



# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID AFRIKA

*Regulation Gazette*

**No. 10474**

*Regulasiekoerant*

Vol. 601

24 July  
2015  
Julie

No. 39024

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5843



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# IMPORTANT

## Information

### from Government Printing Works

Dear Valued Customers,

Government Printing Works has implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submits your notice request.

Please take note of these guidelines when completing your form.



#### GPW Business Rules

1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
2. Notices can only be submitted in Adobe electronic form format to the email submission address [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za). This means that any notice submissions not on an Adobe electronic form that are submitted to this mailbox will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
3. Notices brought into GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format. This means that any notice submissions not on an Adobe electronic form that are submitted by the customer on electronic media will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
4. All customers who walk in to GPW that wish to submit a notice that is not on an electronic Adobe form will be routed to the Contact Centre where the customer will be taken through the completion of the form by a GPW representative. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of a newspaper the messenger must be referred back to the sender as the submission does not adhere to the submission rules.
5. All notice submissions that do not comply with point 2 will be charged full price for the notice submission.
6. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – [www.gpwonline.co.za](http://www.gpwonline.co.za))
7. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za))
8. All re-submissions by customers will be subject to the above cut-off times.
9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za).



**DO** use the new Adobe Forms for your notice request. These new forms can be found on our website: [www.gpwonline.co.za](http://www.gpwonline.co.za) under the Gazette Services page.

**DO** attach documents separately in your email to GPW. (In other words, your email should have an Adobe Form plus proof of payment – 2 separate attachments – where notice content is applicable, it should also be a 3<sup>rd</sup> separate attachment)

**DO** specify your requested publication date.

**DO** send us the electronic Adobe form. (There is no need to print and scan it).

**DON'T** submit request as a single PDF containing all other documents, i.e. form, proof of payment & notice content, it will be **FAILED** by our new system.

**DON'T** print and scan the electronic Adobe form.

**DON'T** send queries or RFQ's to the submit.egazette mailbox.

**DON'T** send bad quality documents to GPW. (Check that documents are clear and can be read)



**Form Completion Rules**

No.	Rule Description	Explanation/example
1.	All forms must be completed in the chosen language.	GPW does not take responsibility for translation of notice content.
2.	All forms must be completed in sentence case, i.e. No fields should be completed in all uppercase.	e.g. "The company is called XYZ Production Works"
3.	No single line text fields should end with any punctuation, unless the last word is an abbreviation.	e.g. "Pty Ltd.", e.g. Do not end an address field, company name, etc. with a period (.) comma (,) etc.
4.	Multi line fields should not have additional hard returns at the end of lines or the field itself.	This causes unwanted line breaks in the final output, e.g. <ul style="list-style-type: none"> <li><b>Do not</b> type as: 43 Bloubokrand Street Putsonderwater 1923</li> <li><b>Text should be entered</b> as: 43 Bloubokrand Street, Putsonderwater, 1923</li> </ul>
5.	Grid fields (Used for dates, ID Numbers, Telephone No., etc.)	<ul style="list-style-type: none"> <li>Date fields are verified against format CCYY-MM-DD</li> <li>Time fields are verified against format HH:MM</li> <li>Telephone/Fax Numbers are not verified and allow for any of the following formats limited to 13 characters: including brackets, hyphens, and spaces                             <ul style="list-style-type: none"> <li>o 0123679089</li> <li>o (012) 3679089</li> <li>o (012)367-9089</li> </ul> </li> </ul>
6.	Copy/Paste from other documents/text editors into the text blocks on forms.	<ul style="list-style-type: none"> <li>Avoid using this option as it carries the original formatting, i.e. font type, size, line spacing, etc.</li> <li>Do not include company letterheads, logos, headers, footers, etc. in text block fields.</li> </ul>



