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No. 37710

THE PRESIDENCY

No. 445 2 June 2014

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

Act No. 21 of 2014: National Environmental Management: Protected Areas Amendment Act, 2014

OFISI KAMONGAMELI

Ino. 445 2 June 2014

Esi sisaziso sokuba uMongameli uwamkele lo mthetho ulandelayo nonikezelwa kuluntu jikelele kolu xwebhu:—

Ino 21 ka 2014: nguMthetho Wokwenza Utshintsho KuMthetho Wokulondolozwa Kwendalo Yesizwe: We ndawo Zolondolozo Ezikhuselweyo, 2014



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

INKCAZELO NGOKUBANZI:

[] Amagama abhalwe ngqindilili kwiibrakethi ezisisikweri abonisa okukhutshiweyo kumthetho okhoyo.

_____ Amagama akrwelwe umgca ngaphantsi abonisa okufakelweyo kumthetho okhoyo.

(English text signed by the President)
(Assented to 30 May 2014)

UMTHETHO

Injongo kukwenza utshintsho kuMthetho Wokulondolozwa Kwendalo Yesizwe: UMthetho Weendawo Zolondolozo Ezikhuselweyo, ka-2003, ukuze kwenzeke utshintsho ekuchazweni kwamagama athile okanye kufakelwe amanye kuwo; kukugunyaza ukuvakaliswa kweendawo ezithile zasemanzini zizezikhuselweyo; kukwenzela ukuba ziphathwe kakuhle iindawo zasemanzini ezithile ezikhuselweyo; kukuxela okuza kwenzeka okwethutyana; nokulungiselela izinto ngezinto ezihlobene noku.

KUWISW' UMTHETHO yiPalamente yeRiphabliki yoMzantsi-Afrika, ngale ndlela ilandelayo:—

Kwenziwa utshintsho kwisiqendu 1 soMthetho 57 ka-2003, owathi wona wenziwa utshintsho sisiqendu 1 soMthetho 31 ka-2004

1. Kwenziwa utshintsho kwisiqendu 1 soMthetho Wokulondolozwa Kwendawo Yesizwe: UMthetho Weendawo Zolondolozo Ezikhuselweyo ka-2003 (emva koku obizwe ngokuba “nguMthetho ekwaqalwa ngawo”)—

- (a) ngokuthi endaweni yokuchazwa kwegama elithi “iSebe” kufakelwe ukuchazwa kwegama okulandelayo:
“**iSebe**’ liSebe lezwelonke [**leNdalo noKhenketho**] eliphathiswe imicimbi yezendalo”;
- (b) nangokuthi emva kokuchazwa kwegama elithi “iimpahla neenkonzozendalo” kufakelwe ukuchazwa kwegama okulandelayo:
“**ukuloba**’ kunentsingiselo okunikwe yona kwisiqendu 1 seMarine Living Resources Act, 1998 (Act No. 18 ka-1998), kubekho nje utshintsho olunokuthi lufuneke”;
- (c) ngokuthi endaweni yokuchazwa kwegama elithi “indawo ekhuselweyo esemanzini” kufakelwe ukuchazwa kwegama okulandelayo:
“**indawo ekhuselweyo esemanzini**’ yindawo evakaliswe njenge-ndawo ekhuselwe esemanzini [**ngokwesiqendu 43 seMarine Living Resources Act, 1998 (Act No. 18 ka-1998)**] ngokwesiqendu 22A”;
- (d) ngokuthi emva kokuchazwa kwegama elithi “indawo ekhuselweyo esemanzini” kufakelwe ukuchazwa kwegama okulandelayo:
“**amanzi asemanzini**’ ngamanzi ayinxalenye yamanzi angaphakathi, amanzi akumhlaba wethu nakummandla woqoqosho weRiphabliki, ekuthethwe ngawo kwisiqendu 3, 4 nese-7 seMaritime Zone Act, 1994”

- 1994 (Act No. 15 of 1994), and includes an estuary defined in section 1 of the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);” and
- (e) by the substitution for the definition of “national protected area” of the following definition: 5
- “**‘national protected area’** means—
- (a) a special nature reserve;
- (b) a national park; **[or]**
- (bA) a marine protected area; or
- (c) a nature reserve or protected environment— 10
- (i) managed by a national organ of state; or
- (ii) which falls under the jurisdiction of the Minister for any other reason;”.

Amendment of section 2 of Act 57 of 2003, as amended by section 2 of Act 31 of 2004

2. Section 2 of the principal Act is hereby amended by the substitution for paragraph (d) of the following paragraph: 15
- “(d) to provide for a diverse and representative network of protected areas on state land, private land **[and]**, communal land and marine waters;”.

Amendment of section 4 of Act 57 of 2003

3. Section 4 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (b) of the following paragraph: 20
- “(b) to **[the exclusive economic zone and]** marine waters, including the continental shelf of the Republic[,] referred to in [sections 7 and] section 8 [, respectively,] of the Maritime Zones Act, 1994 (Act No. 15 of 1994).”.

