

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
NATIONAL ENVIRONMENTAL
MANAGEMENT AMENDMENT
BILL**

[B 36—2007]

*(As agreed to by the Portfolio Committee on Environmental Affairs and Tourism)
(National Assembly)*

[B 36A—2007]

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AMENDMENTS AGREED TO

NATIONAL ENVIRONMENTAL MANAGEMENT AMENDMENT BILL

[B 36—2007]

CLAUSE 1

1. On page 2, after line 10, to insert the following paragraphs:
 - (b) the insertion after the definition of “**aircraft**” of the following definition:

“**‘applicant’** means a person who has submitted—

(a) or who intends to submit an application for an environmental authorisation; or
(b) an application for an environmental authorisation simultaneously with his or her application for any right or permit in terms of the Mineral and Petroleum Resources Development Act, 2002;”;

2. On page 2, after line 17, to insert the following paragraph:
 - (d) the substitution for the definition of “**community**” of the following definition:

“**‘community’** means—

(a) any group of persons or a part of such a group who share common interests, and who regard themselves as a community; and
(b) in relation to environmental matters pertaining to prospecting, mining, exploration, production or related activity on a prospecting, mining, exploration or production area, means a group of historically disadvantaged persons with interest or rights in a particular area of land on which the members have or exercise communal rights in terms of an agreement, custom or law: Provided that where as a consequence of the provisions of this Act, negotiations or consultations with the community is required, the community shall include the members or part of the community directly affected by prospecting, mining, exploration or production on land occupied by such members or part of the community;”;

3. On page 2, from line 18, to omit paragraph (c).

4. On page 3, after line 9, to insert the following paragraphs:
 - (g) the insertion after the definition of “**environmental management plan**” of the following definition:

“**‘environmental management programme’** means a programme required in terms of section 24;”;
 - (h) the insertion after the definition of “**evaluation**” of the following definition:

“**‘exploration area’** has the meaning assigned to it in section 1 of the Mineral and Petroleum Resources Development Act, 2002;”;

5. On page 3, from line 10, to omit paragraph (f) and to substitute:
- (i) the insertion after the definition of “**hazard**” of the following definitions:
 - “**holder**” has the meaning assigned to it in section 1 of the Mineral and Petroleum Resources Development Act, 2002;
 - “**holder of an old order right**” has the meaning assigned to ‘holder’ in item 1 of Schedule II to the Minerals and Petroleum Resources Development Act, 2002;
 - “**integrated environmental authorisation**” means an authorisation granted in terms of section 24L;
 - “**interested and affected party**”, for the purposes of Chapter 5 and in relation to the assessment of the environmental impact of a listed activity or related activity, means an interested and affected party contemplated in section 24(4)(a)(v), and which includes—
 - (a) any person, group of persons or organisation interested in or affected by such operation or activity; and
 - (b) any organ of state that may have jurisdiction over any aspect of the operation or activity;”;
6. On page 3, after line 12, to insert the following paragraphs:
- (j) the insertion after the definition of “**MEC**” of the following definitions:
 - “**mine**” has the meaning assigned to it in section 1 of the Mineral and Petroleum Resources Development Act, 2002;
 - “**Mineral and Petroleum Resources Development Act, 2002**” means the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);
 - “**mining area**” has the meaning assigned to it in section 1 of the Mineral and Petroleum Resources Development Act, 2002;”;
 - (k) the substitution for the definition of “**Minister**” of the following definition:
 - “**Minister**”, in relation to all environmental matters except environmental matters relating to prospecting, mining, exploration, production and related activities on a prospecting, mining, exploration or production area, means the Minister of Environmental Affairs and Tourism;”;
 - (l) the insertion after the definition of “**Minister**” of the following definition:
 - “**Minister of Minerals and Energy**” means the Minister responsible for the implementation of environmental matters relating to prospecting, mining, exploration, production and related activities within a mining, prospecting, exploration or production area;”;
 - (m) the insertion after the definition of “**organ of state**” of the following definition:
 - “**owner of works**” has the meaning contemplated in paragraph (b) of the definition of “owner” in section 102 of the Mine Health and Safety Act, 1996 (Act No. 29 of 1996);”;
7. On page 3, after line 16, to insert the following paragraphs:
- (o) the insertion after the definition of “**prescribe**” of the following definitions:
 - “**production area**” has the meaning assigned to it in section 1 of the Mineral and Petroleum Resources Development Act, 2002;

