



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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CAPE TOWN, 7 JULY 1982

KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1281.

7 Julie 1982.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 100 van 1982: Wet op Omgewingsbewaring, 1982.

No. 1281.

7 July 1982.

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

No. 100 of 1982: Environment Conservation Act, 1982.

WET

Om voorsiening te maak vir die koördinerings van alle optrede wat gerig is op of wat 'n invloed kan hê op die omgewing; die instelling van 'n raad vir daardie doel; die instelling deur daardie raad van komitees ten einde die raad by die verrigting van sy werksaamhede by te staan; die instelling van bestuurskomitees ten opsigte van sekere natuurgebiede; die aanstelling van ere-omgewingsbewaringsbeambtes; die uitvaardiging van sekere regulasies deur die Minister; die opdra aan plaaslike owerhede van sekere werksaamhede ingevolge sodanige regulasies; en die verlening aan die Minister, en die Administrateur van 'n provinsie, van sekere bevoegdhede ten opsigte van sekere plaaslike owerhede; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 23 Junie 1982.)

DAAR WORD BEPAAL deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Woordomskrywing.

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

- (i) „Administrateur” die Administrateur van 'n provinsie en die ander lede van die betrokke uitvoerende komitee; (i)
- (ii) „bestuurskomitee” 'n bestuurskomitee kragtens artikel 9 ingestel; (vi)
- (iii) „Departement” die Departement van Omgewingsake; 10 (iii)
- (iv) „Direkteur-generaal” die Direkteur-generaal: Omgewingsake; (iv)
- (v) „Minister” die Minister van Omgewingsake; (vii)
- (vi) „natuurgebied” 'n gebied wat ingevolge artikel 4 van 15 die Wet op Fisiese Beplanning, 1967 (Wet No. 88 van 1967), as 'n natuurgebied voorbehou is; (viii)
- (vii) „plaaslike owerheid” 'n instelling of liggaam in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), bedoel en 20 ook enige ander instelling, raad of liggaam van persone wat ingevolge artikel 16 tot plaaslike owerheid verklaar is; (v)
- (viii) „raad” die Raad vir die Omgewing ingestel by artikel 2; (ii) 25
- (ix) „regulasie” 'n regulasie kragtens hierdie Wet uitgevaardig; (x)
- (x) „voorskryf” by regulasie voorskryf. (ix)

Instelling van Raad vir die Omgewing.

2. Hierby word 'n raad met die naam die Raad vir die Omgewing ingestel. 30

Samestelling van raad.

3. (1) Die raad bestaan uit die getal lede, maar hoogstens 20,

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To make provision for the co-ordination of all actions directed at or liable to have an influence on the environment; the establishment of a council for that purpose; the establishment by that council of committees in order to assist the council in the performance of its functions; the establishment of management committees in respect of certain nature areas; the appointment of honorary environment conservation officers; the making of certain regulations by the Minister; the assignment to local authorities of certain functions in terms of such regulations; and the conferring upon the Minister, and the Administrator of a province, of certain powers in respect of certain local authorities; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 23 June 1982.)

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

1. In this Act, unless the context otherwise indicates—

Definitions.

- 5 (i) "Administrator" means the Administrator of a province and the other members of the executive committee concerned; (i)
- (ii) "council" means the Council for the Environment established by section 2; (viii)
- 10 (iii) "Department" means the Department of Environment Affairs; (iii)
- (iv) "Director-General" means the Director-General: Environment Affairs; (iv)
- 15 (v) "local authority" means any institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), and includes any other institution, council or body of persons declared to be a local authority in terms of section 16; (vii)
- 20 (vi) "management committee" means a management committee established under section 9; (ii)
- (vii) "Minister" means the Minister of Environment Affairs; (v)
- (viii) "nature area" means any area reserved as a nature area in terms of section 4 of the Physical Planning Act, 1967 (Act No. 88 of 1967); (vi)
- 25 (ix) "prescribe" means prescribe by regulation; (x)
- (x) "regulation" means a regulation made under this Act. (ix)

2. There is hereby established a council under the name the Council for the Environment.

Establishment of Council for the Environment.

3. (1) The council shall consist of such number of members, but not more than 20, as may be determined by the Minister

Constitution of council.

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wat die Minister van tyd tot tyd bepaal en wat hy ooreenkomstig subartikel (2) aanstel.

