waste management plan—

(i) request a municipality to adjust the plan or the amendment in accordance with the MEC's proposal if the plan or amendment— 25

(aa) does not comply with a requirement of this Act; or

(bb) is in conflict with, or is not aligned with, or negates any relevant integrated waste management plan or the national waste management strategy; or 30

(ii) request a municipality to comply with a specific provision of this Act relating to the process of drafting or amending integrated waste management plans if the municipality has failed to comply with the process or provision; or

(iii) approve the plan or amendment. 35

(5) The Department and the provincial departments contemplated in subsection (1) must submit their integrated waste management plans to the Minister for approval.

(6) When exercising the power to monitor and support a municipality as contemplated in section 31 of the Municipal Systems Act, the MEC for local government, in consultation with the MEC, must ensure that the municipal integrated waste management plan is co-ordinated and aligned with the plans, strategies and programmes of the Department and provincial departments. 40

(7) (a) Before finalising an integrated waste management plan, the Department and every provincial department contemplated in subsection (1) must follow a consultative process in accordance with sections 72 and 73. 45

(b) A municipality must, before finalising its integrated waste management plan, follow the consultative process contemplated in section 29 of the Municipal Systems Act, either as a separate process or as part of the consultative process relating to its integrated development plan contemplated in that section.

(8) Subsection (7) need not be complied with if the integrated waste management plan is amended in a non-substantive manner. 50

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(3) Mmasepala mongwe le mongwe o o rebotsweng go neelana ka ditirelo tsa tsamaiso ya lešwe ke Molao wa Ditheo tsa Dimmasepala wa 1998 (Molao No. 117 wa 1998), o tshwanetse go tlhoma ka mokwalo motlhankedi wa tsamaiso ya lešwe go tswa mo botsamaising jwa ona gore a nne le maikarabelo a go gokaganya merero e e malenana le tsamaiso ya lešwe mo mmasepaleng oo.

(4) Dithata tse di filweng kgotsa tiro e e neilweng motlhankedi wa tsamaiso ya lešwe ka ntlha ya karolwana (1), (2) kgotsa (3) e ka rolelwa kgotsa ya fetisediwa gape ke motlhankedi yo mongwe yo o dirang tiro ya go tshwana le ya wa ntlha, fa fela go setswe morago mabaka jaaka a beiwa ke Tona, Mo-MEC kgotsa masepala go ya ka tatelano ya bona .

(5) Batlhankedi ba tsamaiso ya lešwe ba tshwanetse go gokaganya ditiro tsa bona ka tsela e e ka bong e beilwe mo togamaanong ya bosetšhaba ya tsamaiso ya lešwe kgotsa e e beilweng go ya ka karolo ya 6 kgotsa e e tlhomilweng ke Tona ka kitsiso mo Kaseteng.

### **Ditheo tsa puso tse rileng tse di nang le maikarabelo a go baakanya maano-tlhakanelo la tsamaiso ya lešwe**

**11.** (1) Lefapha le mafapha a diporofense a a nang le maikarabelo a tsamaiso ya lešwe a tshwanetse go bakanya maano- tlhakanelo a tsamaiso ya lešwe.

(2) Lefapha la porofense le ka nna la akaretsa leano-tlhakanelo la tsamaiso ya lešwe go leano lefe kgotsa lefe la porofense le le maleba.

(3) Lefapha le ka nna la akaretsa leano-tlhakanelo la tsamaiso ya lešwe go leano lefe kgotsa lefe la bosetšhaba le le maleba la tikologo.

(4)(a) Mmasepala mongwe le mongwe o tshwanetse go—

(i) fa leano le le tlhakantseng la tsamaiso ya matlakala go Mokhuduthamaga gore a le rebole; le

(ii) akaretsa leano le le tlhakantsweng la tsamaiso ya matlakala le le rebotsweng mo teng ga leano la tlhabologo le le tlhakantsweng le le boletsweng mo Kgaolong ya 5 ya Molao wa Kitsamaiso tsa Mmasepala

(b) Mokhuduthamaga a ka nna ya re malatsi a a 30 a ise a fete morago ga go amogela leano le le tlhakantsweng la tsamaiso ya matlakala kgotsa tlhabololo ya leano le e tlhakantsweng la tsamaiso ya matlakala a—

(i) kopa mmasepala go baakanya leano kgotsa Tlhabologo ya lona go ya ka tshitshinyo ya Mokhuduthamaga fa e le gore leano kgotsa tlhabololo ya lona—

(aa) ga le dumalane le ditlhokego tsa molao o; kgotsa

(bb) le thulana le, kgotsa ga le a lebagana le, kgotsa le ganetsa leano lepe le le tlhakantsweng la tsamaiso ya matlakala le le lebaneng kgotsa togamaano ya tsamaiso ya matlakala ya bosetšhaba, kgotsa

(ii) kopa mmasepala go obamela le taolwane e e totobetseng ya Molao o, e e tebang le tsela ya go kwala tlhomo kgotsa go tlhabolola maaano a a tlhakantsweng a tsamaiso ya matlakala fa e le gore mmasepala ga o obamele tsela kgotsa taolwana; kgotsa

(iii) rebola leano kgotsa tlhabololo.”.

(5) Pele Lefapha le mafapha a diporofense a a tlhalositsweng mo karolwaneng ya (1) a tshwanetse go tlhagisa maano-tlhakanelo a tsamaiso ya lešwe go Tona gore a a rebole.

(6) Fa a dirisa thata ya go lebelela le go etleetsa mmasepala jaaka go tlhalositswe mo karolong ya 31 ya Molao wa Ditsamaiso tsa Dimmasepala, Mo-MEC wa pusoselegae a rerisana le Mo-MEC, o tshwanetse go netefatsa gore leano-tlhakanelo la mmasepala la tsamaiso ya lešwe le gokagantswe e bile le nyalantswe le maano, ditogamaano le dithulaganyo tsa Lefapha le mafapha a diporofense.

(7) (a) Pele a ka feleletsa leano-tlhakanelo la tsamaiso ya lešwe, Lefapha le mafapha otlhe a a tlhalositsweng mo karolwaneng ya (1) a tshwanetse go latela tsela ya therisano go obamela dikarolo tsa 72 le 73.

(b) Mmasepala o tshwanetse gore pele o ka feleletsa leano- tlhakanelo la tsamaiso ya lešwe, o latele tsela ya therisano e e tlhalositsweng mo karolong ya 29 ya Molao wa Tsamaiso ya Dimmasepala, mme e dira jalo jaaka tiro e e kgaoganeng kgotsa e le karolo ya tsela ya therisano e e malebana le leano-tlhakanelo la ditlhabololo le le tlhalositsweng mo karolong eo.

(8) Ga go tlhokagale gore go obamelwe karolwana ya (7) fa leano-tlhakanelo la tsamaiso ya lešwe le sa tlhabolwa thata.

**Contents of integrated waste management plans**

- 12.** (1) An integrated waste management plan must at least—
- (a) contain a situation analysis that includes—
    - (i) a description of the population and development profiles of the area to which the plan relates; 5
    - (ii) an assessment of the quantities and types of waste that are generated in the area;
    - (iii) a description of the services that are provided, or that are available, for the collection, minimisation, re-use, recycling and recovery, treatment and disposal of waste; and 10
    - (iv) the number of persons in the area who are not receiving waste collection services;
  - (b) within the domain of the Department, provincial department or municipality, set out how that Department, provincial department or municipality intends—
    - (i) to give effect, in respect of waste management, to Chapter 3 of the National Environmental Management Act; 15
    - (ii) to give effect to the objects of this Act;
    - (iii) to identify and address the negative impact of poor waste management practices on health and the environment;
    - (iv) to provide for the implementation of waste minimisation, re-use, recycling and recovery targets and initiatives; 20
    - (v) in the case of a municipal integrated waste management plan, to address the delivery of waste management services to residential premises;
    - (vi) to implement the Republic's obligations in respect of any relevant international agreements; 25
    - (vii) to give effect to best environmental practice in respect of waste management;
  - (c) within the domain of the Department or provincial department, set out how the Department or provincial department intends to identify the measures that are required and that are to be implemented to support municipalities to give effect to the objects of this Act; 30
  - (d) set out the priorities and objectives of the Department, provincial department or municipality in respect of waste management;
  - (e) establish targets for the collection, minimisation, re-use and recycling of waste; 35
  - (f) set out the approach of the Department, provincial department or municipality to the planning of any new facilities for disposal and decommissioning of existing waste disposal facilities;
  - (g) indicate the financial resources that are required to give effect to the plan;
  - (h) describe how the Department, provincial department or municipality intends to give effect to its integrated waste management plan; and 40
  - (i) comply with the requirements prescribed by the Minister.
- (2) In the preparation of an integrated waste management plan the Department and provincial departments must give proper effect to the requirements contained in Chapter 5 of the Municipal Systems Act, insofar as such plan affects a municipality. 45

**Reporting on implementation of integrated waste management plans**

- 13.** (1) Annual performance reports on the implementation of the integrated waste management plans must, in the case of—
- (a) a provincial department, be submitted to the MEC and the Minister for approval; and 50
  - (b) in the case of the Department, be submitted to the Minister for approval.
- (2) The annual performance report that the Department or provincial department must submit in terms of subsection (1) must contain information on the implementation of its integrated waste management plan, including information on—
- (a) the extent to which the plan has been implemented during the period; 55
  - (b) the waste management initiatives that have been undertaken during the reporting period;
  - (c) the delivery of waste management services and measures taken to secure the efficient delivery of waste management services, if applicable;

**Diteng tsa maano a a tlhakantsweng a tsamaiso ya lešwe**

12. (1) Leano-tlhakanelo la tsamaiso ya lešwe le tshwanetse gore bonnye le—

- (a) nne le tshkatsheko ya seemo e e akaretsang—
  - (i) tlhaloso ya baagi le diporofaele tsa tlhabololo tsa kgaolo e leano le lebaganeng nayo; 5
  - (ii) tshkatsheko ya bontsi le mefuta ya lešwe a a dirwang mo kgaolong;
  - (iii) tlhaloso ya ditirelo tse di fiwang, kgotsa tse di leng teng, tsa kgobokanyo, phokotso, tirisogape, tirisosešwa, le tseogape, phetolo le tatlo ya lešwe; le
  - (iv) palo ya batho mo kgaolong ba ba sa amogeleng ditirelo tsa kgobokayo ya lešwe; 10
- (b) mo karolong e e laolwang ke Lefapha, lefapha la porofense kgotsa mmasepala, gore Lefapha, lefapha la porofense kgotsa mmasepala o o, o ikaelelang go—
  - (i) diragatsa, tebang le tsamaiso ya lešwe, ya Kgaolo ya 3 ya Molao wa Bosetšhaba wa Tsamaiso ya Tikologo; 15
  - (ii) diragatsa maikaelelo a Molao o;
  - (iii) go bona le go rarabolola ditlamorago tse di maswe tsa tsamiso e bokoa ya tsamaiso ya lešwe e e ka amang boitekanelo le tikologo mo go maswe; 20
  - (iv) go rulaganyetsakgato ya tsenyo-tirisong ya ngotlo ya lešwe, tirisogape, le tirisosešwa;
  - (v) fa go leng leano la mmasepala le le tlhakantsweng la tsamaiso ya lešwe, gore go rarabololwe ntsha ya go fithela ga ditirelo tsa samaiso ya lešwe mo mafelo a bonno; 25
  - (vi) go diragatsa maikarabelo a Rephaboliki tebang le ditumalano dife kapa dife tsa boditšhabatšhaba tse di maleba; le
  - (vii) go kgontsha tlwaelo e e siameng go gaisa ya tshwaro ya tikologo tebang le tsamaiso ya lešwe; le
- (c) mo karolong e e laolwang ke Lefapha, kgotsa Lefapha la porofense le tlhalose gore Lefapha kgotsa Lefapha la porofense le ikaelelang go tsaya dikgato tse di tlhokegang tse di tshwanetseng go diragadiwa go etleetsa dimmasepala go diragatsa maikaelelo a Molao o; 30
- (d) tlhagise dilejwapele le maikaelelo a Lefapha, Lefapha la porofense, kgotsa mmasepala tebang le tsamaiso ya lešwe; 35
- (e) baya mekgele ya kgobokanyo, phokotso, tirisogape le tirisosešwa ya matlakala;”.
- (f) tlhagise tsela ya Lefapha, lefapha la porofense, kgotsa mmasepala go rulaganyetsa ditlamelodingwe le dingwe tse dintšhwa tsa tatlo, ntshotirisong ya mafelo a a leng teng a tatlo ya lešwe; 40
- (g) supa metswedi ya ditšhelete e e tlhokegang go diragatsa leano;
- (h) tlhalosa ka fa Lefapha, lefapha la porofense kgotsa mmasepala o ikaelelang go diragatsa ka teng leano la ona le le tlhakantsweng la tsamaiso ya lešwe; le
- (i) go obamela ditaolo tse di tla bewang ke Tona. 45

(2) Mo paakanyong ya leano le le tlhakantsweng la tsamaiso ya lešwe, Lefapha le mafapha a diporofense a tshwanetse go diragatsa sentle melawana e e leng mo Kgaolong ya 5 ya Molao wa Tsamaiso ya Dimmasepala, fa fela leano leo le ama mmasepala.

**Go bega ka tiragatso ya maano-tlhakanelo a tsamaiso ya lešwe**

13. (1) Dipego tsa ngwaga le ngwaga tsa ka fa go diragaditsweng ka teng maano a a tlhakantsweng a tsamaiso ya lešwe di tshwanetse gore fa e le tsa 50
- (a) lefapha la porofense, di neelwe Mo-MEC kgotsa Tona gore a di rebole; le
  - (b) fa e le tsa Lefapha, di neelwe Tona gore a di rebole.
- (2) Pego ya ngwaga le ngwaga e Lefapha kgotsa lefapha la porofense le tshwanetseng go e tlisa tebang le karolwana ya (1) e tshwanetse go nna le tshedimosetso ka ga tiragatso ya leano-tlhakanelo la tsamaiso ya lešwe, go akarediwa tshedimosetso ka ga— 55
- (a) bogolo jo ka jona leano le diragaditsweng mo pakeng eo;
  - (b) Boitshemoledi ba tsamaiso ya lešwe bo bo dirilweng mo pakeng eo ya pegu;
  - (c) neelo ya ditirelo tsa tsamaiso ya lešwe le dikgato tse di tserweng go tlhomamisa gore go nna le neelo e e bobebe ya ditirelo tsa tsamaiso ya, lešwe fa go le maleba; 60

- (d) the level of compliance with the plan and any applicable waste management standards;
  - (e) the measures taken to secure compliance with waste management standards;
  - (f) the waste management monitoring activities;
  - (g) the actual budget expended on implementing the plan; 5
  - (h) the measures that have been taken to make any necessary amendments to the plan;
  - (i) in the case of a province, the extent to which municipalities comply with the plan and, in the event of any non-compliance with the plan, the reasons for such non-compliance; and 10
  - (j) any other requirements as may be prescribed by the Minister.
- (3) The annual performance report prepared in terms of section 46 of the Municipal Systems Act must contain information on the implementation of the municipal integrated waste management plan, including the information set out in paragraphs (a) to (j) of subsection (2) insofar as it relates to the performance of the municipality. 15
- (4) Despite subsections (1) and (2), the Minister may specify in writing a different mechanism for the reporting on integrated waste management plans if necessary to improve the co-ordination of waste management.

## CHAPTER 4

### WASTE MANAGEMENT MEASURES

20

#### *Part 1* *Priority wastes*

#### **Declaration of priority wastes**

14. (1) The Minister may, by notice in the *Gazette*, declare a waste to be a priority waste if the Minister on reasonable grounds believes that the waste poses a threat to health, well-being or the environment because of the quantity or composition of the waste and— 25
- (a) that specific waste management measures are required to address the threat; or
  - (b) that the imposition of specific waste management measures in respect of the waste may improve reduction, re-use, recycling and recovery rates or reduce health and environmental impacts. 30
- (2) The MEC may in writing request the Minister to declare a waste to be a priority waste in the manner contemplated in subsection (1).
- (3) If the declaration under subsection (1) or (2) of a waste as a priority waste is likely to have a significant impact on the national economy, such declaration may only be made after consultation with the Minister of Trade and Industry and the Minister of Finance. 35
- (4) A notice under subsection (1) or (2) must specify the waste management measures that must be taken.
- (5) The measures contemplated in subsection (4) may include— 40
- (a) a requirement for identified persons falling within a category of persons to prepare an industry waste management plan in terms of section 28 in respect of the declared priority waste;
  - (b) a prohibition on the generation of the priority waste;
  - (c) measures for the management of the priority waste; 45
  - (d) measures for the minimisation, storage, re-use, recycling and recovering, treatment and disposal of the priority waste;
  - (e) requirements for the registration and monitoring of, and reporting on, priority waste; and
  - (f) any other measures that the Minister believes are necessary to manage the threat that is presented by the waste or to achieve the objects of this Act. 50
- (6) (a) Before publishing a notice in terms of subsection (1), or any amendment to the notice, the Minister must consult with a person or category of persons that may be affected by the notice, and follow a consultative process in accordance with sections 72 and 73. 55
- (b) Paragraph (a) need not be complied with if the notice is amended in a non-substantive manner.

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- (d) selekanyo sa kobamelo ya leano le ya maemo ape a a lebaneng a tsamaiso ya lešwe;
- (e) dikgato tse di tserweng go netefatsa kobamelo ya maemo a tsamaiso ya lešwe;
- (f) ditiro tsa go lebelela tsamaiso ya lešwe;
- (g) tekanyetso ya madi ya tota e e dirisitsweng mo tiragatsong ya leano; 5
- (h) dikgato tse di tserweng go dira tlhahabololo dingwe le dingwe tse di tlhokafalang mo leanong;
- (i) fa e le porofense, bogolo jo ka jona dimmasepala di obamelang leano le mabaka a go sa obameleng ga leano; le
- (j) ditopô dingwe le dingwe tse di ka beiwang ke Tona. 10
- (3) Pego ya ngwaga le ngwaga e e baakantsweng tebang le karolo ya 46 ya Molao wa Tsamaiso ya Dimmasepala e tshwanetse go nna le tshedimosetso ka ga tirgato ya leano-tlhakanelo la tsamaiso ya lešwe la mmasepala, go akarediwa tshedimosetso e e umakilweng mo ditemeng tsa (a) go yo go (j) tsa karolwana ya (2) fa fela e bua ka tiragato ya mmasepala. 15
- (4) Le mororo go na le karolwana tsa (1) le (2), Tona a ka nna a totobatsa ka mokwalo mothale o o farologaneng wa go bega ka maano-tlhakanelo a tsamaiso ya lešwe fa go le tlhokego, go tokafatsa kgokaganyo ya tsamaiso ya lešwe.

**KGAOLO YA 4****DIKGATO TSA TSAMAIISO YA LEŠWE**

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***Karolo ya 1: Lešwe la Dilejwapele*****Kitsiso ya lešwe la dilejwapele**

14. (1) Tona, ka kitsiso mo *Kaseteng*, a ka nna a itsise gore lešwe le le rileng ke lešwe la dilejwapele fa Tona ka mabaka a a utlwalang a dumela gore lešwe le tliša matshosetsi mo boitekanelong, mo go tsheleng sentle kgotsa mo tikologong ka ntlha ya bontsi le kagego ya lešwe; le gore— 25
- (a) dikgato tse di totobetseng tsa tsamaiso ya lešwe di a tlhokega go itebaganya le matshosetsi; kgotsa
- (b) go bewa ga dikgato tsa tsamaiso ya lešwe tse di totobetseng go ka nna ga tokafatsa seelo sa phokotso, tirisogape, tirisosešwa le tseogape ya matlaka kgotsa go fokotsa go ama boitekanelo le tikologo. 30
- (2) Mo-MEC, a ka kwalela Tona a mo kopa gore a bege gore lešwe le le rileng ke lešwe la dilejwapele ka tsela e e tlhalositsweng mo karolwaneng ya (1).
- (3) Fa pego e e umakilweng ka fa tlase ga karolwana ya (1) kgotsa (2) ya gore lešwe ke lešwe la dilejwapele, le gore le ama ikonomi, tshwetso ya go dira pego eo e tla dirwa fela morago ga therisano le Tona ya Kgwebo le Madirelo le Tona ya Matlotlo 35
- (4) Kitsiso e e filweng tebang le karolwana ya (1) le (2) e tshwanetse go baya dikgato tse di tshwanetseng go tsewa tebang le lešwe la dilejwapele.
- (5) Dikgato tse di umakilweng mo karolwaneng ya (4) di ka nna tsa akaretsa—
- (a) tlhokego ya gore batho ba ba supilweng ba ba welang mo setlhopheng sa batho ba baakanye leano la madirelo la tsamaiso ya lešwe go latela karolo ya 28 tebang le lešwe la dilejwapele a a boletsweng; 40
- (b) kiletso ya go dirwa ga lešwe la dilejwapele;
- (c) dikgato tsa tsamaiso ya lešwe la dilejwapele;
- (d) dikgato tsa phokotso, poloko, tirisogape, tirisosešwa le tseogape, phetolo le tatlo ya lešwe la dilejwapele; 45
- (e) ditlhokego tsa kwadiso le tebelelo ya, le pego ka, lešwe la dilejwapele; le
- (f) dikgato dife kgotsa dife tse Tona a dumelang gore di botlhokwa go laola matshosetsi a a tlišiwa ke lešwe kgotsa go kgona maikaelelo a Molao o.
- (6) (a) Pele a ka phasalatsa kitsiso tebang le karolwana ya (1), kgotsa tlhahabololo ya kitsiso ngwe le ngwe, Tona o tshwanetse go rerisana le motho kgotsa setlhopho sa batho se se ka angwang ke kitsiso eo mme a latele tsela ya therisano go ya ka dikarolo tsa 72 le 73. 50
- (b) Ga go tlhokafale gore go obamelwe Karolwana ya (6) fa kitsiso e tlhahabolwa thata. 55

**Consequences of declaration of priority wastes**

15. (1) No person may import, manufacture, process, sell or export a priority waste or a product that is likely to result in the generation of a priority waste unless that waste or product complies with—

- (a) the waste management measures contemplated in section 14(4); 5
- (b) an industrial waste management plan which has been submitted in accordance with the requirements of a notice referred to section 28 or 29; or
- (c) any other requirement in terms of this Act.

(2) No person may recycle, recover, treat or dispose of a priority waste unless it is in accordance with this Act and the waste management measures contemplated in section 14(4). 10

**Part 2**  
**General duty**

**General duty in respect of waste management**

16. (1) A holder of waste must, within the holder's power, take all reasonable measures to— 15

- (a) avoid the generation of waste and where such generation cannot be avoided, to minimise the toxicity and amounts of waste that are generated;
- (b) reduce, re-use, recycle and recover waste;
- (c) where waste must be disposed of, ensure that the waste is treated and disposed of in an environmentally sound manner; 20
- (d) manage the waste in such a manner that it does not endanger health or the environment or cause a nuisance through noise, odour or visual impacts;
- (e) prevent any employee or any person under his or her supervision from contravening this Act; and 25
- (f) prevent the waste from being used for an unauthorised purpose.

(2) Any person who sells a product that may be used by the public and that is likely to result in the generation of hazardous waste must take reasonable steps to inform the public of the impact of that waste on health and the environment.

(3) The measures contemplated in this section may include measures to— 30

- (a) investigate, assess and evaluate the impact of the waste in question on health or the environment;
- (b) cease, modify or control any act or process causing the pollution, environmental degradation or harm to health;
- (c) comply with any norm or standard or prescribed management practice; 35
- (d) eliminate any source of pollution or environmental degradation; and
- (e) remedy the effects of the pollution or environmental degradation.

(4) The Minister or MEC may issue regulations to provide guidance on how to discharge this duty or identify specific requirements that must be given effect to, after following a consultative process in accordance with sections 72 and 73. 40

(5) Subsection (4) need not be complied with if the regulation is amended in a non-substantive manner.

**Part 3**  
**Reduction, re-use, recycling and recovery of waste**

**Reduction, re-use, recycling and recovery of waste** 45

17. (1) Unless otherwise provided for in this Act, any person who undertakes an activity involving the reduction, re-use, recycling or recovery of waste must, before undertaking that activity, ensure that the reduction, re-use, recycling or recovery of the waste—

- (a) uses less natural resources than disposal of such waste; and 50
- (b) to the extent that it is possible, is less harmful to the environment than the disposal of such waste.

(2) The Minister may, after consultation with the Minister of Trade and Industry and by notice in the *Gazette*, require any person or category of persons to—

**Ditlamorago tsa go bolela lešwe la dilejwapele**

15. (1) Ga go motho yo o ka romelateng, dirang, fetolang boleng (process), rekisang, romelantle lešwe la dilejwapele kgotsa tlhagiso e e tla feleletsang e dirile lešwe la dilejwapele fa e se fela lešwe kgotsa tlhagiso eo e obamela—

- (a) dikgato tsa tsamaiso ya lešwe tse di tlhalositsweng mo karolong ya 14(4); 5
- (b) leano la tsamaiso ya madirelo a lešwe le le ntshitsweng ka go dumalana le e ditlhokego tsa kitsiso e e umakiwang mo karolong ya 28 le 29; kgotsa
- (c) ditlhokego dife kgotsa dife tse di tebang le Molao o.

(2) Ga go motho yo o ka dirsang sešwa, tsayang gape, fetolang, latlhang lešwe la dilejwapele fa e se fela a dumalana le Molao le dikgato dingwe le dingwe tse di tlhalositsweng mo karolong ya 14(4). 10

**Karolo ya 2**  
**Tiro ya kakaretso**

**Tiro ya kakaretso tebang le tsamaiso ya lešwe**

16. (1) Motshodi wa lešwe o tshwanetse, go ya ka dithata tsa motshodi, gore a tseye 15 dikgato tsotlhe tse di utlwalang go—

- (a) tila go dirwa ga lešwe, mme fa go sa kgonege, go fokotswe botlhole le selekanyo sa lešwe le le dirilweng;
- (b) fokotsa, dirisa gape, dirisa sešwa le go tsaya lešwe gape;
- (c) fa lešwe le latlhiwa netefatsa gore a fetotswe e bile a latlhiwa ka tsela e e 20 siameng e e babalelang tikologo;
- (d) tsamaisa lešwe ka tsela e e sa beyeng boitekanelo kgotsa tikologo mo kotsing kgotsa ya nna seopisatlhogo ka ntlha ya go tsosa modumo, monkgo kgotsa dikamo tsa pono (*visual impacts*);
- (e) thibela mothapiwa kgotsa motho ofe kgotsa ofe yo o ka fa tlase ga tlhokomelo 25 ya gagwe go tlola Molao o; le
- (f) thibela lešwe go dirisediwa maikaelelo a a sa reboletwang.

(2) Motho ofe kgotsa ofe yo o rekisang tlhagiso e e ka dirisiwang ke setšhaba le e e ka felelang e dirile lešwe le le kotsi, o tshwanetse go tsaya dikgato tse di utlwalang go itsise setšhaba ka ditlamorago tsa lešwe mo boitekanelong jwa batho le mo tikologong. 30

(3) Dikgato tse di umakilweng mo karolong e di ka akaretsa dikgato tsa go—

- (a) tlhotlhomisa, tlhatlhoba le go sekaseka ditlamorago tsa lešwe le go buiwang ka ga lona go re le ama boitekanelo le mo tikologo;
- (b) lesa, go fetola kgotsa go laola molao ofe kgotsa ofe kgotsa tsela e e bakang kgotlelo, go leswafatsa tikologo kgotsa go ama boitekanelo; 35
- (c) obamela tekanyo kgotsa kemo epe kgotsa tlwaelo ya tsamaiso e beilweng;
- (d) tlosa motswedi ofe kgotsa ofe wa kgotlelo kgotsa leswafatso ya tikolgo; le
- (e) baakanya ditlamorago tsa kgotlelo kgotsa teswafatso ya tikologo.

(4) Tona kgotsa Mo-MEC a ka nna a tlhoma melawana go fa kaelo ya gore go ka dirwa jang thomo e kgotsa a kaya melawana e e totobetseng e e tshwaneteng go 40 diragadiwa, morago ga go latela tsela ya therisano tebang le dikarolo tsa 72 le 73.

(5) Ga go tlhokafale gore karolwana ya (4) e obamelwe fa molawana o tlhabololwa ka tsela e e seng kgolo thata.

**Karolo ya 3**  
**Phokotso, tirisogape, tirisosešwa le tseogape ya lešwe**

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**Phokotso, tirisogape, tirisosešwa le tseogape ya lešwe**

17. (1) Kwa ntle ga fa go tlhalositswe mo Molaong o, motho mongwe le mongwe yo o dirang tiro e e akaretsang phokotso, tirisogape, tirisosešwa, kgotsa tseogape o tshwanetse gore pele a dira tiro eo a netefatse gore, tirisogape, tirisosešwa le tseogape ya lešwe eo— 50

- (a) e dirisa metswedi ya tlhologo e mennye mo go latlheng lešwe leo; le gore
  - (b) fa go kgonagala, le se ame tikologo mo go mawe go gaisa tatlho ya lešwe leo.
- (2) Tona a ka nna, morago ga therisano le Tona ya Kgwebo le Madirelo le gone ka kitsiso mo *Kaseteng*, a batla motho ofe kgotsa ofe kgotsa setlhophha sa batho go—

- (a) provide for the reduction, re-use, recycling and recovery of products or components of a product manufactured or imported by that person; or
  - (b) include a determined percentage of recycled material in a product that is produced, imported or manufactured by that person or category of persons.
- (3) (a) Before publishing a notice in terms of subsection (2), or any amendment to the notice, the Minister must follow a consultative process in accordance with sections 72 and 73. 5
- (b) Paragraph (a) need not be complied with if the notice is amended in a non-substantive manner.