‘prospecting area’ has the meaning assigned to it in section 1 of the Mineral and Petroleum Resources Development Act, 2002;’’;

- (p) the insertion after the definition of “**provincial head of department**” of the following definitions:

“**‘public participation process’**, in relation to the assessment of the environmental impact of any application for an environmental authorisation, means a process by which potential interested and affected parties are given opportunity to comment on, or raise issues relevant to, the application;

‘Regional Mining Development and Environmental Committee’ has the meaning assigned to it in section 1 of the Mineral and Petroleum Resources Development Act, 2002;’’;

- (q) the insertion after the definition of “**regulation**” of the following definitions:

“**‘residue deposit’** has the meaning assigned to it in section 1 of the Mineral and Petroleum Resources Development Act, 2002;

‘residue stockpile’ has the meaning assigned to it in section 1 of the Mineral and Petroleum Resources Development Act, 2002;’’

CLAUSE 2

1. On page 3, in line 35, after “**authorisation]**” to insert:

or the Minister of Minerals and Energy, as the case may be, except in respect of those activities that may commence without having to obtain an environmental authorisation in terms of this Act

2. On page 3, after line 35, insert the following subsection:

(1A) Every applicant must comply with the requirements prescribed in terms of this Act in relation to—

- (a) steps to be taken before submitting an application, where applicable;
- (b) any prescribed report;
- (c) any procedure relating to public consultation and information gathering;
- (d) any environmental management programme;
- (e) the submission of an application for an environmental authorisation and any other relevant information; and
- (f) the undertaking of any specialist report, where applicable.

3. On page 3, in line 52, to omit “paragraph (a)” and to substitute “paragraphs (a) and (b)”.

4. On page 4, in line 23, to omit “and”.

5. On page 4, after line 28, to insert:

(v) public information and participation procedures which provide all interested and affected parties, including all organs of state in all spheres of government that may have jurisdiction over any aspect of the activity, with a reasonable opportunity to participate in those information and participation procedures; and

6. On page 4, from line 29, to omit paragraph (b) and to substitute:
- (b) must include, with respect to every application for an environmental authorisation and where applicable—
7. On page 4, from line 39, to omit subparagraph (iii) and to substitute:
- (iii) [public information and participation which provide all interested and affected parties, including all organs of state in all spheres of government that may have jurisdiction over any aspect of the activity, with a reasonable opportunity to participate in such information and participation procedures] investigation, assessment and evaluation of the impact of any proposed listed or specified activity on any national estate referred to in section 3(2) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), excluding the national estate contemplated in section 3(2)(i)(vi) and (vii) of that Act;
8. On page 5, from line 4, to omit paragraph (vii) and to substitute:
- (vii) provision for the adherence to requirements that are prescribed in a specific environmental management Act relevant to the listed or specified activity in question.
9. On page 5, in line 25, to omit “and”.
10. On page 5, after line 26, to insert:
- | |
|---|
| <ul style="list-style-type: none"> (vi) the management and control of residue stock piles and deposits on a prospecting, mining, exploration and production area; (vii) the procedures for consultation with land owners, lawful occupiers and other interested or affected parties; (viii) mine closure requirements and procedures, the apportionment of liability for mine closure and the sustainable closure of mines with an interconnected or integrated impact resulting in a cumulative impact; (ix) financial provision; and (x) <u>monitoring and environmental management programme performance assessments;</u> |
|---|
11. On page 5, in line 33, to omit “plans” and to substitute “programme”.
12. On page 6, from line 22, to omit “required for environmental authorisations”.
13. On page 6, in line 24, to omit “an activity identified” and to substitute “a listed activity or specified activity”.
14. On page 6, in line 26, to omit “this Act” and to substitute “section 24(4)”.
15. On page 6, in line 39, to omit “listed” and to substitute:
- , or for any part of an activity or for a combination of activities, contemplated
16. On page 6, in line 42, to omit “and”.
17. On page 6, after 42, to insert the following subparagraph:
- (iii) prescribe reporting and monitoring requirements; and

18. On page 6, in line 43, to omit “(iii)” and to substitute “(iv)”.
19. On page 6, in line 50, to omit “assessed” and to substitute “measured”.