Substitution of section 14 of Act 57 of 2003, as inserted by section 4 of Act 31 of 2004 25

4. The following section is hereby substituted for section 14 of the principal Act :

“[Marine] Continued existence of marine protected areas

14. [(1) Chapter 1, this Chapter and section 48 apply to marine protected areas.

(2) The other provisions of this Act do not apply to marine protected areas, but if a marine protected area has been included in a special nature reserve, national park or nature reserve, such area must be managed and regulated as part of the special nature reserve, national park or nature reserve in terms of this Act.] Any marine protected area which had been declared as such in terms of section 43 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998), and which exists when the National Environmental Management: Protected Areas Amendment Act, 2014, takes effect, must be regarded as a marine protected area declared as such in terms of section 22A.”. 35

Insertion of Part 2A in Act 57 of 2003 40

5. The following Part is hereby inserted in Chapter 3 of the principal Act, after Part 2:

- (Act No. 15 ka-1994), kwaye aquka ichweba ngokwendlela elichazwe ngayo kwisiqendu 1 se*National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 ka-2008)*,” nangokuthi
- (e) endaweni yokuchazwa kwegama elithi “imimandla ekhuselekileyo yesizwe” kufakelwe ukuchazwa kwegama okulandelayo: 5
- “ **‘imimandla ekhuselekileyo yesizwe’** —
- (a) ngumyezo wendalo owodwa;
- (b) ipaki yelizwe; [okanye]
- (bA) indawo ekhuselweyo esemanzini; okanye
- (c) uvimba wendalo okanye okusingqongileyo okukhuselekileyo— 10
- (i) ephethwe yinxenye yesizwe; okanye
- (ii) ephantsi kolawulo loMphathiswa ngaso nasiphi na esinye isizathu;”.

Kwenziwa utshintsho kwisiqendu 2 soMthetho 57 ka-2003, wona owathi wenziwa utshintsho sisiqendu 2 soMthetho 31 ka-2004 15

2. Kwenziwa utshintsho kwisiqendu 2 soMthetho ekwaqalwa ngawo ngokuthi endaweni yesiqendu (d) kufakelwe isiqendu esilandelayo:
- “(d) ukubonelela ngentsebenziswano entlobo-ntlobo kwimimandla ekhuselekileyo kumhlaba karhulumente, umhlaba osecaleni [na], kumhlaba woluntu nakumanzi asemanzini;” 20

Kwenziwa utshintsho kwisiqendu 4 soMthetho 57 ka-2003

3. Kwenziwa utshintsho kwisiqendu 4 soMthetho ekwaqalwa ngawo ngokuthi endaweni yesiqendu (b) kwisiqendwana (1) kufakelwe isiqendu esilandelayo:
- “(b) [kwizoni yezoqoqosho ne] nakumanzi asemanzini, kuquka neshelufa yelizwekazi yeRiphabliki edibanisa echazwe [kumhlathi we-7 ne-] nesiqendu 8 gokulandelelanayo ye*Maritime Zones Act, 1994 (Act No. 15 of 1994)*.” 25

Kuthatyathelw’ indawo isiqendu 14 soMthetho 57 ka-2003, esathi safakelwa sisiqendu 4 soMthetho 31 ka-2004

4. Isiqendu 14 soMthetho ekwaqalwa ngawo sithatyathelw’ indawo sisiqendu esilandelayo: 30

“[Yasemanzini Marine] Ukuqhubeka kwazo zikho iindawo ezikhuselwayo

14. [(1) Sahluko 1, esiSahluko nesiqendu 48 azisebenzi kwimimandla khuselweyo esemanzini.

(2) Okunye okutshiwo ngulo Mthetho akusebenzi kwimimandla ekhuselweyo osemanzini uqukiwe kwindawo yolondolozo-ndalo ekhethekileyo, kwipaki yelizwe okanye kwindawo yolondolozo-ndalo, mmandla mawulawulwe njengexqalenywe yendawo yolondolozo-ndalo ngokwalo Mthetho.] Nayiphi na indawo ekhuselweyo esemanzini eyayiyakaliswe ilolo hlobo ngokwesiqendu 43 se*Marine Living Resources Act, 1998 (Act No. 43 sika-1998)*, nesekhoyo xa iqalisa ukusebenza i*National Environmental Management: Protected Areas Amendment Act* ka-2014, mayithathwe njengendawo ekhuselwe esemanzini evakaliswe ilolo hlobo ngokwesiqendu 22A.” 45

Kufakelwa iCandelo 2A kuMthetho 57 ka-2003

5. Kufakelwa eli Candelo lilandelayo kwiSahluko 3 soMthetho ekwaqalwa ngawo, emva kweCandelo 2:

“Part 2A

Marine protected areas

Declaration of marine protected areas

- 22A.** (1) The Minister may, by notice in the *Gazette*—
- (a) declare an area specified in the notice—
 - (i) as a marine protected area; or
 - (ii) as part of an existing marine protected area; and
 - (b) assign a name to the marine protected area.
- (2) A declaration under subsection (1)(a) may only be issued—
- (a) to conserve and protect marine and coastal ecosystems;
 - (b) to conserve and protect marine and coastal biodiversity;
 - (c) to conserve and protect a particular marine or coastal species, or specific population and its habitat;
 - (d) if the area contains scenic areas or to protect cultural heritage;
 - (e) to facilitate marine and coastal species management by protecting migratory routes and breeding, nursery or feeding areas, thus allowing species recovery and to enhance species abundance in adjacent areas;
 - (f) to protect and provide an appropriate environment for research and monitoring in order to achieve the objectives of this Act; or
 - (g) to restrict or prohibit activities which is likely to have an adverse effect on the environment.
- (3) A notice under subsection (1)(a) may only be issued after consultation with the Cabinet member responsible for fisheries.