**Extended producer responsibility**

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18. (1) The Minister after consultation with the Minister of Trade and Industry may, in order to give effect to the objects of this Act, by notice in the *Gazette*—

- (a) identify a product or class of products in respect of which extended producer responsibility applies;
  - (b) specify the extended producer responsibility measures that must be taken in respect of that product or class of products; and 15
  - (c) identify the person or category of persons who must implement the extended producer responsibilities measures contemplated in paragraph (b).
- (2) The Minister may in a notice under subsection (1) specify—
- (a) the requirements in respect of the implementation and operation of an extended producer responsibility programme, including the requirements for the reduction, re-use, recycling, recovery, treatment and disposal of waste; 20
  - (b) the financial arrangements of a waste minimisation programme, with the concurrence of the Minister of Finance;
  - (c) the institutional arrangements for the administration of a waste minimisation programme; 25
  - (d) the percentage of products that must be recovered under a waste minimisation programme;
  - (e) the labelling requirements in respect of waste;
  - (f) that the producer of a product or class of products identified in that notice must carry out a life cycle assessment in relation to the product, in such manner or in accordance with such standards or procedures as may be prescribed; and 30
  - (g) the requirements that must be complied with in respect of the design, composition or production of a product or packaging, including a requirement that— 35
    - (i) clean production measures be implemented;
    - (ii) the composition, volume or weight of packaging be restricted; and
    - (iii) packaging be designed so that it can be reduced, re-used, recycled or recovered.
- (3) Before publishing a notice under subsection (1) or any amendment to the notice, the Minister must— 40
- (a) consult affected producers;
  - (b) follow a consultative process in accordance with sections 72 and 73, unless the notice is amended in a non-substantive manner;
  - (c) take into account the Republic's obligations in terms of any applicable international agreements; and 45
  - (d) consider relevant scientific information.

**Part 4****Waste management activities****Listed waste management activities**

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19. (1) The Minister may by notice in the *Gazette* publish a list of waste management activities that have, or are likely to have, a detrimental effect on the environment.

(2) The Minister may amend the list by—

- (a) adding other waste management activities to the list;
- (b) removing waste management activities from the list; or 55
- (c) making other changes to the particulars on the list.

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- (a) rulaganyetsa phokotso, tirisogape, tirisosešwa le go dirwa sešwa ga ditlhagiswa kgotsa dikarolwana tsa setlhagiswa se se dirilweng kgotsa se se rometsweng kwa ntle ke motho yoo; kgotsa
- (b) akaretsa phesente e beilweng ya dire (*matheriale*) tse di dirisitsweng sešwa mo tlhagisong e e dirilweng, e e rometsweng kwa ntle kgotsa e e dirilweng ke motho yoo kgotsa setlhophha sa batho. 5
- (3) (a) Pele a ka phasalatsa kitsiso tebang le karolwana ya (2), kgotsa tlhabololo epe ya kitsiso, Tona o tshwanetse go latela tsela ya therisano go dumalana le dikarolwana tsa 72 le 73.
- (b) Ga go tlhokafale gore go obamelwe karolwana ya (a) fa kitsiso e tlhabolotswe ka tsela e e seng kgolo thata. 10

**Maikarabelo a motlhagisi a a katolositsweng**

18. (1) Tona, a ka nna, gore go tle go diragadiwe makaelelo a Molao o, a re morago ga therisano le Tona ya Kgwebo le Madirelo ka kitsiso mo *Kaseteng*, a—
- (a) kaya setlhagiswa kgotsa setlhophha sa ditlhagiswa tse di amang maikarabelo a a katolositsweng; 15
- (b) totobatsa dikgato tsa maikarabelo a a katolositsweng a motlhagisi tebang le tlhagiso eo kgotsa setlhophha sa ditlhagiswa; le go
- (c) kaya motho kgotsa setlhophha sa batho ba ba tshwanetseng go diragatsa dikgato tsa maikarabelo katolositsweng a motlhagisi a a tlhalositsweng mo temeng ya (b). 20
- (2) Tona a ka nna ka kitsiso e e ka fa tlase ga karolwana ya (1) a totobatse—
- (a) ditlhokego tebang le tiragatso ya thulaganyo ya maikarabelo a a katolositsweng a motlhagisi, go akarediwa phokotso, tirisogape, tirisosešwa, tseogape, phetolo le tatlo ya lešwe; 25
- (b) dithulaganyetso tsa madi tsa thulaganyo ya phokotso ya lešwe, ka tumalano ya Tona ya Matlotlo;
- (c) dithulaganyetso tsa ditheo tsa tsamaiso ya thulaganyo ya phokotso ya lešwe;
- (d) phesente ya ditlhagiswa tse di tshwanetseng go tsewa gape ka fa tlase ga thulaganyo ya phokotso ya lešwe; 30
- (e) ditlhokego tsa go leibola lešwe;
- (f) lopa gore motlhagisi wa setlhagiswa se se totobaditsweng mo kitsisong eo a dire tlhatlhobo ya sediko sa botshelo sa setlhagiswa, ka tsela e e dumalanang le maemo kgotsa ditsamaiso jaaka di ka bewa; le
- (g) ditlhokego tse go tshwanetseng gore di obamelwe tebang le moakanyetso (*disaene*) kagego kgotsa go dirwa ga setlhagiswa kgotsa sephuthelo, go akarediwa tlhokego ya gore— 35
- (i) go diragadiwe dikgato tsa tlhagiso e e phepa;
- (ii) kakego, bolumu, kgotsa bokete jwa sephuthelo bo ngotliwe; le
- (iii) sephuthelo se disaeniwe, gore se tle se dirisiwe gape, se dirisiwe sešwa kgotsa se tsewe gape. 40
- (3) Pele go ka phasaladiwa kitsiso go ya ka karolwana ya (1) kgotsa tlhabololo ya kitsiso, Tona o tshwanetse go—
- (a) rerisana le batlhagisi ba ba amegang;
- (b) latela tsela ya therisano go dumalana le dikarolo tsa 72 le 73, kwa ntle ga fela kitsiso e tlhabolotswe ka tsela e e seng kgolo; 45
- (c) tsaya tsiya maikarabelo a Rephaboliki tebang le ditumalano dife kgotsa dife tsa boditšhabatšhaba tse di lebaneng; le go
- (d) sekaseka tshedimosetso e e maleba ya netetshi.

**Karolo ya 4**

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**Ditiro tsa tsamaiso ya lešwe****Ditiro tsa tsamaiso ya lešwe tse di beilweng mo lenaaneng**

19. (1) Tona kitsiso mo *Kaseteng* a ka phasalatsa lenane la ditiro tsa tsamaiso ya lešwe tse di naleng kgonagalo ya go ama tikologo mo go maswe.

- (2) Tona a ka fetola lenaane ka go— 55
- (a) tsenya ditiro tse dingwe tsa tsamaiso ya lešwe mo lenaaneng;
- (b) tlosa ditiro tsa tsamaiso ya lešwe mo lenaaneng; kgotsa go
- (c) dira diphetogo tse dingwe mo dintlheng tse di mo lenaaneng.

- (3) A notice referred to in subsection (1)—
- (a) must indicate whether a waste management licence is required to conduct the activity or, if a waste management licence is not required, the requirements or standards that must be adhered to when conducting the activity;
  - (b) may exclude certain quantities or categories of waste or categories of persons from the application of the notice if the waste in question is—
    - (i) of such a small quantity or temporary nature that it is unlikely to cause pollution to the environment or harm to human health; or
    - (ii) adequately controlled by other legislation;
  - (c) may contain transitional and other special arrangements in respect of waste management activities that are carried out at the time of their listing; and
  - (d) must determine the date on which the notice takes effect.
- (4) Until such time as the Minister has published a notice contemplated in subsection (1), Schedule 1 of this Act is applicable.
- (5) The MEC, with the concurrence of the Minister, may by notice in the *Gazette*—
- (a) publish a list of waste management activities that have, or are likely to have, a detrimental effect on the environment in the province concerned; and
  - (b) when necessary, amend the list by—
    - (i) adding other waste management activities to the list;
    - (ii) removing waste management activities from the list; or
    - (iii) making other changes to the particulars on the list.
- (6) A list published under subsection (5) by the MEC must include waste management activities listed in Schedule 1 or listed under section (1), if applicable.
- (7) A list published under subsection (5) by the MEC applies to the relevant province only.
- (8) A notice under subsection (1) or (5)—
- (a) may contain transitional and other special arrangements in respect of waste management activities that are carried out at the time of their listing; and
  - (b) must determine the date on which the notice takes effect.
- (9) For the purposes of administrative efficiency, the lists published under subsection (1) or (5) or Schedule 1 may divide the waste management activities into different categories
- (10) (a) Before publishing a notice under subsection (1) or (5), or any amendment to such notice, the Minister or MEC, as the case may be, must follow a consultative process in accordance with sections 72 and 73.
- (b) Paragraph (a) need not be complied with if the list contemplated in subsection (1) or (5) is amended in a non-substantive manner.

### Consequences of listing waste management activities

20. No person may commence, undertake or conduct a waste management activity, except in accordance with—
- (a) the requirements or standards determined in terms of section 19(3) for that activity; or
  - (b) a waste management licence issued in respect of that activity, if a licence is required.

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- (3) Kitsiso e go buiwang ka yona mo karolwaneng ya (1)—
- (a) e tshwanetse go supa gore a go tlhokwa laesense ya tsamaiso ya lešwe go dira tiro, kgotsa, fa laesense ya tsamaiso ya lešwe e sa tlhokwe, ditlhokego kgotsa maemo a a tshwanetseng go tshagediwa fa go dirwa tiro 5
- (b) e ka nna ya se akaretse selekanyo se se rileng kgotsa ditlhopha tsa matlakala kgotsa ditlhopha tsa batho tse di rileng mo tiragatsong ya kitsiso e, fa lešwe le go buiwang ka ga lona—
- (i) a le a mannye kgotsa a le a nakwana mme a se na kgonagalo ya go baka kgotlelo mo tikologong kgotsa go ama boitekanelo jwa batho; kgotsa 10
- (ii) a laolwa ke molao mongwe;
- (c) e ka nna ya nna le dithulaganyetso tsa kgabaganyo kgotsa tse dingwe tse di faphegileng tebang le ditiro tsa tsamaiso ya lešwe tse di dirwang ka nako ya go kwalwa ga tsona mo lenaneng; mme
- (d) e tshwanetse go baya letlha le ka lona kitsiso e, e tla simololang go tswennwa mo tirisong. 15
- (4) Go fitlha ka nako e Tona a phasalatsang kitsiso e e tlhalositsweng mo karolwaneng ya (1), mametlelelo ya 1 ya molao o e tla tlama.
- (5) Mo-MEC ka tumalano le Tona, a ka itsise mo *Kaseteng* a—
- (a) phasalatsa lenane la ditiro la tsamaiso ya lešwe a a nang le, kgotsa a a ka nnang le, ditlamorago tse di maswe mo tikologong ya porofense e e amegang; le go 20
- (b) tlhabolola lenaane fa go tlhokegang ka go—
- (i) oketsa ditiro tse dingwe tsa tsamaiso ya lešwe mo lenaaneng;
- (ii) tlosa ditiro tsa tsamaiso ya lešwe mo lenaaneng; kgotsa go
- (iii) dira diphetogo tse dingwe mo dintlheng tse di mo lenaaneng. 25
- (6) lenaane le le phasaladitsweng tebang le karolwana ya (5) ke Mo-MEC o tshwanetse go akaretse ditiro tsa tsamaiso ya lešwe le le kwadilweng mo Lenaneng la 1 kgotsa le le kwadilweng mo karolong ya (1) fa go kgonagala.
- (7) Lenaane le le phasaladitsweng ke Mo-MEC go karolwana ya (6) le diragadiwa mo porofenseng e e maleba fela. 30
- (8) Kitsiso e e mo karolwaneng ya (1) kgotsa (5)—
- (a) e ka nna ya nna le dithulaganyetso tsa kgabaganyo le tse dingwe tse di faphegileng tebang le ditiro tsa tsamaiso ya lešwe le le dirwang ka nako ya go bewa mo lenaneng ga tsona; le
- (b) e tshwanetse go baya letlha le ka lona kitsiso e simololang go tsena mo tirisong. 35
- (9) Ka ntlha ya maikaelelo a tsamaiso e e bobebe, manane a a phasaladitsweng tebang le karolwana ya (1) kgotsa ya (5) kgotsa Lenane la 1 a ka nna a kgaoganya ditiro tsa tsamaiso ya lešwe ka dithopha tse di farologaneng
- (10) (a) Pele ga go phasalatsa kitsiso tebang le karolwana ya (1) kgotsa ya (5), kgotsa tlhabololo efe kapa efe ya kitsiso eo, Tona kgotsa Mo-MEC, go tla tswa ka gore ke mang yo o maleba, o tshwanetse go latela tsela ya therisano go tsamaelana le dikarolo ya 72 le 73. 40
- (b) Ga go tlhokafale gore go obamelwe Karolwana ya (a) fa lenaane le le tlhalositsweng mo karolwaneng ya (1) kgotsa ya (5) le sa tlhabololwa thata. 45

**Ditlamorago tsa go kwala ga lenaane la ditiro tsa tsamaiso ya lešwe**

**20.** A go motho yo o ka simololang, kgotsa yo o ka dirang tiro ya tsamaiso ya lešwe kwa ntle ga fa e le tiro e e tsamaelanang le—

- (a) ditlhokego kgotsa maemo a a beetsweng tiro eo tebang le karolo ya 19(3); kgotsa 50
- (b) laesense ya tsamaiso ya lešwe e tlhokafala fa go rebolwang tiro e e rileng.

**Part 5*****Storage, collection and transportation of waste*****General requirements for storage of waste**

21. Any person who stores waste must at least take steps, unless otherwise provided by this Act, to ensure that— 5
- (a) the containers in which any waste is stored, are intact and not corroded or in any other way rendered unfit for the safe storage of waste;
  - (b) adequate measures are taken to prevent accidental spillage or leaking;
  - (c) the waste cannot be blown away;
  - (d) nuisances such as odour, visual impacts and breeding of vectors do not arise; 10 and
  - (e) pollution of the environment and harm to health are prevented.

**Storage of general waste**

22. (1) Any person who generates general waste that is collected by a municipality must place the waste in a container approved, designated or provided by the municipality for that purpose and in a location approved or authorised by the municipality. 15
- (2) Waste that is reusable, recyclable or recoverable and that is intended to be reduced, re-used, recycled or recovered in accordance with this Act or any applicable by-laws need not be placed in a container contemplated in subsection (1). 20

**Waste collection services**

23. (1) Waste collection services are subject to—
- (a) the need for an equitable allocation of such services to all people in a municipal area;
  - (b) the obligation of persons utilising the service to pay any applicable charges; 25
  - (c) the right of a municipality to limit the provision of general waste collection services if there is a failure to comply with reasonable conditions set for the provision of such services, but where the municipality takes action to limit the provision of services, the limitation must not pose a risk to health or the environment; and 30
  - (d) the right of a municipality to differentiate between categories of users and geographical areas when setting service standards and levels of service for the provision of municipal services.
- (2) Every municipality must, subject to this Act, and as far as is reasonably possible, provide containers or receptacles for the collection of recyclable waste that are accessible to the public. 35

**Collection of waste**

24. No person may collect waste for removal from premises unless such person is—
- (a) a municipality or municipal service provider;
  - (b) authorised by law to collect that waste, where authorisation is required; or 40
  - (c) not prohibited from collecting that waste.

**Duties of persons transporting waste**

25. (1) The Minister, an MEC or a municipality may, by notice in the *Gazette*, require any person or category of persons who transports waste for gain to—
- (a) register with the relevant waste management officer in the Department, 45 province or municipality, as the case may be; and

**Karolo ya 5*****Poloko, kgobokanyo le go rwalwa ga lešwe*****Ditlhokego tsa kakaretso tsa poloko ya lešwe**

**21.** Motho ofe le ofe yo o bolokang lešwe o tshwanetse gore a tseye dikgato, ntle fa go laotswe ka Molao o, go netefatsa gore— 5

- (a) ditshelo tse go bolokilweng lešwe mo go tsona di popota e bile ga di a jega kgotsa ga di tsewe di sa itekanela kgotsa di sa siamela poloko e e babalesegileng ya lešwe;
- (b) go tsewa dikgato tse di lekaneng go thibela tshologo ka phoso kgotsa go dutla;
- (c) lešwe ga le fokele go sele; 10
- (d) diopisatlhogo tse di jaaka monkgo, pono (visual impacts) le tsadiso ya ditwatsi ga di tlhagoge; le gore
- (e) kgotlelo ya tikologo le kamo ya boitekanelo di a thibelwa.

**Poloko ya lešwe la kakaretso**

**22.** (1) Motho yo o ntshang lešwe la kakaretso a a kgobokanngwang ke mmasepala o tshwanetse go tsenya lešwe leo mo setshelong se se rebotsweng, se se tlhomilweng, kgotsa tse se mmasepala a se neetseng ka maikaelelo ao le gone se le mo lefelong le le rebotsweng ke mmasepala. 15

(2) Ga go tlhokafale gore lešwe le le ka dirisiwang gape, dirisiwang sešwa le go ikaeletsweng gore a ka tsewa gape le go tsamaisiwa go latela Molao o, kgotsa melawana ya masepala mengwe le mengwe e e maleba, e tshwanelwa ke go bewa mo setshelong jaaka go umakilwe mo karolwaneng ya (1). 20

**Ditirelo tsa kgobokanyo ya lešwe**

**23.** (1) Ditirelo tsa kgobokanyo ya lešwe di ikaegile ka—

- (a) tlhokego ya kabo e e lekalekanang ya ditirelo go batho botlhe ba ba mo kgaolong ya mmasepala; 25
- (b) maikarabelo a batho ba ba dirisang tirelo go duela ditefelo dingwe le dingwe tse di maleba;
- (c) tshwanelo ya mmasepala go ngotla neelo ya ditirelo tsa kakaretso tsa kgobokanyo ya lešwe fa go na le thetelelo ya go obamela mabaka a utlwalang a a beetsweng neelo ya ditirelo tsa go nna jalo: fa e le gore fa mmasepala o tsayang kgato ya go ngotla bogodimo jwa neelo ya ditirelo, phokotso ya ditirelo ga e a tshwanela go dira matshosetsi mo boitekanelong jwa batho kgotsa mo tikologong; le 30
- (d) tshwanelo ya mmasepala go farologanya fa gare ga ditlhopho tsa badirisi le dikgaolo tsa mafelo fa go bewa mekgwa le maemo a ditirelo tsa mmasepala. 35

(2) Mmasepala mongwe le mongwe o tshwanetse gore, ka go latela ditaolo tsa Molao o, le gone ka fa go ka kgonagalang ka teng, o naye ditshelo kgotsa ditshodi tsa kgobokanyo ya lešwe a a ka dirisiwang sešwa tse di ka fitlhelelwang ke setšhaba.

**Kgobokanyo ya lešwe**

**24.** A go motho ofe kgotsa ofe yo o tla tlosang lešwe mo lefelong kwa ntle fela ga motho yoo e le— 40

- (a) modiri wa mmasepala kgotsa monayaditirelo tsa mmasepala;
- (b) motho yo o dumeletsweng ke molao go kgobokanya lešwe leo, fa tumelelo e tlhokafalang teng; kgotsa 45
- (c) yo a sa ganelwang go kgobokanya lešwe ao.

**Ditiro tsa batho ba ba rwalang lešwe**

**25.** (1) Tona kgotsa Mo-MEC kgotsa mmasepala a ka, ka kitsiso mo *Kaseteng*, a lopa motho ofe le ofe kgotsa setlhopho sa batho ba ba rwalang lešwe ka maikaelelo a go bona dipoleo, go— 50

- (a) ikwadisa le motlhankedi wa tsamaiso ya lešwe mo Lefapheng, porofenseng kgotsa mo mmasepaleng, jaaka go seemo se ka bo sentse, le go

(b) furnish such information as is specified in that notice or as the waste management officer may reasonably require.

(2) Any person engaged in the transportation of waste must take all reasonable steps to prevent any spillage of waste or littering from a vehicle used to transport waste.

(3) Where waste is transported for the purposes of disposal, a person transporting the waste must, before offloading the waste from the vehicle, ensure that the facility or place to which the waste is transported, is authorised to accept such waste. 5

(4) Where hazardous waste is transported for purposes other than disposal, a person transporting the waste must, before offloading the waste from the vehicle, ensure that the facility or place to which the waste is transported, is authorised to accept such waste and must obtain written confirmation that the waste has been accepted. 10

(5) In the absence of evidence to the contrary which raises a reasonable doubt, a person who is in control of a vehicle, or in a position to control the use of a vehicle, that is used to transport waste for the purpose of offloading that waste, is considered to knowingly cause that waste to be offloaded at the location where the waste is deposited. 15

### **Part 6**

### ***Treatment, processing and disposal of waste***

#### **Prohibition of unauthorised disposal**

26.(1) No person may—

(a) dispose of waste, or knowingly or negligently cause or permit waste to be disposed of, in or on any land, waterbody or at any facility unless the disposal of that waste is authorised by law; or 20

(b) dispose of waste in a manner that is likely to cause pollution of the environment or harm to health and well-being.

(2) Subsection (1) need not be complied with if— 25

(a) the waste was generated as a result of normal household activities and—

(i) the municipality does not render a waste collection service in that area; and

(ii) the most environmentally and economically feasible option for the management of the waste was adopted; or 30

(b) the disposal of the waste was done to protect human life or as a result of an emergency beyond that person's control.

#### **Littering**

27. (1) An owner of privately owned land to which the general public has access, must ensure— 35

(a) that sufficient containers or places are provided to contain litter that is discarded by the public; and

(b) that the litter is disposed of before it becomes a nuisance, a ground for a complaint or causes a negative impact on the environment.

(2) No person may— 40

(a) throw, drop, deposit, spill or in any other way discard any litter into or onto any public place, land, vacant erf, stream, watercourse, street or road, or on any place to which the general public has access, except in a container or a place specifically provided for that purpose; or

(b) allow any person under that person's control to do any of the acts contemplated in paragraph (a). 45

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- (b) neelana ka tshedimotsetso jaaka e totobaditsweng mo kitsisong eo kgotsa jaaka motlhankedi wa tsamaiso ya lešwe a batlang ka teng.
- (2) Motho ofe le ofe yo o rwalang lešwe o tshwanetse go tsaya dikgato tse di utlwalang go thibela tshologo ya lešwe kgotsa kgasakgasogo go tswa mo seroring se se dirisetswang go rwala lešwe. 5
- (3) Fa leswe a rwalwa ka maikaelelo a go a latlha, motho yo o rwalang lešwe o tshwanetse gore pele a ka folosa lešwe mo seroring, a netefatse gore tlamelo kgotsa lefelo le lešwe le laisolotsweng kwa go lona le reboletse go amogela lešwe la go nna jalo, le gone o tshwanetse go amogela tlhomamiso e e kwadilweng ya gore lešwe le amogetswe. 10
- (4) Fa lešwe le le kotsi le rwalwa ka ntlha ya mabaka mangwe ntle le mabaka a go latlha, motho yo o rwalang lešwe, pele a ka rola lešwe go tswa mo seroring, a netefatse gore lefelo le lešwe le rwalelwang kwa go lona, ke lefelo le le dumeletsweng go amogela lešwe leo, mme o tshwanetse go bona netefatsetso ee kwadilweng ya go bontsha gore latlakala a amogetswe. 15
- (5) Motho yo o laolang serori, kgotsa yo o mo maemong a go laola tiriso ya serori se se dirisiwang go rora lešwe ka maikaelelo a go folosa leswe ao, o tsewa gore, ka go itse, o bakile pholoso ya lešwe leo kwa lefelong le lešwe le bewang kwa go lona, fa e se fela go ka fiwa bosupi jo bo kgalhanong.

**Karolo ya 6**  
**Phetolo, phetoloboleng le tatlho ya lešwe**

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**Kiletso ya tatlho e e sa dumelelwang**

26. (1) Ga go motho ofe kgotsa ofe yô tla—
- (a) latlhang lešwe, kgotsa yo ka go itse kgotsa ka botlhaswa a tla letlhelang lewe go latlhelwa mo teng ga kgotsa fa godimo ga lefatshe lefe kapa lefe kgotsa metsi kgotsa kwa lefelong lefe kgotsa lefe, fa e se fela tatlho ya lešwe leo le rebotswe ke molao; kgotsa 25
- (b) latlhang leswe ka mokgwa o o ka nnang wa baka kgotlelo ya tikologo kgotsa go ama boitekanelo le phêlo-phêpa.
- (2) Ga go tlhokafale gore go obamelwe Karolwana ya (1) fa— 30
- (a) lešwe le dirilwe ka ntlha ya ditiro tsa gale tsa malapa; le
- (i) mmasepala ga o neelane ka diterelo tsa kgobokanyo ya leswe mo kgaolong eo; le gore
- (ii) go tserwe tlhopho e e botsalano le tikologo le e e somarelang madi, e e kgonagalang ya tsamaiso ya lešwe; kgotsa 35
- (b) lešwe le latlhilwe gore go sirelediwe botshelo jwa batho kgotsa ka ntlha ya tshoganyetso e e seng mo taolong ya motho yoo.

**Tatlho e botlhaswa ya lešwe**

27. (1) Mong wa lefatshe le le ruilweng ka poraefete le setšhaba ka kakaretso se nang le phitlhelelo kwa go lona, o tshwanetse go netefatsa gore— 40
- (a) palo e e lekaneng ya ditshodi kgotsa mafelo di filwe go tshola lešwe le le latlhiwang ke setšhaba; le gore
- (b) tatlho e botlhaswa ya lešwe e latlhiwa pele a ka nna seopisatlhogo, pele a ka nna lebaka la ngongorego kgotsa a ka ama tikologo mo go maswe.
- (2) Ga go motho ofe kgotsa ofe yô ka— 45
- (a) konopang, latlhang, tlogelang, tshololang kgotsa yô ka tsela nngwe aka latlhang lešwe lengwe le lengwe mo teng ga kgotsa mo godimo ga lefelo lefe kgotsa lefe la setšhaba, lefatshe, setsha (erf), molatswana, motsitla wa metsi, mmila kgotsa tsela kgotsa mo lefelong lefe kgotsa lefe le setšhaba ka kakaretso se nang le phitlhelelo, ya setshodi kgotsa lefelo le le beetsweng ka go totobadiwa tiro eo; kgotsa 50
- (b) letlang motho ofe kgotsa ofe yô ka fa tlase ga taolo ya motho yoo, go dira ditiro tse di umakilweng mo temeng ya (a).

**Part 7*****Industry waste management plans*****Preparation of industry waste management plans by certain persons**

28. (1) Where any activity results in the generation of waste that affects more than one province or where such activity is conducted in more than one province, the Minister may by written notice require a person, or by notice in the Gazette require a category of persons or an industry, that generates waste to prepare and submit an industry waste management plan to the Minister for approval. 5

(2) The MEC may, in respect of any activity within the province concerned that results in the generation of waste, by written notice require a person, or by notice in the Gazette require a category of persons or an industry, that generates waste to prepare and submit an industry waste management plan to the MEC for approval. 10

(3) Despite subsection (2), the MEC may not require a person, category of persons or industry who has submitted an industry waste management in compliance with subsection (1), to prepare and submit an industry waste management plan in respect of the same matter. 15

(4) When exercising a power under subsection (1) or (2), the Minister or MEC, as the case may be, must consider—

- (a) the impact or potential impact of the waste on health and the environment that is generated by the applicable person, category of persons or industry; 20
- (b) the environmentally sensitive nature of a natural resource or the amount of natural resources that is consumed in the manufacturing or production processes that result in the waste; and
- (c) the manner in which an industry waste management plan may contribute to— 25
  - (i) the avoidance or minimisation of the generation of waste;
  - (ii) the reduction of negative impacts on health and the environment; and
  - (iii) the conserving of natural resources.

(5) The Minister or MEC must, before exercising a power under subsection (1) or (2), as the case may be, consult the person, category of persons or industry to be affected.

(6) The Minister or MEC, as the case may be, may give directions that an industry waste management plan must be prepared by an independent person for the cost of the person, category of persons or industry contemplated in subsection (1) or (2). 30

(7) (a) A person, category of persons or industry contemplated in subsection (1) or (2) may elect to prepare an industry waste management plan for approval in terms of this Part without being required to do so by the Minister or MEC. 35

(b) When a person, category of persons or industry submits an industry waste management plan in terms of paragraph (a)—

- (i) subsections (4), (5) and (6) apply with the changes required by the context; and
- (ii) the Minister or MEC to whom the plan is submitted may exercise any of their respective powers set out in this Part in respect of that plan. 40

**Preparation of industry waste management plans by organs of state**

29. (1) The Minister may, by notice in writing, require an industry waste management plan to be prepared by an organ of state, excluding a municipality, within a stipulated timeframe. 45

(2) An MEC may, by notice in writing, require an industry waste management plan to be prepared by the provincial department responsible for environmental affairs, within a stipulated timeframe.

(3) When exercising a power under subsection (1) or (2), the Minister or MEC must consider whether— 50

- (a) the diversity, complexity and competitive nature of the industry concerned would make it impractical for a category of persons other than an organ of

**Karolo ya 7****Leano la madirelo la tsamaiso ya lešwe****Paakanyetso ya dipolane tsa madirelo tsa tsamaiso ya lešwe tse di dirwang ke batho ba ba rileng**

28. (1) Fa tiragatso e feleletsa e dirile lešwe le le amang diporofense tse di fetang e le nngwe, kgotsa fa tiro eo e dirwa mo diporofenseng tse di fetang bongwe, Tona a ka, ka kitsiso e e kwaletsweng motho kgotsa ka kitsiso mo Kaseteng, a kopa setlhophha sa batho kgotsa madirelo a a dirang lešwe go baakanya le go tlisa leano la tsamaiso ya lešwe la madirelo kwa go Tona gore a le rebole. 5

(2) Mo-MEC a ka, tebang le tirego e e rileng, e e tlohang lešwe mo porofenseng, a ka dira kitsiso mo Kaseteng, a lopa setlhophha sa batho kgotsa madirelo a a dirang lešwe go baakanya le go tlisa leano la tsamaiso ya lešwe la madirelo kwa go Tona gore a le ananele 10

(3) Le mororo go na le karolwana ya (2), Mo-MEC ga a tshwanela go lopa motho, setlhophha sa batho kgotsa madirelo a a ntshitseng leano la tsamaiso ya lešwe la madirelo, mo kobamelong ya karolwana ya (1), go rulaganya le go tlisa leano la tsamaiso ya lešwe la madirelo tebang le morero o o tshwanang. 15

(4) Fa a dirisa dithata tse di mo karolwaneng ya (1) kgotsa (2), Tona kgotsa Mo-MEC, go ya ka fa seemo se ntseng ka teng, o tshwanetse go sekaseka—

(a) ditlamorago tse di leng teng kgotsa tse di ka nnang teng mo tikologong tse di tliši wang ke motho, setlhophha sa batho, kgotsa madirelo a a maleba; 20

(b) tlholego e e masisi ya tikologo ya motswedi wa tlholego kgotsa selekanyo sa metswedi ya tlholego e e dirisiwang mo tirong ya go dira kgotsa mo tlhagisong e e felelang e dirile lešwe; le

(c) mokgwa o ka ona leano la tsamaiso ya lešwe la kgwebo le ka tsenyang seabe mo— 25

(i) tilong kgotsa mo phokotsong ya go dirwa ga lešwe;

(ii) phokotso ya ditlamorago tse di maswe mo boitekanelong le mo tikologong; le

(iii) tshomarelo ya metswedi ya tlholego. 30

(5) Tona kgotsa Mo-MEC pele ga a ka dirisa dithata tse di ka fa tlase ga dikarolwana tsa (1) kgotsa (2), jaaka seemo se ka bo se ntse, o tshwanetse go resisana le motho, setlhophha sa batho kgotsa madirelo a a amegang.