CLAUSE 5

1. On page 8, in line 10, after “authority” to insert “or the Minister of Minerals and Energy, as the case may be,”.
2. On page 8, in line 17, after “(1)” to insert “(a)”.
3. On page 8, after line 17, to insert the following subparagraph:

(b) subsection (1)(b);
4. On page 8, in line 19, to omit the second “or”.
5. On page 8, in line 20, to omit “24M.” and to substitute “24M; or”.
6. On page 8, after line 20, to insert the following subparagraph:

(e) an approved environmental management programme.

CLAUSE 6

1. On page 8, in line 24, to omit “**or continuation**” and to substitute “[**or continuation**]”.
2. On page 8, in line 41, to omit “plan” and to substitute “**plan**” “programme”.

CLAUSE 8

1. On page 9, from line 16, to omit all the words following “guidelines” up to and including “section 24(5)” in line 18 and to substitute:

regarding—
(a) listed activities or specified activities; or
(b) the implementation, administration and institutional arrangements of regulations made in terms of section 24(5)
2. On page 10, in line 16, after “that” to insert “substantially”.
3. On page 10, from line 20, to omit subsection (1) and to substitute:

(1) The Minister or an MEC, as the case may be, may grant an exemption from any provision of this Act, except from a provision of section 24(4)(a).
4. On page 10, after line 22, to insert the following subsection:

(2) The Minister of Minerals and Energy may grant an exemption from any matter contemplated in section 24(4)(b).
5. On page 10, in line 22, to omit “(2)” and to substitute “(3)”.
6. On page 10, in line 25, to omit “from section 24(4)(b)” and to substitute “in terms of this section”.
7. On page 10, in line 26, to omit “(3)” and to substitute “(4)”.

8. On page 10, in line 26, after “Minister” to insert “, the Minister of Minerals and Energy”.
9. On page 10, in line 27, after “(1)” to insert “or (2), as the case may be,”.
10. On page 10, after line 33, to insert the following sections:

Environmental management programme

24N. (1) The Minister, the Minister of Minerals and Energy, an MEC or identified competent authority may require the submission of an environmental management programme before considering an application for an environmental authorisation.

(2) The environmental management programme must contain—

- (a) information on any proposed management, mitigation, protection or remedial measures that will be undertaken to address the environmental impacts that have been identified in a report contemplated in subsection 24(1A), including environmental impacts or objectives in respect of—
 - (i) planning and design;
 - (ii) pre-construction and construction activities;
 - (iii) the operation or undertaking of the activity in question;
 - (iv) the rehabilitation of the environment; and
 - (v) closure, if applicable.
- (b) details of—
 - (i) the person who prepared the environmental management programme; and
 - (ii) the expertise of that person to prepare an environmental management programme;
- (c) a detailed description of the aspects of the activity that are covered by the environmental management programme;
- (d) information identifying the persons who will be responsible for the implementation of the measures contemplated in paragraph (a);
- (e) information in respect of the mechanisms proposed for monitoring compliance with the environmental management programme and for reporting on the compliance;
- (f) as far as is reasonably practicable, measures to rehabilitate the environment affected by the undertaking of any listed activity or specified activity to its natural or predetermined state or to a land use which conforms to the generally accepted principle of sustainable development; and
- (g) a description of the manner in which it intends to—
 - (i) modify, remedy, control or stop any action, activity or process which causes pollution or environmental degradation;
 - (ii) remedy the cause of pollution or degradation and migration of pollutants; and
 - (iii) comply with any prescribed environmental management standards or practices.

(3) The environmental management programme must, where appropriate—

- (a) set out time periods within which the measures contemplated in the environmental management programme must be implemented;
- (b) contain measures regulating responsibilities for any environmental damage, pollution, pumping and treatment of extraneous water or ecological degradation as a result of prospecting or mining operations or related mining activities which may occur inside and outside the boundaries of the prospecting area or mining area in question; and
- (c) develop an environmental awareness plan describing the manner in which—

- (i) the applicant intends to inform his or her employees of any environmental risk which may result from their work; and
- (ii) risks must be dealt with in order to avoid pollution or the degradation of the environment.

(4) The Minister of Minerals and Energy may not grant an environmental authorisation, unless he or she has considered any recommendation by the Regional Mining Development and Environmental Committee.

(5) The Minister, the Minister of Minerals and Energy, an MEC or identified competent authority may call for additional information and may direct that the environmental management programme in question must be adjusted in such a way as the Minister, the Minister of Minerals and Energy or the MEC may require.

(6) The Minister, the Minister of Minerals and Energy, an MEC or identified competent authority may at any time after he or she has approved an application for an environmental authorisation approve an amended environmental management programme.