No.	Rule Description	Explanation/example
7.	Rich text fields (fields that allow for text formatting)	<ul style="list-style-type: none"> <li>• Font type should remain as Arial</li> <li>• Font size should remain unchanged at 9pt</li> <li>• Line spacing should remain at the default of 1.0</li> <li>• The following formatting is allowed:               <ul style="list-style-type: none"> <li>○ Bold</li> <li>○ Italic</li> <li>○ Underline</li> <li>○ Superscript</li> <li>○ Subscript</li> </ul> </li> <li>• Do not use tabs and bullets, or repeated spaces in lieu of tabs and indents</li> <li>• Text justification is allowed:               <ul style="list-style-type: none"> <li>○ Left</li> <li>○ Right</li> <li>○ Center</li> <li>○ Full</li> </ul> </li> <li>• Do not use additional hard or soft returns at the end of line/paragraphs. The paragraph breaks are automatically applied by the output software               <ul style="list-style-type: none"> <li>○ Allow the text to wrap automatically to the next line only use single hard return to indicate the next paragraph</li> <li>○ Numbered lists are allowed, but no special formatting is applied. It maintains the standard paragraph styling of the gazette, i.e. first line is indented.</li> </ul> </li> </ul>
	<p>e.g.</p> <ol style="list-style-type: none"> <li>1. The quick brown fox jumps over the lazy river. The quick brown fox jumps over the lazy river. The quick brown fox jumps over the lazy river.</li> <li>2. The quick brown fox jumps over the lazy river. The quick brown fox jumps over the lazy river. The quick brown fox jumps over the lazy river.</li> </ol>	



You can find the **new electronic Adobe Forms** on the website [www.gpwonline.co.za](http://www.gpwonline.co.za) under the Gazette Services page.

For any **queries or quotations**, please contact the **eGazette Contact Centre** on 012-748 6200 or email [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)

## Disclaimer

*Government Printing Works does not accept responsibility for notice requests submitted through the discontinued channels as well as for the quality and accuracy of information, or incorrectly captured information and will not amend information supplied.*

*GPW will not be held responsible for notices not published due to non-compliance and/or late submission.*

**DISCLAIMER:**

Government Printing Works reserves the right to apply the 25% discount to all Legal and Liquor notices that comply with the business rules for notice submissions for publication in gazettes.

National, Provincial, Road Carrier Permits and Tender notices will pay the price as published in the Government Gazettes.

For any information, please contact the eGazette Contact Centre on 012-748 6200 or email [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)

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**IMPORTANT ANNOUNCEMENT**

# Closing times **PRIORTOPUBLICHOLIDAYS** for GOVERNMENT NOTICES, GENERAL NOTICES, REGULATION NOTICES AND PROCLAMATIONS

**2015**

The closing time is **15:00** sharp on the following days:

- **26 March**, Thursday, for the issue of Thursday **2 April 2015**
- **31 March**, Tuesday, for the issue of Friday **10 April 2015**
- **22 April**, Wednesday, for the issue of Thursday **30 April 2015**
- **30 April**, Thursday, for the issue of Friday **8 May 2015**
- **11 June**, Thursday, for the issue of Friday **19 June 2015**
- **6 August**, Thursday, for the issue of Friday **14 August 2015**
- **17 September**, Thursday, for the issue of Friday **25 September 2015**
- **10 December**, Thursday, for the issue of Friday **18 December 2015**
- **15 December**, Tuesday, for the issue of Thursday **24 December 2015**
- **22 December**, Tuesday, for the issue of Thursday **31 December 2015**
- **30 December**, Wednesday, for the issue of Friday **8 January 2016**

Late notices will be published in the subsequent issue, if under special circumstances, a late notice is accepted, a double tariff will be charged

The copy for a SEPARATE Government Gazette must be handed in not later than three calendar weeks before date of publication

**BELANGRIKE AANKONDIGING**

# Sluitingstye **VOOR VAKANSIEDAE** vir GOEWERMENTS-, ALGEMENE- & REGULASIE- KENNISGEWINGS ASOOK PROKLAMASIES

**2015**

Die sluitingstyd is stiptelik **15:00** op die volgende dae:

- **26 Maart**, Donderdag, vir die uitgawe van Donderdag **2 April 2015**
- **31 Maart**, Dinsdag, vir die uitgawe van Vrydag **10 April 2015**
- **22 April**, Wednesday, vir die uitgawe van Donderdag **30 April 2015**
- **30 April**, Donderdag, vir die uitgawe van Vrydag **8 Mei 2015**
- **11 Junie**, Donderdag, vir die uitgawe van Vrydag **19 Junie 2015**
- **6 Augustus**, Donderdag, vir die uitgawe van Vrydag **14 Augustus 2015**
- **17 September**, Donderdag, vir die uitgawe van Vrydag **25 September 2015**
- **10 Desember**, Donderdag, vir die uitgawe van Vrydag **18 Desember 2015**
- **15 Desember**, Dinsdag, vir die uitgawe van Donderdag **24 Desember 2015**
- **22 Desember**, Dinsdag, vir die uitgawe van Donderdag **31 Desember 2015**
- **30 Desember**, Wednesday, vir die uitgawe van Vrydag **8 Januarie 2016**