Withdrawal of declaration of, addition to, or exclusion from, marine protected areas 25

- 22B.** The Minister may, by notice in the *Gazette*—
- (a) withdraw a declaration made under section 22A(1);
 - (b) add to or exclude any area from a marine protected area; and
 - (c) assign a different name to a marine protected area.”.

Amendment of section 28 of Act 57 of 2003, as amended by section 8 of Act 31 of 2004 30

6. Section 28 of the principal Act is hereby amended by the substitution in subsection (2) for paragraph (a) of the following paragraph:
- “(a) to regulate the area as a buffer zone for the conservation and protection of a special nature reserve, national park, marine protected area, world heritage site or nature reserve;”.

Amendment of section 31 of Act 57 of 2003, as amended by section 9 of Act 31 of 2004

7. Section 31 of the principal Act is hereby amended by the substitution for the words preceding paragraph (a) of the following words: 40

“iCandelo 2A***Iindawo Ezikhuselweyo Ezisemanzini*****Ukuvakaliswa kweendawo ezikhuselweyo ezisemanzini**

22A. (1) Ngokukhuph’ isihlokomiso ku*Shicilelo-Mithetho*, uMphathi-
swa—

(a) angavakalisa indawo exelwe kwisihlokomiso—

(i) njengendawo ekhuselweyo esemanzini; okanye

(ii) njengenxalenye yendawo ekhoyo ekhuselweyo esemanzini;
aze

(b) ayithiye igama loo ndawo ekhuselweyo esemanzini.

(2) Ukuyivakalisa njengendawo enjalo ngokwesiqendwana (1)(a)
kunokwenziwa kuphela—

(a) ngenjongo yokukhusela indalo yasemanzini neyaselunxwemeni;

(b) ngenjongo yokulondoloza nokukhusela izinto eziziindidi ngeendidi
eziphila emanzini neziphila elunxwemeni;

(c) ngenjongo yokulondoloza nokukhusela izilwanyana ezithile eziphila
emanzini okanye elunxwemeni, okanye izilwanyana ezithile nendawo
eziphila kuyo;

(d) ukuba loo mmandla unezinto ezitsala ababukeli, kunokwenziwa
ngenjongo ilifa lethu lezinto eziligugu kuthi;

(e) ngenjongo yokwenza kube lula ukuphathwa kakuhle kwezilwanyana
zasemanzini nezaselunxwemeni ngokukhusela imizila ezihamba kuyo
xa zifuduka, iindawo ezifukamela kuzo, okanye iindawo ezanyisela
kuzo, ngaloo ndlela kusenziwa ukuba izilwanyana eziphelayo zibuye
zibekho nokwenzela ukuba zande izilwanyana kwimimandla
ekufutshane;

(f) ngenjongo yokukhusela nokwenza ukuba lwenzelwe kwimeko entle
uphando nokubekw’ esweni ukuze zifezeke iinjongo zalo Mthetho;
okanye

(g) ngenjongo yokuzinciphisa okanye yokuzithintela nje kwaphela izinto
ezenziwayo ezinokuyenzakalisa indalo esingqongileyo.

(3) Isihlokomiso esenziwa ngokwesiqendwana (1)(a) sinokukhutshwa
kuphela emva kokubonisana nelungu leKhabhinethi eliphathiswe imicimbi
ephathelele ekulotyweni kweentlanzi.

**Ukurhoxiswa kokuvakaliswa kwendawo iyindawo ekhuselweyo
esemanzini okanye ukongeza kolo luhlu okanye ukukhutshwa kulo**

22B. Ngokukhuph’ isihlokomiso ku*Shicilelo-Mithetho*, uMphathi-
swa unokuthi—

(a) akurhoxise oko abekuvakalisile ngokwesiqendu 22A(1);

(b) ongeze kuluhlu lweendawo ezikhuselweyo ezisemanzini okanye
akhuphe ezinye kuluhlu; kananjalo

(c) ayithiye igama elahlukileyo indawo ekhuselweyo esemanzini.”

**Kwenziwa utshintsho kwisiqendu 28 soMthetho 57 ka-2003, owathi wona wenziwa
utshintsho sisiqendu 8 soMthetho 31 ka-2004**

6. Kwenziwa utshintsho kwisiqendu 28 soMthetho ekwaqalwa ngawo ngokuthi 45
endaweni yesiqendu (a) kwisiqendwana (2) kufakelwe isiqendu esilandelayo:

“(a) amisele ummandla wezowuni ephakathi ukuze ilondolozwe kwaye ikhusele
uvimba wendalo owodwa, indawo ekhuselweyo esemanzini, isiza selifa
selizwe, okanye uvimba wendalo;”.

