

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 4122

30 November 2023

**NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998
(ACT NO. 107 OF 1998)****CONSULTATION ON THE INTENTION TO AMEND THE TRANSITIONAL ARRANGEMENTS IN
THE FINANCIAL PROVISIONING REGULATIONS, 2015**

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby consult on the intention to extend the date of compliance for holders of rights and permits obtained under the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) regime through an amendment of the transitional arrangements contained in the Financial Provisioning Regulations, 2015, as amended, in terms of section 44(1)(aE), (aF), (aG) and (aH), read with sections 24(5)(b)(ix), 24(5)(d), 24N, 24P, 24PA and 24R of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as set out in the Schedule hereto.

The extension is necessary as the proposed amendments to the Financial Provisioning Regulations, 2015 have not been finalised and until such time that the amendments are finalised the current requirements relating to financial provisioning will remain applicable.

Members of the public are invited to submit written comments or inputs, within 40 days after the publication of this Notice in the *Gazette*, to the following address:

By post to: The Director-General
Department of Forestry, Fisheries and the Environment
Attention: Dr D Fischer
Private Bag X447
PRETORIA
0001

By hand at: Environment House
473 Steve Biko Road
ARCADIA
0083

By e-mail: dfischer@dffe.gov.za
Enquiries: 012 399 8843

Comments or inputs received after the closing date may not be considered.

The Department of Forestry, Fisheries and the Environment complies with the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). Comments received and responses thereto are collated into a

comments and responses report which will be made available to the public as part of the consultation process. If a commenting party has any objection to his or her name, or the name of the represented company/organisation, being made publicly available in the comments and responses report, such objection should be highlighted in bold as part of the comments submitted in response to this government notice.



BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

Definition

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned, and “the Regulations” means the Financial Provisioning Regulations, 2015, published under Government Notice No. R. 1147 in *Government Gazette* No. 39425 of 20 November 2015, as amended by Government Notice No. 1314, published in *Government Gazette* No. 40371 of 26 October 2016, Government Notice No. R. 452, published in *Government Gazette* No. 41584 of 20 April 2018, Government Notice No. 991, published in *Government Gazette* No. 41921 of 21 September 2018, Government Notice No. 24, published in *Government Gazette* No. 42956 of 17 January 2020, Government Notice No. 495, published in *Government Gazette* No. 44698 of 11 June 2021, Government Notice No. 2087, published in *Government Gazette* No. 46378 of 19 May 2022 and Government Notice No. 3841, published in *Government Gazette* No. 49220 of 1 September 2023.

Substitution of regulation 17A of the Regulations

2. Regulation 17A of the Regulations is hereby amended by the substitution for regulation 17A of the following regulation:

“17A. Extension of transitional period for holders of offshore exploration and production rights

Notwithstanding the provisions of regulation 17, and the extension of the transitional period published in Government Notice No. R. 452, published in *Government Gazette* No. 41584 of 20 April 2018, a holder of an offshore exploration or production right, who applied for such right prior to 20 November 2015, regardless when the right was obtained—

- (a) must by no later than a date published in the *Government Gazette* comply with these Regulations; and
- (b) shall, until such date published in the *Government Gazette* contemplated in paragraph (a), be regarded as having complied with the provisions of these Regulations, if such holder has complied with the provisions and arrangements regarding financial provisioning, approved as part of the right issued in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).”.

Substitution of regulation 17B of the Regulations

3. Regulation 17B of the Regulations is hereby amended by the substitution for regulation 17B of the following regulation:

“17B Extension of the transitional period

Unless regulation 17A applies, a holder, or holder of a right or permit, who applied for such right or permit prior to 20 November 2015, regardless when the right or permit was obtained—

- (a) must by no later than a date published in the *Government Gazette* comply with these Regulations; and
- (b) shall, until such date published in the *Government Gazette* contemplated in paragraph (a), be regarded as having complied with the provisions of these Regulations, if such holder has complied with the provisions and arrangements regarding financial provisioning, approved as part of the right or permit issued in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002)."