(2) Die Minister moet—

(a) vier persone aanstel wat elkeen vir hierdie doel deur 'n ander Administrateur benoem is; 5

(b) hoogstens 16 persone aanstel wat na die oordeel van die Minister kundiges is oor enige aspek van die omgewing of wat na sy oordeel in staat is om 'n wesenlike bydrae tot die bewaring van die omgewing te lewer.

(3) Die Minister wys een lid van die raad as voorsitter en 'n 10 ander as ondervoorsitter van die raad aan.

(4) Die Minister kan behoudens die bepalings van subartikel (2) ten opsigte van enige lid van die raad 'n plaasvervangende lid aanstel.

(5) 'n Lid of plaasvervangende lid van die raad bekleed sy amp 15 vir 'n tydperk van hoogstens drie jaar wat die Minister ten tyde van sy aanstelling bepaal, maar kan weer aangestel word.

(6) 'n Lid of plaasvervangende lid van die raad ontruim sy amp—

(a) as hy insolvent word of sy boedel ten behoeve van sy 20 skuldeisers afstaan;

(b) as hy aan 'n misdryf skuldig bevind en tot gevangenisstraf sonder die keuse van 'n boete gevonnis word;

(c) as hy, in die geval van 'n lid van die raad, sonder verlof van die voorsitter van drie agtereenvolgende vergade- 25 rings van die raad afwesig is;

(d) as hy as lid of plaasvervangende lid bedank; of

(e) as hy kragtens subartikel (7) van sy amp onthef word.

(7) 'n Lid of plaasvervangende lid van die raad kan te eniger tyd deur die Minister van sy amp onthef word indien hy van oor- 30 deel is dat daardie lid onbekwaam is of dat hy hom wangedra het.

(8) Indien 'n lid of plaasvervangende lid te sterwe kom, of by skriftelike kennisgewing, gerig aan die Minister, bedank, of ingevolge subartikel (6) of (7) ophou om 'n lid of plaasvervangende 35 lid te wees, kan die Minister, behoudens die bepalings van subartikels (2) en (5), iemand vir die onverstreke ampstermyn van daardie lid of plaasvervangende lid in die plek van daardie lid of plaasvervangende lid aanstel.

(9) 'n Lid of plaasvervangende lid van die raad wat nie in die 40 heeltijdse diens van die Staat is nie, ontvang uit geld wat die Parlement vir dié doel bewillig, ten opsigte van sy dienste as lid of plaasvervangende lid van die raad die besoldiging en toelaes wat die Minister met die instemming van die Minister van Finansas, òf in die algemeen òf in enige besondere geval, bepaal. 45

Oogmerke en werksaamhede van raad.

4. Die oogmerke van die raad is om die Minister van advies te dien met betrekking tot die koördinerings van alle optrede wat gerig is op of wat 'n invloed kan hê op enige aangeleentheid rakende die bewaring en benutting van die omgewing, en die raad kan— 50

(a) prioriteite aanbeveel ten opsigte van die verrigting van enige handeling wat op die omgewing gerig is of 'n invloed daarop kan hê;

(b) advies gee met betrekking tot die koördinerings van die optrede van alle instansies wat sodanige handelinge 55 verrig;

(c) aanbevelings doen met betrekking tot die totstandbrenging van instellings vir die verrigting van werksaamhede met betrekking tot die omgewing;

(d) aanbevelings doen met betrekking tot die oordrag van 60 sodanige werksaamhede van een Staatsdepartement of gesag aan 'n ander;

(e) aanbevelings doen met betrekking tot die invoering van wetgewing;

(f) aanbevelings doen met betrekking tot die stappe wat 65 gedoen kan word om 'n beter begrip en bewustheid van

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from time to time, who shall be appointed by him in accordance with subsection (2).

(2) The Minister shall appoint—

- 5 (a) four persons each of whom has been nominated for this purpose by a different Administrator;
- (b) not more than 16 persons who in the opinion of the Minister are experts on any aspect of the environment or who in his opinion are able to make a substantial contribution towards the conservation of the environment.

10 (3) The Minister shall designate one member of the council as chairman and another as deputy chairman of the council.

(4) The Minister may subject to the provisions of subsection (2) in respect of any member of the council appoint an alternate member.

15 (5) A member or alternate member of the council shall hold office for such period not exceeding three years as may be determined by the Minister at the time of his appointment, but shall be eligible for reappointment.