Laat kennisgewings sal in die daaropvolgende uitgawe geplaas word. Indien 'n laat kennisgewing wel, onder spesiale omstandighede, aanvaar word, sal 'n dubbeltarief gehef word

Wanneer 'n APARTE Staatskoerant verlang word moet die kopie drie kalenderweke voor publikasie ingedien word

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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF ENVIRONMENTAL AFFAIRS**

NO. R. 635

24 JULY 2015

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS****NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998  
(ACT NO. 107 OF 1998)****REGULATIONS FOR ADMISSION OF GUILT FINES: NATIONAL ENVIRONMENTAL  
MANAGEMENT WASTE ACT, 2008 (ACT NO.59 OF 2008)**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby make regulations pertaining to the identification and setting of admission of guilt fines in terms of section 34G of the National Environmental Management Act, 1998 (Act No.107 of 1998) for certain offences listed in section 67 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), set out in the Schedule hereto.



**BOMO EDITH EDNA MOLEWA  
MINISTER OF ENVIRONMENTAL AFFAIRS**

## SCHEDULE

### Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Act, the Waste Act or the regulations made thereunder, as the case may be, shall have the meaning so assigned and, unless the content indicates otherwise—

“**Waste Act**” means the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008);

“**hazardous waste**” shall have the meaning assigned to it in Schedule 3 Category A to the Waste Act and shall be identified with reference to Schedule 3 Category A to the Waste Act;

“**general waste**” shall have the meaning assigned to it in Schedule 3 of the Waste Act and shall be identified with reference to Schedule 3 Category B to the Waste Act;

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

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

### Offences under the Waste Act

2. The offences in terms of the Waste Act are, to the extent specified in the Table to these Regulations, hereby specified as offences in respect of which a maximum admission of guilt fine, stipulated in column 3 of the said Table, may be issued and paid.

### Applicability

3. These Regulations apply only to offences in terms of the Waste Act that relate to general waste and are not applicable to offences that relate to hazardous waste or priority waste.

### Short title and commencement

4. These Regulations are called the Waste Act: Admission of Guilt Fine Regulations, 2015 and take effect on the date of publication thereof in the *Gazette*.



TABLE:

## OFFENCES IN TERMS OF THE WASTE ACT, ADMISSION OF GUILT FINE REGULATIONS, 2015

1 Section	2 Description of offence	3 Maximum Fine
21(a) read with 67(1)(b)	Failure by a person who stores waste to take steps to ensure that 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.	R5 000,00
21(b) read with 67(1)(b)	Failure by a person who stores waste to take steps to ensure that adequate measures are taken to prevent accidental spillage or leaking.	R5 000,00
21(c) read with 67(1)(b)	Failure by a person who stores waste to take steps to ensure that the waste cannot be blown away.	R5 000,00
21(d) read with 67(1)(b)	Failure by a person who stores waste to take steps to ensure that nuisances such as odour, visual impacts and breeding of vectors do not arise.	R5 000,00
22(1) read with 67(1)(b)	Failure by a person who generates waste that is collected by a municipality to place it in a container approved, designated or provided by the municipality for that purpose and in a location approved or authorised by the municipality.	R5 000,00
27(2)(a) read with 67(1)(b)	Throwing, dropping, depositing, spilling or in any other way discarding 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 place specifically provided for that purpose.	R5 000,00
27(2)(b) read with 67(1)(b)	Allowing any person under that person's control to 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 place specifically provided for that purpose.	R5 000,00
63(4) read with 67(1)(m)	Failure to provide the municipality concerned, within a reasonable time after receipt of notice in writing or publication of notice in the Gazette, such data, information, documents, samples or materials, and the verification of such information, that are reasonably required to discharge its obligations to provide the Minister or MEC with information, documents, samples or materials for the purposes of a national or municipal waste management system.	R5 000,00
67(2)(a)	Failure by 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, to take all reasonable steps to prevent spillage of waste or littering from the vehicle.	R5 000,00
67(2)(b)	Intentionally or negligently causing spillage or littering from a vehicle that is used to transport waste for the purpose of offloading that waste, where that person is in control of a vehicle, or in a position to control the use of a vehicle.	R5 000,00