(6) Tona kgotsa Mo-MEC, jaaka seemo se ka bo se ntse, a ka nna a laela gore leano la tsamaiso ya lešwe la madirelo le rulaganngwe ke motho yo o ikemetseng ka esi ka ditshenyegelo tsa motho, setlhophha sa batho kgotsa madirelo a a umakilweng mo karolwaneng ya (1) kgotsa (2). 35

(7) (a) Motho, setlhophha sa batho, kgotsa madirelo a a umakilweng mo karolwaneng ya (1) kgotsa (2) a ka tlhophha go rulaganya leano la tsamaiso ya lešwe la madirelo gore le rebolwe tebang le Karolo e, ntle le gore a lopiwe go dira jalo ke Tona kgotsa Mo-MEC. 40

(b) Fa motho, setlhophha sa batho kgotsa madirelo a tlisa leano la tsamaiso ya lešwe tebang le tema ya (a)—

(i) dikarolwana tsa (4), (5) le (6) di diragadiwa le diphetogo tse di lopiwang ke bokao ba seemo seo; gape 45

(ii) Tona kgotsa Mo-MEC yo a neelwang leano a ka nna a dirisa dithata tsa gagwe tse di beilweng mo Karolong e, tebang le leano leo.

**Thulaganyo ya maano a tsamaiso ya lešwe a madirelo e e dirwang ke ditheo tsa puso**

29. (1) Tona a ka nna, ka kitsiso e e kwadilweng, a lopa gore setheo sa puso, go sa akarediwe mmasepala, se rulaganye leano la tsamaiso ya lešwe mo nakong e e beilweng e ise e fete. 50

(2) Mo-MEC a ka nna, ka kitsiso e e kwadilweng, a lopa gore lefapha la porofense le le nang le maikarabelo a merero ya tikologo le baakanyye leano la tsamaiso ya lešwe la madirelo mo nakong e e beilweng e ise e fete. 55

(3) Fa Tona kgotsa Mo-MEC a dirisa dithata ka fa tlase ga karolwana (1) kgotsa (2), o tshwanetse go sekaseka gore—

(a) a bomefutafuta, matswakabele le tlholego ya phadisano ya madirelo a go buiwang ka ona go tla dira gore go se kgonege gore setlhophha sa batho kwa

- state or provincial department responsible for environmental affairs to prepare the plan;
- (b) the knowledge or experience of the persons who are likely to be affected by the plan in the areas of waste reduction, re-use, recycling and recovery is limited; 5
  - (c) the persons who are likely to be affected by the plan comprise of small, medium or micro enterprises; or
  - (d) the person required to prepare a plan in accordance with section 28, or to revise or amend the plan in terms of section 32(1), has failed to do so.
- (4) The Minister or MEC, as the case may be, may recover the costs of preparing an industry waste management plan from— 10
- (a) the person contemplated in section 28 who, after written notice, failed to prepare the plan; or
  - (b) the person who is required to revise or amend the plan in terms of section 32(1), but has failed to do so. 15
- (5) Any organ of state or provincial department contemplated in subsection (1) and (2), respectively, may, by written notice, require any person to provide such information as may be necessary to prepare the industry waste management plan.
- (6) An organ of state or provincial department contemplated in subsection (1) and (2), respectively, must follow a consultative process in accordance with sections 72 and 73, unless that plan is being prepared as a result of a person who was required to prepare that plan failing to do so, in which case section 31(2) applies. 20

#### **Contents of industry waste management plans**

**30.** (1) The Minister, in a notice contemplated in section 28(1) or 29(1), or the MEC, in a notice contemplated in section 28(2) or 29(2), must specify the information that must be included the industry waste management plan. 25

(2) The information that the Minister or MEC specifies in terms of subsection (1) may include—

- (a) the amount of waste that is generated;
- (b) measures to prevent pollution or ecological degradation; 30
- (c) targets for waste minimisation through waste reduction, re-use, recycling and recovery;
- (d) measures or programmes to minimise the generation of waste and the final disposal of waste;
- (e) measures or actions to be taken to manage waste; 35
- (f) the phasing out of the use of specified substances;
- (g) opportunities for the reduction of waste generation through changes to packaging, product design or production processes;
- (h) mechanisms for informing the public of the impact of the waste-generating products or packaging on the environment; 40
- (i) the extent of any financial contribution to be made to support consumer-based waste reduction programmes;
- (j) the period that is required for implementation of the plan;
- (k) methods for monitoring and reporting; and
- (l) any other matter that may be necessary to give effect to the objects of this Act. 45

#### **Notification of industry waste management plans**

**31.** (1) Any person required to produce an industry waste management plan in terms of section 28 must take appropriate steps to bring the contents of a proposed industry waste management plan to the attention of relevant organs of state, interested persons and the public and must follow any directions given by the Minister or MEC, as the case may be, regarding the consultation process that must be followed. 50

(2) An organ of state required to prepare an industry waste management plan in terms of section 29 as a result of a person who was required to prepare that plan failing to do

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- ntle ga setheo sa puso kgotsa lefapha la porofense le le nang le maikarabelo a merero ya tikologo le rulaganye leano.
- (b) a kitso kgotsa maitemogelo a batho ba ba ka nnang ba anngwa ke leano mo dikarolong tsa phokotso ya lešwe, tirisogape, tirisosešwa le tseogape e nnye;
  - (c) a batho ba ba ka nnang ba anngwa ke leano, ba dirilwe ka dikgweba tse dipotlana, tse di fa gare kgotsa tse dinnyenye; kgotsa
  - (d) a motho yo a lopilweng gore a rulaganye leano tebang le karolo ya 28 kgotsa a baakanye kgotsa a tlhabolole leano tebang le karolo ya 32(1), o reteletswe ke go dira jalo.
- (4) Tona kgotsa Mo-MEC, ka fa seemo se tla bo se le ka teng, a ka nna a tsaya gape (busediwa) ditshenyegelo tsa go rulaganya leano la tsamaiso ya lešwe mo—
- (a) mothong yo o tlhalositsweng mo karolong ya 28, yo morago ga kitsiso e e kwadilweng a reteletsweng ke go rulaganya leano, kgotsa.
  - (b) mothong yo o lopiwang gore a tlhabolole kgotsa a baakanye leano tebang le karolo 32(1) mme a reteletswe ke go dira jalo.
- (5) Setheo sefe kgotsa sefe sa puso kgotsa lefapha la porofense le le umakilweng mo karolwaneng ya (1) le (2) ka taelano eo, se ka nna ka kitsiso e e kwadilweng, sa lopa motho ofe kgotsa ofe go fa tshedimosetso e e ka tlhokafalang go rulaganya leano la tsamaiso ya matlaka.
- (6) Setheo sa puso kgotsa lefapha la porofense le le umakilweng mo karolwaneng ya (1) le (2), ka tatelano eo, le tshwanetse go latela tsela ya therisano go ya ka dikarolwana tsa 72 le 73, fa e se fela leano leo le rulaganngwa ka ntlha ya go bo motho yo o neng a lopilwe go rulaganya leano a reteletswe ke go dira jalo, mme fa go ntse jalo, karolo ya 31 (2) e tla diragadiwa.

**Diteng tsa maano a tsamaiso ya lešwe la madirelo**

- 30.** (1) Tona ka kitsiso e e tlhalositsweng mo karolong 28(1) kgotsa 29(1) kgotsa Mo-MEC ka kitsiso e e tlhalositsweng mo karolong ya 28(2) kgotsa 29 (2) o tshwanetse go totobatsa tshedimosetso e e tshwanetseng go akarediwa mo leano la tsamaiso ya lešwe la madirelo.
- (2) Tshedimosetso e Tona kgotsa Mo-MEC a e totobatsang tebang le karolwana ya (1) e ka nna ya akaretsa—
- (a) selekanyo sa leswe le le dirilweng;
  - (b) dikgato tsa go thibela kgotlelo kgotsa leswafatso ya ekholoji;
  - (c) mekgele ya ngotlo ya lešwe ka phokotso ya lešwe, tirisogape, tirisosešwa le tseogape;
  - (d) dikgato kgotsa dithulaganyo go fokotsa go dirwa ga lešwe le tatlo ya bofelo ya lešwe;
  - (e) dikgato le ditiro tse di dirilweng go tsamaisa (laola) lešwe;
  - (f) go fedisa ka iketlo tiriso ya dilo tse di totobaditsweng;
  - (g) ditšhono tsa phokotso ya go dirwa ga lešwe ka diphethogo tsa diphuthelo, tlhamego ya setlhagiswa kgotsa mo tirego ya tlhagiso;
  - (h) methale ya go itsise setšhaba ka ditlamorago mo tikologong tse di tlišiwa ke dikumo kgotsa diphuthelo tse di dirang lešwe
  - (i) selekanyo sa tsenyo madi sefe gotsa sefe se se diriwa go etleetsa dithulaganyo tsa phokotso ya lešwe le le theilweng mo bareking.
  - (j) nako e e tlhokwang gore go diragadiwe leano;
  - (k) methale ya go lebelela le go bega; le
  - (l) morero ofe kgotsa ofe o sele o o ka nnang botlhokwa mo go direng maikaelelo a Molao o.

**Therisano ya lenaane la tsamaiso ya leswe a madirelo**

- 31.** (1) Motho ofe kgotsa ofe yô lopiwa go ntsha leano la tsamaiso ya lešwe la madirelo tebang le karolo ya 28 o tshwanetse go tsaya dikgato tse di lolameng go itsise ditheo tse maleba tsa puso, bannale-dikgathegelo le setšhaba ka diteng tsa leano la tsamaiso ya lešwe a madirelo le le tshitshintsweng, le gone o tshwanetse go latela ditaelo dife kgotsa dife tse di filweng ke Tona kgotsa Mo-MEC tebang le tsela ya therisano e e tshwanetseng go latelwa.
- (2) Setheo sa puso se lopiwa go baaakanya leano la tsamaiso ya lešwe a madirelo go ya ka kitsiso e e ntshitsweng tebang le karolo ya 29 ka ntlha ya go retelelwa ga motho yo o neng a lopilwe go baakanya leano leo, go dira jalo se tshwanetse go itsise ditheo tse

so must bring the contents of a proposed industry waste management plan to the attention of relevant organs of state, interested persons and the public.

(3) Any comments submitted in respect of an industry waste management plan must be considered by the person responsible for preparing the plan, and a copy of all comments must be submitted to the Minister or MEC, as the case may be, together with the plan. 5

### Consideration of industry waste management plans

32.(1) The Minister, acting in terms of section 28(1) or 29(1), or the MEC acting in terms of section 28(2) or 29(2), may on receipt of an industry waste management plan—

- (a) approve the plan in writing, with any amendments or conditions, and give directions for the implementation of the plan; 10
- (b) require additional information to be furnished and a revised plan to be submitted within timeframes specified by the Minister or MEC for approval;
- (c) require amendments to be made to the plan within timeframes specified by the Minister or MEC; or 15
- (d) reject the plan with reasons if it does not comply with the requirements of a notice in terms of section 28(1) or (2) or 29(1) or (2), as the case may be, or if a consultation process in accordance with section 31 was not followed.

(2) Any failure to comply with a requirement referred to in subsection (1)(b) or (c) within the timeframes specified by the Minister or the MEC is regarded as constituting a failure to submit an industry waste management plan 20

(3) An industry waste management plan that has been rejected in terms of subsection (1)(d) may be amended and resubmitted to the Minister or MEC.

(4) On receipt of any information or amendments requested in terms of subsection (1)(b) or (c), or any amended industry waste management plan resubmitted in terms of subsection (2) for the first time, the Minister or MEC must reconsider the plan. 25

(5) An approval in terms of subsection (1)(a) must at least specify the period for which the approval is issued, which period may be extended by the Minister or MEC.

(6) Notice must be given in the relevant *Gazette* of any industry waste management plan that has been prepared in terms of section 28 and that has been approved by the Minister or MEC, as the case may be. 30

(7) An industry waste management plan that has been prepared by an organ of state or provincial department responsible for environmental affairs in terms of section 29 and that has been approved by the Minister or MEC, as the case may be, must be published in the relevant *Gazette*, together with an indication of when and how the plan must be implemented, if applicable. 35

### Specification of measures to be taken

33. (1) If the Minister or MEC rejects an industry waste management plan in terms of section 32 more than once, or if any person who is required in terms of section 28(1) or (2) to prepare an industry waste management plan fails to do so, or if a person fails to revise or amend a plan as required by the Minister or the MEC in terms of section 32(1), the Minister or MEC, as the case may be, may, by notice in writing and without any criminal proceedings being affected, specify the waste management measures that must be taken by that person to ensure that that person is not unduly advantaged by the failure to submit a plan. 40 45

(2) When specifying the waste management measures to be taken in terms of subsection (1), the Minister or MEC, as the case may be, must consider, and to the extent possible, align the measures to be taken with the measures that are set out in any other approved industry waste management plan and that is related to the activities of the person whose plan has been rejected more than once or who failed to submit a plan. 50

di maleba tsa puso, banna-le-dikgatlhegelo le setšhaba ka diteng tsa leano la tsamaiso ya lešwe la madirelo le le tshitshintsweng.

(3) Dikakgelo dife kgotsa dife tse di tlisitsweng tebang le leano la tsamaiso ya lešwe la madirelo di tshwaetse go sekasekiwa ke motho yo o nang le maikarabelo a go baakanya leano mme khopi ya dikakgelo tsotlhe e tshwanetse go neelwa Tona kgotsa Mo-MEC, ka fa seemo se tla bong se ntse ka teng, mmogo le leano. 5

### **Tshekatsheko ya maano a tsamaiso ya lešwe la madirelo**

**32.** (1) Tona, a dira tebang le karolo ya 28(1) kgotsa 29(1), kgotsa Mo-MEC, a dira tebang le 28(2) le 29(2) a ka nna a re fa a sena go amogela leano la tsamaiso ya lešwe la madirelo, a— 10

- (a) rebola leano ka mokwalo, le ditlhabololo dife kgotsa dife kgotsa mabaka, le go fa kaelo tsa tiragatso ya leano;
- (b) batla tshedimosetso ya tlaletso go fiwa le gore leano le le dirilweng sešwa le tlišiwe le na le dinako tsa go diragadiwa tse di totobaditsweng ke Tona kgotsa Mo-MEC gore le reholwe; 15
- (c) batla gore ditlhabololo di dirwe mo leanong mo nakong e e totobaditsweng ke Tona kgotsa Mo-MEC; kgotsa a
- (d) gana leano ka mabaka fa le sa tsamaelane le ditaelo tsa kitsiso tebang le karolo ya 28(1) kgotsa (2) kgotsa 29(1) kgotsa (2), ka seemo se tla bo se le ka teng, kgotsa fa tsela ya therisano e e tsamaelana le karolo ya 31 e ne e sa latelwa. 20

(2) Go reteletswa gofe kgotsa gofe ga go obamela melawana e e umakilweng mo ditemeng tsa (b) kgotsa (c) mo dinakong tsa tiragatso tse di totobaditsweng ke Tona kgotsa Mo-MEC go tla tsewa e le thetelelo ya go tlisa leano la tsamaiso ya lešwe la madirelo.

(3) Leano la tsamaiso ya lešwe la madirelo le le gannweng tebang le karolwana ya (1)(d) ka nna la tlhabololwa mme la neelwa Tona kgotsa Mo-MEC gape. 25

(4) Fa Tona kgotsa Mo-MEC a sena go amogela tshedimosetso efe kgotsa efe kgotsa ditlhabololo tse di kopilweng tebang le karolwana ya (1)(b) kgotsa (c) kgotsa tlhabololo epe ya leano la tsamaiso ya lešwe la madirelo le le tlisitsweng gape e le lantlha tebang le karolwana ya (2), Tona kgotsa Mo-MEC o tshwanetse go sekasekasešwa leano. 30

(5) Thebolo go ya ka karolwana ya (1)(a) e tshwanetse go totobatsa nako e thebolo eo e e ntshediwang, e e leng nako e Tona kgotsa Mo-MEC a ka e katolosang.

(6) Kitsiso e tshwanetse go fiwa mo *Kaseteng* e e maleba ka ga leano la tsamaiso ya lešwe la madirelo lepe le le baakantsweng tebang le karolo ya 28 le gape le rebotsweng ke Tona kgotsa Mo-MEC, ka fa seemo se tla bo se le ka teng. 35

(7) Leano la tsamaiso ya lešwe la madirelo le le rulagantsweng ke setheo sa puso kgotsa porofense le le nang le maikarabelo a merero ya tikologo tebang le karolo ya 29 le gape le rebotsweng ke Tona kgotsa Mo-MEC, ka fa seemo se tla bo se le ka teng, le tshwanetse go phasaladiwa mo *Kaseteng* e e maleba mmogo le tlhagiso ya gore leano leo le tla diragadiwa jang, fa go tlhokafala. 40

### **Totobatsa ya dikgato tse di tshwanetseng go tsewa**

**33.** (1) Fa Tona kgotsa Mo-MEC a gana leano la tsamaiso ya lešwe la madirelo tebang le karolo 3 ka makgetlo a a fetang gangwe, kgotsa fa motho ofe kgotsa ofe, yo go batliwang gore a rulaganye leano la tsamaiso ya lešwe la madirelo a reteletswa ke go tlhabolola kgotsa go baakanya leano jaaka o lopilwe ke Tona kgotsa Mo-MEC tebang le karolo 32(1), Tona kgotsa Mo-MEC, ka fa seemo se tla bo se le ka teng, a ka nna ka kitsiso ka mokwalo le gone go sa tlhatlhelwe kgetsi ya bosenyi, a totobatsa dikgato tsa tsamaiso ya lešwe tse di tshwanetseng go tsewa ke motho yoo, go netefatsa gore motho yoo ga a sologelwe molemo ka tsela e e seng ya maleba ka ntsha ya thetelelo ya go tlisa leano. 50

(2) Fa a totobatsa dikgato tsa tsamaiso ya lešwe tse di tshwanetseng go tsewa mo karolwaneng ya (1), Tona kgotsa Mo-MEC, ka fa seemo se tla bo se le ka teng, o tshwanetse go sekaseka, le gore fa go ka kgonegang teng a lebaganye dikgato tse di tshwanetseng go tsewa le dikgato tse di beilweng mo leanong lepe le sele la tsamaiso ya lešwe la madirelo le le rebotsweng le le tsalanang le ditiro tsa motho yo leano la gagwe le gannweng makgetlo a a fetang gangwe kgotsa yo o reteletsweng go tlisa leano. 55

**Review of industry waste management plans**

34. (1) An industry waste management plan that has been required by the Minister in terms of section 28(1) or 29(1), or by the MEC in terms of section 28(2) or 29(2), must be reviewed at intervals specified in the approval or at intervals specified by the Minister or MEC by notice in writing or in the relevant *Gazette*. 5

(2) When specifying a review period for an industry waste management plan prepared by a person, the Minister or MEC, as the case may be, must take cognisance of the review periods that have been specified in any related waste management licence.

**Part 8**  
**Contaminated land**

10

**Application of this Part**

35. This part applies to the contamination of land even if the contamination—

- (a) occurred before the commencement of this Act;
- (b) originated on land other than land referred to in section 38;
- (c) arises or is likely to arise at a different time from the actual activity that caused the contamination; or 15
- (d) arises through an act or activity of a person that results in a change to pre-existing contamination.

**Identification and notification of investigation areas**

36. (1) The Minister, or the MEC in respect of an area which affects the relevant province, may, after consultation with the Minister of Water Affairs and Forestry and any other organ of state concerned, by notice in the *Gazette*, identify as investigation areas— 20

- (a) land on which high-risk activities have taken place or are taking place that are likely to result in land contamination;
- (b) land that the Minister or MEC, as the case may be, on reasonable grounds believes to be contaminated. 25

(2) A notice under subsection (1) by the Minister applies nationally, and a notice under that subsection by the MEC applies to the relevant province only.

(3) Before publishing a notice under subsection (1), or any amendment to the notice, the Minister or MEC, as the case may be, must follow a consultative process in accordance with sections 72 and 73. 30

(4) Subsection (3) need not be complied with if the notice is amended in a non-substantive manner.

(5) An owner of land that is significantly contaminated, or a person who undertakes an activity that caused the land to be significantly contaminated, must notify the Minister and MEC of that contamination as soon as that person becomes aware, of that contamination. 35

(6) Despite subsection (1), the Minister or MEC may issue a written notice to a particular person identifying specific land as an investigation area if the Minister or MEC on reasonable grounds believes that the land is or is likely to be contaminated. 40

**Consequences of identification and notification of investigation areas**

37. (1) The Minister or MEC, as the case may be, may in respect of an investigation area contemplated in section 36, after consultation with the Minister of Water Affairs and Forestry—

- (a) cause a site assessment to be conducted in respect of the relevant investigation area; or 45
- (b) in a notice published under section 36(1) or issued under section 36(6)—
  - (i) direct the owner of the investigation area; or
  - (ii) direct the person who has undertaken or is undertaking the high risk activity or activity that caused or may have caused the contamination of the investigation area, 50

**Thadiso ya maano a tsamaiso ya lešwe la madirelo**

34. (1) Leano la tsamaiso ya lešwe la madirelo le le lopilweng ke Tona tebang le karolo 28 (1) kgotsa 29(1) kgotsa ke Mo-MEC tebang le karolo 28(2) kgotsa 29(2) le tshwanetse go thadisiwa ka dipaka tse di totobaditsweng ke Tona le Mo-MEC ka kitsiso ya mokwalo kgotsa mo *Kaseteng* e e maleba. 5

(2) Fa Tona kgotsa Mo-MEC, ka fa seemo se tla bo se le ka teng, a totobatsa paka ya thadiso ya leano la tsamaiso ya lešwe la madirelo le le baakantsweng ke motho, Tona kgotsa Mo-MEC o tshwanetse go tsaya tsiya dipaka tsa thadiso tse di totobaditsweng mo laesenseng epe ya taolo ya lešwe le le tsalanang.

**Karolo ya 8**  
**Lefatshe le le kgotlesegileng**

10

**Tiragatso ya Karolo ê**

35. Karolo e e lebagane le kgotlelo ya lefatshe le fa e bile kgotlelo eo—

- (a) e nnile teng pele ga tshimololo ya Molao o;
- (b) e tlhologile mo lefatsheng le e seng le le kailweng tebang le karolo ya 38; 15
- (c) e tlhaga, kgotsa e ka tlhaga, ka nako e e farologaneng le ya tiro e tota e bakileng kgotlelo eo; kgotsa
- (d) e tlhaga ka ntlha ya tiro ya motho e e felelang ka phetogo ya kgotlelo e e neng e ntse e le teng pele.

**Tlhaolo le kitsiso ya mafelo a tlhotlhomiso**

20

36. (1) Tona kgotsa Mo-MEC, tebang le karolo e e amang porofense e e maleba, a ka nna ka Kitsiso mo *Kaseteng* le gone morago ga therisano le Tona ya Merero ya Metsi le Dikgwa le setheo sepe sa puso se se amegang, a tlhaola jaaka mafelo a tshakatsheko—

- (a) lefatshe le mo go lona go diragalang ditiro tsa diphatsa tse di kwa godimo, kgotsa le di setseng di diragala mo go lona; tse di ka nnang tsa felela di dirile kgotlelo ya lefatshe; 25
- (b) lefatshe le le totobaditsweng ke Tona kgotsa Mo-MEC a nang le tumelo ya gore le kgotlesegileng.

(2) Kitsiso e e phasaladitsweng ke Tona e diragadiwa mo nageng yotlhe le gone kitsiso e e phasaladitsweng ke Mo-MEC e diragadiwa fela mo porofeneng e e maleba 30

(3) Pele ga a ka phasalatsa kitsiso tebang le karolwana ya (1), kgotsa tlhabololo epe ya kitsiso, Tona kgotsa Mo-MEC o tshwanetse go latela tsela ya therisano go tsamaisana le dikarolo tsa 72 le 73.

(4) Ga go tlhokafale gore go obamelwe karolwana ya (3) fa kitsiso e tlhabolotswe ka tsela e e seng kgolo thata. 35

(5) Mong wa lefatshe le le kgotlesegileng thata, kgotsa motho yo o dirang tiro e e dirileng gore lefatshe le kgotlesege o tshwanetse go itsise Tona kgotsa Mo-MEC ka bonako ka kgotlesego eo fa motho yo o a itse kgotlelo eo.

(6) Le fa go na le melawana ya karolwana ya (1), Tona kgotsa Mo-MEC a ka nna a ntsha kitsiso e e kwadilweng go motho yo o rileng, mme a tlhaola/kaya lefatshe le le totobaditsweng jaaka lefatshe la tshakatsheko fa Tona kgotsa Mo-MEC ka mabaka a a utlwalang a dumela gore lefatshe leo le kgotlesegileng. 40

**Ditlamorago tsa go kaya le go itsise mafelo a tlhotlhomiso**

37. (1) Tona kgotsa Mo-MEC, ka fa seemo se tla bong se le ka teng, morago ga therisano le Tona ya Merero ya Metsi le Dikgwa, a ka nna tebang le lefelo la tlhotlhomiso e e tlhalositsweng mo karolong ya 36— 45

- (a) a dira gore tlhatlhobo ya lefelo e dirwe tebang le lefelo la tlhotlhomiso le le maleba, kgotsa
- (b) ka kitsiso e e phasaladitsweng ka fa tlase ga karolo 36(1) kgotsa e e ntshitsweng ka fa tlase ga karolo 36(6)— 50
  - (i) a ka laola mong wa lefelo la tlhotlhomiso, kgotsa
  - (ii) motho yo o dirileng kgotsa yo o dirang tiro e e diphatsa thata e e bakileng kgotsa e ka bong e bakile kgotlelo ya lefelo la tlhotlhomiso,

to cause a site assessment to be conducted by an independent person, at own cost, and to submit a site assessment report to the Minister or MEC within a period specified in the notice.

(2) (a) A site assessment report must comply with any directions that may have been published or given by the Minister or MEC in a notice contemplated in section 36(1) or (6) and must at least include information on whether the investigation area is contaminated. 5

(b) Where the findings of the site assessment report are that the investigation area is contaminated, the site assessment report must at least contain information on whether— 5

- (i) the contamination has already impacted on health or the environment; 10
- (ii) the substances present in or on the land are toxic, persistent or bio-accumulative or are present in large quantities or high concentrations or occur in combinations;
- (iii) there are exposure pathways available to the substances;
- (iv) the use or proposed use of the land and adjoining land increases or is likely to increase the risk to health or the environment; 15
- (v) the substances have migrated or are likely to migrate from the land;
- (vi) the acceptable exposure for human and environmental receptors in that environment have been exceeded;
- (vii) any applicable standards have been exceeded; and 20
- (viii) the area should be remediated or any other measures should be taken to manage or neutralise the risk.

(3) For the purposes of this section, land may be regarded as being contaminated at any particular time if the risk of harm to health or the environment could eventuate only in certain circumstances and those circumstances do not exist at the time that the site assessment is undertaken, but those circumstances are reasonably foreseeable. 25

#### Consideration of site assessment reports

38. (1) On receipt of a site assessment report contemplated in section 37, the Minister or MEC, as the case may be, may, after consultation with the Minister of Water Affairs and Forestry and any other organ of state concerned, decide that— 30

- (a) the investigation area is contaminated, presents a risk to health or the environment, and must be remediated urgently;
- (b) the investigation area is contaminated, presents a risk to health or the environment, and must be remediated within a specified period;
- (c) the investigation area is contaminated and does not present an immediate risk, but that measures are required to address the monitoring and management of that risk; or 35
- (d) the investigation area is not contaminated.

(2) If the Minister or MEC, as the case may be, decides that an investigation area is contaminated and requires remediation, the Minister or MEC must declare the land to be a remediation site and make such remediation order as is necessary to neutralise that risk. 40

(3) If the Minister or MEC, as the case may be, decides that the investigation area does not present an immediate risk, but that measures are required to address the monitoring and management of that risk, the Minister or MEC may make an order specifying the measures that must be taken. 45

(4) Unless otherwise directed, a remediation order under subsection (2), an order under subsection (3) or a directive under section 37(1) must be complied with at the cost of the person against whom the order or directive is issued.

(5) The Minister or MEC, as the case may be, may amend a remediation order if— 50

- (a) ownership of the land is transferred and the new owner in writing assumes responsibility for the remediation; or
- (b) new information or evidence warrants an amending the order.

TSAMAISO TIKOLOGO YA BOSETŠHABA:  
MOLAO WA LEŠWE WA, 2008

Act No. 59, 2008

go dira gore tlathlombo ya lefelo e tshwarwe ke motho yo o ikemetseng a le esi, ka ditshenyegelo tsa gagwe, le gore e tliiwe kwa go Tona le Mo-MEC ka nako e e totobaditsweng mo kitsisong.

(2) (a) Pego ya tlathlombo ya lefelo e tshwanetse go dumalana le ditaelo dipe tse di ka bong di phasaladitswe kgotsa e filwe ke Tona kgotsa Mo-MEC mo kitsisong e e tlhalositsweng mo karolong ya 36(1) kgotsa (6) le gone e tshwanetse go akaretisa tshedimosetso ya gore a lefelo la tlhotlhomiso a le kgotleselegile.