20 (6) A member or alternate member of the council shall vacate his office—

- (a) if he becomes insolvent or assigns his estate in favour of his creditors;
- 25 (b) if he is convicted of an offence and sentenced to imprisonment without the option of a fine;
- (c) if, in the case of a member of the council, he is absent from three successive meetings of the council without the chairman's leave;
- (d) if he resigns as a member or alternate member; or
- 30 (e) if he is removed from office under subsection (7).

(7) A member or alternate member of the council may at any time be removed from office by the Minister if he is of the opinion that such member is incompetent or that he misconducted himself.

35 (8) If a member or alternate member dies, or by written notice, addressed to the Minister, resigns, or in terms of subsection (6) or (7) ceases to be a member or alternate member, the Minister may, subject to the provisions of subsections (2) and (5), appoint any person in the place of such member or alternate member for the unexpired period of office of such member or alternate member.

40 (9) Any member or alternate member of the council who is not in the full-time employment of the State shall, in respect of his services as a member or alternate member, receive, out of moneys appropriated by Parliament for that purpose, such remuneration and allowances as the Minister may, with the concurrence of the Minister of Finance, determine either in general or in any particular case.

45 4. The objects of the council shall be to advise the Minister on the co-ordination of all actions directed at or liable to have an influence on any matter affecting the conservation and utilization of the environment, and the council may—

- 50 (a) recommend priorities with regard to the conduct of any activities directed at the environment or liable to have an influence thereon;
- 55 (b) give advice with regard to the co-ordination of the actions of all persons and organizations conducting such activities;
- 60 (c) make recommendations with regard to the establishment of institutions for the performance of functions relating to the environment;
- (d) make recommendations with regard to the transfer of such functions from one department of State or authority to another;
- 65 (e) make recommendations with regard to the introduction of legislation;
- (f) make recommendations with regard to the steps that could be taken in order to bring about a better under-

Objects and functions of council.

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omgewingsaangeleenthede by lede van die publiek te weeg te bring;

- (g) aanbevelings doen met betrekking tot die geld wat beskikbaar gestel behoort te word vir die uitvoering van die aanbevelings van die raad; 5
- (h) ondersoek, studies, opnames en navorsing oor enige aangeleentheid rakende die omgewing inisier of laat doen, en koördineer;
- (i) ondersoek instel na enige ander aangeleentheid rakende die omgewing wat na die raad se oordeel ondersoek moet word of wat die Minister na hom verwys, en sy bevindinge aan die Minister voorlê; en
- (j) vertoë van enige persoon aanhoor met betrekking tot aangeleenthede rakende die omgewing, indien die raad na die voorlegging van 'n memorandum van mening is dat sodanige vertoë in die belang van die bewaring van die omgewing sal wees.

Komitees van raad.

- 5. (1) (a) Die raad kan met die goedkeuring van die Minister uit sy geledere 'n uitvoerende komitee kies wat bestaan uit die getal lede wat die raad met die goedkeuring van die Minister bepaal. 20
- (b) Die voorsitter van die raad is die voorsitter van die uitvoerende komitee.
- (c) Die uitvoerende komitee verrig die werksaamhede wat die raad met die goedkeuring van die Minister bepaal. 25
- (2) (a) Die raad kan met die goedkeuring van die Minister komitees instel, wat bestaan uit die persone wat die raad bepaal, ten einde die raad by die verrigting van sy werksaamhede by te staan.
- (b) Die raad wys 'n lid van 'n komitee as voorsitter van daardie komitee aan. 30
- (3) Die raad kan 'n lid van 'n komitee wat nie 'n lid van die raad is nie toelaat om 'n vergadering van die raad waarop 'n aangeleentheid behandel word wat betrekking het op 'n werksaamheid wat aan daardie komitee opgedra is, by te woon, en kan so 'n lid toelaat om aan die verrigtinge op so 'n vergadering deel te neem.
- (4) 'n Lid van 'n komitee van die raad wat nie in die heeltydse diens van die Staat is nie, ontvang uit geld wat die Parlement vir dié doel bewillig, ten opsigte van sy dienste as lid van sodanige komitee die besoldiging en toelaes wat die Minister met die instemming van die Minister van Finansies, of in die algemeen of in 'n besondere geval, bepaal. 40

Vergaderings van raad, notule van vergaderings, aantekeninge wat deur raad gehou moet word en voorlegging van advies aan Minister.