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS**

NO. R. 636

24 JULY 2015

**NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998  
(ACT NO. 107 OF 1998)****REGULATIONS RELATING TO THE PROCEDURE TO BE FOLLOWED AND CRITERIA TO BE  
CONSIDERED WHEN DETERMINING AN APPROPRIATE FINE IN TERMS OF SECTION 24G**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby give notice of my intention under section 44(1)(aC) and 44(1)(b) of the National Environmental Management Act, 1998 (Act No.107 of 1998) (NEMA) to make regulations pertaining to the procedure to be followed and criteria to be considered when determining a fine pursuant to an application submitted in terms of section 24G of the NEMA, set out in the Schedule hereto.

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

**By post:** The Director-General  
Department of Environmental Affairs  
Attention: Ms Nicole Limberis  
Private Bag X447  
**PRETORIA**  
0001

**By hand:** Environment House, 473 Steve Biko Road, Pretoria, 0001  
**By email:** [nlimberis@environment.gov.za](mailto:nlimberis@environment.gov.za)  
**Enquiries:** Ms N Limberis  
**Telephone:** 012 399 9502

Comments received after the closing date may not be considered.



**BOMO EDITH EDNA MOLEWA**  
**MINISTER OF ENVIRONMENTAL AFFAIRS**

## DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 637

24 JULY 2015

## DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998  
(ACT NO. 107 OF 1998)REGULATIONS RELATING TO THE PROCEDURE TO BE FOLLOWED AND CRITERIA TO BE  
CONSIDERED WHEN DETERMINING AN APPROPRIATE FINE IN TERMS OF SECTION 24G

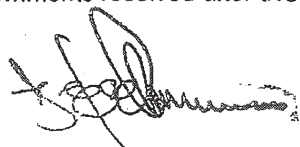
I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby give notice of my intention under section 44(1)(aC) and 44(1)(b) of the National Environmental Management Act, 1998 (Act No.107 of 1998) (NEMA) to make regulations pertaining to the procedure to be followed and criteria to be considered when determining a fine pursuant to an application submitted in terms of section 24G of the NEMA, set out in the Schedule hereto.

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

**By post:** The Director-General  
Department of Environmental Affairs  
Attention: Ms Nicole Limberis  
Private Bag X447  
**PRETORIA**  
0001

**By hand:** Environment House, 473 Steve Biko Road, Pretoria, 0001  
**By email:** [nlimberis@environment.gov.za](mailto:nlimberis@environment.gov.za)  
**Enquiries:** Ms N Limberis  
**Telephone:** 012 399 9502

Comments received after the closing date may not be considered.



**BOMO EDITH EDNA MOLEWA**  
**MINISTER OF ENVIRONMENTAL AFFAIRS**

## SCHEDULE

### Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Act has that meaning, unless a word is defined otherwise in these Regulations.

**"applicant"** means a person who has submitted an application pursuant to the provisions of section 24G of the Act;

**"authorisations authority"** means the division in the national or provincial department responsible for environmental affairs that is tasked with evaluating the environmental impact of listed or specified activities and, where appropriate, with granting or refusing an environmental authorisation in respect of that activity;

**"biodiversity impact"** means the impact or potential impact that an activity has or may have on living organisms from all sources including terrestrial, marine and other aquatic ecosystems and the ecological complexities of which they are part, taking into account the conservation value of the biodiversity affected and whether or not the harm or potential harm is irreversible;

**"culpable applicant"** means an applicant whose prior conduct and/or engagement with environmental authorities displays a knowledge of legal requirements related to the activity; and who nonetheless commences and/or operates without the necessary authorisation; and who satisfies one or more of the criterion listed in Regulation 4(1)(b);

**"director"** means a member of the board, executive committee, or other managing body of a corporate body or parastatal; and, in the case of a close corporation, a member of that close corporation, in the case of a partnership, a member of that partnership, or in the case of a trust, a trustee of that trust;

**"fine calculator"** means the fine calculator approved by the Minister which incorporates the factors listed in Regulation 4 and includes a formula for the determination of an appropriate fine;

**"firm"** means anybody incorporated by or established in terms of any law as well as any partnership, trust or parastatal;