(b) fa diphithlelo tsa pego ya tlathlombo ya lefelo e le gore lefelo la tlhotlhomiso le kgotleselegile, pego ya tlathlombo ya lefelo e tshwanetse go nna le tshedimosetso ya gore a—

- (i) kgotlelo e setse e amile boitekanelo le tikologo;
- (ii) dilo tse di mo teng ga kgotsa mo godimo ga lefatshe di bothole, di tsweletse go nna teng kgotsa a di a kokotlesega (bioaccumulative) kgotsa di teng ka selekanyo se sentsi kgotsa ka kgotlagano e ntsi kgotsa di direga ka mefuta e e kopaneng;
- (iii) go na le ditsela tsa go tswa tse di ka dirisiwang ke dilo,
- (iv) tiriso le tiriso tse di tshitshintsweng tsa lefatshe le tsa mafatshe a a mabapi di oketsa diphatsa tsa mo boitekanelong kgotsa mo tikologong;
- (v) dilo tseo di hudugile kgotsa di ka nna tsa huduga mo lefatsheng;
- (vi) go setse go fetilwe selekanyo se se amogelesegang sa go atumalana ga motho le di-receptor tsa tikologo mo lefelong le le borai.
- (vii) maemo ape a a lebaneng a setse a fetilwe; le gore
- (viii) lefelo le tshwanete go phepafadiwa kgotsa gore go tsewe dikgato dipe di sele tsa go laola le go timola diphatsa.

(3) Ka ntlha ya karolo e, lefatshe le ka nna la tsewa gore le kgotleselegile ka nako nngwe le nngwe fa diphatsa tsa kamo ya boitekanelo kgotsa diphatsa mo tikologong di ka felela fela mo mabakeng mangwe mme mabaka ao a seyo ka nako ya fa go tsewa tlathlombo ya lefelo leo, mme mabaka ao a ka kgona go bonelwa pele ka mo go utlwalang.

**Tshekatsheko ya dipego tsa tlathlombo ya lefelo**

**38.** (1) Fa a sena go amogela pego ya tlathlombo ya lefelo e e tlhalositsweng mo karolong ya 37, Tona kgotsa Mo-MEC, ka fa seemo se tla bong se le ka teng, a ka nna a swetsa, morago ga therisano le Tona ya Merero ya Metsi le Dikgwa le ditheo tse dingwe tsa puso tse di amegang, gore a—

- (a) lefelo la tlhotlhomiso le leswafetse, le diphatsa mo boitekanelong kgotsa mo tikologong le gore le tshwanetse go phepafadiwa ka bonako;
- (b) lefelo la tlhotlhomiso le leswafetse, le diphatsa mo boitekanelong kgotsa mo tikologong le gore le tshwanetse go phepafadiwa ka nako e e totobaditsweng e ise e wele;
- (c) lefelo la tlhotlhomiso le leswafetse mme ga le tlise diphatsa tsa ka bonako, mme go tlhokega dikgato go itebaganya le go lebelela le go laola gore a lefelo la tlhotlhomiso ga le a leswelela, le gore a ga le diphatsa; kgotsa
- (d) lefelo la tlhotlhomiso ga le a kgotlelwa.

(2) Fa Tona kgotsa Mo-MEC, ka fa seemo se ka bo se le ka teng, a swetsa gore lefelo la tlhotlhomiso le kgotleselegile le gore le tlhoka phepafatso, Tona kgotsa Mo-MEC o tshwanetse go bolela gore lefelo leo ke lefelo le le phepafadiwang, le go dira taolo ya phepafatso jaaka e tlhokafala go timola diphatsa tseo.

(3) Fa Tona kgotsa Mo-MEC a swetsa gore lefelo la tlhotlhomiso ga le fe diphatsa tsa bonako, mme go a bo go se tlhokego ya dikgato tsa go lebelela le go laola diphatsa tseo, Tona kgotsa Mo-MEC a ka nna a ntsha taolo a totobatsa dikgato tse di tshwanetseng go tsewa.

(4) Kwa ntle ga fa go laotswe ka go sele, taolo ya phepafatso ka fa tlase ga karolwana ya (2) kgotsa taolo ka fa tlase ga karolwana ya (3) kgotsa taolo ka fa tlase ga karolo ya 37(1) e tshwanetse go obamelwa, mme ditshenyegelo tsa go obamela taolo eo di tla duelelwa ke motho yo o filweng taolo eo.

(5) Tona kgotsa Mo-MEC, ka fa seemo se ntse ka teng a ka nna a baakanya taolo ya phepafatso fa—

- (a) thuo ya lefatshe e hudusiwa mme mong yo montšhwa ka mokwalo a itlamame go tsaya maikarabelo a phepafatso; kgotsa
- (b) tshedimosetso kgotsa bosupi jo bošwa bo lopa gore go nne le taolo ya paakanyo.

**Orders to remediate contaminated land**

**39.** (1) A remediation order issued under section 38(2) or an order issued under section 38(3) must describe, to the extent that it is applicable—

- (a) the person who is responsible for undertaking the remediation;
- (b) the land to which the order applies; 5
- (c) the nature of the contamination;
- (d) the measures that must be taken to remediate the land or the standards that must be complied with when remediating the land;
- (e) the period within which the order must be complied with;
- (f) whether any limitations in respect of the use of the land are imposed; 10
- (g) the measures that must be taken to monitor or manage the risk; and
- (h) any other prescribed matter.

(2) Before issuing a remediation order or an amended remediation order, the Minister or MEC, as the case may be, must consult with the Minister of Water Affairs and Forestry and any other organ of state concerned. 15

(3) The Minister or MEC, as the case may be, may instruct any official within his or her Department to ensure that the remediation order is complied with.

**Transfer of remediation sites**

**40.** (1) No person may transfer contaminated land without informing the person to whom that land is to be transferred that the land is contaminated and, in the case of a remediation site, without notifying the Minister or MEC and complying with any conditions that are specified by the Minister or MEC, as the case may be. 20

(2) (a) For the purposes of ensuring compliance with this section, the Minister must notify the relevant Registrar of Deeds appointed in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937), of any land that has been declared as a remediation site. 25

(b) The notification contemplated in paragraph (a) must identify the land sufficiently to enable the Registrar of Deeds to enter the necessary information in or on registers and documents kept by his or her Office.

**Contaminated land register**

**41.** (1) The Minister must keep a national contaminated land register of investigation areas that includes information on— 30

- (a) the owners and any users of investigation areas;
- (b) the location of investigation areas;
- (c) the nature and origin of the contamination;
- (d) whether an investigation area— 35
  - (i) is contaminated, presents a risk to health or the environment, and must be remediated urgently;
  - (ii) is contaminated, presents a risk to health or the environment, and must be remediated within a specified period;
  - (iii) is contaminated and does not present an immediate risk, but measures are required to address the monitoring and management of that risk; or 40
  - (iv) is not contaminated;
- (e) the status of any remediation activities on investigation areas; and
- (f) restrictions of use that have been imposed on investigation areas.

(2) The Minister may change the status of an investigation area contemplated in subsection (1)(d)(i) or (ii) as provided for in subsection (1)(d)(iii) or (iv) if a remediation order has been complied with or other circumstances eventuate that justify such a change. 45

(3) An MEC who has identified an investigation area must furnish the relevant information to the Minister for recording in the national contaminated land register. 50

**Ditaelo tsa go phepafatsa lefatshe le le kgotlelesegileng**

**39.** (1) Taolo ya phepafatso ka fa tlase ga karolo ya 38 (2) kgotsa taolo e e filweng ka fa tlase ga karolo ya 38(3) e tshwanetse go tshalosa ka selekano se sel maleba—

- (a) Motho yo o nang le maikarabelo a phepafatso;
- (b) lefatshe le taolo e buang ka ga lona; 5
- (c) mofuta wa kgotlelo;
- (d) dikgato tse di tshwanetseng go tsewa go phepafatsa lefatshe kgotsa kgotsa maemo a a tshwanetseng go salwa morago fa go phepafadiwa lefatshe;
- (e) nako e ka yona taolo e tshwanetseng go obamelwa;
- (f) gore a go na le dikganelo dipe tebang le tiriso ya lefatshe tse di beilweng; 10
- (g) dikgato tse di tshwanetseng go tsewa go leba kgotsa go laola diphatsa; le
- (h) morero ofe kgotsa ofe o sele o o beilweng ke molawana.

(2) Pele fa a ka ntsha taolo ya phepafatso, Tona kgotsa Mo-MEC o tshwanetse go rerisa Tona ya Merero ya Metsi le Dikgwa le setheo sepe sa Puso se se amegang.

(3) Tona a ka nna a laela motlhankedi ofe kgotsa ofe yo o mo lefapheng la gagwe go netefatsa gore taolo ya phepafatso e a obamelwa. 15

**Khuduso ya mafelo a phepafatso**

**40.** (1) Ga go motho ofe kgotsa ofe yo o tshwanetseng go hudusa lefatshe le le kgotlelesegileng kwa ntle ga go itsise motho yo go hudusediwang lefatshe kwa go ena gore lefatshe le kgotlelesegile, mme fa e le lefelo la phepafatso, ntle le go itsise Tona kgotsa Mo-MEC le go obamela mabaka a totobaditsweng ke Tona kgotsa Mo-MEC, ka fa seemo se tla bong se ntse ka teng. 20

(2) (a) Tona o tshwanetse gore ka ntlha ya netefatso ya gore go obamelwa melawana e e mo karolong e, a itsise Mokwadisimogolo wa Dikano (Deeds) yo a tlhomilweng go ya ka Molao wa Kwadiso ya Dikano wa 1937 [Deeds Registries Act, 1937] (Molao No. 47 wa 1937) ka ga lefatshe lepe le le boletsweng go nna lefelo la phepafatso. 25

(b) Kitsiso e e tlhalositsweng mo temeng ya (a) e tshwanetse go kaya/tlhaola lefatshe ka mo go lekanetseng gore go kgontshiwe Mokwadisi wa Dikano yo o maleba go tsenya tshedimosetso e e tlhokafalang mo manaane-kwadisong kgotsa mo ditlankaneng tse di tshgeditsweng ke ofisi ya gagwe. 30

**Lenaane-kwadiso la lefatshe le le kgotlelesegileng**

**41.** (1) Tona o tshwanetse go tshegetsa lenaane-kwadiso la bosetšhaba la lefatshe le le kgotlelesegileng lele akaretsang tshedimosetso ka ga—

- (a) beng le badirisi bafe kg bafe ba dikgaolo tsa tlhotlhomiso;
- (b) fa dikgaolo tsa tlhotlhomiso di leng teng; 35
- (c) mofuta le kwa kgotlelo e tswang teng;
- (d) gore a kgaolo efe kgotsa efe ya tlhotlhomiso—
  - (i) e kgotlelesegile, e diphatsa mo boitekanelong le mo tikologong le gore a e tshwanetse go phepafadiwa ka bonakonako;
  - (ii) e kgotlelesegile, e diphatsa mo boitekanelong le mo tikologong le gore a e tshwanetse go phepafadiwa mo nakong e e totobaditsweng e ise e fete; 40
  - (iii) e kgotlelesegile mme ga e tlise diphatsa dipe tsa bonako, mme dikgato di atlhokega go itebaganya le tebelelo le taolo ya diphatsa tseo, ga e tlise diphatsa tsa bonako, mme e tlhoka tebelelo; kgotsa 45
  - (iv) ga e a kgotlelesega;
- (e) seemo sa ditiro tsa phepafatso tse di mo dikgaolong tsa tlhotlhomiso; le
- (f) dikganelo tse di beilweng mo dikgaolong tsa tlhotlhomiso.

(2) Tona a ka nna a fetola maemo a kgaolo ya tlhotlhomiso a a kailweng mo karolwaneng ya (1)(d)(i) kgotsa (ii) jaaka go kgontshiwa ke karolwanan ya (1)(d)(iii) kgotsa (iv) fa taolo ya phepafatso e setswe morago kgotsa fa mabaka mangwe a diragala mme a dira gore phetolo ya go nna jalo e siame. 50

(3) Mo-MEC yo o kaileng kgaolo ya tlhotlhomiso, o tshwanetse go neela Tona tshedimosetso e e maleba gore e tle e kwalwe mo lenaane-kwadisong la bosetšhaba la lefatshe le le kgotlelesegileng. 55

**Part 9**  
**Other measures****Recognition programmes**

**42.** (1) A waste management officer may establish a programme for the public recognition of significant achievements in the area of waste avoidance, minimisation or other forms of waste management. 5

(2) The programme contemplated in subsection (1) may contain mechanisms to make the public aware of sound waste management practices.

**CHAPTER 5****LICENSING OF WASTE MANAGEMENT ACTIVITIES 10****Licensing authority**

**43.** (1) The Minister is the licensing authority where—

- (a) unless otherwise indicated by the Minister by notice in the *Gazette*, the waste management activity involves the establishment, operation, cessation or decommissioning of a facility at which hazardous waste has been or is to be stored, treated or disposed of; 15
- (b) the waste management activity involves obligations in terms of an international obligation, including the importation or exportation of hazardous waste;
- (c) the waste management activity is to be undertaken by— 20
  - (i) a national department;
  - (ii) a provincial department responsible for environmental affairs; or
  - (iii) a statutory body, excluding any municipality, performing an exclusive competence of the national sphere of government;
- (d) the waste management activity will affect more than one province or traverse international boundaries; or 25
- (e) two or more waste management activities are to be undertaken at the same facility and the Minister is the licensing authority for any one of those activities.

(2) Subject to subsection (1), the MEC of the province in which the waste management activity is being or is to be carried out is the licensing authority. 30

(3) Despite subsections (1) and (2), the Minister and an MEC may agree that an application or applications for waste management licences regarding any waste management activity—

- (a) referred to in subsection (1), may be dealt with by the MEC; or
- (b) in respect of which the MEC has been identified as the licensing authority, may be dealt with by the Minister. 35

**Co-operative governance in waste management licence applications**

**44.** (1) For the purposes of issuing a licence for a waste management activity, the licensing authority must as far as practicable in the circumstances co-ordinate or consolidate the application and decision-making processes contemplated in this Chapter with the decision-making process in Chapter 5 of the National Environmental Management Act and other legislation administered by other organs of state, without whose authorisation or approval or consent the activity may not commence, or be undertaken or conducted. 40

(2) If the licensing authority decides to issue a licence it may, for the purposes of achieving coordination— 45

- (a) issue an integrated licence jointly with the other organs of state contemplated in subsection (1), which licence grants approval in terms of this Act and any other legislation specified in the licence; or
- (b) issue the licence as part of a consolidated authorisation consisting of different authorisations issued under different legislation by the persons competent to do so, that have been consolidated into a single document in order to ensure 50

**Karolo ya 9**  
**Dikgato tse dingwe****Dithulaganyo tsa temogo**

42. (1) Motlhankedi wa tsamaiso ya lešwe a ka nna a tlhoma thulaganyo ya temogo ya setšhaba ya dikatlego tse dikgolo mo karolong ya tilo ya lešwe, phokotso kgotsa mefuta e mengwe ya tsamaiso ya lešwe. 5

(2) Thulaganyo e e tlhalositsweng mo karolwaneng ya (1) le gone thulaganyo e ka nna ya nna le methale ya go dira gore setšhaba se itse ka mekgwa e e siameng ya tsamaiso ya lešwe.

**KGAOLO YA 5**

10

**GO NEELA DITIRO TSA TSAMAIISO YA LEŠWE LAESENSE****Bothati jwa dilaesense**

43. (1) Tona ke mothati wa dilaesense fa—

(a) kwa ntle ga go kailwe ka go sele, Tona ka kitsiso, tiro ya tsamaiso ya lešwe e nang le tlhomo ya, tiro, kemiso kgotsa ntshotirisong ya lefelo le mo go lona lešwe le le diphatsa a tla, kgotsa a setseng a bolokilwe, a fetotsweng kgotsa a latlhlilweng; 15

(b) tiro ya tsamaiso ya lešwe e akaretsang maikarabelo tebang le maikarabelo a boditšhabatšhaba, go akarediwa thomeloteng kgotsa thomelontle ya lešwe le le diphatsa; 20

(c) tiro ya tsamaiso ya lešwe e tla dirwang ke—

(i) lefapha la bosetšhaba;

(ii) lefapha la porofense le le nang le maikarabelo a merero ya tikologo; kgotsa

(iii) lekgotla le le tlhomilweng ke molao, go sa akarediwe mmasepala ofe kgotsa ofe, yo o dirang tiro ya bokgoni josi jwa tiro ya bosetšhaba ya puso; 25

(d) tiro ya tsamaiso ya lešwe e tla amang porofense e e fetang bongwe kgotsa e tla kgabaganyang melewana ya boditšhabatšhaba; kgotsa

(e) ditiro tse pedi kgotsa go feta tsa tsamaiso di tla diragadiwa kwa lefelong mme Tona ke mothati wa laesense ofe kgotsa ofe wa ditiro tseo. 30

(2) Go setswe morago karolwana ya (1), Mo-MEC wa porofense e mo go yona tiro ya tsamaiso ya lešwe e tla, kgotsa e setseng e diragadiwa, e leng ena mothati wa dilaesense.

(3) Le mororo go na le dikarolwana tsa (1) le (2), Tona le Mo-MEC ba ka nna ba dumela gore kopo kgotsa dikopo tsa dilaesense tsa tsamaiso ya lešwe tebang le tiro efe kgotsa efe ya tsamaiso ya lešwe— 35

(a) e e umakilweng mo karolwaneng ya (1) e ka na ya itebaganngwa ke Mo-MEC; kgotsa

(b) fa Mokhudu-thamaga a supilweng jaaka molaodi wa dilaesense, e ka diragadiwa ke Tona. 40

**Bobusi jo bo kopanetsweng mo dikopong tsa dilaesense tsa tsamaiso ya lešwe**

44. (1) Mothati wa dilaesense ka ntlha ya go fa laesense ya tiro ya tsamaiso ya lešwe, o tshwanetse gore fa go kgonegang teng mo mabakeng a a leng teng, a gokaganye kgotsa a bofaganye ditsela tsa kopo le tsa go tsaya tshwetso le go diragadiwa ga kgaolo ya 5 ya Molao wa Bosetšhaba wa Tsamaiso ya Tikologo le peomolao e nngwe e e tsamaisiwang ka ditheo tse dingwe tsa puso, tse kwa ntle ga thebolo kgotsa tetla ya tsona go ka se simololweng kgotsa go ka se diragadiweng tiro. 45

(2) Fa bothati jwa dilaesense bo swetsa go fa laesense, bo ka nna, ka maikaelelo a go nna le kgokaganyo, ya—

(a) go dira mmogo le ditheo di sele tsa puso tse di umakilweng mo (1) mme tsa fa laesense e e faphegileng e e tlhakaneng e e rebolang tebang le molao o kgotsa peomolao epe e e totobaditsweng mo laesenseng; kgotsa 50

(b) fa laesense e le bontlhanngwe jwa tetla e e bopagantsweng e e nang le dithebolelo tse di filweng ka fa tlase ga peomolao tse di farologaneng ke batho ba ba nang le bokgoni jwa go dira jalo, tse di bopagatsweng mo mokwalong 55

that the conditions that are imposed by each competent authority are comprehensive and mutually consistent.

(3) If an integrated licence contemplated in subsection (2)(a) is to be regarded as a valid authorisation or approval for the purposes of other legislation specified in the integrated licence, then the decision-making process for issuing that integrated licence must comply with both the requirements of this Act and of that other legislation. 5

(4) An integrated licence must—

- (a) specify the statutory provisions in terms of which it has been issued;
- (b) identify the authority or authorities that have issued it;
- (c) indicate to whom applications for any amendment or cancellation of the integrated licence must be made; and 10
- (d) indicate the appeal procedure to be followed.

(5) An integrated licence may be enforced in terms of this Act and any other Act in terms of which it has been issued: Provided that a condition of an integrated licence may only be enforced in terms of the legislation that authorises the imposition of such a condition. 15

(6) Where an integrated licence procedure or a consolidated authorisation procedure is established in terms of this section, the provisions of this Chapter must be read with the necessary changes as the context may require to enable a single application procedure or combined application procedure to be followed. 20

(7) An integrated licence must be regarded as an integrated environmental authorisation contemplated in section 24L of the National Environmental Management Act. 20

#### **Application for waste management licences**

45. (1) A person who requires a waste management licence must apply for the licence by lodging an application with the licensing authority. 25

(2) An application for a waste management licence must be accompanied by—

- (a) the prescribed processing fee; and
- (b) such documentation and information as may be reasonably required by the licensing authority. 30

(3) A person who requires a waste management licence for a waste management activity which involves the treatment of waste by incineration must submit, together with any documentation or information contemplated in subsection (2), information on—

- (a) the types of waste that will be incinerated; 35
- (b) the existence of any incinerators in the jurisdiction of the licensing authority which are authorised to incinerate waste which is substantially similar to that waste; and
- (c) alternative environmentally sound methods, if any, that could be used to treat that waste. 40

#### **Appointment of persons to manage waste management licence applications**

46. (1) The licensing authority may by written notice to an applicant require that applicant, or by notice in the *Gazette* require applicants, at own cost, to appoint an independent and suitably qualified person to manage an application.

(2) If an applicant is required to appoint an independent person, the applicant must— 45

- (a) take all reasonable steps to verify that the person to be appointed is independent and has expertise in the managing of waste management licence applications; and
- (b) provide the appointed person with access to all information at the disposal of the applicant reasonably required for the application, whether or not that information is favourable to the applicant. 50

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o le mongwe fela go netefatsa gore mabaka a a beilweng ke bothati bongwe le bongwe jo bo nang le bokgoni bo bo akaretsa e bile bo dumalana.

(3) Motho yo o batlang laesense ya tsamaiso ya matlakala gore a dire tiro ya tsamaiso ya matlakala e e akaretsang phetolo ya matlakala phiso o tshwanetse go tliša, mmogo le mokwalo ope kgotsa tshedimosetso e e boletsweng mo karolwaneng ya (2), tshedimosetso e e ka ga— 5

- (a) mefuta ya matlakala a a tla tshubiwang;
- (b) go nna teng ga maiso ape mo kgaolong ya bothati jo bo fang laesense a a reboletsweng go fisa matlakala a a tshwanang thata le matlakala ao; le
- (c) mefuta e sele e e utlwalang, fa e le teng, e e ka dirisiwang go fetola matlakala.”. 10

(4) Fa laesense e e tlhakantsweng e e umakilweng mo karolwaneng ya (2)(a) e tshwanetse go tsewa e le tlelelelo kgotsa thebolo ya mmatota ka maikaelelo a peomolao tse dingwe tse di totobaditsweng mo tseleng e e tlhakantsweng, tsela ya go tsaya tshwetso ya go fa laesense e e tlhakantsweng e tshwanetse go obamela ditopo tsa Molao o mmogo le tsa peomolao e nngwe. 15

(5) Laesense e e tlhakantsweng e tshwanetse go—

- (a) totobatsa melawana e laesense e e filweng ka fa tlase ga yona;
- (b) e tshwanetse go supa mothati kgotsa bathati ba ba e fileng;
- (c) supa gore go isiwe kwa go mang dikopo tsa paakanyo epe kgotsa phimolo ya laesense e e tlhakaneng, le go 20
- (d) supa tsela ya ikuelo e e tshwanetseng go latelwa.

(6) Laesense e e tlhakaneng kgotsa lebaka la laesense e e tlhakaneng le ka nna la patelediwa tebang le Molao o le Molao ofe kgotsa ofe o sele o tebang le one laesense e ntshitsweng fa fela e le gore lebaka le ka diragadiwa fela tebang le peomolao e e rebolang go bewa ga lebaka la go nna jalo. 25

(7) Fa tsamaiso ya laesense e e tlhakantsweng kgotsa tsamaiso e e tlhakantsweng ya kopo e tlhomiwa tebang le karolo e, ditaolelo tsa Kgaolo e di tshwaetse go buisiwa le diphetogo tse di tlhokafalang jaaka boreo jwa mafoko bo tla laola, gore go kgontshiwe tsamaiso eo e e esi ya kopo kgotsa tsamaiso ya kopo e e tlhakantsweng tse di tshwanetseng go latelwa. 30

(8) Laesense e e tlhakantsweng e tshwanetse go tsewa jaaka thebolelo ya tikologo e e tlhakantsweng e e tlhalositsweng mo karolong ya 24L ya Molao wa Bosetšhaba wa Tsamaiso ya Tikologo.

**Kopo ya dilaesene tsa tsamaiso ya lešwe**

35

45. (1) Motho yo o batlang laesense ya tsamaiso ya lešwe o tshwanetse go kopa laesense ka go isa kopo ya gagwe kwa bothating jwa dilaesense.

(2) Kopo ya laesense ya tsamaiso ya lešwe e tshwanetse go tliša e patagantswe le—

- (a) Tefo ya madi a tshekatsheko ya laesense; le
- (b) makwalo (ditlankana) le tshedimosetso e e ka batliwang ke bothati jwa dilaesense. 40

**Thapô ya batho ba ba tla laslang dikopo tsa dilaesense tsa tsamaiso ya lešwe**

46. (1) Bothati jwa dilaesense bo ka nna, ka kitsiso e e kwaletsweng mokopi, ya lopa mokopi yoo, kgotsa ka kitsiso mo *Kaseteng* ya lopa bakopi, ka ditshenyegelo tsa bona, go tlhoma motho yo ikemetseng yo o nang le dithutego tse di lebaneng go tsamaisa kopo. 45

(2) Fa go batliwa gore mokopi a tlhome motho yo o ikemetseng ka esi, mokopi o tshwanetse go—

- (a) tsaya dikgato tsotlhe tse di utlwalang go netefatsa gore motho yo o tlhomilweng o ikemetse ka esi le gore o na le boitseanape mo tsamaisong ya dikopo tsa dilaesense tsa tsamaiso ya lešwe; le go 50
- (b) naya motho yo o tlhomilweng phitlhelelo ya tshedimosetso yotlhe e mokopi a nang nayo tebang le kopo, go sa kgathaletsege gore a tshedimosetso eo e siametse kgotsa ga e a siamela mokopi.

**Procedure for waste management licence applications****47. (1) The licensing authority—**

- (a) may, by written notice, require the applicant, at the applicant's cost, to obtain and provide it within a specified period with any other information in addition to the information contained in or submitted in connection with the application; 5
- (b) may conduct its own investigation on the likely effect of the waste management activity on health and the environment;
- (c) must invite written comments from any organ of state that has an interest in the matter; and 10
- (d) must afford the applicant an opportunity to make representations on any adverse statements or objections to the application.

(2) An applicant must take appropriate steps to bring the application to the attention of relevant organs of state, interested persons and the public.

(3) The steps contemplated in subsection (2) must include the publication of a notice in at least two newspapers circulating in the area in which the waste management activity applied for is to be carried out. 15

**(4) The notice contemplated in subsection (3) must—**

- (a) describe the nature and purpose of the waste management licence applied for;
- (b) give particulars of the waste management activity, including the place where it is or is to be carried out; 20
- (c) state where further information on the waste management activity can be obtained;
- (d) stating a reasonable period within which written representations on, or objections to, the application may be submitted, and the address or place where representations or objections must be submitted; and 25
- (e) contain such other particulars as the licensing authority may require.

**Factors to be taken into account by licensing authority**

**48.** When considering an application for a waste management licence, the licensing authority must take into account all relevant matters, including— 30

- (a) the need for, and desirability of, the waste management activity and alternatives considered, including similar waste management activities, if any, that have already been licensed;
- (b) the pollution caused or likely to be caused by the activity that is the subject of the application, whether alone or together with existing operations or pollution and the effect or likely effect of that pollution on the environment, including health, social conditions, economic conditions and cultural heritage; 35
- (c) the best practicable environmental options available and alternatives that could be taken—
  - (i) to prevent, control, abate or mitigate pollution; and 40
  - (ii) to protect the environment, including health, social conditions, economic conditions and cultural heritage from harm as a result of the undertaking of the waste management activity;
- (d) any increased health and environmental risks that may arise as a result of the location where the waste management activity will be undertaken; 45
- (e) any reasons for a decision made in terms of regulations issued under section 24 of the National Environmental Management Act;
- (f) whether the applicant is a fit and proper person as contemplated in section 59;
- (g) the applicant's submissions;
- (h) any submissions received from organs of state, interested persons and the public; and 50
- (i) any guidelines the licensing authority may wish to issue relevant to the application.

**Tsamaiso ya dikopo tsa laesense ya tsamaiso ya lešwe**

- 47. (1)** Bothati jwa dilaesense—
- (a) bo ka nna, ka kitsiso e e kwadilweng, ba batla mokopi, ka ditshenyegelo tsa mokopi le gone ka nako e e totobaditsweng, go tla ka tshedimosetso le go naya bothati tshedimosetso e nngwe e sele e e tlaleletsang tshedimosetso e e mo kopong kgotsa e e filweng tebang le kopo; 5
  - (b) bo tshwanetse jwa tshwara ditlhotlhomiso tsa jona tsa kamo e e ka nnang teng ya tiro ya tsamaiso ya lešwe mo boitekanelong le mo tikologong;
  - (c) bo ka nna jwa kopa dikakgelo tse di kwadilweng go tswa kwa setheong sepe sa puso se se nang le kgatlhego mo morerong o; le gona 10
  - (d) bo tshwanetse go naya mokopi tšhono ya go tlisa dingongorego mo dipuong tse di maswe kgotsa mo dikganetsong tsa kopo.
- (2) Mokopi o tshwanetse go tsaya dikgato tse di lolamemg go dira gore kopo ya gagwe e itsewe ke ditheo tse di maleba tsa puso, bakgatlhegi le setšhaba.
- (3) Dikgato tse di umakilweng mo karolwaneng ya (2) di tshwanetse go akaretša phasalatso ya kitsiso mo dikuranteng tse pedi kgotsa go feta tse di anamisiwang mo kgaolong e tiro ya tsamaiso ya lešwe e e kopiwang e dirwang kgotsa e yang go dirwa mo go yona: 15
- (4) Kitsiso e e tlhalosiwang mo karolwaneng ya (3) e tshwanetse go—
- (a) tlhalosa mofuta le boikelelo jwa laesense ya tsamaiso ya lešwe e e kopiwang; 20
  - (b) fa dintlha tsa tiro ya tsamaiso ya lešwe, go akarediwa lefelo le di yang go direlwa mo go lona;
  - (c) bolela kwa go ka bonwang teng tshedimosetso ya tlaleletso e e buang ka tiro ya tsamaiso ya lešwe;
  - (d) bolela nako e e utlwalang e mo go yona dingongorego tse di kwadilweng, kgotsa dikganetso tsa kopo di tshwanetseng go tlišiwa, le aterese kgotsa lefelo le go ka isiwang dingongorego le dikganetso kwa go lona; le go 25
  - (e) nang le dintlha tse dingwe tse bothatai jwa dilaesense bo ka di batlang.