**Kwenziwa utshintsho kwisiqendu 31 soMthetho 57 ka-2003, owathi wona 50
wathatyathelw’ indawo sisiqendu 9 soMthetho 31 ka-2004**

7. Kwenziwa utshintsho kwisiqendu 31 soMthetho ekwaqalwa ngawo ngokuthi
amagama awandulela isiqendu (a) athatyathelw’ indawo ngamagama alandelayo:

“Subject to subsection 34, before issuing a notice under section 18(1), 19, 20(1), 21, 22(1), 22A(1), 22B, 23(1), 24(1), 26(1), 28(1) or 29, the Minister may follow such consultative process as may be appropriate in the circumstances, but must—”.

Amendment of section 34 of Act 57 of 2003, as amended by section 10 of Act 31 of 2004 5

8. Section 34 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“If it is proposed to declare an area under section 18(1) [or], 20(1) or 22A(1) as a special nature reserve [or], a national park [,] or a marine protected area, or as part thereof, and that area consists of or includes—”.

Amendment of section 37 of Act 57 of 2003, as substituted by section 13 of Act 31 of 2004

9. The following section is hereby substituted for section 37 of the principal Act:

“Application of Chapter 15

37. Except where expressly stated otherwise in this Chapter, this Chapter only applies to a protected area which is a special nature reserve, national park, marine protected area, nature reserve or protected environment, and the expressions “protected area”, “national protected area”, “provincial protected area”, “local protected area” and “protected environment” must be construed accordingly in this Chapter.” 20

Amendment of section 38 of Act 57 of 2003, as amended by section 14 of Act 31 of 2004 and section 3 of Act 15 of 2009

10. Section 38 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for paragraph (a) of the following paragraph: 25

“(a) subject to paragraphs (aA) and (aB), may assign the management of any kind of protected area listed in section 9 to a suitable person, organisation or organ of state;”;

(b) by the deletion in subsection (1) of the word “and” at the end of paragraph (aA); 30

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

“(aB) may assign the management of a marine protected area only to a suitable national organ of state, but the powers referred to in section 48A(2) may not be so assigned; or”;

(d) by the substitution in subsection (1) for paragraph (b) of the following paragraph: 35

(b) may assign the management of a privately owned protected environment to a suitable person, organization or organ of state, provided that the owner and lawful occupier have requested or consented to such assignment, and the Minister has given the owner and lawful occupier notice in writing in terms of section 33. 40

Amendment of section 41 of Act 57 of 2003

11. Section 41 of the principal Act is hereby amended by the substitution in subsection (2) for paragraph (g) of the following paragraph: 45

“Ngokulawulwa sisiqendu 34, ngaphambi kokuba akhuphe isihlokomiso ngokwesiqendu 18(1), 19, 20(1), (21), 22(1), 22A(1), 22B, 23(1), 24(1), 26(1), 28(1) okanye 29, uMphathiswa unokuthi abonisane nabanye ngendlela enokuthi ifaneleke ngokwemeko ekhoyo, kodwa kufuneka—”.

Kwenziwa utshintsho kwisiqendu 34 soMthetho 57 ka-2003, owathi wona wenziwa utshintsho sisiqendu 10 soMthetho 31 ka-2004 5

8. Kwenziwa utshintsho kwisiqendu 34 soMthetho ekwaqalwa ngawo ngokuthi amagama awandulela isiqendu (a) kwisiqendwana (1) athatyathelw’ indawo ngamagama alandelayo:

“Ukuba kucetywa ukubhengeza ummandla ngokwemigaqo yecandelo 18(1) [okanye], 20(1) okanye 22A(1) njengovimba wendalo okhuselekileyo oyedwa okanye njengendawo ekhuselweyo esemanzini, okanye njengenxenye yovimba wendalo okhuselekileyo oyedwa, kwaye lo mmandla uquka—”.

Kwenziwa utshintsho kwisiqendu 37 soMthetho 57 ka-2003, wona owathi wathatyathelw’ indawo sisiqendu 13 soMthetho 31 ka-2004 15

9. Isiqendu 37 soMthetho ekwaqalwa ngawo sithatyathelw’ indawo sisiqendu esilandelayo:

“Ukumiselwa kwesahluko

37. Ngaphandle kwendawo echaziweyo kwesi Sahluko, ilungiselelo lesi Sahluko sibhekisa kummandla okhuselekileyo onguvimba owodwa, indawo ekhuselweyo esemanzini, okanye umyezo wendalo okanye indalo ekhuselweyo, nokuchazwa **“kommandla okhuselekileyo”, “ummandla okhuselekileyo wephondo”, “ummandla okhuselekileyo wengingqi” “nendawo ekhuselweyo.”** 20