**"heritage impact"** means the impact or potential impact that an activity has or may have on an object or place of cultural significance or archaeological significance, including a place declared to be a national or provincial heritage site by the relevant authority, paleontological remains or a paleontological site, living heritage or public monuments and memorials;

**"National Environmental Management Waste Act"** means the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008);

**"pollution"** means any adverse impact or potential adverse impact that substances, radioactive or other waves or noise, odours, dust or heat, emitted from any activity have or may have on human health or wellbeing or on the composition, resilience and productivity of natural or managed ecosystems, or on materials useful to people, or will have such an effect in the future;

**"registered interested and affected party"** means an interested and affected party whose name is recorded in the register opened for that application in terms of Regulation 8;

**“sense of place impact”** means the that impact or potential impact that an activity has or may have on the mix of natural and cultural features in the landscape that provides a strong and unique identity and character that is deeply felt by local inhabitants and visitors;

**“socio-economic impact”** means that impact or potential impact that an activity has or may have on the surrounding community’s social and economic well-being, including changes in demographics, housing, employment, income opportunities and demand for public services;

**“social benefit”** means significant benefit or potential benefit that impact on society generally;

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

### **Purpose of Regulations**

2. The purpose of these Regulations is to provide for the procedure to be followed and criteria to be considered in the determination of a fine pursuant to an application submitted in terms of section 24G of the Act.

### **Fine recommendation committee**

3. (1) Each competent authority must establish a fine recommendation committee to consider all applications made in terms of section 24G with a view to making a recommendation to the competent authority on the quantum of the fine to be imposed on the applicant.
- (2) The fine recommendation committee must—
  - (a) be approved by the Director-General, the Director-General of the Department of Mineral Resources or the provincial head of department; and
  - (b) consist of at least 3 members, comprised of designated environmental management inspectors, or environmental mineral resource inspectors, where appropriate, and officials from the authorisations authority to which the application relates.
- (3) The members of the fine recommendation committee may call upon any other person with relevant technical or specialist knowledge to advise the committee as and when deemed necessary by the fine recommendation committee.
- (4) The fine recommendation committee must, at least, consider the following information before determining the proposed quantum of the fine—
  - (a) the information submitted by an applicant in terms of section 24G(1)(vii)-(viii);
  - (b) the completed application form;
  - (c) any representations made by the applicant pursuant to the section 24G application;
  - (d) the appraisal submitted by the applicant’s environmental assessment practitioner, if any; and

- (e) any technical or specialist advice received pursuant to subregulation (3) above.
- (5) If the fine recommendation committee requires any further information, in addition to that received in accordance with sub regulation (4) above, in order properly to determine the proposed quantum of the fine, it may request the competent authority to direct the applicant, within a specified time period, to provide such further information and/or undertake such further studies as the fine recommendation committee deems necessary.

#### Process of determining the fine and factors to be taken into account

4. (1) The fine recommendation committee, when determining the proposed quantum of the fine, as well as the competent authority when determining the fine in terms of section 24G(4), must take the following considerations into account—
- (a) the impacts or potential impacts of the activity or activities namely-
    - (i) the negative, or potential negative, socio-economic impact;
    - (ii) the biodiversity impact;
    - (iii) the impact on sense of place and/or heritage;
    - (iv) any pollution and/or environmental degradation which has been, is being or may be caused by the activity or activities; and
    - (v) the social benefit, or potential social benefit, of the project; and
  - (b) the compliance history of the applicant, namely—
    - (i) whether or not final administrative enforcement notices have previously been issued to the applicant in respect of a contravention of section 24F(1) of the Act and/or section 20(1)(b) of the National Environmental Management Waste Act;
    - (ii) whether or not the applicant has previously been convicted in respect of a contravention of section 24F(1) of the Act and/or section 20(1)(b) of the National Environmental Management Waste Act;
    - (iii) whether or not the applicant has previously submitted a section 24G application in respect of an activity or activities which commenced prior to the activity or activities that are the subject of the current application
  - (c) circumstances of the applicant—
    - (i) whether the applicant is a firm or a natural person;
- (2) For the purposes of subregulation (1)(b) and in part 2 of Annexure A the competent authority must take into account whether or not—

- (a) any of the directors of the applicant firm are, or were, at the relevant time, directors of a firm to whom subregulation (1)(b) applies;
  - (b) an applicant who is a natural person is, or was, at the relevant time a director of a firm to whom subregulation (1)(b) applies.
- (3) When calculating the proposed quantum of the fine, or the fine, as the case may be, the fine recommendation committee and the competent authority must use the fine calculator approved by the Minister.