**Dintlha tse di tshwanetseng go tsewa tsiya ke bothati bo bo neelanang ka dilaesense**

- 48.** Fa ba sekaseka kopo ya laesense ya tsamaiso ya lešwe, bathati ba dilaesense ba tshwanetse go sekaseka mabaka otlhe a a lebaneng, go akarediwa— 30
- (a) tlhokego ya, keletsego ya, tiro ya tsamaiso ya lešwe le ditlhopho di sele tse di sekasekilweng, go akarediwa gore ke ditiro tsa tsamaiso ya lešwe dife, fa di le teng, tse di setseng di filwe laesense.
  - (b) kgotlelo e e bakiwang kgotsa e e ka bakiwang ke tiro e go buiwa ka ga yona mo kopong; e le esi kgotsa e na le kgotlelo kgotsa ditiro tse di leng teng le kamo kgotsa kamo e e ka nnang teng ya kgotlelo eo mo tikologong, go akarediwa boitekanelo, maemo a loago, memo a ikonomi le a ngwaoboswa jwa setso; 35
  - (c) diitlhophelo tsa tikologo tse di ka kgonegang tse di leng teng le ditsela di sele tse di ka tsewang— 40
    - (i) go thibela, laola, kokobatsa kgotsa phokotsa kgotlelo; le
    - (ii) go sireletsa tikologo, go akarediwa boitekanelo, maemo a loago, maemo a ikonomi, ngwaoboswa ya setso, mo diphatseng tse di ka tlang ka ntlha ya go dirwa ga tiro ya tsamaiso ya lešwe; 45
  - (d) diphatsa dipe tse di oketsegileng tsa boitekanelo le tikologo tse di ka nnang teng ka ntlha ya lefelo le go tla direlwang tsamaiso ya matlakala mo go lona;”.
  - (e) mabaka a tshwetso e e tserweng tebang le melawana e e filweng ka fa tlase ga karolo ya 24 ya Molao wa Tsamaiso ya Tikologo;
  - (f) gore a mokopi ke motho yo o itekanetseng e bile a lolame jaaka go umakilwe mo karolong ya 59; 50
  - (g) dineelo tsa mokopi;
  - (h) dineelo dipe go tswa kwa ditheong tsa puso, bakgatlhegi le setšhaba; le
  - (i) dikaedi dipe tse bathati jwa dilaesense bo ka eletsang go di ntsha tse di maleba le kopo. 55

**Decision of licensing authorities on waste management licence applications**

**49.** (1) The licensing authority may in respect of an application for a waste management licence—

- (a) grant the application;
- (b) refuse the application; or
- (c) reject the application where it does not comply with the requirements of this Act. 5

(2) A decision to grant a application for a waste management licence in respect of a waste disposal facility is subject to the concurrence of the Minister of Water Affairs and Forestry.

(3) Any decision by a licensing authority to grant an application for a waste management licence must be consistent with— 10

- (a) this Act, including any integrated waste management plans prepared in terms of this Act;
- (b) any applicable national environmental management policies and, where the MEC is the licensing authority, any applicable provincial environmental management policies; 15
- (c) the national environmental management principles set out in section 2 of the National Environmental Management Act;
- (d) any applicable industry waste management plan;
- (e) the objectives of any applicable waste management plan; and 20
- (f) any standards or requirements that have been set in terms of this Act or the waste management licence.

(4) After a licensing authority has reached a decision in respect of an application for a waste management licence, it must within 20 days—

- (a) notify the applicant of the decision and give written reasons for the decision; 25
- (b) if the decision is to grant the application, issue a waste management licence; and
- (c) in a manner determined by the licensing authority, instruct the applicant to notify any persons who have objected to the application of the decision and the reasons for the decision. 30

(5) An application which is substantially similar to a previous application that has been refused in terms of subsection (1)(b) may only be resubmitted if—

- (a) the new application contains new and material information not previously submitted to the licensing authority; or
- (b) a period of three years has elapsed since the application was lodged. 35

(6) An application which is rejected in terms of subsection (1)(c) may be amended and resubmitted to the licensing authority for reconsideration.

**Issuing of waste management licences**

**50.** (1) A waste management licence is subject to such conditions and requirements—

- (a) as specified in terms of section 51; 40
- (b) as the licensing authority may determine and specify in the licence; and
- (c) as the Minister or MEC has prescribed for the waste management activity in question.

(2) The licensing authority may issue a single waste management licence where the applicant has applied to undertake more than one waste management activity at the same location. 45

(3) The issuing of a waste management licence for a waste disposal facility is subject to the inclusion in the licence of any conditions contained in a Record of Decision issued by the Minister of Water Affairs and Forestry regarding any measures that the Minister of Water Affairs and Forestry considers necessary to protect a water resource as defined 50 in the National Water Act, 1998 (Act No. 36 of 1998).

**Contents of waste management licences**

**51.** (1) A waste management licence must specify—

- (a) the waste management activity in respect of which it is issued;
- (b) the premises or area of operation where the waste management activity may take place; 55
- (c) the person to whom it is issued;
- (d) the period from which the waste management activity may commence;

**Ditshwetso tsa bothati bo bo neslanang ka dilaesense mo dikopong tsa tsamaiso ya lešwe**

49. (1) Bothati jwa dilaesense bo ka nna, tebang le kopo ya laesense ya tsamaiso ya lešwe, jwa—
- (a) fa tetlo ya kopo 5
  - (b) gana kopo; kgotsa
  - (c) gana go sekaseka kopo fa e sa obamele melawana ya Molao o.
- (2) Tshwetso ya go fa kopo ya tlanelo/lefelo la tatlo ya lešwe e ka dirwa fa e le gore Tona ya Merero ya Metsi le Dikgwa e ka dumela.
- (3) Tshwetso epe ya bothati jwa dilaesense ya go naya kopo e tshwanetse go dumalana le— 10
- (a) Molao o, go akarediwa maano ape a a tlhakantsweng a tsamaiso ya lešwe a a baakantsweng tebang le Molao o;
  - (b) dipholisi dipe tsa setšhaba tsa tsamaiso ya tikologo tse di lebaneng le fa Mo-MEC e leng Mothati wa dilaesense, dipholisi dipe tsa porofense tsa tsamaiso ya tikologo; 15
  - (c) ditheo tsa bosetšhaba tsa tsamaiso ya tikologo e e leng mo karolong ya 2 ya Molao wa Bosetšhaba wa Tsamaiso ya Tikologo;
  - (d) leano lepe la tsamaiso ya lešwe a madirelo le le maleba;
  - (e) maikaelelo a leano lepe la tsamaiso ya lešwe le le maleba; le 20
  - (f) maemo ape kgotsa ditlokego tse di beilweng tebang le Molao o kgotsa laesense ya tsamaiso ya lešwe.
- (4) Fa bothati jwa dilaesense bo sena go tsaya tshwetso ka ga kopo e e dirilweng, bo tshwanetse gore e re malatsi a a 20 a ise a wele, bo—
- (a) itsise mokopi ka tshwetso mme ba fe mabaka a a kwadilweng a tshwetso eo; 25
  - (b) fe laesense ya tsamaiso ya lešwe, fa e le gore tshwetso ke go letla kopo; le gore bo
  - (c) laele mokopi, ka tsela e e tla bewang ke bothati jwa dilaesense, go itsise batho bape ba ba ganneng kopo ka ga tshwetso le mabaka a tshwetso eo.
- (5) Kopo e e tshwanang thata le kopo e e fetileng e e gannweng tebang le karolwana ya (1)(b) e ka tsenngwa gape fa fela— 30
- (a) kopo e ntšhwa e na le tshedimosetso e ntšhwa e e neng e sa neelwa bothati jwa dilaesense mo nakong e e fetileng; kgotsa
  - (b) lobaka lwa dingwaga tse tharo lo fetile, e sale kopo e dirwa.
- (6) Kopo e e sa amogeselegang go latela karolo (1)(c) e ka fetolwa mme ya tlhagisiwa seša go mothathi wa go laesensa go e seka seka seša. 35

**Tlhagiso ya dilaesense tsa tsamaiso ya lešwe**

50. (1) Laesense ya tsamaiso ya lešwe e tlangwa ke mabaka le ditlokego—
- (a) tse di totobaditsweng tebang le karolo ya 51;
  - (b) jaaka bothati jwa dilaesense bo tla baya le go totobatsa mo laesenseng; le 40
  - (c) jaaka Tona kgotsa Mo-MEC a go neela tiro ya tsamaiso ya lešwe e go buiwang ka ga yona.
- (2) Bothati jwa dilaesense bo ka nna jwa fa laesense ya tsamaiso ya lešwe e le nngwe fa mokopi a kopileng go dira ditiro tsa tsamaiso ya lešwe tse di fetang bongwe mo lefelong le le lengwe. 45
- (3) Go fiwa ga laesense ya tsamaiso ya lešwe go lefelo la tatlo ya lešwe go dirwa ka fa tlase ga mabaka go akarediwa mo laesenseng ga mabaka ape a a leng mo teng ga Rekoto ya Ditshwetso e e ntshiwang ke Tona ya Merero ya Metsi le Dikgwa tebang le dikgato dipe tse Tona ya Merero ya Metsi le Dikgwa a di tsayang di tlhokega go sireletsa motswedi wa metsi jaaka go tlhalositswe mo Molaong wa Bosetšhaba wa Metsi wa 1998 (molao No. 36 wa 1998); 50

**Diteng tsa dilaesense tsa tsamaiso ya lešwe**

51. (1) Laesense ya tsamaiso ya lešwe e tshwanetse go totobatsa—
- (a) tiro ya tsamaiso ya lešwe e laesense e filweng ka ntlha ya yona;
  - (b) boagelelo kgotsa lefelo la bodirelo kwa tiro ya tsamaiso ya lešwe e yang go direlwa mo go yona; 55
  - (c) motho yo o filweng laesense eo;
  - (d) nako e go tloga ka yona go ka simololwang tiro ya tsamaiso ya lešwe;

- (e) the period for which the licence is issued and period within which any renewal of the licence must be applied for;
  - (f) the name of the licensing authority;
  - (g) the periods at which the licence may be reviewed, if applicable;
  - (h) the amount and type of waste that may be generated, handled, processed, stored, reduced, re-used, recycled, recovered or disposed of; 5
  - (i) if applicable, the conditions in terms of which salvaging of waste may be undertaken;
  - (j) any other operating requirements relating to the management of the waste; and
  - (k) monitoring, auditing and reporting requirements. 10
- (2) A waste management licence may—
- (a) specify conditions in respect of the reduction, re-use, recycling and recovery of waste;
  - (b) specify conditions for the decommissioning of a waste disposal facility or cessation of the waste management activity; 15
  - (c) require the holder of a waste management licence to establish committees for the participation of interested and affected parties;
  - (d) provide that the licence is subject to the holder of a waste management licence providing an environmental management plan, contemplated in section 11 of the National Environmental Management Act, to the satisfaction of the licensing authority; 20
  - (e) require the holder of a waste management licence to undertake remediation work;
  - (f) specify the financial arrangements that the holder of a waste management licence must make for the undertaking of remediation work during the operation of the waste management activity or on decommissioning of the waste management activity; 25
  - (g) require the holder of the waste management licence to comply with all lawful requirements of an environmental management inspector carrying out his or her duties in terms of the National Environmental Management Act, including a requirement that the licence holder must, on request, submit to the inspector a certified statement indicating— 30
    - (i) the extent to which the conditions and requirements of the licence have or have not been complied with;
    - (ii) particulars of any failure to comply with any of those conditions or requirements; 35
    - (iii) the reasons for any failure to comply with any of those conditions or requirements; and
    - (iv) any action taken, or to be taken, to prevent any recurrence of that failure or to mitigate the effects of that failure; and 40
  - (h) include any other matters which are necessary for the protection of the environment.

### Transfer of waste management licences

52. (1) If ownership of a waste management activity for which a waste management licence was issued is transferred, the holder may, with the permission of a licensing authority, transfer the licence to the new owner of the waste management activity. 45

(2) A person applying for permission to transfer a waste management licence must lodge the application with the licensing authority.

(3) The application must be in the form required by the licensing authority.

(4) An application for the transfer of a waste management licence must be accompanied by— 50

- (a) the prescribed processing fee; and
- (b) such documentation and information as may be reasonably required by the licensing authority.

(5) If the environment or the rights or interests of other parties are likely to be adversely affected, the Minister or MEC must, before deciding the application for transfer, request the applicant to conduct a consultation process that may be appropriate in the circumstances to bring the application for the transfer of a waste management licence to the attention of relevant organs of state, interested persons and the public. 55

(6) When considering an application for the transfer of a waste management licence, the licensing authority may request any additional information, and must take into 60

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- (e) nako e laesense e e reboletsweng le nako e e ka yona ntšhwafatso ya laesense e tshwanetseng go kopiwa;
- (f) leina la bothati jwa dilaesense;
- (g) dinako tse ka tsona laesense e ka thadisiwang/sekasekiwang, fa go tlhokega;
- (h) bogolo le mofuta wa lešwe le le ka dirwang, tsholwang, fetolwang boleng, bolokiwang, fokodiwang, dirisiwang gape, dirisiwang sešwa le tsewang gape kgotsa latlhiwang; 5
- (i) fa go lebane, mabaka a tebang le ona poloko ya matlakala e ka dirwang;
- (j) ditlhokego dipe gape tse di lebaneng le tsamaiso ya lešwe; le
- (k) ditlhokego tsa tebelelo, boruni, le go bega. 10
- (2) Laesense ya tsamaiso ya lešwe e ka nna ya—
- (a) totobatsa mabaka tebang le phokotso ya lešwe, tirisogape, tirisosešwa le tseogape;
- (b) totobatsa mabaka a ntshotirisong ya lefelo la tatlo ya lešwe kgotsa kemiso ya tiro ya tsamaiso ya lešwe; 15
- (c) lopa motshola laesense ya lešwe go tlhoma dikomiti tsa botsayakarolo jwa batho ba ba kgatlhegang le ba ba amegang;
- (d) letla gore laesense e fiwa ka mabaka mo motshola laesenseng wa tsamaiso ya lešwe yo o fang leano la tsamaiso ya tikologo ka tsela e e kgotsofatsang bothati jwa dilaesense; 20
- (e) lopa motshola laesense ya tsamaiso ya lešwe go dira tiro ya phepafatso;
- (f) totobatsa gore dithulaganyetso tsa madi tse motshola laesense ya tsamaiso ya lešwe e tshwanetseng go di direla tiro ya phepafatso ka nako ya go dirwa ga tiro ya tsamaiso ya lešwe kgotsa ntshotirisong ya tiro ya tsamaiso ya lešwe;
- (g) lopa motshola laesense ya tsamaiso ya lešwe go obamela ditlhokego tsotlhe tsa semolao tsa motlhatlhoi wa tsamaiso ya tikologo yo a dirang ditiro tsa gagwe tebang le Molao wa Bosetšhaba wa Tsamaiso ya Tikologo, go akarediwa tlhokego ya gore motshola laesense o tshwanetse gore e re a kopiwa a neele motlhatlhoi polelo e e rurifaditsweng e e supang— 25
- (i) selekanyo se ka sona mabaka le ditlhokego tsa laesense di se kang tsa rekegelwa; 30
- (ii) dintlha tsa thetelelo epe ya go obamela epe ya mabaka ao kgotsa ditlhokego;
- (iii) mabaka a gore ke eng go retetse go obamela lepe la mabaka kgotsa ditlhokego tseo; le 35
- (iv) kgato epe e e tserweng kgotsa e e tla tsewang, go thibela poeletso ya thetelo eo kgots go fa mabaka a fokotsang ditlamorago tsa thetelelo eo; le go
- (h) akaretsa merero epe e sele e e leng bothokwa mo tshireletsego ya tikologo.

**Khuduso ya dilaesense tsa tsamaiso ya lešwe**

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52. (1) Fa thuo ya tiro ya tsamaiso ya lešwe e e ntsheditsweng laesense e hudusiwa, laesense eo, ka tetla ya bothati ba dilaesense, e ka nna ya hudusiwa ke motshola laesense go ya kwa go mong yo o montšhwa wa tiro ya tsamaiso ya lešwe.

(2) Motho yo o kopang tetla ya go hudusa laesense ya tsamaiso ya lešwe o tshwanetse go isa kopo ya gagwe kwa bothating ba dilaesense. 45

(3) Kopo e tshwanetse ya bo e le mo mofuteng o o batliwang ke bothati jwa dilaesense.

(4) Kopo ya khuduso ya laesense ya tsamaiso ya lešwe e tshwanetse go tla e na le —

(a) tefo e e beilweng ya go sekaseka kopo; le

(b) dikwalo le tshedimosetso tse di ka tlhokiwang ke bothati jwa dilaesense. 50

(5) Fa tikologo kgotsa ditshwanelo kgotsa dikgatlhego tsa batho ba bangwe di amega mo go maswe, Tona kgotsa Mo-MEC, o tshwanetse gore pelc a ka tsaya tshwetso ka kopo ya khuduso, a kope mokopi go nna le ditherisano tse gongwe di ka lolamang mo mabakeng ao go tlisa kopo ya khuduso ya laesense ya tsamaiso ya lešwe fa pelc ga ditheo tse di labaneng tsa puso, le fa pele ga batho ba ba kgatlhegang le setšhaba. 55

(6) Fa bothati ba dilaesense bo sekaseka kopo ya khuduso ya laesense ya tsamaiso ya lešwe, bo ka nna jwa kopa tshedimosetso ya tlaleletso le gone bo tshwanetse go leba merero yotlhe e e maleba, go akarediwa gore a motho yo laesense e hudusediwang kwa go ene ke motho yo o itekanetseng e bile a siame jaaka go tlhalositswe mo karolong ya 59. 60

account all relevant matters, including whether the person to whom the licence is to be transferred is a fit and proper person as contemplated in section 59.

(7) If the licensing authority's decision is to grant permission for the transfer of the waste management licence, the licensing authority—

- (a) must issue an amended licence which reflects the details of the person to whom the licence is being transferred; and
- (b) may make such amendments to the licence as are necessary to ensure that the purpose of any financial arrangements that are required in that licence are given effect to.

(8) The transfer of a waste management licence does not relieve the holder of the licence from whom the licence was transferred of any liability that the licence holder may have incurred whilst he or she was the holder of that licence.

### **Review of waste management licences**

**53.** (1) A licensing authority must review a waste management licence at intervals specified in the licence, or when circumstances demand that a review is necessary.

(2) The licensing authority must inform the holder of the waste management licence, in writing, of any proposed review and the reason for such review if the review is undertaken at another interval than is provided for in a waste management licence.

(3) For purposes of the review, a waste management officer may require the holder of the waste management licence to compile and submit a waste impact report contemplated in section 66.

### **Variation of waste management licences**

**54.** (1) A licensing authority may, by written notice to the holder of a waste management licence, vary the licence—

- (a) if it is necessary or desirable to prevent pollution;
- (b) if it is necessary or desirable for the purposes of achieving waste management standards or minimum requirements;
- (c) if it is necessary or desirable to accommodate demands brought about by impacts on socio-economic circumstances and it is in the public interest to meet those demands;
- (d) to make a non-substantive amendment;
- (e) at the written request of the holder of the waste management licence; or
- (f) if it is reviewed in terms of section 53.

(2) The variation of a waste management licence includes —

- (a) the attaching of an additional condition or requirement to the waste management licence;
- (b) the substitution of a condition or requirement;
- (c) the removal of a condition or requirement; or
- (d) the amendment of a condition or requirement.

(3) If a licensing authority receives a request from the holder of a waste management licence in terms of subsection (1)(e), the licensing authority must require the licence holder to take appropriate steps to bring the request to the attention of relevant organs of state, interested persons and the public if the variation of the licence is to authorise an increase in the environmental impact regulated by the waste management licence.

(4) Steps in terms of subsection (3) must include the publication of a notice in at least two newspapers circulating in the area in which the waste management activity authorised by the waste management licence is or is to be carried out.

(5) The notice contemplated in subsection (4) must—

- (a) describe the nature and purpose of the request;
- (b) give particulars of the waste management activity, including the place where it is, or is to be, carried out;
- (c) state a reasonable period within which written representations on, or objections to, the request may be submitted, and the address or place where representations or objections must be submitted; and
- (d) contain such other particulars as the licensing authority may require.

(6) Sections 47, 48 and 49 apply with the changes required by the context to the variation of a waste management licence.

(7) Fa tshwetso ya bothati jwa dilaesense e le go fa tetla ya go hudusa laesense ya tsamaiso ya lešwe, bothati jwa dilaesense—

- (a) bo tshwanetse go ntsha laesense e e baakantsweng e e supang dintlha tsa motho o laesense e huduseditsweng kwa go ena; le gore
- (b) bo ka nna ba dira dipaakanyo tsa laesense tse di tlhokafalang go netefatsa gore maikaelelo a dithulaganyetso dipe tsa madi tse di tlhokiwang mo laesenseng a a diragadiwa. 5

(8) Khuduso ya laesense ya tsamaiso ya lešwe ga e golole motshola laesense o laesense e hudusitsweng go tswa mo go ene mo maikarabelong ape a motshola laesense yoo a nnileng le ona fa a santse a le motshodi wa laesense eo. 10

### Thadiso ya dilaesense tsa tsamaiso ya lešwe

53. (1) Bothati jwa dilaesense bo tshwanetse go thadisa laesense ya tsamaiso ya lešwe ka dkgatso tse di totobaditsweng mo laesenseng, kgotsa fa mabala batla gore thadiso botlhokwa.

(2) Bothati jwa dilaesense bo tshwanetse go itsise motshola laesense ya tsamaiso ya lešwe, ka mokwalo ka ga thadiso ee tshitshintsweng ke lebaka la thadiso eo fa thadiso e dirwa e seng jaaka e rulaganyeditswe mo laesenseng ya tsamaiso ya lešwe. 15

(3) Ka ntlha ya maikaelelo a thadiso, motlhankedi wa tsamaiso ya lešwe a ka nna a lopa motshola laesense ya tsamaiso ya lešwe go rulaganya pego ya ditlamorgo tsa lešwe tse di umakilweng mo karolong ya 67. 20

### Go farologanngwa ga dilaesense tsa tsamaiso ya lešwe

54. (1) Bothati jwa dilaesense bo ka nna, ka kitiso e e kwadilweng, jwa farologanya laesense—

- (a) fa go le botlhokwa kgotsa go eletsega go itsa kgotlelesego;
- (b) fa go le botlhokwa kgotsa go eletsega ka ntlha ya maikaelelo a go kgona maemo a tsamaiso ya lešwe kgotsa ditlhokego tsa palotlase; 25
- (c) fa go tlhokega kgotsa go eletsega go reetsa dipatlo tse di tlisitsweng ke kamo mo mabakeng a ikonomiboago le gone fa go le mo kgaatlhegong ya setšhaba go lebagana le dipatlo tseo;
- (d) go dira tlhabololo e e seng kgolo; 30
- (e) fa go dirwa kopo ee kwadilweng ke motshola- laesense ya tsamaiso ya lešwe; kgotsa
- (f) fa e thadisiwa tebang le karolo ya 53.

(2) Go farologanngwa ga dilaesense tsa tsamaiso ya lešwe go akaretsa—

- (a) mametlelelo ya lebaka la tlaleletso kgotsa tlhokego mo laesenseng ya tsamaiso ya lešwe; 35
- (b) kemisetso ya lebaka kgotsa tlhokego;
- (c) tloso ya lebaka kgotsa tlhokego; kgotsa
- (d) tlhabololo ya lebaka kgotsa tlhokego.

(3) Fa bothati jwa dilaesense bo amogela kopo go tswa kwa motshola - laesense ya tsamaiso ya lešwe tebang le karolwana ya (1)(e), bothati jwa dilaesense bo tshwanetse go lopa motshola laesense go tsaya dikgato tse di lebaneng go itsise ditheo ts apuso tse dilebaneng, bakgatlhegi le setšhaba fa phrologanyo ya laesense e tla rebola koketsego ya ditlamorago tsa tikologo tse di laolwang ke laesense ya tsamaiso ya lešwe. 40

(4) Dikgato tebang le karolwana ya (3) di tshwanetse go akaretsa phasalatso ya kitsiso mo dikuranteng tse di anamisiwang mo kgaolong e tiro ya tsamaiso ya lešwe dirwang kgotsa e yang go dirwa. 45

(5) Kitsiso e e tlhalositsweng mo karolwaneng ya (4) e tshwanetse go

- (a) tlhalosa mokgwa le maikaelelo a kopo;
- (b) fa dintlha tsa tiro ya tsamaiso ya lešwe, go akarediwa lefelo le e leng mo go lona, le le yang go gonna kwa go lona le le e tla direlwang mo go yona; 50
- (c) bolela nako e e utlwalang e mo go yona dingongorego ka ga, kgotsa dikganeto tsa kopo di ka tlisiswang le aterese le lefelo le dingongorego le dikganetso tseo di tshwanetseng go romelwa kwa go lona, le
- (d) nna le dintlha tse dingwe tse bothati jwa dilaesense bo ka di batlang. 55

(6) Dikarolo tsa 47, 48 le 49, di tlama le diphetogo tse di batliwang ke bokao jwa mafoko mo pharologanyong ya laesense ya tsamaiso ya lešwe.

**Renewal of waste management licences**

55. (1) A waste management licence may, on application by the holder of the licence, be renewed by a licensing authority.

(2) The holder of a waste management licence must, before the expiry date of the licence and within the period specified in the licence, apply for the renewal of the licence to the licensing authority of the area in which the activity is carried out by lodging an application with the licensing authority in the form required by the licensing authority. 5

(3) An application for the renewal of a waste management licence must be accompanied by—

(a) the prescribed processing fee; and 10

(b) such documentation and information as may reasonably be required by the licensing authority.

(4) If the environment or the rights or interests of other parties are likely to be adversely affected, the licensing authority must, before deciding the application, request the applicant to conduct a consultation process that may be appropriate in the circumstances to bring the application for the renewal of a waste management licence to the attention of relevant organs of state, interested persons and the public. 15

(5) Sections 47, 48, 49 and 51 apply with the changes required by the context to an application for the renewal of a waste management licence.

(6) If the holder of a waste management licence does not apply for renewal of that licence, the licence holder remains liable for taking all measures that are necessary to ensure that the cessation of the activity that was authorised by the licence is done in a manner that does not result in harm to health or the environment. 20

**Revocation and suspension of waste management licences**

56. (1) The licensing authority may, by written notice to the holder of a waste management licence, revoke or suspend that licence if the licensing authority is of the opinion that the licence holder has contravened a provision of this Act or a condition of the licence and such contravention may have, or is having, a significant effect on health or the environment. 25

(2) The licensing authority may not revoke or suspend a waste management licence before it has— 30

(a) consulted relevant organs of state;

(b) afforded the holder of the waste management licence an opportunity to make a submission in respect of the intended revocation or suspension; and

(c) in the event that the holder has made a submission contemplated in paragraph (b), the licensing authority has considered that submission. 35

(3) Despite subsection (2), if urgent action is necessary for the protection of the environment, the licensing authority may immediately issue a notice of revocation or suspension and, as soon thereafter as is possible, consult with relevant organs of state and give the holder of the waste management licence an opportunity to make a submission. 40

**Surrender of waste management licences**

57. (1) A holder of a waste management licence may surrender that licence with the permission of the licensing authority.

(2) In considering a request to surrender a waste management licence, the licensing authority may— 45

(a) request such information as it requires to consider the request; and

(b) require the licence holder to take such steps as it considers necessary for the protection of the environment before accepting that surrender of the licence.

(3) The surrender of a waste management licence does not relieve the holder of the licence of any liability that the licence holder may have incurred whilst he or she was the holder of that licence. 50

**Waste management control officers**

58. (1) A waste management officer may require the holder of a waste management licence to designate a waste management control officer, having regard to the size and nature of the waste management activity for which the licence was granted. 55

(2) A waste management control officer must—

**Ntšhwafatso ya dilaesense tsa tsamaiso ya lešwe**

55. (1) Laesense ya tsamaiso ya lešwe e ka nna ya ntšhwafadiwa ke bothati jwa dilaesense fa motshola laesense a ka kopa jalo.

(2) Motshola laesense ya tsamaiso ya lešwe o tshwanetse gore pele ga letlha la khutliso ya laesense le go mo nakong e e totobaditsweng ke laesense, ntšhwafatso ya laesense mo bothating jwa dilaesense jwa kgaolo e tiro e yang go direlwa mo go yona ka go tliša kopo go bothati jwa dilaesense Kopo ya ntšhwafatso ya laesense ya tsamaiso ya lešwe e tshwanetse go tla e na le—

- (3) Kopo ya ntšhafatso ya laesense ya tsamaiso ya lešwe e tshwanetse go balela le—
- (a) tefo e e beilweng ya tshekatsheko ya laesense; le
  - (b) mekwalo le tshedimosetso tse di ka batliwang ke bothati jwa dilaesense

(4) Fa tikologo kgotsa ditshwanelo kgotsa dikgatlhago tsa batho ba sele di ka nna tsa amega ka tsela e e maswe, bothati jwa dilaesense bo tshwanetse gore pele bo ka tsaya tshwetso ka kopo, go lopa mokopi go tshwara ditherisano tse di ka nnang maleba mo mabakeng ao gore a tle a itsise ditheo tse di lebaneng tsa puso, bakgatlhegi le setšhaba ka kopo ya ntšhwafatso ya laesense ya tsamaiso ya lešwe.

(5) Dikarolo tsa 47, 48, 49 le 51 fa di buisiwa le diphetogo tse di tlhokegang jaaka bokao jwa mafoko bo tla tlhalosa, di dirisiwa mo kopong ya ntšhwafatso ya laesense ya tsamaiso ya lešwe.

(6) Fa motshola laesense ya tsamaiso ya lešwe a sa kwale kopo ya laesense eo, motshola laesense o tswelala go nna le maikarabel a go tsaya dikgato tsotlhe tse di tlhokegang go netefatsa gore kemiso ya tiro e e rebotsweng ke laesense e dirwa ka tsela ee sa feleleng e gobtatsa boitekanelo kgotsa tikologo.

**Phimolo le kemiso ya dilaesense tsa tsamaiso ya lešwe**

56. (1) Bothati jwa dilaesense bo ka nna ya re ka kitsiso e e kwaletsweng motshola laesense ya tsamaiso ya lešwe, jwa phimola kgotsa jwa emisa laesense eo fa bothati jwa dilaesense bo dumela gore motshola laesense yoo o tlodile taolo ya Molao o kgotsa lebaka la laesense le gore tlolomolao eo e ka tswa e, kgotsa e na le ditlamorago/kamo e e kgolo mo boitekanelong kgotsa mo tikologong.