Kwenziwa utshintsho kwisiqendu 38 soMthetho 57 ka-2003, owathi wona wenziwa utshintsho sisiqendu 14 soMthetho 31 ka-2004 nasisiqendu 3 soMthetho 15 ka-2009 25

10. Kwenziwa utshintsho kwisiqendu 38 soMthetho ekwaqalwa ngawo—

(a) ngokuthi endaweni yesiqendu (a) kwisiqendwana (1) kufakelwe isiqendu esilandelayo:

“(a) ngokulawulwa sisiqendu (aA) no-(aB), unokuthi anikezele ngolawulo lomyezo wendalo owodwa okanye lomyezo wendalo kwisiqendu 9 kumntu owufaneleyo lomsebenzi, umbutho okanye iziko likarhulumente;”;

(b) ngokuthi kwisiqendwana (1) kucinywe igama elithi “kunye” ekupheleni kwesiqendu (aA); 35

(c) emva kwesiqendu (aA) kwisiqendwana (1) kufakelwe isiqendu esilandelayo:

“(aB) unokuthi ukuphathwa kwendawo ekhuselweyo esemanzini akwabele icandelo likarhulumente elifanelekileyo lezwelonke kuphela, kodwa amagunya ekuthethwe ngawo kwisiqendu 48A(2) akavumelekanga ukuba abelwe ngaloo ndlela; okanye; 40
nangokuthi

(d) endaweni yesiqendu (b) kwisiqendwana (1) kufakelwe isiqendu esilandelayo:

(b) unokuthi ukulawulwa kwendawo yokusingqongileyo ekhuselweyo eyeyomntu othile akwabele umntu ofanelekileyo, akwabele umbutho okanye icandelo likarhulumente, kodwa kuxhomekeke ekubeni umntu waloo ndawo okanye umntu ohleli apho ngokusemthethweni bakucelile okanye bakuvuma oko kwabelwa, kwaye noMphathiswa umnike isaziso umntu wendawo okanye ohleli kuyo ngokusemthethweni ngokwesiqendu 33. 45

Kwenziwa utshintsho kwisiqendu 41 soMthetho 57 ka-2003 50

11. Kwenziwa utshintsho kwisiqendu 41 soMthetho ekwaqalwa ngawo ngokuthi endaweni yesiqendu (g) kwisiqendwana (2) kufakelwe isiqendu esilandelayo:

“(g) a zoning of the area indicating what activities may take place in different sections of the area, and the conservation objectives of those sections, provided that in a marine protected area, the zoning must not conflict with a zoning in terms of section 48A(2)(a).”.

Amendment of section 48 of Act 57 of 2003, as amended by section 18 of Act 31 of 2004 5

12. Section 48 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“Despite other legislation, no person may conduct commercial prospecting [**or**], mining, exploration, production or related activities—” 10

Insertion of section 48A in Act 57 of 2003

13. The following section is hereby inserted in the principal Act, after section 48:

“Restriction of activities in marine protected areas

48A. (1) Despite any other legislation, no person may in a marine protected area— 15

- (a) fish or attempt to fish;
- (b) take or destroy any fauna or flora;
- (c) undertake any dredging or extraction of sand, rock, gravel or minerals unrelated to any activities referred to in section 48(1);
- (d) discharge or deposit waste or any other polluting matter; 20
- (e) in any manner which results in an adverse effect on the marine environment, disturb, alter or destroy the natural environment or disturb or alter the water quality or abstract sea water;
- (f) carry on any activity which may have an adverse effect on the ecosystem of the area; 25
- (g) construct or erect any building or other structure on or over any land or water within such a marine protected area;
- (h) carry on marine aquaculture activities;
- (i) engage in bio-prospecting activities;
- (j) sink or scuttle any platform, vessel or other structure; or 30
- (k) undertake mineral exploration, and production of petroleum and other fossil fuels.

(2) Notwithstanding subsection (1) but subject to section 48(1), the Minister may, in relation to a marine protected area, prescribe— 35

- (a) different zones to regulate different activities within that marine protected area; and
- (b) activities which require a permit.

(3) Before exercising the power referred to in subsection (2), the Minister must—

- (a) consult with the Minister responsible for fisheries and the management authority that is responsible for managing the relevant marine protected area; and 40
- (b) ensure that the zoning achieves the objectives referred to in section 2.

(4) Any zone declared in terms of section 43 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998), or created by regulation in terms of section 77 of that Act which exists when the National Environmental Management: Protected Areas Amendment Act, 2014, takes effect, must be regarded as a zone prescribed in terms of subsection (2).” 45

“(g) ukuzowunwa kwendawo okubonisa ukuba zeziphi izinto ezinokwenziwa kwiindawana-ndawana zaloo ndawo, neenjongo zolondolozo zezo ndawana-ndawana, kodwa ke kwindawo ekhuselweyo esemanzini, ukuzowunwa makungangqubani nokuzowunwa okungokwesiqendu 48A(2)(a).”.