### **Representations**

5. (1) The competent authority shall include in the application form to be used in respect of section 24G applications, the information as set out in Annexure A, which provides the applicant with an opportunity to make representations in respect of the quantum of the fine.
- (2) The application form, including Annexure A, must be attached as an appendix to any report or information submitted by the applicant to the Minister, Minister responsible for mineral resources or MEC as the case may be in terms of section 24G(1) of the Act.
- (3) The recommendation of the quantum of the fine and reasons for that recommendation together with any representations received from the applicant as well as any other relevant information, must be delivered by the fine recommendation committee to the competent authority for a decision.

### **The decision**

6. (1) The competent authority must determine the quantum of the fine upon receipt of the recommendation of the fine recommendation committee.
- (2) The determination mentioned in subregulation (1), together with the reasons therefore, must be communicated by the competent authority to the applicant within a reasonable time.

### **Mandatory reporting and record keeping**

7. (1) A competent authority must keep—
- (a) all applications received by the competent authority in terms of section 24G, including a register thereof;
  - (b) a register of whether fines imposed have been paid in full, partially or not at all;
  - (c) the minutes of meetings of the fine recommendation committee and recommendations made;

- (d) all decisions, including the reasons therefore and the amount of any fines imposed; and a register thereof; and
- (e) all appeal decisions and reasons therefore.

#### **Register of interested and affected parties**

- 8. (1) The applicant must open and maintain of a register of interested and affected parties.
- (2) The register must be included in the report or information submitted in terms of section 24G(1) of the Act, which register must contain the names, contact details and addresses of—
  - (a) all persons who, as a consequence of the public participation process conducted in respect of the application, have submitted written comments or attended meetings with the applicant or any environmental assessment practitioner or other specialist appointed by the applicant to assist with the application;
  - (b) all persons who have requested the applicant, in writing, to place their names on the register; and
  - (c) all organs of state that have jurisdiction in respect of the activity to which the application relates.

#### **Culpable Applicants**

- 9. (1) Where an application is submitted by a culpable applicant; the fine recommendation committee must recommend to the competent authority that the applicant pay the maximum fine amount as specified in section 24G(4) of the Act.
- (2) For the purposes of this regulation, the competent authority may consider the applicant's conduct since 7 January 2005.

#### **Offences and Penalties**

- 10. (1) A person is guilty of an offence if that person—
  - (a) fails to comply with any provision of these Regulations; or
  - (b) provides incorrect or misleading information in any form, including any document submitted in terms of these Regulations to a competent authority or omits information that may have an influence on the outcome of a decision of a competent authority.
- (2) A person convicted of an offence in terms of these Regulations is liable to a fine not exceeding R5 million or to imprisonment for a period not exceeding 5 years, and in the case of a second



or subsequent conviction to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, and in both instances to both such fine and such imprisonment.

#### **Consolidated applications**

11. Where a consolidated application is submitted for more than one listed or specified activity or waste management activity or both, the competent authority may impose a single fine in respect of the consolidated application provided the activities are interrelated.

#### **Commencement and short title**

12. These Regulations are called the section 24G Fine Regulations and will take effect on the date of publication in the Government Gazette.

#### **Transitional provisions**

13. Applications submitted pursuant to the provisions of section 24G prior to the date upon which these Regulations take effect, must be dispensed of as if these Regulations has not been enacted.

## ANNEXURE A TO THE SECTION 24G APPLICATION FORM

## SECTION A: DIRECTIVE

Section 24G(1) of the NEMA provides that on application by a person who has commenced with a listed or specified activity without an environmental authorisation in contravention of section 24F(1); or a person who has commenced, undertaken or conducted a waste management activity without a waste management licence in terms of section 20(b) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) the Minister, Minister responsible for mineral resources or MEC concerned (or the competent authority to which this power has been delegated), as the case may be, may direct the applicant to-