- 6. (1) Die Minister bepaal—
 - (a) die wyse van die byeenroeping van, die kworum vir en die prosedure op vergaderings van die raad, met inbegrip van die wyse waarop stemme uitgebring word en die getal stemme vereis vir 'n besluit van die raad; en
 - (b) die wyse waarop notule van die vergaderings van die raad gehou moet word, die ander aantekeninge wat deur die raad gehou moet word en die wyse waarop die advies van die raad aan die Minister voorgelê moet word.
- (2) Indien die voorsitter van die raad van 'n vergadering van die raad afwesig is, sit die ondervoorsitter op daardie vergadering voor, en indien sowel die voorsitter as die ondervoorsitter van die raad van 'n vergadering van die raad afwesig is, kies die lede wat daarop teenwoordig is iemand uit hul geledere om op daardie vergadering voor te sit. 55

Administratiewe werk verbonde aan werksaamhede van raad word deur beamptes en werknemers van Departement verrig.

- 7. Die administratiewe werk verbonde aan die verrigting van die werksaamhede van die raad of van enige komitee in artikel 5 bedoel, word deur beamptes en werknemers van die Departement verrig, onderworpe aan die opdragte van die voorsitter van die raad of sodanige komitee, na gelang van die geval, of van enige ander lid of lede van die raad of sodanige komitee wat vir dié doel deur die raad of sodanige komitee aangewys is. 60

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standing and greater awareness of environmental matters among members of the public;

- (g) make recommendations with regard to the funds that should be provided for carrying out the recommendations of the council;
- (h) initiate or cause to be conducted and co-ordinate investigations into, studies of, surveys of and research on any matter affecting the environment;
- (i) investigate any other matter affecting the environment which in the opinion of the council requires to be investigated or which the Minister may refer to the council, and submit its findings to the Minister; and
- (j) hear representations by any person with regard to matters affecting the environment, if after the submission to it of a memorandum the council is of the opinion that such representations will be in the interests of the conservation of the environment.

5. (1) (a) The council may with the approval of the Minister from among its own number elect an executive committee consisting of such number of members as the council may determine with the approval of the Minister.
- (b) The chairman of the council shall be the chairman of the executive committee.
- (c) The executive committee shall perform such functions as the council may determine with the approval of the Minister.
- (2) (a) The council may with the approval of the Minister establish committees, consisting of such persons as may be determined by it, in order to assist the council in the performance of its functions.
- (b) The council shall designate a member of a committee as chairman of such committee.
- (3) The council may allow any member of a committee who is not a member of the council to attend any meeting of the council at which any matter relating to a function assigned to that committee is dealt with, and may allow such member to take part in the proceedings at such meeting.
- (4) A member of a committee of the council who is not in the full-time employment of the State shall, in respect of his services as a member of such committee, receive, out of moneys appropriated by Parliament for that purpose, such remuneration and allowances as the Minister may, with the concurrence of the Minister of Finance, determine either in general or in any particular case.

Committees of council.

6. (1) The Minister shall determine—
- (a) the manner of the calling of, the quorum for and the procedure at meetings of the council, including the manner in which votes shall be cast and the number of votes required for a decision of the council; and
 - (b) the manner in which minutes of the meetings of the council shall be kept, the other records which shall be kept by the council and the manner in which the advice of the council shall be submitted to the Minister.
- (2) If the chairman of the council is absent from any meeting of the council, the deputy chairman shall preside at that meeting, and if both the chairman and the deputy chairman are absent from any meeting of the council, the members present thereat may elect one of their number to preside at such meeting.

Meetings of council, minutes of meetings, records to be kept by council and submission of advice to Minister.

7. The administrative work connected with the performance of the functions of the council or of any committee referred to in section 5 shall be performed by officers and employees of the Department, subject to the directions of the chairman of the council or such committee, as the case may be, or any other member or members of the council or such committee designated for that purpose by the council or by such committee.

Administrative work connected with functions of council to be performed by officers and employees of Department.

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Verslae deur raad.

8. (1) Die raad moet aan die Minister—

- (a) so gou doenlik na afloop van elke raadsvergadering 'n afskrif van die notule van die raadsvergadering voorlê; en
- (b) so gou doenlik na 30 September 'n jaarverslag voorlê 5 aangaande sy werksaamhede gedurende die jaar wat op daardie datum geëindig het.