Kwenziwa utshintsho kwisiqendu 48 soMthetho 57 ka-2003, owathi wona wenziwa utshintsho sisiqendu 18 soMthetho 31 ka-2004

12. Kwenziwa utshintsho kwisiqendu 48 soMthetho ekwaqalwa ngawo ngokuthi kwisiqendwana (1) amazwi awandulela isiqendu (a) athatyathelw’ indawo ngamazwi alandelayo:

“Kungakhathaliseki ukuba uthini omnye umthetho wepalamente, akukho uvumelekileyo ahlole ubukho bezimbiwa ngenjongo yorhwebo [okanye], embe imigodi, enze imisebenzi yokuhlola, yokuvelisa okanye eyelele apho—

Kufakelwa isiqendu 48A kuMthetho 57 ka-2003

13. Kufakelwa esi siqendu silandelayo kuMthetho ekwaqalwa ngawo, emva kwisiqendu 48:

“Izinto ezingavumelekanga ukwenziwa kwiindawo ezikhuselweyo- ezisemanzini

48A. (1) Kungakhathaliseki ukuba uthini na omnye umthetho wepalamente, kwindawo ekhuselweyo esemanzini akukho mntu ovumelekileyo ukuba—

- (a) alobe okanye azame ukuloba;
- (b) emke nohlaza olulapho okanye alutshabalalise;
- (c) afunxe intlabathi okanye igrabile ngomatshini ilitje, igrabile okanye izimbiwa ezingenanto yakwenza nemisebenzi ekuthethwe ngayo kwisiqendu 48(1);
- (d) alahle okanye abeke inkunkuma okanye nayiphi na enye into engcolisayo;
- (e) ngayo nayiphi na indlela eba nesiphumo esibi kwindalo yasemanzini, aphazamise indalo okanye ayiguqule okanye ayitshabalalise, okanye aphazamise okanye aguqule ukuba semgangathweni kwamanzi okanye amanzi olwandle;
- (f) enze nayiphi na into enokuba nesiphumo esibi kwindalo yaloo mmandla;
- (g) akhe nasiphi na isakhiwo phezu komhlaba okanye phezu kwamanzi kuloo ndawo ekhuselweyo esemanzini;
- (h) enze imisebenzi nayiphi na imisebenzi yasemanzini yokunceda izilwanyana nabantu;
- (i) enze imisebenzi yokuhlola ukuba kungaphileka kusini na;
- (j) azikise ungqameko, inqanawa okanye nayiphi na enye into; okanye
- (k) azimisele ukuhlola ubukho bezimbiwa, nokuvelisa ipetroliyam nezinye izibaso.

(2) Kungakhathaliseki ukuba sithini isiqendwana (1), kodwa ngokulawulwa kwisiqendu 48(1), uMphathiswa unokuthi, mayela nendawo ekhuselweyo esemanzini, axele—

- (a) iizowuni ngeezowuni zokulawula imisebenzi ngemisebenzi ngaphakathi kuloo ndawo ekhuselweyo esemanzini; nangokuthi
- (b) nezinto ezinokwenziwa ezifuna iphepha-mvume.

(3) Ngaphambi kokuba asebenzise igunya ekuthethwe ngalo kwisiqendwana (2), uMphathiswa—

- (a) makabonise nokuMphathiswa ophathiswe amashishini okuloba kwakunye negunya eliphethayo eliphathiswe ukuphatha indawo ekhuselweyo esemanzini; kwaye
- (b) aqinisekise ukuba ukucandwa kwemida kuyazifeza iinjongo ekuthethwe ngazo kwisiqendu 2.

(4) Nayiphi na izowuni evakaliswe ngokwesiqendu 43 se*Marine Living Resources Act 1998 (Act No. 18 of 1998)*, okanye edalwe ngommiselo ngokwesiqendu 77 se*National Environmental Management: Protected Areas Amendment Act, 2014*, eselikho xa lo uMthetho uqalisa ukusebenza, mayithathwe njengezowuni emiselwe ngokwesiqendwana (2).”.

Amendment of section 52 of Act 57 of 2003, as amended by section 20 of Act 31 of 2004

14. Section 52 of the principal Act is hereby amended—
- (a) by the substitution for subsection (1) of the following subsection:

“(1) The management authority of a national park, marine protected area, nature reserve or world heritage site may, in accordance with prescribed norms and standards, make rules for the proper administration of the area.”;
 - (b) by the insertion in subsection (2) after paragraph (a) of the following paragraph:

“(aA) must be consistent with any zoning or permitting done in terms of section 48A(2), and if there is a conflict, such zoning and permitting prevails;”;
 - (c) by the deletion in subsection 2(b) of the word “and”;
 - (d) by the addition to subsection 2(c) of the expression “; and”;
 - (e) by the addition to subsection (2) of the following paragraph:

“(d) must be published in the Gazette.”; and
 - (f) by the addition of the following subsection:

“(3) Rules made in terms of subsection (1) which apply to marine protected areas must be made in consultation with the Department.”.

Amendment of section 90 of Act 57 of 2003

15. Section 90 of the principal Act is hereby amended by the addition of the following subsection:
- “(3) Section 43 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998), is hereby repealed.”.