i	immediately cease the activity pending a decision on the application submitted in terms of this subsection	
ii	investigate, evaluate and assess the impact of the activity on the environment	
iii	remedy any adverse effects of the activity on the environment	
iv	cease, modify or control any act, activity, process or omission causing pollution or environmental degradation	
v	contain or prevent the movement of pollution or degradation of the environment	
vi	eliminate any source of pollution or degradation	
vii	compile a report containing-	
	aa	a description of the need and desirability of the activity
	bb	an assessment of the nature, extent, duration and significance of the consequences for or impacts on the environment of the activity, including the cumulative effects and the manner in which the geographical, physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity
	cc	a description of mitigation measures undertaken or to be undertaken in respect of the consequences for or impacts on the environment of the activity
	dd	a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed
	ee	an environmental management programme
viii	provide such other information or undertake such further studies as the Minister, Minister responsible for mineral resources or MEC, as the case may be, may deem necessary.	

You are hereby provided with an opportunity to make representations on any of the abovementioned instructions, including where you are of the opinion that any of these instructions are not relevant for the purposes of your application, setting out the reasons for your assertion. Kindly note further that, after taking your representations into account, a final directive will be issued.

#### SECTION B: DEFERRAL

Section 24G (7) of the NEMA provides that if at any stage after the submission of an application it comes to the attention of the Minister or MEC, that the applicant is under criminal investigation for the contravention of or failure to comply with section 24F (1) of the NEMA or section 20(b) of the NEMWA, the Minister, Minister responsible for mineral resources or MEC may defer a decision to issue an environmental authorisation until such time that the investigation is concluded and-

- (a) the National Prosecuting Authority has decided not to institute prosecution in respect of such contravention or failure;
- (b) the applicant concerned is acquitted or found not guilty after prosecution in respect of such contravention or failure has been instituted; or
- (c) the applicant concerned has been convicted by a court of law of an offence in respect of such contravention or failure and the applicant has in respect of the conviction exhausted all the recognised legal proceedings pertaining to appeal or review.

Kindly answer the following questions:

Are you, the applicant, being investigated for the contravention of section 24F(1) of the NEMA in respect of a matter that is <u>not subject to this application</u> and in any province in the Republic?	YES	NO	
If yes provide details of the offence being investigated and authority conducting the investigation.			
Are you, the applicant, being investigated for the contravention of section 20(b) of the NEMWA in respect of a matter that is <u>not subject to this application</u> and in any province in the Republic?	YES	NO	
If yes provide details of the offence being investigated and authority conducting the investigation.			
Are you, the applicant, being investigated for an offence in terms of section 24F(1) of the NEMA or section 20(b) of the NEMWA <u>in terms of which this application directly relates?</u>	YES	NO	UNSURE

If you have answered yes to any of the above questions, you are hereby provided with an opportunity to make representations as to why the Minister or MEC should not defer the application as he or she is entitled to do under section 24G(7).

**SECTION C: QUANTUM OF THE SECTION 24G FINE**

Section 24G(4) of the NEMA makes it mandatory for an applicant to pay an administrative fine as determined by the competent authority before the Minister or MEC concerned may take a decision on whether or not to grant *ex post facto* environmental authorisation or a waste management licence as the case may be. The quantum of this fine may not exceed R5 million.

Having regard to the factors listed below, you are hereby afforded with an opportunity to make representations in respect of the quantum of the fine and as to why the competent authority should not issue a maximum fine of R5 million.

<b>PART 1: THE IMPACTS OR POTENTIAL IMPACTS OF THE ACTIVITY/ACTIVITIES</b>
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Index	Socio Economic Impact	Place an "x" in the appropriate box
	Description of variable	
	The activity will not give rise to any negative socio-economic impacts	
	The activity could give rise to negative socio-economic impacts, but highly localised	
	The activity could give rise to significant negative socio-economic and regionalized impacts	
	The activity could result in wide-scale socio-economic impacts.	
	Motivation:	

Index	Biodiversity Impact	Place an "x" in the appropriate box
	Description of variable	
	The activity will not give rise to any impacts on biodiversity	
	The activity could give rise to localised biodiversity impacts	
	The activity could give rise to significant biodiversity impacts	
	The activity is likely to permanently / irreversibly transform/ destroy a recognised biodiversity 'hot-spot' or threaten the existence of a species or sub-species.	
	Motivation:	

