
GENERAL NOTICE

NOTICE 175 OF 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 give notice of my intention to 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.

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: Mr Mark Jardine
Private Bag X447
PRETORIA
0001

By hand: Environment House, 473 Steve Biko Road, Pretoria, 0001
By email: mjardine@environment.gov.za; or by fax to 012 320 1781
Enquiries: Mr M Jardine
Telephone no.: 012 399 9497

Comments received after the closing date may not be considered.



BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS

SCHEDULE

1. **Definitions.** —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);

2. **Offences under the Waste Act.** — 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.
3. **Applicability.** – 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 and/or priority waste.
4. **Short title and commencement.** —These Regulations are called the Waste Act: Admission of Guilt Fine Regulations, 2014 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, 2014

1	2	3
Section	Description of offence	Maximum Fine
S21(a) read with s67(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.	R5000
S21(b) read with s67(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.	R5000
S21(c) read with s67(1)(b)	Failure by a person who stores waste to take steps to ensure that the waste cannot be blown away.	R5000
S21(d) read with s67(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.	R5000
S22(1) read with s67(1)(b)	Failure by a person who generates waste to place it in a container approved, designated or provided by the municipality for that purpose and in a location approved or authorized by the municipality.	R5000
S27(2)(a) read with s67(1)(b)	Dropping, throwing, depositing, spilling or in any other way discarding any litter into or onto any public place, land, vacant erf, stream, watercourse, road or street or on any place to which the general public has access, except in a container or place specifically provided for that purpose.	R5000
S27(2)(b) read with s67(1)(b)	Allowing a person under that person's control to drop, throw, deposit, spill or in any other way discard litter into or onto any public place, land, vacant erf, stream, watercourse, road or street or on any place to which the general public has access, except in a container or place specifically provided for that purpose.	R5000
S63(4) read with 67(1)(m)	Failure to provide the municipality concerned, after receipt of notice in the Gazette or in writing, such data, information, documents, samples or materials, and the verification of such information, to the municipality that are reasonably required to discharge its obligations to provide the Minister or MEC with information, documents, samples or materials for the purposes	R5000

	of a national or municipal waste management system.	
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.	R5000
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.	R5000