(7) The holder and any person issued with an environmental authorisation—

- (a) must at all times give effect to the general objectives of integrated environmental management laid down in section 23;
- (b) must consider, investigate, assess and communicate the impact of his or her prospecting or mining on the environment;
- (c) must manage all environmental impacts—
 - (i) in accordance with his or her approved environmental management programme, where appropriate; and
 - (ii) as an integral part of the reconnaissance, prospecting or mining, exploration or production operation, unless the Minister of Minerals and Energy directs otherwise;
- (d) must monitor and audit compliance with the requirements of the environmental management programme;
- (e) must, as far as is reasonably practicable, rehabilitate the environment affected by the prospecting or mining operations to its natural or predetermined state or to a land use which conforms to the generally accepted principle of sustainable development; and
- (f) is responsible for any environmental damage, pollution, pumping and treatment of extraneous water or ecological degradation as a result of his or her prospecting or mining operations or related mining activities which may occur inside and outside the boundaries of the prospecting or mining area to which such right or permit relates.

Criteria to be taken into account by competent authorities when considering applications

240. (1) If the Minister, the Minister of Minerals and Energy, an MEC or identified competent authority considers an application for an environmental authorisation, the Minister, Minister of Minerals and Energy, MEC or competent authority must—

- (a) comply with this Act;
- (b) take into account all relevant factors, which may include—
 - (i) any pollution, environmental impacts or environmental degradation likely to be caused if the application is approved or refused;
 - (ii) measures that may be taken—
 - (aa) to protect the environment from harm as a result of the activity which is the subject of the application; and
 - (bb) to prevent, control, abate or mitigate any pollution, substantially detrimental environmental impacts or environmental degradation;

- (iii) the ability of the applicant to implement mitigation measures and to comply with any conditions subject to which the application may be granted;
 - (iv) where appropriate, any feasible and reasonable alternatives to the activity which is the subject of the application and any feasible and reasonable modifications or changes to the activity that may minimise harm to the environment;
 - (v) any information and maps compiled in terms of section 24(3), including any prescribed environmental management frameworks, to the extent that such information, maps and frameworks are relevant to the application;
 - (vi) information contained in the application form, reports, comments, representations and other documents submitted in terms of this Act to the Minister, Minister of Minerals and Energy, MEC or competent authority in connection with the application;
 - (vii) any comments received from organs of state that have jurisdiction over any aspect of the activity which is the subject of the application; and
 - (viii) any guidelines, departmental policies and decision making instruments that have been developed or any other information in the possession of the competent authority that are relevant to the application; and
- (c) take into account the comments of any organ of state charged with the administration of any law which relates to the activity in question.

(2) The Minister, the Minister of Minerals and Energy, an MEC or identified competent authority must consult with every State department that administers a law relating to a matter affecting the environment when he or she considers an application for an environmental authorisation.

(3) A State department consulted in terms of subsection (2) must submit comment within 40 days from the date on which the Minister, Minister of Minerals and Energy, MEC or identified competent authority requests such State department in writing to submit comment.

(4) If any State department contemplated in subsection (2) objects to the contents of an application for prospecting, mining, exploration, production or related activities in a prospecting, mining, exploration or production area, the Minister of Minerals and Energy must refer the objection to the Regional Mining Development and Environmental Committee for consideration and recommendation.

(5) The Regional Mining Development and Environmental Committee must, within 45 days after the date of receiving such an objection, consider the objection and must make recommendations to the Minister of Minerals and Energy for a final decision.

Financial provision for remediation of environmental damage

24P. (1) An applicant for an environmental authorisation relating to prospecting, mining, exploration, production or related activities on a prospecting, mining, exploration, production area must make the prescribed financial provision for the rehabilitation, management and closure of environmental impacts, before the Minister of Minerals and Energy issues the environmental authorisation.

(2) If any holder or any holder of an old order right fails to rehabilitate or to manage any impact on the environment, or is unable to undertake such rehabilitation or to manage such impact, the Minister of Minerals and Energy may, upon written notice to such holder, use all or part of the financial provision contemplated in subsection (1) to rehabilitate or manage the environmental impact in question.

(3) Every holder must annually assess his or her environmental liability and, if circumstances so require, must adjust his or her financial provision to the satisfaction of the Minister of Minerals and Energy.