<b>Index</b> Sense of Place Impact and / or Heritage Impact	<b>Place an "x" in the appropriate box</b>
<b>Description of variable</b>	
The activity is in keeping with the surrounding environment and / or does not negatively impact on the affected area's sense of place and /or heritage	
The activity is not in keeping with the surrounding environment and will have a localised impact on the affected area's sense of place and/or heritage	
The activity is not in keeping with the surrounding environment and will have a significant impact on the affected area's sense of place and/ or heritage	
The activity is completely out of keeping with the surrounding environment and will have a significant impact on the affected area's sense of place and/ or heritage	
Motivation:	

<b>Index</b> Pollution Impact	<b>Place an "x" in the appropriate box</b>
<b>Description of variable</b>	
The activity will not give rise to any pollution	
The activity could give rise to pollution with low impacts.	
The activity could give rise to pollution with moderate impacts.	
The activity could give rise to pollution with high impacts.	
The activity could give rise to pollution with major impacts.	
Motivation:	

<b>Index</b> Social Benefit	<b>Place an "x" in the appropriate box</b>
<b>Description of variable</b>	
The activity provides no social service / infrastructure to the affected community	
The activity provides indirect social service / infrastructure to the affected community	
The activity provides some social service / infrastructure to the affected community	
The activity provides an important social service / infrastructure to the affected community	
The activity provides an essential social service / infrastructure to the affected community	
Motivation:	

**PART 2: COMPLIANCE HISTORY AND KNOWLEDGE OF THE APPLICANT**

<b>Index</b>	<b>Previous administrative action (i.e. final administrative notices) issued to the applicant in respect of a contravention of section 24F(1) of the National Environmental Management Act and/or section 20(1)(b) of the National Environmental Management Waste Act</b>	<b>Place an "x" in the appropriate box</b>
<b>Description of variable</b>		
Administrative action was previously taken against the applicant in respect of the abovementioned provisions.		
Explanation of all previous administrative action taken in respect of the above:		

<b>Index</b>	<b>Previous Convictions in terms of section 24F(1) of the National Environmental Management Act and/or section 20(1)(b) of the National Environmental Management Waste Act</b>	<b>Place an "x" in the appropriate box</b>
<b>Description of variable</b>		
The applicant was previously convicted in terms of the abovementioned provisions.		
Explanation of all previous convictions in respect of the above:		

<b>Index</b>	<b>Number of section 24G applications previously submitted by the applicant</b>	<b>Place an "x" in the appropriate box</b>
<b>Description of variable</b>		
Previous applications were submitted by the applicant.		
No previous applications have been submitted by the applicant but a previous application(s) have been submitted by a firm(s) on whose board one or more of the applicant's directors sit or sat at the relevant time.		
No previous applications have been submitted by the applicant but the applicant sat on the board of a firm that previously submitted an application.		
Explanation in respect of all previous applications submitted in terms of section 24G :		

<b>APPLICANT'S PERSONAL CIRCUMSTANCES</b>
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Index	Applicant's legal persona	Place an "x" in the appropriate box
	Description of variable	
	The applicant is a natural person.	
	The applicant is a firm.	
	Describe the firm:	

An explanation as to why the applicant did not obtain an environmental authorisation and/or waste management licence must be attached to this application.

NOTE: Unless protected by law, all information contained in and attached to this application form may become public information on receipt by the competent authority. This application must be attached to any documentation or information submitted by an applicant further to section 24G (1).

# IMPORTANT Information from Government Printing Works

Dear Valued Customers,

Government Printing Works has implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submits your notice request.

Please take note of these guidelines when completing your form.

# RULES

## **GPW Business Rules**

1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
2. Notices can only be submitted in Adobe electronic form format to the email submission address [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za). This means that any notice submissions not on an Adobe electronic form that are submitted to this mailbox will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
3. Notices brought into GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format. This means that any notice submissions not on an Adobe electronic form that are submitted by the customer on electronic media will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
4. All customers who walk in to GPW that wish to submit a notice that is not on an electronic Adobe form will be routed to the Contact Centre where the customer will be taken through the completion of the form by a GPW representative. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of a newspaper the messenger must be referred back to the sender as the submission does not adhere to the submission rules.
5. All notice submissions that do not comply with point 2 will be charged full price for the notice submission.
6. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – [www.gpwonline.co.za](http://www.gpwonline.co.za))
7. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za))
8. All re-submissions by customers will be subject to the above cut-off times.
9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za).



**eGazette**

