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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