(4) (a) If the Minister of Minerals and Energy is not satisfied with the assessment and financial provision contemplated in this section, the Minister of Minerals and Energy may appoint an independent assessor to conduct the assessment and determine the financial provision.

(b) Any cost in respect of such assessment must be borne by the holder in question.

(5) The requirement to maintain and retain the financial provision contemplated in this section remains in force until the Minister of Minerals and Energy issues a certificate to such holder, but the Minister of Minerals and Energy may retain such portion of the financial provision as may be required to rehabilitate the closed mining or prospecting operation in respect of latent or residual environmental impacts.

(6) The Insolvency Act, 1936 (Act No. 24 of 1936), does not apply to any form of financial provision contemplated in subsection (1) and all amounts arising from that provision.

(7) The Minister, or an MEC in concurrence with the Minister, may in writing make subsections (1) to (6) with the changes required by the context applicable to any other application in terms of this Act.

Monitoring and performance assessment

24Q. As part of the general terms and conditions for an environmental authorisation and in order to—

(a) ensure compliance with the conditions of the environmental authorisation; and

(b) in order to assess the continued appropriateness and adequacy of the environmental management programme,

every holder an every holder of an old order right must conduct such monitoring and such performance assessment of the approved environmental management programme as may be prescribed.

Mine closure on environmental authorisation

24R. (1) Every holder, holder of an old order right and owner of works remain responsible for any environmental liability, pollution or ecological degradation, the pumping and treatment of extraneous water, the management and sustainable closure thereof until the Minister of Minerals and Energy has issued a closure certificate in terms of the Mineral and Petroleum Resources Development Act, 2002, to the holder or owner concerned.

(2) When the Minister of Minerals and Energy issues a closure certificate, he or she must return such portion of the financial provision contemplated in section 24P as the Minister may deem appropriate to the holder concerned, but may retain a portion of such financial provision for any latent and or residual environmental impact that may become known in the future.

(3) Every holder, holder of an old order right or owner of works must plan, manage and implement such procedures and requirements in respect of the closure of a mine as may be prescribed.

(4) The Minister may, in consultation with the Minister of Minerals and Energy and by notice in the *Gazette*, identify areas where mines are interconnected or their impacts are integrated to such an extent that the interconnection results in a cumulative impact.

(5) The Minister may, by notice in the *Gazette*, publish strategies in order to facilitate mine closure where mines are interconnected, have an integrated impact or pose a cumulative impact.”.

NEW CLAUSE

1. That the following be a new Clause:

Insertion of section 42B in Act 107 of 1998

9. The following section is hereby inserted in the principal Act after section 42A:

Delegation by Minister of Minerals and Energy

42B. (1) The Minister of Minerals and Energy may delegate a function entrusted to him or her in terms of this Act to—

(a) the Director-General of the Department of Minerals and Energy; or

(b) any officer in the Department of Minerals and Energy.

(2) A delegation in terms of subsection (1)—

(a) must be in writing;

(b) may be made subject to any condition;

(c) does not prevent the performance of the function by the Minister himself or herself; and

(d) may be withdrawn by the Minister.”.

CLAUSE 9

1. On page 10, after line 40, to insert the following subsections:

(1A) Any person may appeal to the Minister against a decision taken by the Minister of Minerals and Energy in respect of an environmental management programme or environmental authorisation.

(1B) Any person may appeal to the Minister of Minerals and Energy against a process related decision taken by a person to whom a function has been delegated by that Minister in terms of section 42B.

2. On page 10, in line 51, after “(3)]” to insert “, (1A), (1B)”.

NEW CLAUSE

1. That the following be a new Clause:

Amendment of section 47 of Act 107 of 1998, as amended by section 8 of Act 8 of 2004

11. Section 47 of the principal Act is hereby amended by the insertion after section (2) of the following subsection:

“(3) Notwithstanding subsection (2), any regulation made in terms of section 24(5)(bA) must be submitted to Parliament 30 days prior to publication.”.

CLAUSE 10

1. On page 11, after line 18, to insert the following subsections:

(3) Section 24G of the principal Act applies with the changes required by the context in respect of any activity undertaken in contravention of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), if such activity is a listed activity under the principal Act.

(4) An environmental management plan or programme approved in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002); immediately before the date on which this Act came into operation must be regarded as having been approved in terms of the principal Act as amended by this Act.