(2) Die Minister lê die jaarverslag wat kragtens subartikel (1) (b) voorgelê word, in die Volksraad ter Tafel binne 14 dae na ontvangs daarvan deur hom, indien die Parlement in gewone 10 sessie is, of, indien die Parlement nie in gewone sessie is nie, binne 14 dae na die aanvang van sy eersvolgende gewone sessie.

Instelling van bestuurskomitees ten opsigte van natuurgebiede.

9. (1) Die Minister kan ten opsigte van 'n natuurgebied 'n bestuurskomitee instel om hom van advies te dien met betrekking tot die bestuur en ontwikkeling van daardie natuurgebied. 15

(2) Die Minister bepaal die ledetal van 'n bestuurskomitee.

(3) Die lede van 'n bestuurskomitee word deur die Minister aangestel en bestaan uit persone wat—

(a) die volgende verteenwoordig, te wete—

- (i) die Departement en enige ander Staatsdeparte- 20 ment wat na die oordeel van die Minister in die bestuurskomitee verteenwoordig behoort te word;
- (ii) elke betrokke provinsiale administrasie;
- (iii) elke plaaslike owerheid wie se regsgebied in die geheel of ten dele in die betrokke natuurgebied 25 val;
- (iv) die eienaars van grond in daardie natuurgebied; en
- (v) die gebruikers van sodanige grond;

(b) na die oordeel van die Minister in staat is om die bestuurskomitee by die verrigting van sy werksaamhede 30 by te staan.

(4) Die Minister wys een van die lede van 'n bestuurskomitee as voorsitter en 'n ander lid as ondervoorsitter aan.

(5) 'n Lid van 'n bestuurskomitee beklee sy amp vir die tydperk wat die Minister ten tyde van die aanstelling van daardie lid 35 bepaal, maar kan weer aangestel word: Met dien verstande dat indien daar na die oordeel van die Minister gegronde redes daarvoor bestaan om dit te doen, hy te eniger tyd 'n lid van sy amp kan onthef.

(6) Die administratiewe werk verbonde aan die verrigting van 40 die werksaamhede van 'n bestuurskomitee word deur beamptes en werknemers van die Departement verrig, onderworpe aan die opdragte van die voorsitter van die bestuurskomitee of enige ander lid van daardie komitee wat vir dié doel deur die komitee aangewys is. 45

(7) 'n Lid van 'n bestuurskomitee wat nie in die heeltydse diens van die Staat of 'n plaaslike owerheid is nie, ontvang uit geld wat die Parlement vir dié doel bewillig, ten opsigte van sy dienste as lid van 'n bestuurskomitee die besoldiging en toelaes wat die Minister met die instemming van die Minister van Finan- 50 sies, of in die algemeen of in enige besondere geval, bepaal.

Voorskrifte met betrekking tot bestuur en ontwikkeling van natuurgebiede.

10. (1) Die Minister kan by kennisgewing in die *Staatskoerant* voorskrifte uitvaardig met betrekking tot die bestuur en ontwikkeling van grond geleë in 'n natuurgebied.

(2) Elke eienaar of bewoner van grond geleë in 'n natuurge- 55 bied ten opsigte waarvan voorskrifte ingevolge subartikel (1) uitgevaardig is, en die opvolgers in regte van sodanige eienaar of bewoner, word deur die bepalinge van sodanige voorskrifte gebind.

(3) Die Minister kan die registrateur van aktes van die regi- 60 strasiekantoor waarin die titelbewys van grond vermeld in subartikel (2) geregistreer is, skriftelik gelas om in sy registers 'n aantekening van die tersaaklike voorskrifte te maak en om die kantoorafskrif van die titelbewys dienooreenkomstig te endosseer. 65

(4) Iemand bedoel in subartikel (2) wat 'n bepaling van 'n

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8. (1) The council shall submit to the Minister—

Reports by council.

(a) as soon as possible after any meeting of the council a copy of the minutes of such meeting; and

5 (b) as soon as possible after 30 September an annual report on its work during the year which ended on that date.

(2) The annual report furnished under subsection (1) (b) shall be laid upon the Table in the House of Assembly by the Minister within 14 days after receipt thereof by him, if Parliament is in 10 ordinary session, or, if Parliament is not in ordinary session, within 14 days after the commencement of its first ensuing ordinary session.

9. (1) The Minister may in respect of any nature area establish a management committee, to advise him on the management 15 and development of such nature area. Establishment of management committees in respect of nature areas.

