

DEPARTMENT OF ENVIRONMENT, FORESTRY AND FISHERIES

NO. 906

21 AUGUST 2020

**NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998
(ACT NO. 107 OF 1998)****AMENDMENT OF SECTION 24H REGISTRATION AUTHORITY REGULATIONS, 2016**

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment hereby, in terms of sections 24(5)(e), 24H and 44 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), amend the Section 24H Registration Authority Regulations, 2016, published under Government Notice No. 849 In Government Gazette No. 40154 of 22 July 2016, as set out in the Schedule hereto.



**BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

SCHEDULE

Amendment of regulation 22

Regulation 22 of the Section 24H Registration Authority Regulations, 2016, published under Government Notice No. 849 in *Government Gazette* 40154 of 22 July 2016, is hereby amended by the substitution for subregulation (2) of the following subregulation:

"(2) Regulation 14 of these Regulations takes effect 48 months from the date of the appointment of the first registration authority."

EXPLANATORY MEMORANDUM

1. The Environmental Assessment Practitioners Association of South Africa (EAPASA) was appointed on 8 February 2018 in terms of section 24H of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA).
2. The Section 24H Registration Authority Regulations, 2016 (the Regulations) were gazetted on 22 July 2016 in Government Notice No. 849 in *Government Gazette* 40154 and, with the exception of regulation 14, commenced on 8 February 2018. Regulation 14 of the Regulations provides that no person other than a registered environmental assessment practitioner, registered with a registration authority, may hold primary responsibility for the planning, management, coordination or review of environmental impact assessments (EIAs) and associated environmental management programmes (EMPrs).
3. Regulation 22(2) of the Regulations provides that regulation 14 takes effect 24 months from the date of appointment of the first registration authority, which would have been 8 February 2020. The Minister of Forestry, Fisheries and the Environment has, however decided not to implement regulation 14 but to amend regulation 14 and the date of implementation of the requirements contained therein. The intention to amend this regulation was published under Government Notice No. 40 in *Government Gazette* No. 42967 of 24 January 2020.
4. Apart from the need to provide more time for environmental assessment practitioners (EAPs) to register, it has become clear from comments received during the public consultation period that other amendments to the Regulations will be required. This will be necessary to provide clarity on some aspects contained in the Regulations in order to make the implementation of the Regulations more efficient. As a result, a 24 month period for extension is deemed appropriate in order to prepare, consult on and finalise such additional amendments to the Regulations.
5. Whilst competent authorities will accept applications after 08 February 2020 from non-registered EAPs, EAPs are still strongly encouraged to continue to submit their applications for registration with EAPASA in the interim.