Amendment of section 91 of Act 57 of 2003, as inserted by section 26 of Act 31 of 2004

16. Section 91 of the principal Act is hereby amended—
- (a) by the substitution for the heading of the following heading:

“**Savings and transitional provisions**”; and
 - (b) by the addition of the following subsection:

“(3) (a) Any regulation relating to a marine protected area prescribed in terms of section 77 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998), which exists when the National Environmental Management: Protected Areas Amendment Act, 2014, takes effect, must be regarded as having been prescribed in terms of this Act and remains of force and effect until it is repealed or amended in terms of this Act.

(b) Anything done in relation to a marine protected area in terms of the Marine Living Resources Act, 1998 (Act No. 18 of 1998), and which could have been done in terms of this Act must be regarded as having been done in terms of this Act.

(c) Any permission granted in terms of section 43 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998), which was valid immediately before the commencement of the National Environmental Management: Protected Areas Amendment Act, 2014, remains valid and the person concerned must be regarded as having been issued with a permit contemplated in section 48A(2).

(d) Any application for a permit or exemption lodged in terms of section 43 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998), which has not been finalised when the National Environmental Management: Protected Areas Amendment Act, 2014, takes effect must, despite the repeal of section 43 of that Act by section 90(3), be dispensed with in terms of section 43 of the Marine Living Resources Act, 1998,

Kwenziwa utshintsho kwisiqendu 52 soMthetho 57 ka-2003, wona owathi wenziwa utshintsho sisiqendu 20 soMthetho 31 ka-2004

14. Kwenziwa utshintsho kwisiqendu 52 soMthetho ekwaqalwa ngawo—
- (a) ngokuthi endaweni yesiqendwana (1) kufakelwe isiqendwana esilandelayo: 5
“(1) Igunya eliphethayo lepaki yelizwe, indawo ekhuselweyo esemanzini, indawo yolondolozo-ndalo okanye ilifa lehlabathi linokuthi, ngokwemigaqo efunekayo, liqulunqe imigaqo yokuphathwa ngendlela eyiyo kwalo mmandla.”;
- (b) ngokuthi emva kwisiqendu (a) kwisiqendwana (2) kufakelwe isiqendu esilandelayo: 10
“(aA) mayivisisane nokucandwa ngokwezowuni okanye ngokwemvume enikwe ngokwisiqendu 48A(2), kuze kuthi ukuba kukho ungquzulwano, kusebenze oko kucandwa ngokwezowuni nemvume enikiweyo;”;
- (c) ngokuthi kwisiqendwana (2)(b) kucinywe igama elithi “kwaye”; 15
- (d) ngokuthi kwisiqendwana (2)(c) kongezwe igama elithi “; nangokuthi”; 15
- (e) ngokuthi kwisiqendwana (2) kongezwe isiqendu esilandelayo: 15
“(d) mayipapashwe kuShicilelo-Mithetho.”; nangokuthi
- (f) kongezwe esi siqendwana silandelayo: 20
“(3) Igunya eliphethayo malibonisane neSeebe ngaphambi kokuba liqulunqe imithetho ngokwisiqendwana (1) esebenza kwiindawo ezikhuselweyo ezisemanzini.”.

Kwenziwa utshintsho kwisiqendu 90 soMthetho 57 ka-2003

15. Kwenziwa utshintsho kwisiqendu 90 soMthetho ekwaqalwa ngawo ngokuthi kongezwe esi siqendwana silandelayo: 25
“(3) Kuguzulwa isiqendu 43 seMarine Living Resources Act, 1998 (Act No. 18 ka-1998).”.

Kwenziwa utshintsho kwisiqendu 91 soMthetho 57 ka-2003, ekwathi kwafakelwa kuso isiqendu 26 soMthetho 31 ka-2004

16. Kwenziwa utshintsho kwisiqendu 91 soMthetho ekwaqalwa ngawo— 30
- (a) ngokuthi endaweni yomxholwana okhoyo kufakelwe umxholwana olandelayo: 30
“Imithetho elondolozwayo nokuza kwenzeka okwethutyana”;
 nangokuthi
- (b) kongezwe isiqendwana esilandelayo: 35
“(3) (a) Nawuphi na ummiselo omayela nendawo ekhuselweyo esemanzini owenziwe ngokwisiqendu 77 seMarine Living Resources Act, 1998 (Act No. 18 ka-1998), okhoyo xa uMthetho Wokulondolozwa Kwendalo Yesizwe: UMthetho Weendawo Zolondolozo Ezikhuselweyo, ka-2003, uqalisa ukusebenza, mawuthathwe njengowenziwe ngokwalo Mthetho, kwaye uhlala usebenza de ube utshitshisiwe okanye wenziwa utshintsho ngokwalo Mthetho. 40
(b) Nantoni na eyenziwe ngokumayela nendawo ekhuselweyo esemanzini ngokweMarine Living Resources Act, 1998 (Act No. 18 ka-1998), nebinokuthi yenziwe ngokwalo Mthetho, mayithathwe njengeyenziwe ngokwalo Mthetho. 45
(c) Nayiphi na imvume eyanikwa umntu ngokwisiqendu 43 seMarine Living Resources Act, 1998 (Act No. 18 sika-1998), eyayamkelekile ngaphambi kokuqalisa koMthetho Wokulondolozwa Kwendalo Yesizwe: UMthetho Weendawo Zolondolozo Ezikhuselweyo, ka-2014, ihlala iyeyamkelekileyo, kwaye umntu owayinikwayo makathathwe njengowayinikwayo imvume exelwe kwisiqendu 48A(2). 50
(d) Nasiphi na isicelo semvume okanye ukukhululwa kwimfuneko yaso okufakwe ngokwisiqendu 43 seMarine Living Resources Act, 1998 (Act No. 18 ka-1998), esingekaqunjelwa xa iqalisa ukusebenza iNational Environmental Management: Protected Areas Amendment Act ka-2014, nangona sitshitshisiwe isiqendu 43 saloo Mthetho sisiqendu 90(3), masiqunjelwe ngokwisiqendu 43 seMarine Living Resources 55