(2) The Minister shall determine the membership of a management committee.

(3) The members of a management committee shall be appointed by the Minister and shall consist of persons who—

20 (a) shall represent the following, namely—

(i) the Department and any other department of State which in the opinion of the Minister should be represented on such committee;

(ii) every provincial administration concerned;

25 (iii) every local authority whose area of jurisdiction falls wholly or partly within the nature area concerned;

(iv) the owners of land in that nature area; and

(v) the users of such land;

30 (b) in the opinion of the Minister are capable of assisting the management committee in the performance of its functions.

(4) The Minister shall designate one of the members of a management committee as chairman and another member as deputy 35 chairman.

(5) A member of a management committee shall hold office for such period as may be determined by the Minister at the time of the appointment of such member, but shall be eligible for reappointment: Provided that, if in the opinion of the Minister there are good reasons for doing so, he may at any time remove any member from office.

(6) The administrative work connected with the performance of the functions of any management committee shall be carried out by officers and employees of the Department, subject to the 45 directions of the chairman of such management committee or any other member of such committee designated by such committee for that purpose.

(7) Any member of a management committee who is not in the full-time employment of the State or a local authority shall, 50 in respect of his services as a member of a management committee, receive, out of moneys appropriated by Parliament for that purpose, such remuneration and allowances as the Minister may, with the concurrence of the Minister of Finance, determine either in general or in any particular case.

55 10. (1) The Minister may by notice in the *Gazette* issue directions with regard to the management and development of land situated within any nature area. Directions with regard to management and development of nature areas.

(2) Every owner or occupier of land situated within a nature area in respect of which directions have been issued in terms of 60 subsection (1), and the successors in title of such owner or occupier, shall be bound by the provisions of such directions.

(3) The Minister may in writing direct the registrar of deeds of the deeds registry in which the title deed of land referred to in subsection (2) is registered to make an entry of the relevant 65 directions in his registers and to endorse the office copy of the title deed accordingly.

(4) Any person referred to in subsection (2) who contravenes

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voorskrif oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R1 000 of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel sodanige boete as sodanige gevangenisstraf. 5

- (5)(a) Indien uit hoofde van 'n voorskrif ingevolge subartikel (1) beperkings geplaas word op die doeleindes waarvoor grond in 'n natuurgebied aangewend kan word, het die eienaar of bewoner van sodanige grond die reg om vergoeding te verhaal ten opsigte van werklike vermoenskade deur hom gely as gevolg van die toepassing van sodanige beperkings. 10
- (b) Die bedrag wat betaal moet word as vergoeding vir werklike vermoenskade deur sodanige eienaar of bewoner gely, word bepaal in 'n ooreenkoms gesluit tussen die Minister, met die instemming van die Minister van Finansies, en sodanige eienaar of bewoner. 15
- (c) By ontstentenis van sodanige ooreenkoms word die bedrag wat aldus betaal moet word, deur 'n gepaste hof ingevolge artikel 14 van die Onteieningswet, 1975 (Wet 20 No. 63 van 1975), vasgestel, en die bepalinge van daardie artikel en artikel 15 van daardie Wet geld *mutatis mutandis* by die vasstelling van sodanige bedrag. 20

(6) Die Minister kan, met die instemming van die Minister van Finansies, uit geld wat die Parlement vir dié doel bewillig, 25 en onderworpe aan die voorwaardes wat hy bepaal, geldelike bystand verleen by wyse van toekennings of andersins aan die eienaar of bewoner van grond in 'n natuurgebied ten opsigte van uitgawe deur hulle aangegaan ter voldoening aan 'n voorskrif ingevolge subartikel (1). 30

Aanstelling van ere-omgewingsbewaringsbeamptes.

11. (1) Die Direkteur-generaal kan persone as ere-omgewingsbewaringsbeamptes aanstel, en die aldus aangestelde ere-omgewingsbewaringsbeamptes verrig die werksaamhede met betrekking tot omgewingsbewaring wat voorgeskryf word.

(2) Die Direkteur-generaal kan te eniger tyd sonder om iemand aan te hoor en sonder om redes te verstrek die aanstelling van iemand as 'n ere-omgewingsbewaringsbeampte intrek. 35

Regulasies.