(2) Bothati jwa dilaesense ga bo a tshwanela go phimola kgotsa go emisa laesense ya tsamaiso ya lešwe bo ise bo—

- (a) rerise ditheo tsa puso tse di amegang;
- (b) fe motshola laesense ya lešwe tšhono go dira neelo tchang le phimolo kgotsa kemiso eo; le gore
- (c) motsing motshodi yo dirileng neelo e e tlhalositsweng mo temeng ya (b), bothati jwa laesense bo sekasekile neelo eo.

(3) Le mororo go na le karolwana ya (2), fa dikgato tsa tshoganyetso di tshwanetse go tsewa go sireletsa tikologo, bothati jwa dilaesense bo ka nna jwa dira kitsiso ya phimolo kgotsa kemiso le gore ka bonako jo bo ka kgonagalang morago ga moo bo rerisane le ditheo tsa puso tse di lebaneng le gore fa motshodi wa laesense ya tsamaiso ya lešwe tšhono ya neelo.

**Pusetso ya laesense ya tsamaiso ya lešwe**

57. (1) Motshola laesense ya tsamaiso ya lešwe a ka nna a neela (*busa*) laesense eo ka tetla ya bothati jwa dilaesense.

(2) Mo tshekatshekong ya kopo ya go busa laesense ya tsamaiso ya lešwe, bothati jwa dilaesense bo ka nna ba—

- (a) kopa tshedimosetso e bo e tlhokang go sekaseka kopo; le go
- (b) kopa motshola laesense go tsaya dikgato tse bo di tsayang di tlhokafala gore go sirelediwe tikologo pele bo ka amogela go busiwa ga laesense.

(3) Go busa laesense ya tsamaiso ya lešwe ga e golole motshola laesense mo maikarabelong ape a motshola laesense a nnileng nao fa a santse a tshotse laesense eo.

**Motlhankedi wa taolo ya tsamaiso ya lešwe**

58. (1) Motlhankedi wa tsamaiso ya lešwe a ka nna a lopa gore motshola laesense go tlhoma motlhankedi wa taolo ya tsamaiso ya lešwe, go rekegetswe bogolo le mofuta wa tiro ya tsamaiso ya lešwe e e neetsweng laesense.

(2) Motlhankedi wa taolo ya tsamaiso ya lešwe o tshwanetse go—

- (a) work towards the development and introduction of clean production technologies and practices to achieve waste minimisation;
  - (b) identify and submit potential measures in respect of waste minimisation, including the reduction, recovery, re-use and recycling of waste to the waste management licence holder and the licensing authority; 5
  - (c) take all reasonable steps to ensure compliance by the holder of the waste management licence with the licence conditions and requirements and the provisions of this Act; and
  - (d) promptly report any non-compliance with any licence conditions or requirements or provisions of this Act to the licensing authority through the most effective means reasonably available. 10
- (3) This section does not affect the liability of the holder of a waste management licence or the liability of that licence holder to comply with the conditions and requirements of the licence.

### Criteria for fit and proper persons

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**59.** In order to determine whether a person is a fit and proper person for the purposes of an application in terms of this Chapter, a licensing authority must take into account all relevant facts, including whether—

- (a) that person has contravened or failed to comply with this Act, the Environment Conservation Act, the National Environmental Management Act or any other legislation applicable to waste management; 20
- (b) that person has held a waste management licence or other authorisation that has been suspended or revoked or that person has not complied with a material condition of such waste management licence or authorisation;
- (c) that person is or has been a director or senior manager of a company, firm or entity to whom paragraph (a) or (b) applies; 25
- (d) that person has the ability to comply with this Act and any conditions subject to which the application may be granted; and
- (e) the management of the waste management activity that is the subject of the application will be in the hands of a technically competent person. 30

## CHAPTER 6

### WASTE INFORMATION

#### Establishment of national waste information systems

**60.** (1) The Minister must establish a national waste information system for the recording, collection, management and analysis of data and information that must include— 35

- (a) data on the quantity and type or classification of waste generated, stored, transported, treated, transformed, reduced, re-used, recycled, recovered and disposed of; and
- (b) a register of— 40
  - (i) waste management activities that have been licensed;
  - (ii) the holders of waste management licences authorised to commence the waste management activities recorded in terms of subparagraph (i); and
  - (iii) the locations where the licensed waste management activities are or may be conducted. 45

(2) The waste information system may include information on—

- (a) the levels and extent of waste management services provided by municipalities;
- (b) information on compliance with this Act; and
- (c) any other information that is necessary for the purposes of effective administration of this Act. 50

(3) The national waste information system may be implemented incrementally.

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- (a) dira gore go nne le tlhabololo le kitsiso ya dithekenoloji le mekgwa e e umisang ka bophepa go kgona phokotso ya lešwe;
  - (b) kaya le go naya dikgato tse di ka diregang tebang le phokotso ya lešwe go akarediwa tseo gape, tiriso gape, tirisosešwa ya lešwe go motshola laesense ya tsamaiso ya lešwe le bothati jwa dilaesense;
  - (c) tsaya dikgato tsotlhe tse di utlwalang go netefatsa kobamelo-molao ya motshola laesense ya tsamaiso ya lešwe mo mabakeng a laesense le ditlhokego le ditaolo tsa Molao o; le go
  - (d) begela bothati jwa dilaesense ka bonako ka ga go tlhoka go obamela gofe kgotsa gofe ga mabaka a laesense kgotsa ditlhokego kgotsa ditaolo tsa Molao o ka tiriso ya tsela e e di gaisang tsotlhe ya tse di leng teng.
- (3) Karolo e ga e ame maikarabelo a motshola laesense ya tsamaiso ya lešwe kgotsa maikarabelo a motshola laesense o go obamela mabaka le ditlhokego tsa laesense.

**Dintlha tsa go itse motho yo o itekanetseng le yo o siameng**

- 59.** Gore bothati jwa dilaesense bo tle bo kgone go itse gore a motho o itekanetse e bile o siame ka maikaelelo a kopo tebang le Kgaolo e, bothati jwa dilaesense bo tshwanetse go leba dintlha tsotlhe tse di botlhokwa go akarediwa gore a—
- (a) motho yoo o tlopile kgotsa o paletswe ke go obamela Molao o, Molao wa Tshomarelo Tikologo, Molao wa Bosetšhaba wa Tshomarelo ya Tikologo, kgotsa peomolao epe e e maleba le tsamaiso ya lešwe;
  - (b) motho yoo o nnile le laesense ya tsamaiso ya lešwe kgotsa thebolelo epe e e emisitsweng, e e phimotsweng gore a motho yoo ga a obamela mabaka a laesense ya tsamaiso ya lešwe la bothati;
  - (c) motho yoo o kile a nna mokaedi kgotsa mogolwane wa setlamo, feme kgotsa lekgotla le tema ya (a) kgotsa (b) e buang ka lona;
  - (d) motho yoo o na le bokgoni jwa go obamela Molao o, le mabaka afe kgotsa afe a tshwanetseng go obamelwa gore laesense e tle e fiwe; le
  - (e) taolo ya tiro ya tsamaiso ya lešwe e go buiwang ka yona mo kopong, e tla nna mo diatleng tsa motho yo o nang le bokgoni jwa sethekeniki.

**KGAOLO YA 6****TSHEDIMOSETSO KA LEŠWE****Tlhomo ya thulaganyo ya bosetšhaba ya tshedimosetso ka lešwe**

- 60.** (1) Tona o tshwanetse go tlhoma thulaganyo ya tshedimosetso ka lešwe ya go rekota, kgobokanyo, tsamaiso le tshekatsheko le tshedimosetso tse di tshwanetseng go akaretsa—
- (a) tshedimosetso ka bogolo le mofuta kgotsa setlhopha sa lešwe a dirilweng, a a bolokilweng, a a rwelweng, a a fetotsweng, a a fokoditsweng, a a dirisitsweng gape, a dirisitswe sešwa, a tserwe gape e bile a latlhlwe; le
  - (b) Rejisetara ya—
    - (i) ditiro tsa tsamaiso ya lešwe tse di filweng laesense;
    - (ii) batshodi ba dilaesense tsa tsamaiso ya lešwe ba ba rebotsweng go nna le ditiro tsa tsamaiso ya lešwe tse di kwadilweng go latela mabaka a tema ya (1); le
    - (iii) mafelo a go ka tshwarelwang mo go ona ditiro tsa tsamaiso ya lešwe tse di filweng laesense.
- (2) Thulaganyo ya tshedimosetso ka lešwe e ka akaretsa tshedimosetso ka ga—
- (a) bogolo le selekano sa ditirelo tsa tsamaiso ya lešwe tse di fiwang ke dimmasepala;
  - (b) tshedimosetso ka ga kobamelo ya Molao o; le
  - (c) tshedimosetso efe kgotsa efe e e tlhokafalang ka maikaelelo a go nna le tsamaiso e e nonofileng ya Molao o.
- (3) Thulaganyo ya bosetšhaba ya tshedimosetso ka lešwe e ka diragadiwa ka go tlhatlhologana.

**Objectives of national waste information system**

61. The objective of the national waste information system is to —
- (a) store, verify, analyse, evaluate and provide data and information for the protection of the environment and management of waste;
  - (b) provide information for the development and implementation of any integrated waste management plan required in terms of this Act; and 5
  - (c) provide information to organs of state and the public —
    - (i) for education, awareness raising, research and development purposes;
    - (ii) for planning, including the prioritisation of regulatory, waste minimisation and other initiatives; 10
    - (iii) for obligations to report in terms of any legislation;
    - (iv) for public safety management;
    - (v) on the status of the generation, collection, reduction, re-use, recycling and recovery, transportation, treatment and disposal of waste; and
    - (vi) the impact of waste on health and the environment. 15

**Establishment of provincial waste information system**

62. (1) The MEC may establish a provincial waste information system.
- (2) A provincial waste information system must at least include the information required by the national information system.
- (3) The Minister may, by notice in the *Gazette*, and for the purposes of ensuring efficient administration, exempt a category of persons who must furnish information to the provincial waste information system established in terms of subsection (1) from furnishing that information to the national waste information system established in terms of section 60. 20
- (4) If the Minister exercises a power under subsection (3), the MEC is responsible for furnishing that information to the Minister, unless otherwise directed by the Minister by notice in the *Gazette*. 25

**Provision of information**

63. (1) The Minister may, by notice in the *Gazette* or in writing, require any person to provide, within a reasonable time or on a regular basis, any data, information, documents, samples or materials to the Minister that are reasonably required for the purposes of the national waste information system established in terms of section 60 or the management of waste. 30
- (2) The MEC may, by notice in the *Gazette* or in writing, require any person or organ of state to provide, within a reasonable time or on a regular basis, any data, information, documents, samples or materials to the MEC that are reasonably required for the purposes of a provincial waste information system established in terms of section 62 or the management of waste in the province. 35
- (3) A notice under subsection (1) or (2) may also indicate the manner in which the information must be furnished and, if required, how the information must be verified. 40
- (4) Where the Minister or MEC requires a municipality to furnish data, information, documents, samples or materials in terms of subsection (1) or (2), the municipality concerned may, by notice in the *Gazette* or in writing, require any person or organ of state to provide, within a reasonable time or on a regular basis, such data, information, documents, samples or materials, and the verification of such information, to the municipality that are reasonably required to discharge its obligations in terms of subsection (1) or (2). 45

**Access to information**

64. Information contained in the national waste information system or a provincial waste information system established in terms of section 60 or 62, as the case may be, must be made available by the Minister or MEC, subject to the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000). 50

**Maikaelelo a thulaganyo ya bosetšhaba ya tshedimisetso ka lešwe****61. Maitlthomo a thulaganyo ya tshedimisetso ka lešwe ke go—**

- (a) boloka, netefatsa, sekaseka, tthatlhoba le go naya tshedimisetso e. ka ga tshireletso ya tikologo le tsamaiso/taolo ya lešwe
- (b) naya tshedimisetso ya tlhabololo le tiragatso ya maano a a kopanetsweng a tsamaiso ya lešwe e e lopiwang tebang le Molao o; le 5
- (c) go naya tshedimisetso go ditheo tsa puso le setšhaba—
  - (i) ka maitlthomo a go fa thuto, go itsise batho, dipatlisiso le ditlhabololo;
  - (ii) go loga maano, go akarediwa go nna le dilejwapele tsa taolo, phokotso ya lešwe le diitshimololelo; 10
  - (iii) gore maikarabelo a go bega tebang le peomolao efe kgotsa efe;
  - (iv) gore go tsamaisiwe pabalesego ya setšhaba;
  - (v) ka seemo sa go dirwa, go kgobokanngwa, phokotso, tirisogape, tirisosešwa, tseogape, go rwalwa ga phetolo le tatlho ya lešwe; le ka 15
  - (vi) ditlamorago tsa lešwe mo tikologong

**Tlthomo ya thulaganyo ya porofense ya tshedimisetso ka lešwe**

**62.** (1) Mo-MEC a ka nna a tlhoma thulaganyo ya porofense ya tshedimisetso ka lešwe.

(2) Thulaganyo ya porofense ya tshedimisetso ka lešwe e tshwanetse gore bonnye e akaretse tshedimisetso e e batliwang ke thulaganyo ya bosetšhaba ya tshedimisetso. 20

(3) Tona a ka nna, ka kitsiso mo *Kaseteng* le ka maikaelelo a go netefatsa tsamaiso e e kgonang sentle, a golola setlhopha sa batho ba ba tshwanetseng go fa tshedimisetso go tshedimisetso ya porofense ka lešwe e e tlhomilweng tebang le karolwana ya (1) mo go feng tshedimisetso eo go thulaganyo ya tsamaiso ya lešwe tebang le karolo ya 60. 25

(4) Fa Tona a dirisa dithata go ya ka karolwana ya (3), Mo-MEC o na le maikarabelo a go naya Tona tshedimisetso eo, kwa ntle ga fa Tona a itsisitse ka tsela e sele ka kitsiso mo *Kaseteng*.

**Neo ya tshedimisetso**

**63.** (1) Tona a ka nna, ka kitsiso mo *Kaseteng* kgotsa ka mokwalo, a lopa motho ofe le ofe kgotsa setheo sa puso, go fa Tona ka nako e e utlwalang kgotsa ka gangwe le gape data epe, tshedimisetso, ditlankana (didokumente), disampole kgotsa ditlabakelo (dire) tse ka tsela e e utlwalang di batlegang ka maikaelelo a thulaganyo ya bosetšhaba ya tshedimisetso ka lešwe e e tlhomilweng tebang le karolo ya 61 kgotsa tsamaiso ya lešwe. 35

(2) Mo-MEC a ka nna ka kitsiso mo *Kaseteng* kgotsa ka mokwalo, a lopa motho ofe le ofe kgotsa setheo sa puso, gore ka nako e e utlwalang kgotsa ka gangwe le gape a fe Mo-MEC data epe, tshedimisetso, dikwalo (didokumente) disampole kgotsa ditlabakelo tse ka mo go utlwalang di batlelwang maikaelelo a thulaganyo ya porofense ya tshedimisetso ka lešwe e e tlhomilweng go latela karolo ya 62 kgotsa maikaelelo a tsamaiso ya lešwe mo porofenseng. 40

(3) Kitsiso e e umakilweng mo dikarolwaneng tsa (1) kgotsa (2) e ka nna ya kaya mokgwa o ka ona tshedimisetso e ka fiwang, le gore fa go tlhokegang teng mokgwa o ka ona e tshwanetseng go netefatswa.

(4) Fa Tona kgotsa Mo-MEC a lopang mmasepala go fa tshedimisetso, dikwalo (didokumente), disampole kgotsa ditlabakelo tebang le dikarolwana tsa (1) kgotsa (2), mmasepala o o amegang o ka nna ka kitsiso mo *Kaseteng* kgotsa ka go kwalwa, wa lopa motho ofe le ofe kgotsa setheo sa puso go fa mo nakong e e utlwalang kgotsa ka gangwe le gape, tshedimisetso, dikwalo (didokumente), disampole kgotsa ditlabakelo tse le netefatso ya tshedimisetso eo go mmasepala o go lopiwang ka tsela e e utlwalang gore o diragatse maikarabelo a ona go ya ka karolwana (1) kgotsa (2). 50

**Phitlhelelo ya tshedimisetso**

**64.** Tshedimisetso e e mo thulaganyong ya tshedimisetso ka lešwe kgotsa thulaganyo ya porofense ya tshedimisetso ka lešwe e e tlhomilweng tebang le karolo 60 kgotsa 62 ka tatelano eo, e tshwanetse go fiwa ke Tona kgotsa Mo-MEC, go setswe morago Molao wa Tsweletso ya Phitlhelelo ya Tshedimisetso wa 2000 (Molao No. 2 wa 2000). 55

**CHAPTER 7****COMPLIANCE AND ENFORCEMENT****Compliance powers of Minister of Water Affairs and Forestry**

**65.** (1) Despite the powers conferred on the Minister or MEC by or under this Act, the Minister of Water Affairs and Forestry may exercise any powers conferred on him or her by section 19, 53 and 155 or the National Water Act, 1998 (Act No. 36 of 1998), in respect of a person who contravenes or fails to comply with any condition of a waste management licence, a remediation order or measures specified in terms of section 38(3) that may lead to an impact on a water resource. 5

(2) The Minister of Water Affairs and Forestry must exercise the powers contemplated in subsection (1) after consultation with the Minister or MEC. 10

**Waste impact reports**

**66.** (1) An environmental management inspector appointed in terms of the National Environmental Management Act may, in writing, require any person to submit a waste impact report in a specified form and within a specified period to the environmental management inspector if the environmental management inspector on reasonable grounds suspects that such person has on one or more occasions contravened or failed to comply with this Act or any conditions of a waste management licence or exemption and that the contravention or failure has had or is likely to have a detrimental effect on health or the environment, including social conditions, economic conditions, ecological conditions or cultural heritage, or has contributed to the degradation of the environment. 15 20

(2) A waste management officer may, in writing, require any person to submit a waste impact report in a specified form and within a specified period to the waste management officer if a review of a waste management licence is undertaken in terms of section 53.

(3) An environmental management inspector or waste management officer must stipulate the documentation and information that should be included in a report submitted in terms of subsection (1) or (2). 25

(4) Before making a request in terms of subsection (1) an environmental management inspector must afford the person to whom the request is to be made an opportunity to show cause why a waste impact report should not be required. 30

(5) A waste management officer may indicate that a waste impact report to be submitted in terms of subsection (1) or (2) must be compiled by an independent person.

(6) The costs incurred in compiling a waste impact report, including any costs of an independent person, are the liability of the person required to submit the report.

(7) If the person who is required to submit a waste impact report in terms of subsection (1) or (2) fails to submit the report within the specified period, the waste management officer may— 35

- (a) appoint an independent person to compile the report; and
- (b) recover the cost of compiling the report from the person required to submit the report. 40

**Offences**

**67.** (1) A person commits an offence if that person—

- (a) contravenes or fails to comply with a provision of section 15, 16(1)(c), (d), (e) or (f), 20, 26(1), or any order under section 38(2) or (3) or a notice under section 17(2) or 18(1); 45
- (b) contravenes or fails to comply with a provision of section 21, 22(1), 24, 27(2), 36(5) or 40(1);

**KGAOLO YA 7****KOBAMELO LE TIRAGATSOMOLAO****Dithata tsa kobamediso molao tsa Tona Ya Merero ya Metsi le Dikgwa**

65. (1) Le mororo go na le dithata tse di filweng Tona kgotsa Mo-MEC tebang le molao o, Tona ya Merero ya Metsi le Dikgwa a ka nna a dirisa dithata dipe tse a di filweng tebang le dikarolo tsa 19, 53 le 155 tsa Molao wa Bosetšhaba wa metsi wa 1998 (Molao No. 36 wa 1998), tebang le motho yo o tloang molao kgotsa yoo retelelwang ke go obamela mabaka ape a laesense ya tsamaiso ya lešwe, taolo ya phepafatso kgotsa dikgato tse di totobaditsweng tebang le karolo ya 39(3) e e ka gogelang kwa kamong mo motswedi wa metsi. 5 10

(2) Tona ya Merero ya Metsi le Dikgwa o tshwanetse go dirisa dithata tsa gagwe tse di umakilweng mo karolwaneng ya (1) morago ga sena go rerisana le Tona kgotsa Mo-MEC.

**Pego ya kutlwalo ya ditlamorago tsa lešwe**

66. (1) Motlhatlhabi wa tsamaiso ya tikologo yo o tlhomilweng go ya ka Molao wa Bosetšhaba wa Tsamaiso ya Tikologo, a ka nna ka mokwalo, a kopa motho ofe kgotsa ofe go lere pego ya ditlamorago tsa lešwe ka dingwe le dingwe tse di totobaditsweng le gone ka nako e e totobaditsweng go motlhankedi wa tsamaiso ya lešwe fa motlhatlhabi wa tsamaiso ya tikologo a na le pelaelo e e utlwalang ya gore motho mo makgetlong a a fetang gangwe o tlodile molao kgotsa o reteletswe ke go obamela Molao o kgotsa mabaka ape a laesense ya tsamaiso ya lešwe kgotsa kgololo, le gore tloamolao e kgotsa tletelelo e nnile le kgotsa e ka nna le ditlamorago tse di maswe mo boitekanelong kgotsa mo tikologong kgotsa mo tikologong, go akarediwa boitekanelo, maemo a loago, maemo a ikonomi, maemo a ikholoji kgotsa ngwaoboswa ya setso, kgotsa e nnile le karolo mo teswafatsong ya tikologo. 15 20 25

(2) Motlhankedi wa tsamaiso ya lešwe a ka nna a kopa, ka go kwala, motho ofe kgotsa ofe go fa pego ya ditlamorago tsa lešwe, e e tlang e le mo efe kgotsa efe gongwe e e totobaditsweng ka nako e ka nako e e beilweng go motlhankedi wa tsamaiso ya lešwe fa go dirwa thadiso ya laesense ya tsamaiso ya lešwe tebang le karolo ya 53.

(3) motlhatlhabi wa tsamaiso ya tikologo kgotsa motlhankedi wa tsamaiso ya matlakala o tshwanetse go bolela mekwalo (didokumente) le tshedimsetso e e tshwanetseng go karediwa mo pegong e e fileng go ya ka karolwana ya (1) kgotsa (2). 30

(4) Pele a ka dira kopo go ya ka dikarolwana tsa (1), motlhatlhabi wa tsamaiso ya tikologo o tshwanetse go fa motho yo o tshwanetseng go kopiwa tšhono go itsise motlhankedi wa tsamaiso ya lešwe kgotsa motlhatlhabi wa tsamaiso ya lešwe gore ke eng pego ya ditlamorago tsa lešwe le sa tshwanela go batliwa. 35

(5) Motlhankedi wa tsamaiso ya lešwe a ka nna a kaya gore pego ya ditlamorago tsa lešwe e e tshwanetseng go tliwa go ya ka dikarolwana tsa (1) le (2) e tshwanetse go rulaganngwa/kwalwa ke motho yo o ikemetseng ka esi.

(6) Ditshenyegelo tse di itemogetseng fa go kwalwa/rulaganngwa pego ya ditlamorago tsa lešwe, go akarediwa ditshenyegelo tsa motho yo o ikemetseng ka esi ke maikarabelo a motho o o lopiwang go tliša pego. 40

(7) Fa motho yo o lopiwang go tliša pego ya ditlamorago tsa lešwe go ya ka karolwana ya (1) kgotsa ya (2) a retelelwa ke go tliša pego mo nakong e e totobaditsweng, motlhankedi wa tsamaiso ya lešwe le ka nnala— 45

(a) tlhoma motho yo o ikemetseng ka esi go kwala/rulaganya pego; le go

(b) tsaya madi a ditshenyegelo tsa go kwala pego mo mothong yo o lopiwang go kwala pego.

**Ditlolamolao**

67. (1) Motho o tla nna molato wa tlolamolao fa motho yo a— 50

(a) tlola kgotsa a retelelwa ke go tshegets a molawana wa karolo ya 15, 16(1)(c), (d), (e) kgotsa (f), 20, 25(2), (3) kgotsa 4, 26(1) kgotsa taolo epe e e ka fa tlase ga karolo ya 38(2) kgotsa (3) kgotsa kitsiso ka fa tlase ga karolo ya 17(2) kgotsa 18(1);

(b) tlola kgotsa a retelelwa ke go tshegets a molawana wa karolo ya 21, 22(1), 24, 27(2), 36(5); kgotsa 40(1); 55

- (c) fails to submit or to prepare an industry waste management plan when required to do so in terms of section 28;
  - (d) contravenes or fails to comply with an industry waste management plan;
  - (e) contravenes or fails to comply with a waste management measure specified in terms of section 14(4) or 33(1);
  - (f) contravenes or fails to comply with a norm or standard established in terms of this Act;
  - (g) fails to conduct a site assessment or to submit a site assessment report in terms of section 37(1);
  - (h) contravenes or fails to comply with a condition or requirement of a waste management licence or an integrated licence contemplated in section 44;
  - (i) fails to submit a waste impact report required in terms of section 66(1) or (2);
  - (j) contravenes or fails to comply with a condition subject to which exemption from a provision of this Act was granted in terms of section 76(3)(c);
  - (k) knowingly supplies false or misleading information in any application made in terms of this Act;
  - (l) knowingly supplies false or misleading information to a waste management officer or environmental management inspector for the purpose of this Act;
  - (m) fails to provide the information contemplated in section 29(5) or 63(4).
- (2) A person who is in control of a vehicle, or in a position to control the use of a vehicle, that is used to transport waste for the purpose of offloading that waste, is guilty of an offence if that person—
- (a) fails to take all reasonable steps to prevent spillage of waste or littering from the vehicle;
  - (b) intentionally or negligently cause spillage or littering from the vehicle;
  - (c) dispose of waste at a facility which is not authorised to accept such waste;
  - (d) fails to ensure that waste is disposed of at a facility that is authorised to accept such waste; or
  - (e) fails to comply with any duty set out in section 25(4).

**Penalties**

68. (1) A person convicted of an offence referred to in section 67(1)(a), (g) or (h) is liable to a fine not exceeding R10 000 000 or to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment, in addition to any other penalty or award that may be imposed or made in terms of the National Environmental Management Act.
- (2) A person convicted of an offence referred to in section 67(1)(b), (c), (d), (e), (f), (i), (j), (k) or (l) or section 67(2)(a), (b), (c), (d) or (e) is liable to a fine not exceeding R5 000 000 or to imprisonment for a period not exceeding five years, or to both a fine and such imprisonment, in addition to any other penalty or award that may be imposed or made in terms of the National Environmental Management Act.
- (3) Any person convicted of an offence referred to in section 67(1)(m) is liable to a fine or to imprisonment for a period not exceeding six months or to both a fine and such imprisonment.
- (4) A person who is convicted of an offence in terms of this Act and who persists after conviction in the act or omission that constituted the offence commits a continuing offence and is liable on conviction to a fine not exceeding R1 000 or to imprisonment for a period not exceeding 20 days, or to both such fine and such imprisonment, in respect of each day that person persists with that act or omission.
- (5) A fine contemplated in subsection (1), (2), (3) or (4) must be determined with due consideration of—
- (a) the severity of the offence in terms of its impact or potential impact on health, well-being, safety and the environment; and
  - (b) the monetary or other benefits that accrued to the convicted person through the commission of the offence.

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- (c) retelelwa ke go tlisa kgotsa go rulaganya leano la tsamaiso ya lešwe a madirelo fa a lopiwa go dira jalo tebang le karolo ya 28;
- (d) tlola kgotsa a retelelwa ke go obamela leano la tsamaiso ya lešwe la madirelo;
- (e) tlola kgotsa a retelelwa ke go obamela kgato ya tsamaiso ya lešwe e e totobaditsweng mo karolong ya 14(4) kgotsa 33(1); 5
- (f) tlola molao kgotsa a retelelwa ke go obamela tekanyo kgotsa maemo a a tlhomilweng tebang le molao o;
- (g) retelelwa ke go dira tlhatlhobo ya lefelo kgotsa go tlisa pego ya tlhatlhobo tebang le karolo ya 37 (1);
- (h) tlola molao kgotsa a retelelwa ke go obamela lebaka kgotsa molawana wa laesense ya tsamaiso ya lešwe kgotsa wa laesense e e tlhakantsweng e e tlhalositsweng mo karolong ya 44; 10
- (i) retelelwa ke go tlisa pegelo ya dipholo tsa lešwe e e lopiwang tebang le karolo ya 66(1) kgotsa (2);
- (j) tlola molao kgotsa a retelelwa ke go obamela mabaka a ka one go neng go filwe kgololo mo molawaneng wa Molao o tebang le karolo ya 76(3)(c); 15
- (k) naya ka bomo tshedimosetso e e maaka kgotsa e e timetsang ka ga kopo epe e e dirilweng tebang le Molao o;
- (l) naya ka bomo tshedimosetso e e maaka kgotsa e e timetsang go motlhankedi wa tsamaiso ya lešwe kgotsa motlhatlhoi wa tsamaiso ya tikologo ka maikaelelo a Molao o. 20
- (m) retelelwa ke go naya tshedimosetso e e tlhalositsweng mo karolong ya 29(5) kgotsa 63 (4).
- (2) Motho yo a naleng taolo ya sejanaga, kgotsa a nale maemo a go laola go dirisiwa ga sejanaga se se dirisiwang go rora lešwe ka maikaelelo a go tsholola lešwe leo, o molato ka go tlolamolao fa e le gore motho yoo— 25
- (a) O retelelwa ke go tsaya Dikgato tse di amogeselegang go tila go tshologa ga lešwe kgotsa tatlho e e tsagalang mo sejanageng;
- (b) Ka maikaelelo kgotsa ka go ba botlhaswa a tlhola tatlho kgotsa tshologo tatlho go tswa mo sejanageng; 30
- (c) O fedisa lešwe mo lefelong le le sa letlelelwang go amogela lešwe leo;
- (d) O retelelwa ke go netefatsa gore lešwe le fediswa mo lefelong le le letleletsweng go amogela lešwe leo; kgotsa
- (e) O retelelwa go diragatsa se se tlhalositsweng mo karolong 25(4).

