

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain odd numbered pages as the other language is printed on uneven numbered pages.



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THE PRESIDENCY

No. 1903

8 July 1992

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

No. 115 of 1992: Environment Conservation Second Amendment Act, 1992.



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GENERAL EXPLANATORY NOTE:

- [** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Environment Conservation Act, 1989, so as to extend the powers of Administrators with regard to protected natural environments; and to do away with a restriction in respect of land reserved in terms of the Physical Planning Act, 1967, as a nature area, but which is in terms of the Environment Conservation Act, 1989, deemed to be declared a protected natural environment; to validate certain functions performed in terms of the Physical Planning Act, 1967; and to provide for matters incidental thereto.

(Afrikaans text signed by the State President.)
(Assented to 2 July 1992.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Amendment of section 16 of Act 73 of 1989

1. Section 16 of the Environment Conservation Act, 1989, is hereby
5 amended—

(a) by the insertion after subsection (1) of the following subsections:

“(1A) An Administrator may, with the concurrence of the
Minister, by notice in the *Official Gazette*—

10 (a) exclude any area from a protected natural environment and
amend the description of the protected natural environment
accordingly;

(b) withdraw the declaration of any protected natural environ-
ment; and

15 (c) change the name of any protected natural environment.

(1B) The provisions of subsection (1)(b) shall *mutatis mutandis*
apply to the exclusion of an area from a protected natural
environment and the withdrawal of a declaration of a protected
20 natural environment: Provided that the withdrawal of a declara-
tion of a protected natural environment may only take place after
consultation with any local authority or government institution (if
any) to which the control and management of the area concerned
had been assigned in terms of subsection (6)(a).”;

(b) by the insertion after subsection (2) of the following subsection:

25 “(2A) The Administrator may, with the concurrence of the
Minister, subject to the provisions of any other law pertaining to
land, and subject to the proviso to subsection (2), amend or repeal
any direction issued under the said subsection.”; and

(c) by the substitution for subsection (3) of the following subsection:

“(3) Every owner of, and every holder of a real right in, land

5 situated within a protected natural environment in respect of which directions have been issued in terms of subsection (2) or amended in terms of subsection (2A), and the successors in title of such owner and the holder of the real right, shall be subject to the provisions of such directions.”

Amendment of section 44 of Act 73 of 1989

2. Section 44 of the Environment Conservation Act, 1989, is hereby amended by the substitution for subsection (2) of the following subsection:

10 “(2) At the commencement of this Act, land reserved as a nature area in terms of section 4(1)(b) of the Physical Planning Act, 1967 (Act No. 88 of 1967), shall, notwithstanding the provisions of subsection (1), be deemed to be declared a protected natural environment in terms of section 16(1) of this Act **[and the provisions of section 4(2) of the Physical Planning Act, 1967, shall continue to apply to such land]**.”

15 Validation of reservation of nature areas, alteration of boundaries and issued permits, and amendment of conditions and alteration of areas

3. Notwithstanding the repeal of the Physical Planning Act, 1967 (Act No. 88 of 1967), and notwithstanding the provisions of section 13B of the said Act or the provisions of any other law, but subject to the provisions of section 44(2) of the
20 Environment Conservation Act, 1989 (Act No. 73 of 1989)—

- (a) every area which since 7 July 1967 purports to have been reserved as a nature area under section 4(1)(b) of the Physical Planning Act, 1967, shall be deemed to have been lawfully reserved;
- 25 (b) every alteration of the boundaries of a nature area contemplated by paragraph (a) which purports to have been made since 7 July 1967, shall be deemed to have been lawfully made;
- (c) every permit, or document purporting to be a permit, issued or purporting to have been issued since 7 July 1967 under section 4(2) of the Physical Planning Act, 1967, in respect of the performance of any
30 act within a nature area referred to in paragraph (a), shall be deemed to have been lawfully issued;
- (d) every permit, or document purporting to be a permit, issued or purporting to have been issued since 7 July 1967 under section 8 of the Physical Planning Act, 1967, shall be deemed to have been lawfully
35 issued and every amendment of a condition of such permit shall be deemed to have been a lawful amendment;
- (e) an Administrator may, with the concurrence of the Minister, notwithstanding the provisions of the Environment Conservation Act, 1989 (Act No. 73 of 1989), at his discretion amend any condition, or
40 description of an area, in any permit referred to in paragraph (d), to have retrospective effect as from a date determined by him.

Short title

4. This Act shall be called the Environment Conservation Second Amendment Act, 1992.