and a decision taken in terms of section 43 must be deemed as a decision taken in terms of this Act.”.

Amendment of Arrangement of Sections of Act 57 of 2003, as amended by section 1 of Act 31 of 2004

17. The Arrangement of Sections which occur before section 1 of the principal Act is hereby amended— 5

- (a) by the substitution for item 14 of the following item:
“14. **[Marine]** Continued existence of marine protected areas”; and
- (b) by the insertion after item 22 of the following heading:

“Part 2A 10

Marine protected areas”;

- (c) by the insertion after that heading of the following items:
“**22A.** Declaration of marine protected areas
22B. Withdrawal of declaration of or addition to or exclusion from marine protected areas”; 15
- (d) by the insertion after item 48 of the following item:
“**48A.** Restriction of activities in marine protected areas”;
- (e) by the substitution for item 91 of the following item:
“**91.** Savings and transitional provisions”; and
- (f) by the addition of the following items: 20
“**SCHEDULE 1**
SCHEDULE 2”.

Short title and commencement

18. This Act is called the National Environmental Management: Protected Areas Amendment Act, 2014, and comes into effect on the date of publication in the *Gazette* 25 as contemplated in section 81 of the Constitution of the Republic of South Africa, 1996, or such earlier date as determined by Proclamation by the President in the *Gazette*.

Act) ka-1998, kwaye isigqibo esithatyathwe ngokwesiqendu 43 |
masijongwe njengesigqibo esithatyathwe ngokwalo Mthetho.”.

Kwenziwa utshintsho kuLandelwano Lweziqendu zoMthetho 57 ka-2003, ezathi zenziwa utshintsho sisiqendu 1 soMthetho 31 ka-2004

17. Kwenziwa utshintsho kuLandelwano Lweziqendu olwandulela isiqendu 1 5
 soMthetho ekwaqalwa ngawo—

- (a) ngokuthi endaweni yoko kubhalwe kuNombolo 14 kubhalwe okulandelayo:
 “**14. [Zasemanzini] Ukuqhubeka kwazo zikho iindawo ezikhuse-**
lweyo zasemanzini”; nangokuthi
- (b) ngokuthi emva kokubhalwe kuNombolo 22 kufakelwe okulandelayo: 10

“ICandelo 2A

Iindawo Ezikhuselweyo Zasemanzini”;

- (c) ngokuthi emva kwalo mxholwana kufakelwe okulandelayo:
 “**22A. Ukuvakaliswa kweendawo ezikhuselweyo zasemanzini**
22B. Ukurhoxiswa kokuvakaliswa kweendawo ezikhuselweyo ezi- 15
semanzini zizezikhuselweyo, okanye ukongeza kuzo, okanye
ukukhutshwa kwenye kuzo”;
- (d) ngokuthi emva koko kubhalwe kuNombolo 48 kufakwe okulandelayo:
 “**48A. Ukwalelwa kwezinto ezithile ezenziwa kwiindawo ezikhu-**
selweyo ezisemanzini”; 20
- (e) ngokuthi endaweni ka-91 kufakelwe okulandelayo:
 “**91. Iinxalenye ezilondolozwayo nokuza kwenzeka okwethutyana**”;
 nangokuthi
- (f) ngokongeza oku kulandelayo: 25
 “**ISHEDYULI 1**
ISHEDYULI 2”.

Igama lawo elifutshane nokuqalisa kwawo ukusebenza

18. Lo Mthetho ubizwa ngokuba nguMthetho Wokwenza Utshintsho KuMthetho Wokulondolozwa Kwendalo Yesizwe: UMthetho Weendawo Zolondolozo Ezikhuse- 30
 selweyo, ka-2014, kwaye uqalisa ukusebenza zingaphelanga iinyanga ezintandathu
 upapashiwe ku*Shicilelo-Mithetho* njengoko kuxelwe kwisiqendu 81 soMgaqo-siseko
 weRiphabliki yoMzantsi-Afrika, ka-1996, okanye ngomhla onganeno kunoko
 ogqitywe siSihlokomiso sikaMongameli ku*Shicilelo-Mithetho*.