**Dikotlhao**

68. (1) Motho yo o bonweng molato wa tlolamolao e e umakilweng mo karolong 67(1)(a), (g), (h), e lebanwe ke tefiso e e sa feteng R10 000 000 kgotsa go tsenngwa mo kgolegong k alobaka lo lo sa feteng dingwaga tse 10, kgotsa go otlhaiwa ka tefiso eo mmogo le katlholelo kgolegelo go tlaletsa kotlhao epe kgotsa kabelo e e ka dirwang go tsamaisana le Molao wa Bosetšhaba wa Tsamaiso ya Tikologo. 40
- (2) Motho yoo bonweng molato o o umakilweng mo karolong ya 67(b), (c), (d), (e), (f), (i), (j), (k) kgotsa (l) o na le maikarabelo a go duela tefo kgotsa go ya kgolegong ka lobaka lo lo sa feteng dingwaga tse 15, kgotsa go otlhaiwa ka tefiso mmogo le katlholelo kgolego go tlaletsa kotlhao epe kgotsa kabelo e e ka bewang kgotsa ya dirwang go tsamaisana le Molao wa Bosetšhaba wa Tsamaiso ya Tikologo. 45
- (3) Motho yo o bonweng molato o o umakilweng mo mo karolong ya 67 (m) o na le maikarabelo a go duela tefo kgotsa go ya kgolegong ka lobaka lo lo sa feteng dikgwedi tse thataro kgotsa ka go otlhaiwa ka tuediso mmogo le katlholelo kgolego ya go nna jalo.
- (4) Motho yo o bonweng molato wa tlolamolao go ya ka fa Molao o buang ka teng mme a tswelala morago ga go bonwa molato moo ka go dira melato eo kgotsa go sa dire sengwe mo go tsewang e le tlolamolao, o molato wa go tswelala go tlolamolao mme o lebanwe ke go duediswa madi bogolo (makisimamo) jwa R1 000 kgotsa go atlholelwa kgolego ya lobaka lo lo sa feteng malatsi a 20 kgotsa go otlhaiwa ka tuediso mmogo le katlholelo kgolegelo go tsamaelana le letsatsi lengwe le lengwe le ka lona a tswelelang go dira tiro e kgotsa go sa dire sengwe ka lona. 55
- (5) Tuediso e e tlhalositsweng mo dikarolwaneng tsa (1), (2) (3) kgotsa (4) e tshwanetse go bewa go lebilwe mabaka a—
- (a) bokete jwa molato tebang le kamo ya ona kgotsa kamo e e neng e ka nna teng mo boitekanelong, mo go tsheleng sentle, mo pabalesego le tikologo; le
- (b) mesola ya madi le e sele e e kokotlegetseng motho yo o bonweng molato ka ntlha ya tlolamolao ya gagwe. 60

**CHAPTER 8****GENERAL MATTERS*****Part 1***  
***Regulations*****Regulations by Minister**

5

- 69.** (1) The Minister may make regulations regarding—
- (a) the identification and categorisation of waste;
  - (b) the manner in which particular waste types must be dealt with and managed;
  - (c) the manner in which priority waste must be dealt with and managed;
  - (d) requirements for monitoring of compliance with this Act or any licence issued 10  
in terms of this Act;
  - (e) waste management planning;
  - (f) the exercise of the duty of care;
  - (g) measures that are required for the environmentally sound management of 15  
waste;
  - (h) requirements in respect of waste management activities;
  - (i) measures that must be taken in respect of the implementation of waste  
minimisation, including the separation of waste at the point of generation and  
setting of targets or percentage of products that must be recovered under a  
re-use, recycling, refundable deposit or take-back programme; 20
  - (j) the control of the import or export of waste;
  - (k) the obligation of producers of a specified product or class of product to carry  
out a life cycle assessment in relation to the product, in such manner or in  
accordance with such standards or procedures as may be specified;
  - (l) the requirements that must be complied with in respect of the design, 25  
composition or production of a product or packaging, including requirements  
in respect of—
    - (i) the restriction of the composition, volume or weight of packaging;
    - (ii) the reduction, re-use, recycling and recovery of packaging; and
    - (iii) the use of alternate materials that are less harmful to the environment; 30
  - (m) the utilisation of waste by way of recovery, re-use and recycling;
  - (n) the reduction of waste by—
    - (i) the adoption of certain manufacturing processes; and
    - (ii) the use of alternative materials or products;
  - (o) the financial arrangements of waste minimisation programmes; 35
  - (p) the institutional arrangements for the administration of waste minimisation  
programmes;
  - (q) the control over waste management facilities;
  - (r) labelling requirements in respect of waste management;
  - (s) the location, planning and design of waste management activities; 40
  - (t) the registration of persons transporting waste;
  - (u) the manner in which a site assessment in terms of section 37 must be  
conducted and the person who may conduct such assessments;
  - (v) the contents of a site assessment report contemplated in section 37, including 45  
persons who may undertake such site assessments;
  - (w) the manner in which an application for a waste management licence must be  
made, including the persons who may manage such applications;
  - (x) requirements in respect of the funding or insuring of a waste management  
activity;
  - (y) the nature, type, time period and format of data and information to be 50  
submitted in terms of a waste information system established in terms of this  
Act;
  - (z) the procedure for the institution of appeals against decisions of officials in the  
performance of their functions in terms of this Act;
  - (aa) the dissemination of information to the public; 55

## KGAOLO YA 8

## DINTLHA — KAKARETISO

*Karolo ya 1*  
*Melawana***Melawana ka Tona**

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**69. Tona e ka nna ya dira melawana tebang le—**

- (a) temogo le go tlhola ka ditlhophha ga lešwe;
- (b) tsela e mefuta ya lešwe le le totobaditsweng e tshwanetseng go laolwa ka yona le ka fa a tshwanetseng go tsamaiswa ka teng;
- (c) tsela e lešwe la dilejwapele a tshwanetseng go laolwa ka gona le ka fa a tshwanetseng go tsamaiswa ka teng; 10
- (d) ditlhokego tsa go lebelela kobamelomolao ya Molao o kgotsa laesense epe tebang le Molao o;
- (e) togamaano ya tsamaiso ya lešwe;
- (f) go dirwa ga tiro ya tlhokomelo; 15
- (g) dikgato tse di tlhokiwang gore go tle go nne le tsamaiso ya lešwe le le siametseng tikologo;
- (h) ditlhokego tebang le ditiro tsa tsamaiso ya lešwe;
- (i) dikgato tse di tshwanetseng go tsewa tebang le phokotso ya lešwe, go akarediwa sekanyo kgotsa diperesente tsa dikumo tse di tshwanetseng go busediwa ka fa tlase ga thulaganyo ya tirisogape, peeletso e e busediwang madi kgotsa thulagayo ya go tsaya-gape; 20
- (j) taolo ya thomeloteng le thomelontle ya lešwe;
- (k) maikarabelo a batlhagise ba kumo se se totobaditsweng kgotsa setlhophha tsa dikumo, ka tsela kgotsa go dumalana le dikemo le ditsamaiso tse di ka totobadiwang; 25
- (l) ditlhokego tse go tshwanetseng gore di salwe morago tebang le botlhami, kagego kgotsa go dirwa ga kumo (sedirwa) kgotsa go phuthelwa ga yona, go akarediwa ditlhokego tebang le—
  - (i) thibelo ya kagego, palo le bokete jwa diphuthelo; 30
  - (ii) ngotlo, tirisogape, tirisosešwa le go tsaya sephuthelo gape; le
  - (iii) tiriso ya ditlabakelo di sele tse diseng kotsi mo tikologong;
- (m) tiriso ya lešwe ka tsela ya tseogape, tirisogape le tirisosešwa;
- (n) phokotso ya lešwe ka go—
  - (i) dirisa ditsela tse di rileng tsa go dira dikumo, le 35
  - (ii) tiriso ya didiriswa kgotsa dikumo di sele;
- (o) kabo ya madi a diporegerama tsa phokotso ya lešwe
- (p) dithulaganyetso tsa ditheo tsa tsamaiso ya dithulaganyo tsa phokotso ya lešwe;
- (q) taolo ya mafelo a tsamaiso ya lešwe; 40
- (r) ditlhokego tsa go tshwaya tebang le tsamaiso ya lešwe;
- (s) lefelo, thulaganyetso le botlhami jwa ditiro tsa tsamaiso ya lešwe
- (t) kwadiso ya batho ba ba rwalang lešwe;
- (u) mokgwa o tlhatlhobo ya lefelo tebang le karolo ya 37 e tshwanetseng go dirwa ka ona le gore ke mang yo o tshwanetseng go dira tlhatlhobo tseo; 45
- (v) diteng tsa pego ya tlhatlhobo ya lefelo jaaka go tlhalositswe mo karolong ya 37, go akarediwa batho ba ba ka dirang tlhatlhobo tseo tsa mafelo;
- (w) mokgwa o ka ona go tshwanetseng ga kopiwa laesense ya tsamaiso ya lešwe, go akarediwa batho ba ba ka tsamaisang dikopo tseo;
- (x) ditlhokego tebang le matlole a a newang kgotsa a a sireletsang ka inšorensense tiro ya tsamaiso ya lešwe; 50
- (y) mofuta, mothale, paka, le efe le efe go ya ka tshedimosetso e e tshwanetseng go fiwa tebang le tsamaiso ya tshedimosetso ya lešwe e e tlhomilweng tebang le Molao o;
- (z) tsamaiso ya dikgato tse di tshwanetseng go tsewa fa go dirwa ikuelo kgatlhano le ditshwetso tsa batlhankedi fa ba diragatsa ditiro tsa bona tebang le Molao o; 55
- (aa) phasalatso ya tshedimosetso go ya kwa setšhabeng;

- (bb) incentives and disincentives to encourage a change in behaviour towards the generation of waste and waste management by all sectors of society;
  - (cc) matters that must be regulated by a contract between a municipality and any waste management service provider;
  - (dd) any matter that may or must be prescribed in terms of this Act; and 5
  - (ee) any other administrative or procedural matter that it is necessary for the proper administration and implementation of this Act.
- (2) A regulation under subsection (1) (i), (j), (k), (l), (n) and (r) may only be made after consultation with the Minister of Trade and Industry.
- (3) A regulation under subsection (1)(o) and (x), and a regulation in respect of 10 financial incentives and disincentives made under subsection (1) (bb), may only be made with the concurrence of the Minister of Finance.
- (4) A regulation under subsection (1)(cc) may only be made after consultation with the Minister for Provincial and Local Government.
- (5) A regulation under subsection (1)(u), (v) and (w) may only be made after 15 consultation with the Minister of Water Affairs and Forestry.
- (6) Any regulation which pertains to the treatment of waste by means of incineration must be submitted to the National Assembly 30 days prior to publication.

### Regulations by MECs

70. (1) The MEC with the concurrence of the Minister may make regulations for the 20 province concerned in respect of any matter for which the MEC may or must make regulations in terms of this Act, including any matter referred to in section 69(1)(b) to (h), inclusive, (m), (p), (q), (s) to (w), inclusive, and (y) to (dd), inclusive.
- (2) A regulation in respect of a matter referred to in section 69(1)(cc) may only be made after consultation with the Minister for Provincial and Local Government. 25
- (3) A regulation in respect of a matter referred to in terms of section 69(1) (u), (v) and (w) may only be made after consultation with the Minister of Water Affairs and Forestry.

### General regulatory powers

71. (1) Regulations made under this Act may—
- (a) restrict or prohibit any act, either absolutely or conditionally; 30
  - (b) apply—
    - (i) generally to the Republic or a province, or only in a specified areas or category of areas; or
    - (ii) generally to all persons or only to a specified category of persons;
  - (c) differentiate between different— 35
    - (i) areas or category of areas;
    - (ii) persons or categories of persons; or
    - (iii) types, classes or categories of waste;
  - (d) incorporate by reference any guideline, minimum requirements, code of practice or any national or international standard relating to waste manage- 40 ment.
- (2) Regulations made under this Act may provide that any person who contravenes or fails to comply with a provision thereof commits an offence and is liable on conviction to—
- (a) imprisonment for a period not exceeding 15 years; 45
  - (b) an appropriate fine; or
  - (c) both a fine and imprisonment.

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- (bb) dithotloetso le dikgobimarapo go rotloetsa phetogo ya maitsholo a go dira lešwe le tsamaiso ya lešwe ka mefama yotlhe ya setšhaba;
- (cc) merero e e tshwanetseng go laolwa ka tumalano fa gare ga mmasepala le monei ofe kgotsa ofe wa tirelo ya tsamaiso ya lešwe; le
- (dd) morero ofe kgotsa ofe o sele o o botlhokwa mo go kgoneng go diragatsa Molao o; le 5
- (ee) morero ofe kgotsa ofe o sele wa botsamaisi kgotsa wa tsamaiso e e botlhokwa mo tsamaisong le mo tiragatsong ya molao o.
- (2) Molawana tebang le karolwana ya (1)(i), (j), (k), (l), (n) le (r) o ka dirwa fela morago ga therisano le Tona ya Kgwebo le Madirelo. 10
- (3) Molawana tebang le dikarolwana tsa (1) (o) le (x) le molawana tebang le dithotloetso le dikgobimarapo tsa madi tse di dirilweng tebang le karolwana ya (1)(bb) o ka nna wa dirwa fela ka tumalano ya Tona ya Ditšhelete.
- (4) Molawana tebang le karolwana (1)(cc) o ka dirwa fela morago ga therisano le Tona ya Puso ya Porofense le Pusoselegae. 15
- (5) Molawana tebang le karolo ya (1) (u), (v) le (w) o ka dirwa fela morago ga therisano le Tona ya Merero ya Metsi le Dikgwa.
- (6) Taolwana epe e e tebang le phetolo ya matlakala ka tsela ya go a tshuba/fisa e tshwanetse go neelwa Palamente ya Bosetšhaba (National Assembly) malatsi a le 30 pele ga e ka phasaladiwa.”. 20

**Melawana ka Bo-MEC**

70. (1) Mo-MEC ka tumalano le Tona, a ka nna a tlhoma melawana mo porofenseng tebang le morero ofe kgotsa ofe o Mo-MEC a ka nnang kgotsa a tshwanetseng go o direla molawana tebang le Molao o, go akarediwa kgang e e umakilweng mo karolong ya 69 (1) (b) go ya go (h), go akarediwa (m), (p) (q) (s) go ya go (w), (y) go akarediwa le (y) go ya go (dd) e e akarediwa. 25
- (2) Molwana tebang le karolo ya 69(1)(cc) o ka dirwa fela morago ga therisano le Tona ya Puso ya Porofense le Selegae.
- (3) Molawana tebang le morero yô o umakilweng tebang le karolo ya 69 (1) (u), (v) le (w) o ka dirwa fela morago ga therisano le Tona ya Merero ya Metsi le Dikgwa. 30

**Dithatha tsa taolokakaretso**

71. (1) Melawana e e dirilweng tebang le Molao yô e ka nna ya—
- (a) thibela kgotsa ya itsa tiro epe, ka botlalo kgotsa go na le mabaka;
- (b) tlama—
- (i) ka kakaretso mo Rephaboliking kgotsa mo porofenseng, kgotsa mo mafelong a a totobaditsweng, kgotsa mo ditlhopheng tsa mafelo; kgotsa 35
- (ii) ka kakaretso mo bathong botlhe kgotsa fela mo setlhopheng se se totobaditsweng sa batho;
- (c) farologanya fa gare ga— 40
- (i) mafelo a a farologaneng kgotsa ditlhopho tsa mafelo tse di farologaneng; kgotsa
- (ii) batho ba ba farologaneng kgotsa ditlhopho tsa batho tse di farologaneng;
- (iii) mefuta, ditlhopho kgotsa methale e e farologaneng ya lešwe; le 45
- (d) akaretsa ka go umaka kaedi epe, ditlhokego tsa palotlase, molawana wa maitsholo kgotsa maemo ape a bosetšhaba le a boditšhabatšhaba a a tsalanang le tsamaiso ya lešwe.
- (2) Melawana e e dirwang ka fa tlase ga Molao o, e ka nna ya letla gore motho ofe le ofe yo o tloang molao kgotsa yo o retelwang ke go obamela molawana wa ona, o molato wa tlolomolao mme fa a bonwe molato o na le maikarabelo a— 50
- (a) go latlhelwa mo kgolegong ka lobaka lo lo sa feteng dingwaga tse di sometlhano;
- (b) tuediso e e lolameng; kgotsa
- (c) tuediso mmogo le go tsenngwa mo kgoleong. 55

(3) (a) Before publishing any regulation under this Act, or any amendment to the regulations, the Minister or MEC, as the case may be, must follow a consultative process in accordance with sections 72 and 73.

(b) Paragraph (a) need not be complied with if the regulations are amended in a non-substantive manner.

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## **Part 2** **Consultative process**

### **Consultation**

**72.** (1) Before exercising a power which, in terms of this Act, must be exercised in accordance with this section and section 73, the Minister or MEC must follow such consultative process as may be appropriate in the circumstances.

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(2) When conducting the consultations contemplated in subsection (1), the Minister must—

(a) consult all Cabinet members whose areas of responsibility will be affected by the exercise of the powers;

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(b) in accordance with the principles of co-operative governance as set out in Chapter 3 of the Constitution and subject to the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005), consult the MEC responsible for waste management in each province that will be affected by the exercise of the power; and

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(c) conduct a public participation process in accordance with section 73.

(3) When conducting the consultations contemplated in subsection (1), the MEC must—

(a) consult all members of the Executive Council whose areas of responsibility will be affected by the exercise of the powers;

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(b) in accordance with the principles of co-operative governance as set out in Chapter 3 of the Constitution and subject to the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005), consult the Minister and all other national organs of state that will be affected by the exercise of the power; and

(c) conduct a public participation process in accordance with section 73.

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### **Public participation**

**73.** (1) Before exercising a power that, in terms of this Act, must be exercised in accordance with this section, the Minister or MEC, as the case may be, must give notice of the proposed exercise of the relevant power—

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(a) in the *Gazette*; and

(b) in at least one newspaper distributed nationally or, if the exercise of power will only affect a specific area, in at least one newspaper distributed in that area.

(2) The notice must—

(a) invite members of the public to submit to the Minister or MEC, as the case may be, within no less than 30 days of publication of the notice in the *Gazette*, written representations on or objections to the proposed exercise of power; and

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(b) contain sufficient information to enable members of the public to submit representations or objections.

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(3) The Minister or MEC, as the case may be, may, in appropriate circumstances, allow any interested person or community to present oral representations or objections to the Minister or MEC, or a person designated by the Minister or MEC.

(4) The Minister or MEC, as the case may be, must give due consideration to all representations or objections received or presented before exercising the relevant power.

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(3) (a) Pele ga go phasalatsa molawana ofe kgotsa ofe o o ka fa tlase ga Molao o, kgotsa paakanyo epe ya melawana, Tona kgotsa Mo-MEC, ka fa seemo se tla bo se ntse ka teng, o tshwanetse go latela tsamaiso ya therisano go dumalana le dikarolo tsa 72 le 73.

(b) Go ka nna ga se ka ga obamelwa tema ya (a) fa melawana e tlhabololwa ka tsela e e seng kgolo thata. 5

**Karolo ya 2**  
**Tsela ya therisano**

**Therisano**

72. (1) Pele ga tiriso ya thata e tebang le Molao o e tshwanetseng go dirisiwa go dumalana le karolo e le karolo ya 73, Tona kgotsa Mo-MEC o tshwanetse go latela tsela ya therisano e e ka tswang e lebane mo mabakeng ao. 10

(2) Fa a tshwara ditherisano tse di umakilweng mo karowalneng ya (1) Tona o tshwanetse go—

(a) rerisa ditokololo tsotlhe tsa Kabinete tse dikarolo tsa maikarabelo a tsona di tla amiwang ke tiriso ya dithata; 15

(b) rerisa Mo-MEC yo o nang le maikarabelo a tsamaiso ya lešwe mo porofenseng nngwe le nngwe e e tla amiwang ke tiriso ya thata, ka tumalano le ditheo tsa bobusi jo bo tlhakanetsweng jaaka go beilwe mo kgaolong ya 3 ya Molaotheo, gape go setswe morago Molao wa Letlhomeso la Ditirisano fa gare ga Ditheo tsa puso wa 2005 (Molao No. 13 wa 2005); le go 20

(c) letlelela tiro ya botsayakarolo jwa setšhaba go dumalana le karolo ya 73.

(3) Fa go diriwa dipuisano tse di kailweng mo karolong (1) Mo MEC o tshwanetse—

(a) go ikamaganya le maloko otlhe a Khuduthamaga a e leng gore lefelo le le amegang ke le ba naleng boikarabelelo go lona, le tla anngwa ke go diragatswa ga dithata; 25

(b) Go tsamaelana le melao ya tirisanommogo ya bobosi jaaka e kailwe mo Karolong 3 ya Molaotheo le go latela Molao wa Letlhomeso wa Kamano ya Tirisanommogo ya bobosi wa 2005 (Molao No. 13 wa 2005), ikamaganye le Tona le ditheo tsotlhe tsa pusotse di tla anngwang ke tiragatso ya dithata; le 30

(c) Go diragatsa tsamaiso ya tseo karolo ya setšhaba go latela karolo 73.

**Botsayakarolo jwa Setšhaba**

73. (1) Pele a ka dirisa thata e, tebang le Molao o e tshwanetseng go o dirisiwa go dumalana le karolo e, Tona kgotsa Mo-MEC, ka fa seemo se tla bong se ntse ka teng, o tshwanetse go fa kitsiso ya tshitshinyo ya tiriso ya thata e e maleba— 35

(a) mo *Kaseteng*; le

(b) mo kulanteng e le nngwe kgotsa go feta bongwe e e anamisiwang mo nageng yotlhe kgotsa fa tiriso ya dithata e tla ama lefelo le le totobetseng, mo kulanteng e e phasaladiwang mo lefelong leo.

(2) Kitsiso e tshwanetse go— 40

(a) laletsa setšhaba go tlisa kwa go Tona kgotsa Mo-MEC, mo malatsing a a seng ka fa tlase ga 30 morago ga phasalatso ya kitsiso mo *Kaseteng*, dingongorego tse di kwadilweng ka ga, kgotsa dikganetso tsa tiriso ya dithata e e tshitshintsweng; le go

(b) nna le tshedimosetso e e lekaneng go kgontsha setšhaba go tlisa dingongorego le dikganetso. 45

(3) Tona kgotsa Mo-MEC, ka fa seemo se tla bong se le ka teng, a ka nna mo mabakeng a a lebaneng, a letla motho ofe kgotsa ofe yo o kgalhegang kgotsa setšhaba go tlisa dingongorego tse di buiwang ka molomo kwa go Tona kgotsa Mo-MEC, kgotsa kwa mothong yo o tlhomilweng ke Tona kgotsa Mo-MEC. 50

(4) Tona kgotsa Mo-MEC, ka fa seemo se tla bong se ntse ka teng, o tshwanetse go sekaseka dingongorego le dikganetso tsotlhe pele a ka dirisa dithata tse go buiwang ka tsona.

**Part 3**  
**Exemptions and appeals**

**Applications for exemption**

**74.** (1) Any person may apply in writing for exemption from the application of a provision of this Act to the Minister or, where the MEC is responsible for administering the provision of the Act from which the person or organ of state requires exemption, to the MEC. 5

(2) An application in terms of subsection (1) must be accompanied by—

- (a) an explanation of the reasons for the application; and
- (b) any applicable supporting documents. 10

**Consideration of applications for exemption**

**75.** (1) The Minister or MEC, as the case may be, may request an applicant contemplated in section 74 to furnish additional information where such information is necessary for the purposes of informing the Minister or MEC's decision.

(2) If the rights or interests of other parties are likely to be adversely affected by the proposed exemption, the Minister or MEC, as the case may be, must, before deciding the application, request the applicant to— 15

- (a) bring the application to the attention of relevant organs of state, interested persons and the public by conducting a public participation process indicated by the Minister or MEC; and 20
- (b) to submit any comments received from the public following such process to the Minister or MEC.

**Decisions on applications for exemption**

**76.** (1) The Minister or the MEC, as the case may be, may—

- (a) grant an exemption from the application of a provision of this Act; or 25
- (b) refuse to grant such exemption.

(2) Sections 48 and 49(2) to (6), inclusive, apply with the changes required by the context to the consideration of applications for exemptions.

(3) If an application is granted, the Minister or MEC must issue a written exemption notice to the applicant stating— 30

- (a) the name, address and telephone number of the person to whom the exemption is granted;
- (b) the provision of this Act from which exemption is granted;
- (c) the conditions subject to which the exemption is granted, if the exemption is granted subject to conditions; and 35
- (d) the period for which exemption is granted, if the exemption is granted for a period.

(4) The Minister or the MEC, as the case may be, may by notice in the *Gazette* exempt an organ of state from a provision of this Act if—

- (a) the provision, but for the definition of "person" contained in section (1), clearly should not apply to an organ of state; 40
- (b) the exemption would not defeat the objects of this Act; and
- (c) it is in the public interest to grant the exemption.

**Review and transfer of exemptions**

**77.** (1) The Minister or MEC may— 45

- (a) from time to time review any exemption granted in terms of section 76; and
- (b) on good grounds suspend or withdraw such exemption or amend the exemption, or any part thereof.

(2) Before suspending, withdrawing or amending an exemption, the Minister or MEC must give the person to whom the exemption was granted an opportunity to comment, in writing, on the reasons for the suspension, withdrawal or amendment. 50

(3) If an exemption has been granted in respect of a waste management activity, or part thereof, and ownership of that waste management activity is transferred, the exemption may, with the permission of the Minister or MEC, be transferred by the holder of the exemption to the new owner of the waste management activity. 55

**Karolo ya 3**  
**Dikgololo le Maikuelo****Dikopo tsa kgololo**

74. (1) Motho mongwe le mongwe a ka kopa ka go kwala go gololwa mo tiragatsong ya ditaolo tsa Molao o kwa go Tona kgotsa kwa go Mo-MEC, foo Mo-MEC a nang le maikarabelo a go diragatsa taolo ya Molao o motho kgotsa setheo sa puso se kopang kgololo mo go ona. 5

(2) Kopo tebang le karolwana (1) e tshwanetse go tla le—

(a) tlhaloso ya mabaka a kopo; le

(b) mekwalo epe e e maleba e e bontshang bosupi. 10

**Tshekatsheko ya dikopo tsa kgololo**

75. (1) Tona kgotsa Mo-MEC, ka fa seemo se tla bong se ntse ka teng, a ka nna a kopa mokopi go fa tshedimosetso ya tlaleletso fa tshedimosetso eo e leng botlhokwa mo go feng tshwetso ya ga Tona le Mo-MEC lesedi.

(2) Fa ditshwanelo kgotsa dikgatlhego tsa batho ba sele di ka amiwa ka mo go maswe ke kgololo e e tshitshintsweng, Tona Kgotsa Mo-MEC o tshwanetse gore pele a ka tsaya tshwetso ka kopo, a lofe mokopi go— 15

(a) itsise ditheo tsa puso tse di lebaneng, bakgatlhegi le setšhaba ka kopo eo, ka go tshwara tirego ya botsayakarolo jwa setšhaba, jo bo kailweng ke Tona kgotsa Mo-MEC; le 20

(b) go tlisa ditshwaelo tse di amogetsweng mo setšhabeng morago ga ditherisano tseo kwa go Tona kgotsa Mo-MEC.

**Ditshwetso ka ga dikopo tsa kgololo**

76. (1) Tona kgotsa Mo-MEC a ka—

(a) rebola kopo ya kgololo mo tiragatsong ya melawana ya Molao o; kgotsa 25

(b) gana kopo ya kgololo.

(2) Ditaolo tse di mo karolong ya 49 (2) go fitlha ka (6) e e akareditsweng, di tlama le diphetogo tse di tlhokiwang ke boreo ba mafoko gore go sekasekwe dikopo tsa kgololo.

(3) Fa kopo e reboletswe, Tona kgotsa Mo-MEC o tshwanetse go kwalela mokopi kitsiso ya kgololo e e bolelang— 30

(a) leina, aterese le mogala wa motho yo o neelwang kgololo;

(b) molawana wa Molao o, o kgololo e o rebolelwang;

(c) mabaka a kgololo e fiwang ka ona; le

(d) nako e kgololo e fiwang ka yona, fa kgololo e fiwa ka nako e e rileng. 35

(4) Tona kgotsa MEC, jaaka go tla be go tlhokega ka nako eo, a ka laela ditheo sa puso ka mokgwa wa kitsiso mo Kaseteng, go se diragatsa taelo ya Molao o, fa—

(a) taelo, mme ele ya go tlhalosa “motho” jaaka e tlhagelela go karolo (1), e tlhaloswa sentle, ga e a tshwanela go diragatswa go setheo sa puso;

(b) go se diragatsa taelo go ka se nne le ditlamorago tse di busula tsa maiatlhomo a Molao yo; mme 40

(c) go mo dikgatlhegolong tsa setšhaba go neelana ka tholelo.

**Thadiso le khuduso ya dikgololo**

77. (1) Tona kgotsa Mo-MEC a ka—

(a) Thadisa ka gangwe le gape kgololo epe e e filweng tebang le karolo ya 76; le 45

(b) Go emisa kgotsa go phimola kgololo ya go nna jalo kgotsa go tlhabolola kgololo, kgotsa karolo epe ya yona.

(2) Pele ga go emisa, go phimola kgotsa go tlhabolola kgololo, Tona kgotsa Mo-MEC o tshwanetse go fa motho yo o neng a filwe kgololo tšhono ya go ya go akgela, ka mokwalo mo mabakeng a kemiso, phimolo kgotsa tlhabololo. 50

(3) Fa kgololo e filwe tebang le go dira tiro ya tsamaiso ya lešwe, kgotsa bontlhannangwe jwa yona, mme thuo ya kgololo eo e a hudisiwa, kgololo eo, ka tetla ya Tona kgotsa Mo-MEC, e ka nna ya hudusiwa ke motshodi wa kgololo go ya kwa moruing o montšhwa wa tiro ya tsamaiso ya lešwe.

(4) Section 52 applies with the changes required by the context to the transfer of exemptions.

### Appeals

78. (1) An appeal under section 43 of the National Environmental Management Act in respect of a decision made under a power delegated by the Minister or MEC in terms of this Act or another specific environmental management Act where the Minister or MEC is responsible for considering the appeal, may be considered jointly with any other appeal involving a related matter. 5

(2) Where the Minister or MEC exercises his or her discretion to consider appeals jointly under subsection (1), the Minister or MEC may indicate the process that must be followed to give effect to that decision. 10

## CHAPTER 9

### MISCELLANEOUS

#### Delegation and assignment

79. (1) The Minister or MEC, respectively, may delegate or assign to an official in their respective departments any power or duty conferred on the Minister or MEC, by or under this Act, except— 15

(a) the power conferred on the Minister or MEC, respectively, by section 7(2) or (3), 8(1), 14, 18, 19, 28, 69 or 70; or

(b) the duty imposed on the Minister by section 6 or 7(1). 20

(2) The Minister or MEC must regularly review and, if necessary, amend or withdraw a delegation or assignment under subsection (1).