(5) (a) Notwithstanding subsection (4), the Minister of Minerals and Energy may direct any holder or any holder of an old order right, if he or she is of the opinion that the prospecting, mining, exploration or production operations in question are likely to result in unacceptable pollution, ecological degradation or damage to the environment, to take such action to upgrade the environmental management plan or programme to address the deficiencies in the plan or programme as the Minister may direct in terms of the principal Act as amended by this Act.

(b) For the purposes of this subsection, “Minister of Minerals and Energy”, “holder” and “holder of an old order right” have the meanings assigned to them in section 1 of the principal Act as amended by this Act.

NEW CLAUSE

1. That the following be a new Clause:

Amendment of principal Act in order to transfer to Minister of Environmental Affairs and Tourism the power in respect of environmental matters in so far as it relates to mining

13. The principal Act as amended by this Act is amended to the extent specified in the Schedule with effect from a date 18 months after the date on which the provisions relating to prospecting, mining, exploration and production and related activities comes into operation in terms of section 14(2) of this Act.

CLAUSE 11

1. On page 11, in line 20, after “**11.**” to insert “(1)”.
2. On page 11, in line 21, to omit “2007” and to substitute “2008”.
3. On page 11, after line 22, to insert the following subsection:
 - (2) Notwithstanding subsection (1), any provision relating to prospecting, mining, exploration and production and related activities comes into operation on a date 18 months after the date of commencement of—
 - (a) section 2; or
 - (b) the Mineral and Petroleum Resources Development Amendment Act, 2008,
 whichever date is the later.

LONG TITLE

1. On page 2, in the third line, after “authorisations;” to insert:

to empower the Minister of Minerals and Energy to implement environmental matters in terms of the National Environmental Management Act, 1998, in so far as it relates to prospecting, mining, exploration, production or related activities on a prospecting, mining, exploration or production area; to align environmental requirements in the Mineral and Petroleum Resources Development Act, 2002, with the National Environmental Management Act, 1998, by providing for the use of one environmental system and by providing for environmental management programmes, consultation with State departments, exemptions from certain provisions of the National Environmental Management Act, 1998, financial provision for the remediation of environmental damage, the management of residue stockpiles and residue deposits, the recovering of cost in the event of urgent remedial measures and the issuing of closing certificates as it relates to the conditions of the environmental authorisation; and to effect certain textual alterations;

NEW SCHEDULE

1. That the following be a new Schedule:

“SCHEDULE

(Section 13)

Amendment of section 1 of Act 107 of 1998

1. Section 1 of the principal Act is hereby amended:

- (a) by the substitution for the definition of “Minister” of the following definition:

“Minister”[, in relation to all environmental matters except environmental matters relating to prospecting, mining, exploration, production and related activities on a prospecting, mining, exploration or production area,] means the Minister of Environmental Affairs and Tourism;”; and
- (b) by the deletion of the definition of “Minister of Minerals and Energy”.

Amendment of section 24M of Act 107 of 1998

2. Section 24M of the principal Act is hereby amended by the deletion of subsection (2).

Amendment of section 24R of Act 107 of 1998

3. Section 24R of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) The Minister may, **[in] after** consultation with the Minister of Minerals and Energy and by notice in the *Gazette*, identify areas where mines are interconnected or their impacts are integrated to such an extent that the interconnection results in a cumulative impact.”.

Repeal of section 42B of Act 107 of 1998

4. Section 42B of the principal Act is hereby repealed.

Amendment of section 43 of Act 107 of 1998

5. Section 43 of the principal Act is hereby amended—

- (a) by the deletion of subsections (1A) and 1(B); and
- (b) by the substitution for subsection (4) of the following subsection:

“(4) An appeal under subsection (1)[, (1A), (1B)] or (2) must be noted and must be dealt with in the manner prescribed and upon payment of a prescribed fee.”.

Amendment or substitution of certain expressions

6. The principal Act is hereby amended—

- (a) by the deletion of the expression “or the Minister of Minerals and Energy, as the case may be,” wherever it appears in section 24(1) and section 24F(1)(a);
- (b) by the deletion of the expression “, Minister of Minerals and Energy” wherever it appears in section 24M(4);
- (c) by the deletion of the expression “, the Minister of Minerals and Energy,” wherever it appears in section 24N(1), (5) and (6) and section 24O(1) and (2); and
- (d) by the substitution for the expression “Minister of Minerals and Energy”, wherever it appears in section 24N(4) and (7), section 24O(4) and (5), section 24P(1), (2), (3), (4) and (5) and section 24R(1) and (2), of the word “Minister”.