(3) A delegation or assignment to an official under subsection (1)—

(a) is subject to such limitations and conditions as the Minister or MEC may impose; 25

(b) may either be to a specific official or to the holder of a specific post in the relevant department;

(c) may authorise that official to subdelegate or further assign, in writing, the power or duty to another official in the Department, or to the holder of a specific post in the Department; 30

(d) does not prevent the exercise of that power or the performance of that duty by the Minister or MEC; and

(e) does not divest the Minister or MEC of the responsibility concerning the exercise of the delegated power or the performance of the assigned duty.

(4) The Minister or MEC may confirm, vary or revoke any decision taken by an official as a result of a delegation or subdelegation under this section, subject to any rights that may have become vested as a consequence of that decision. 35

#### Repeal and amendment of laws, and savings

80. (1) Subject to subsections (2) and (3) and section 81, the laws set out in Schedule 2 are hereby repealed or amended to the extent set out in the third column thereof. 40

(2) Any regulation or direction made in terms of a provision of the Environment Conservation Act repealed by section (1) and in force immediately before the date of the coming into effect of this Act, remains in force and is considered to have been made under this Act until anything done under this Act overrides it.

(3) Anything lawfully done under a provision repealed by subsection (1) remains valid until anything done under this Act overrides it. 45

(4) A person operating a waste disposal facility that was established before the coming into effect of the Environment Conservation Act and that is operational on the date of the coming into effect of this Act may continue to operate the facility until such time as the Minister, by notice in the *Gazette*, calls upon that person to apply for a waste management licence. 50

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(4) Ditaolo tsa karolo ya 52, fa di buisiwa le diphetogo tse di tlhokafalang jaaka bokao jwa mafoko bo ka tlhalosa, di raya khuduso le dikgololo.

**Maikuelo**

**78.** (1) Ikuelo e e dirwang go ya ka karolo 43 ya Molao wa Bosetšhaba wa Tsamaiso ya Tikologo tebang le tshwetso e e dirilweng ka fa tlase ga thata e e romilweng ke Tona kgotsa Mo-MEC tebang le Molao o kgotsa Molao o mongwe wa tsamaiso ya tikologo o o totobaditsweng, foo Tona kgotsa Mo-MEC a nang le maikarabelo a go sekegela tsebe ikuelo, e ka nna ya reediwa le ikuelo e nngwe e e akaretsang kgang e e tshwanang le eo ke Tonna mmogo le Mohuduthamaga ka bobedi jwa bone. 5

(2) Fa Tona kgotsa Mo-MEC a dirisang ikatlholelo ya gagwe go reetsa diikuelo di le mmogo mmogo go ya ka karolwana (1), Tona le Mo-MEC a ka nna a supa tsela e e tshwanetseng go latelwa gore tshwetso eo e tle e dirwe. 10

**KGAOLO YA 9****TSELE LE TSELE****Ditholelotiro**

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**79.** (1) Tona kgotsa Mo-MEC a ka nna, go ya ka gore seemo se ntse jang, a naya kgotsa a rolela motlhankedi mo lefapheng le a dirang mo go lona thata epe kgotsa tiro ya Tona kgotsa Mokguduthamaga e e leng mo Molaong o, kwa ntle ga—

(a) thata e e filweng Tona kgotsa Mo-MEC ka tatelano eo, ke karolo ya 7(2) kgotsa (3), 8, 14, 18, 19, 28, 69 kgotsa 70; kgotsa 20

(b) thata e e neetsweng Tona ke karolo ya 6 kgotsa ya 7(1).

(2) Tona kgotsa Mo-MEC a ka nna a re gangwe le gape a thadise le gone fa go tlhokafala a baakanye kgotsa a busetse kwa morago thomelelo kgotsa tholelotiro e e kafa tlase ga karolwana ya (1).

(3) Tholelotiro kgotsa thomelo e e fiwang motlhankedi ka fa tlase ga karolwana (1) — 25

(a) e laolwa ke dikganelo le mabaka a Tona kgotsa Mo-MEC a tla a bayang;

(b) e ka nna ya bo e le go motho yo o esi yo o totobaditsweng kgotsa go motshegetsi wa maemo a a totobaditsweng mo lefapheng le le lebaneng;

(c) e ka rebola motlhankedi go rolatiro gape kgotsa go naya gape ka mokwalo thata le thomo e go buiwang ka yona go motlhankedi yo mongwe mo Lefapheng, kgotsa motshwari wa maemo a a totobaditsweng mo Lefapheng; 30

(d) ga e thibele tririso ya thata eo kgotsa tiragatso ya thomo eo ke Tona kgotsa Mo-MEC; gape

(e) ga e role Tona kgotsa Mo-MEC maikarabelo tebang le tiriso ya thata eo e e roletseng mongwe o sele kgotsa tiragatso ya tiro e e romilweng. 35

(4) Tona kgotsa Mo-MEC a ka nna a tlhomamisa, a farologanya kgotsa a dirolola tshwetso e e tserweng ke motlhankedi ka ntlha ya thomo kgotsa thomo e e nnye tebang lekarolo e, go setswe morago ditshwanelo dipe tse di neilwng ka ntlha ya tshwetso eo.

**Phimolo le tlhabololo ya peomelao**

**80.** (1) Melao e e beilweng mo Lenaneng le le mo Mametlelelong ya 2 jaanong e a phimolwa kgotsa e a tlhabololwa ka bogolo jo bo beilweng mo kholomong ya borarao ya Lenane, go setswe morago melawana ya dikarolwana tsa (2) le (3) le karolo ya 81. 40

(2) Molawana ofe kgotsa ofe o o dirilweng tebang le Molao wa Tshomarelo Tikologo ka karolo (1) o o neng o tlama ka bonako fela pele ga letlha la go similola go tlama la Molao o, o tla tswelela go go tlama le gone o tsewa gore o dirilwe ka fa tlase ga Molao o go fitlhela sengwe se se dirilweng ka fa tlase ga molao o se dirolola molawana oo. 45

(3) Sengwe le sengwe se se dirilweng ka semolao ka fa tlase ga taolo e e phimotsweng ke karolwana ya (1) se nna se ntse se tlama go fitlhela sengwe se se dirwang ka fa tlase ga Molao o se se dirolola.

(4) Motho ofe kgotsa ofe yo o tsamaisang lefelo la tatlho ya lešwe le le tlhomilweng pele ga go go tswennngwa tirisong ga Molao wa Tshomarelo Tikologo le gape le dirang nako ya go tswennngwa tirisong ga Molao o, a ka nna a tswelela go dirisa lefelo leo go fitlhela nako e Tona ka kitsiso mo *Kaseteng* a bitsang motho yoo go dira kop ya laesense ya tsamaiso ya lešwe. 50

(5) Any criminal proceedings instituted under section 19, 19A or 20(1) of the Environment Conservation Act that have not been finalised on the date of coming into effect of this Act, must be finalised as if those sections had not been repealed.

### **Transitional provisions in respect of permits issued in terms of Environment Conservation Act**

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**81.** (1) Despite the repeal of section 20 of the Environment Conservation Act by this Act, a permit issued in terms of that section remains valid subject to subsections (2) and (3).

(2) The holder of a permit issued in terms of section 20 of the Environment Conservation Act must apply for a waste management licence in terms of this Act, when required to do so by the licensing authority, in writing, and within the period stipulated by the licensing authority. 10

(3) A permit issued in terms of section 20 of the Environment Conservation Act lapses—

- (a) if a waste management licence is issued in terms of this Act to the same person in respect of the same waste management activity; 15
- (b) if the holder of the permit did not apply, within the stipulated period, for a waste management licence within the period contemplated in subsection (2); or
- (c) if the licensing authority refuses an application contemplated in subsection (2). 20

(4) If a permit issued in terms of section 20 of the Environment Conservation Act lapses as contemplated in subsection (3)(b) or (c), the permit holder remains liable for taking all measures that are necessary to ensure that the cessation of the activity is done in a manner that does not result in harm to health or the environment. 25

(5) During the period for which a permit issued in terms of section 20 of the Environment Conservation Act continues to be valid, the provisions of this Act apply in respect of the holder of such a permit, as if that person were the holder of a waste management licence issued in terms of this Act.

(6) Despite the repeal of section 20 of the Environment Conservation Act by this Act, an application for a permit made in terms of section 20 of the Environment Conservation Act that was not decided when section 81 of this Act took effect, must be proceeded with in terms of this Act as if that application were an application for a waste management licence in terms of this Act. 30

### **Transitional provision regarding listed waste management activities**

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**82.** A person who conducts a waste management activity listed in Schedule 1 on the date of coming into effect of this Act, and who immediately before that date lawfully conducted that waste management activity under Government Notice No. 91 of 1 February 2002, may continue with the activity until such time that the Minister by notice in the *Gazette* directs that person to apply for a waste management licence under this Act. 40

### **Act regarded as specific environmental management Act**

**83.** This Act must be regarded as a specific environmental management Act for the purposes of the definition of “specific environmental management Act” contained in section 1 of the National Environmental Management Act. 45

### **Short title and commencement**

**84.** (1) This Act is called the National Environmental Management: Waste Act, 2008, and takes effect on a date determined by the Minister by proclamation in the *Gazette*.

(2) Different dates may be so determined for different provisions of this Act.

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(5) Tsheko epe ya bosenyi e e pegwang tebang le karolo ya 19, 19A kgotsa 20(1) ya Molao wa Tshomarelo Tikologo e e iseng e wediwe ka letlha la go tsenngwa tirisong ga Molao o, e tshwanetse go wediwa jaaka e kete dikarolo tseo ga di a phimolwa.

**Ditaolo tsa pakakgabaganyo tebang le ditetla tse di filweng tebang le Molao wa Tshomarelo ya Tikologo**

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81. (1) Le mororo go phimotswe karolo ya 20 ya Molao wa Tshomarelo Tikologo, tetla e e filweng tebang le karolo eo e tla tswelela go nna e dira fa fela go obamelwa dikarolwana tsa (2) le (3).

(2) Motshodi wa tetla e e filweng tebang le karolo ya 20 ya Molao wa Tshomarelo Tikologo o tshwanetse go kopa laesense ya tsamaiso ya lešwe tebang le Molao o, fa a lopiwa go dira jalo ke bothati jwa dilaesense, le gone a kopa ka mokwalo ka nako e e beilweng ke bothati jwa dilaesense.

(3) Tumelelo e e filweng go ya karolo ya 20 ya Molao wa Tshomarelo Tikologo e khutla fa—

- (a) laesense ya tsamaiso ya lešwe e fiwa tebang le Molao ono go motho a le mongwe tebang le tiro e e tshwanang ya tsamaiso ya lešwe;
- (b) fa motshola tumelelo a sa kopa laesense ya tsamaiso ya lešwe fa a laelwa go dira jalo go ya ka karolwana ya (2); kgotsa
- (c) fa bothati jwa dilaesense bo ganne kopo jaaka go kailwe go ya ka mabaka a karolwana ya (2).

(4) Fa tumelelo e e filweng tebang le karolo ya 20 ya Molao wa Tshomarelo Tikologo e fela morago ga lobaka lo lo umakilweng mo karolwaneng ya (2), motshola tumelelo eo o na le maikarabelo a go tsaya dikgato tsotlhe tse di tlhokafalang go netefatsa kemiso ya tiro e dirwang ka mkgwa o o tla se feleletseng o gobatsa boitekanelo kgotsa tikologo.

(5) Ka nako e tumelelo tebang le karolo ya 20 ya Molao wa Tshomarelo Tikologo e tswelela go nna e dira, ditaolo tsa Molao o di tlama tebang le motshola tumelelo ya go nna jalo, jaaka e kete ke motshola laesense ya tsamaiso ya lešwe tebang le Molao o.

(6) Le mororo go na le phimolo ya karolo ya 20 ya Molao wa Tshomarelo Tikologo e e dirwang ke karolo ya 81 ya Molao o, kopo epe ya tumelelo e e dirwang tebang le karolo ya 20 ya Molao wa Tshomarelo Tikologo e e neng e sa swediwa fa karolo ya 81 e simolola go tsenngwa tirisong, go tshwanetse gore go tswelelwe pele ka yona tebang le Molao o jaaka e kete kopo eo e ne e le kopo ya laesense ya tsamaiso ya lešwe tebang le Molao o.

**Ditaolo tsa pakakgabaganyo tebang le go kwalwa ga lenane la ditiro tsa tsamaiso ya lešwe**

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82. Motho yo o dirang tiro ya tsamaiso ya lešwe e e kwadilweng mo mametlelelong ya l ka letlha le Molao o o tla tsenngwang tirisong ka lona, gape e le yo ka semolao a dirileng tiro ya tsamaiso ya lešwe ka fa tlase ga Kitsiso ya Puso ya No. 91 ya Tlhakole 2002, a ka nna a tswelela ka tiro eo go fitlha nako e Tona ka kitsiso ya Kasete a tla laolang gore batho bao ba kofe le ofe laesense ka fa tlase ga Molao o.

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**Molao o, o raya gore ke Molao o maleba wa tsamaiso ya tikologo**

83. Molao yo o tshwanetse go raya gore ke o malebana le Molao wa tsamaiso ya tikologo gore o tlhalose tlhaloso ya Molao o maleba wa tsamaiso ya tikologo yo o tlhagelelang mo go karolo 1 ya Molao wa Bosetšhaba wa Tsamaiso ya Tikologo.

**Sethlho se sekhutshwane le tshimololo**

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84. (1) Molao o o bidiwa Tsamaiso Tikologo ya Bosetšhaba: Molao wa Lešwe wa 2008, le gone o simolola go tsenngwa tirisong ka letlha le le beilweng ke Tona ka kitsiso mo *Kaseteng*.

(2) Ditlha tse di farologaneng di ka nna tsa beelwa melawana e e e farologaneng ya Molao o ka tsela e e ntseng jalo.

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**SCHEDULE 1***(Section 19)***Waste management activities in respect of which a waste management licence is required****CATEGORY A**

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*The activities listed under Category A are equivalent to those that require a basic assessment process as stipulated in the environmental impact assessment regulations made under section 24(5) of the National Environmental Management Act, 1998 (Act No. 107 of 1998)*

**Storage and transfer of waste**

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1. The temporary storage of general waste at a facility, including a waste transfer facility and container yard, that has the capacity to receive in excess of 30 tonnes of general waste per day or that has a throughput capacity in excess of 20m<sup>3</sup> per day, including the construction of a facility and associated structures and infrastructure for such storage.

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2. The temporary storage of hazardous waste at a facility, including a waste transfer facility and container yard, that has the capacity to receive in excess of three tonnes of hazardous waste per day, including the construction of a facility and associated structures and infrastructure for such storage.

**Recycling and recovery**

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3. The sorting and shredding of general waste at a facility that has the capacity to receive in excess of one ton of general waste per day, including the construction of a facility and associated structures and infrastructure for such sorting or shredding.

4. The recovery of waste, excluding recovery that takes place as an integral part of an internal manufacturing process, at a facility that has the capacity to receive in excess of three tonnes of general waste or 100 kilograms of hazardous waste per day, including the construction of a facility and associated structures and infrastructure for such recovery.

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**Treatment of waste**

5. The biological, physical or physicochemical treatment of general waste or the autoclaving, drying or microwaving of general waste at a facility that has the capacity to receive in excess of 10 tonnes of general waste per day, including the construction of a facility and associated structures and infrastructure for such treatment.

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6. The biological or physicochemical treatment of hazardous waste or the autoclaving, drying or microwaving of hazardous waste, including the construction of a facility and associated structures and infrastructure for such treatment.

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7. The treatment of waste in sludge lagoons.

**Disposal of waste on land**

8. The disposal of inert waste, excluding the disposal of less than 25 tonnes of inert waste for the purposes of levelling and building that has been authorised by or under legislation, including the construction of a facility and associated structures and infrastructure for such disposal.

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9. The disposal of general waste to land covering an area of less than 100 m<sup>2</sup> or 200 m<sup>3</sup> air space, including the construction of a facility and associated structures and infrastructure for such disposal.

TSAMAISO TIKOLOGO YA BOSETŠHABA:  
MOLAO WA LEŠWE WA, 2008

Act No. 59, 2008

## MAMETLELELO YA 1

(Karolo ya 19)

**Ditiro tsa tsamaiso ya lešwe tse di tlhokang laesense ya tsamaiso ya lešwe****SETLHOPHA SA A**

*Ditiro tse kwadilweng mo lenaneng ka fa tlase ga Setlhophsa sa A di tshwana le tse di 5*  
*lopang tsamaiso ya tshakatsheko ya ntlha jaaka go totobaditswe mo melawaneng ya*  
*tshakatsheko ya kamo ya tikologo e e dirilweng ka fa tlase ga karolo 24(5) ya Molao wa*  
*wa Bosetšhaba wa Tsamaiso ya Tikologo, wa 1998 (Molao wa Nomoro. 107 wa 1998)*

**Poloko le khuduso ya lešwe**

1. Poloko ya nakwana ya lešwe la kakaretso kwa lefelong, go akarediwa lefelo la 10  
 khuduso ya matlakala le boagelelo jwa ditshodi, le le ka kgonang go amogela ditone tse  
 di fetang 30 tsa matlaka a kakaretso ka letsatsi kgotsa le le kgonang go ntsha lešwe le le  
 fetang 20 m<sup>3</sup> ka letsatsi, go akarediwa kago ya lefelo le dikago tse di amanang, mmogo  
 le mafaratlhatlha a poloko ya go nna jalo.

2. Poloko ya nakwana ya lešwe le le kotsi kwa lefelong, go akarediwa lefelo la 15  
 khuduso ya lešwe le boagelelo jwa ditshodi le le kgonang go amogela ditone tse di  
 fetang 3 tsa lešwe le le kotsi ka letsatsi, go akarediwa kago ya lefelo le dikago tse di  
 amanang, mmogo le mafaratlhatlha a poloko ya go nna jalo.

**Tirisosešwa le tseogape**

3. Go tllaola le go segelela lešwe la kakaretso kwa lefelong le le kgonang go amogela 20  
 lešwe le le fetang tone e le 1 ya lešwe a kakaretso ka letstsi, go akarediwa kago ya lefelo  
 le dikago tse di amanang mmogo le mafaratlhatlha a tllaola kgotsa tshegelelo ya go nna  
 jalo.

4. Tseogape ya lešwe, go sa akarediwe tseogape e e e diregang e le karolo e e 25  
 botlhokwa ya tsela ya go dira umisa ya ka fat eng, kwa lefelong le le kgonang go  
 amogela ditone tse di fetang tharo tsa lešwe la kakaretso kgotsa 100 kg ya lešwe le le  
 kotsi ka letsatsi, go akarediwa kago y alefelo le dikago tse di amanang , mmogo le  
 mfaratlhatlha a tseogape eo.

**Phetolo ya lešwe**

5. Phetolo ya lešwe la kakaretso ka mokgwa ofe kgotsa ofe wa bayoloji, wa lešwe 30  
 kgotsa fisiokhemikhale kgotsa othotleleifing, go omisa kgotsa go dirisa maekheroweifi  
 kwa lefelong le le kgonang go amogela ditone tse di fetang 10 tsa lešwe la kakaretso ka  
 letsatsi, go akarediwa kago ya lefelo kgotsa dikago tse di amanang, mmogo le  
 mafaratlhatlha a phetolo eo.

6. Phetolo ya lešwe le lekotsi ka mokgwa wa bayoloji kgotsa wa fisiokhemikhale 35  
 kgotsa wa othotleleifing, go omisa kgotsa go dirisa maekheroweifi mo matlakaleng, go  
 akarediwa kago ya lefelo le dikago le mafaratlhatlha a a amanang le yona a a agetsweng  
 phetolo eo.

7. Phetolo ya lešwe le le mo matšheng a seretse.

**Tatlhelo lešwe mo lefatsheng**

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8. Tatlo ya lešwe le le sa fetogeng boleng, go sa akarediwe tatlo ya ditone tse di ka  
 fa tlase ga 25 tsa lešwe le le sa fetogeng boleng ka maikaelelo a go batalatsa dihotobolo  
 le go go aga mo go malebang le peomolao, go akarediwa kago ya lefelo le dikago tse di  
 amanang, mmogo le mafaratlhatlha a tatlo eo.

9. Tatlo ya lešwe la kakaretso a a khurumetsang lefelo le le nnye mo go 100m<sup>2</sup> 45  
 kgotsa sebaka sa lefaufau sa 200m<sup>3</sup>, go akarediwa kago ya lefelo le dikago tse di  
 amanang, mmogo le mafaratlhatlha a a agetsweng tatlo eo.

**Storage, treatment and processing of animal waste**

10. The storage, treatment or processing of animal manure, including the composting of animal manure, at a facility that has a throughput capacity in excess of 10 tonnes per month, including the construction of a facility and associated structures and infrastructure for such storage, treatment or processing.

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11. The processing of waste at biogas installations with a capacity for receiving five tonnes or more per day of animal waste, animal manure, abattoir waste or vegetable waste, including the construction of a facility and associated structures and infrastructure for such processing animal manure and abattoir waste.

**Expansion or decommissioning of facilities and associated structures and infrastructure**

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12. The expansion or decommissioning of facilities and associated structures and infrastructure for activities listed in this Schedule.

**CATEGORY B**

*The activities listed under Category B are equivalent to those that require an environmental impact assessment process stipulated in the environmental impact assessment regulations made under section 24(5) of the National Environmental Management Act, 1998 (Act No. 107 of 1998)*

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**Treatment of waste**

1. The treatment of general waste by a method other than biological, physical or physicochemical treatment at a facility with the capacity to receive in excess of 10 tonnes of general waste per day, including the construction of a facility and associated structures and infrastructure for such treatment.

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2. The treatment of hazardous waste by a method other than biological or physicochemical treatment, including the construction of a facility and associated structures and infrastructure for such treatment.

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3. The incineration of waste, including the construction of a facility and associated structures and infrastructure for the incineration of waste.

**Disposal of waste on land**

4. The disposal of hazardous waste to land, including the construction of a facility and associated structures and infrastructure for such disposal.

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5. The disposal of general waste to land covering an area of more than 100 m<sup>2</sup> or 200 m<sup>3</sup> of air space, including the construction of a facility and associated structures and infrastructure for such disposal.

**Poloko, phetolo le phetoloboleng ya mantle/leswe la diphologolo**

10. Poloko, phetolo kgotsa phetoloboleng ya motshotelo wa diphologolo, go akarediwa go dirwa komota ga motshetelo wa diphologolo, kwa lefelong le le nang le ntsho ya ya bogolo jo bo fetang ditone tse 10 ka kgwedi, go akarediwa kago ya lefelo le dikago tse di amanang, mmogo le mafaratlhatlha a poloko, phetolo kgotsa phetolo boleng eo. 5

11. Phetoloboleng jwa lešwe kwa lefelong la tlhomo ya bBiogas le le ka kgonang go amogela ditone tse tlhano ka letsatsi kgotsa go fetisa tsa lešwel a diphologolo, motshotelo wa diphologolo, lešwe la botlhabelo kgotsa lešwe la merogo, go akarediwa kago ya tlamelo le dikago tse di tsamaelanang tse di yang go dirisediwa phetoloboleng eo ya motshotelo wa diphologolo le lešwe la botlhabelo. 10

**Katoloso kgotsa ntshotirisong ya ditlamelo le dikago tse di tsamaelanang mmogo le mafaratlhatlha**

12. Katoloso kgotsa ntshotirisong ya mafelo le dikago tse di tsamaelanang, mmogo le mafaratlhatlha a ditiro tse di kwadilweng mo Lenaneng le. 15

**SETLHOPHA SA B**

*Ditiro tse kwadilweng mo lenaneng ka fa tlase ga Setlhophsa sa B di tshwana le tse di lopang tsamaiso ya tshekatsheko ya kamo ya tikologo e e totobaditsweng mo melawaneng ya tshekatsheko ya kamo ya tikologo e e dirilweng ka fa tlase ga karolo 24(5) ya Molao wa wa Bosetšhaba wa Tsamaiso ya Tikologo, wa 1998 (Molao wa Nomoro. 107 wa 1998)* 20

**Phetolo ya lešwe**

1. Phetolo ya lešwe la kakaretso ka mofuta o e seng wa bayloji kgotsa wa fisiokhemikhale kwa lefelong le le nang le bokgoni jwa go amogela bokete jo bo fetang ditone tse 10 tsa lešwe la kakaretso ka letsatsi, go akarediwa kago ya lefelo le dikago tse di amanang, mmogo le mafaratlhatlha a phetolo eo. 25

2. Phetolo ya lešwe le le kotsi ka mothale o e seng wa bayoliji kgotsa wa fisiokhemikhale, go akarediwa kago ya lefelo le mafelo a a amanang mmogo le mafaratlhatlha a phetolo ya go nna jalo. 30

3. Go tshubiwa ga lešwe, go akarediwa kago ya tlamelo le dikago tse di tsamaelanang le yona, mmogo le mafaratlhatlha a phiso ya lešwe.

**Tatlhelo ya lešwe mo lefatsheng**

4. Go latlhela matlhakala a a borai mo lefatsheng/mmung, go akarediwa kago ya moago wa tlamelo le meago e mengwe e e amanngwang nao le mafaratlhatlha a go latliwa moo. 35

5. Go latlhela lešwe la kakaretso mo lefatsheng le le ikadileng ka sebaka sa 100 m<sup>2</sup> kgotsa 200 m<sup>3</sup> tsa sebaka sa lefaufau, go akarediwa go agiwa ga tlamelo le meago e e amanngwang nayo le mafaratlhatlha a go latliwa moo.

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NATIONAL ENVIRONMENTAL MANAGEMENT:  
WASTE ACT, 2008

## SCHEDULE 2

## (Section 80)

Laws repealed or amended

No. and year of Law	Short title	Extent of repeal or amendment	5
Act No. 73 of 1989	Environment Conservation Act, 1989	<p>1. The amendment of section 1 by the deletion of the definitions of "disposal site" and "waste".</p> <p>2. The repeal of sections 19, 19A, 20, 24, 24A, 24B and 24C.</p> <p>3. The amendment of section 29—</p> <p>(a) by the substitution for subsection (3) of the following subsection:</p> <p style="padding-left: 40px;">“(3) Any person who <b>[contravenes a provision of section 19 or 19A or fails to comply therewith, or]</b> fails to comply with a direction in terms of section 31A(1) or (2), or prevents any person authorized in terms of section 41A to enter upon such land or hinders him or her in the execution of his or her powers, shall be guilty of an offence and liable on conviction to a fine, or to imprisonment for a period not exceeding three months.”; and</p> <p>(b) by the substitution for subsection (4) of the following subsection:</p> <p style="padding-left: 40px;">“(4) Any person who contravenes a provision of section <b>[20(1), 20(9),]</b> 22(1) or 23(2) <b>[or a direction issued under section 20(8)]</b> or fails to comply with <b>[a condition of a permit, permission or]</b> an authorization <b>[or direction]</b> issued <b>[or granted]</b> under the said provisions shall be guilty of an offence and liable on conviction to a fine not exceeding R100 000 or to imprisonment for a period not exceeding 10 years or to both such fine and such imprisonment, and to a fine not exceeding three times the commercial value of any thing in respect of which the offence was committed.”.</p>	<p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p>
Act No. 79 of 1992	Environment Conservation Amendment Act, 1992	The repeal of sections 8 and 9.	45
Government Notice No. 1986, 1 August 1990		The repeal of the whole.	50
Government Notice No. 292, 28 February 2003		The repeal of the whole.	

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## MAMETLELELO YA 2

(Karolo ya 80)

Melao e e phimotsweng kgotsa e e tlhabolotsweng

Nomere le Ngwaga ya Molao	Setlhogo se sekhutshwane	Selekanyo sa phimolo kgotsa tlhabololo
Molao No. 73 wa 1989	Molao wa Tshomarelo Tikologo wa 1989	<p>1. Tlhabololo ya karolo ya 1 ka go phimola ditlhaloso tsa “lefelo la tatlho” le “lešwe”.</p> <p>2. Phimolo ya dikarolo tsa 19, 19A, 20, 24, 24A, 24B le 24C.</p> <p>3. Tlhabololo ya karolo ya 29—</p> <p>(a) Ka kemisetso ya karolwana ya (3) ka karolwana e e latelang:</p> <p>“Motho ofe le ofe yo o [tlolang ditaolo tsa karolo ya 19 kgotsa 19A kgotsa a retelelwang ke go obamela taolo tebang le karolo ya 31A(1) kgotsa ya (2), kgotsa a thibela motho yo o filweng dithata go ya ka karolwana ya 41A go tsena mo lefatsheng la go nna jalo kgotsa a mo thibela go diragatsa dithata tsa gagwe, o tla nna molato wa tlolomolao mme o tla nna le maikarabelo fa a bonwe molato wa go duela tefo, kgotsa go latlhelwa mo kgolegong ka lobaka lo lo sa feteng dikgwedi tse tharo.”;</p> <p>(b) kemisetso ya karolwana ya (4) ka karolwana e e latelang:</p> <p>“Motho ofe le ofe yo o tlolang ditaolo tsa karolo ya [20(1), 20(9),] 22(1), kgotsa 23(2) [kgotsa taolo e e filweng ka fa tlase ga karolo ya 20(8)] kgotsa yoo retelelwang ke go obamela [lebaka la tetla, tettelelo, kgotsa] thebolelo [kgotsa taolo] e e ntshitsweng kgotsa e e filweng ka fa tlase ga [e e builweng] ya [ditaolo] taolo tseo o tla nna molato wa tlolomolao mme o tla nna le maikarabelo fa a bonwe molato wa go duela tefo e e sa feteng R100 000 kgotsa go latlhelwa mo kgolegong lobaka lo lo sa feteng dingwaga tse 10 kgotsa go duedisiwa tefo eo mmogole tatlhelo mo kgolegong, le go duedisiwa tefo e e sa feteng boleng jwa tlhwatlhwa epe e e menaganeng gararo tebang le molato o o dirilweng.”</p>
Molao No. 79 wa 1992	Molao wa Tlhabololo ya Tshomarelo Tikologo wa 1992	Phimolo ya dikarolo tsa 8 le 9
Kitsiso ya Puso No. 1986, 1 Phatwe 1990		Yotlhe.
Kitsiso ya Puso No. 292, 28 Tlhakole 2003		Yotlhe.