12. (1) Die Minister kan regulasies uitvaardig betreffende—

- (a) (i) die hou van vergaderings deur 'n bestuurskomitee, met inbegrip van die kworum en prosedure op sodanige vergaderings; en 40
- (ii) die werksaamhede van 'n bestuurskomitee;
- (b) die bevoegdheid en werksaamhede van ere-omgewingsbewaringsbeamptes; en
- (c) enigiets wat ingevolge hierdie Wet voorgeskryf moet 45 word.

(2) Die Minister kan òf in die algemeen òf ten opsigte van die regsgebied van 'n bepaalde plaaslike owerheid na raadpleging met die raad regulasies uitvaardig met betrekking tot—

- (a) die beheer van vaste-afval en die bestryding en voorkoming van rommelstrooiing; 50
- (b) die bekamping en beheer van geraasbesoedeling; en
- (c) die bewaring en benutting van die omgewing ten einde die oogmerke van hierdie Wet te bereik of te bevorder.

(3) Regulasies kragtens subartikel (2) kan aan 'n provinsiale administrasie of plaaslike owerheid werksaamhede opdra. 55

(4) Die Minister kan by kennisgewing in die *Staatskoerant* regulasies kragtens subartikel (2) uitgevaardig van toepassing verklaar, met of sonder wysigings, in die regsgebied van enige plaaslike owerheid of in enige omskrewe gedeelte van sodanige regsgebied of in 'n omskrewe gebied wat nie binne sodanige regsgebied val nie. 60

(5) 'n Regulasie kragtens subartikel (2) kan bepaal dat iemand wat enige bepaling daarvan oortree aan 'n misdryf skuldig is en by skuldigbevinding strafbaar is met 'n boete van hoogstens R1 000 of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sodanige boete sowel as sodanige gevangenisstraf of, 65

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any provision of a direction or fails to comply therewith shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

5 (5)(a) If by virtue of a direction in terms of subsection (1) limitations are placed on the purposes for which land in a nature area may be used, the owner or occupier of such land shall be entitled to recover compensation in respect of actual patrimonial loss suffered by him as a result of the application of such limitations.

10 (b) The amount to be paid as compensation for actual patrimonial loss suffered by such owner or occupier, shall be determined in an agreement concluded between the Minister, with the concurrence of the Minister of Finance, and such owner or occupier.

15 (c) In the absence of such agreement, the amount so to be paid, shall be determined by an appropriate court in terms of section 14 of the Expropriation Act, 1975 (Act No. 63 of 1975), and the provisions of that section and section 15 of that Act shall *mutatis mutandis* apply in the determination of such amount.

20 (6) The Minister may, with the concurrence of the Minister of Finance, out of moneys appropriated by Parliament for that purpose, and subject to such conditions as he may determine, render financial aid by way of grants or otherwise to the owner or occupier of land in a nature area in respect of expenses incurred by them in compliance with any direction in terms of subsection (1).

11. (1) The Director-General may appoint persons as honorary environment conservation officers, and the honorary environment conservation officers so appointed shall perform such functions relating to environment conservation as may be prescribed. Appointment of honorary environment conservation officers.

25 (2) The Director-General may at any time without hearing any person and without advancing reasons withdraw the appointment of any person as an honorary environment conservation officer.

12. (1) The Minister may make regulations relating to—

Regulations.

40 (a) (i) the holding of meetings by a management committee, including the quorum and the procedure at such meetings; and

(ii) the functions of a management committee;

(b) the powers and functions of honorary environment conservation officers; and

45 (c) anything which in terms of this Act shall be prescribed.

(2) The Minister may, either in general or in respect of the area of jurisdiction of a particular local authority, after consultation with the council, make regulations relating to—

50 (a) the control of solid waste and the combating and the prevention of littering;

(b) the combating and control of noise pollution; and

(c) the conservation and the utilization of the environment in order to attain or to further the objects of this Act.

55 (3) Regulations under subsection (2) may assign functions to any provincial administration or local authority.

(4) The Minister may by notice in the *Gazette* declare regulations made under subsection (2) to be applicable, with or without amendment, in the area of jurisdiction of any local authority or in any defined part of such area of jurisdiction or in any defined area that does not fall within such area of jurisdiction.

60 (5) Any regulation under subsection (2) may provide that any person who contravenes any provision thereof shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment or, in the event of a

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in die geval van 'n voortdurende oortreding, met 'n boete van hoogstens R10 of met gevangenisstraf vir 'n tydperk van hoogstens vyf dae of met sodanige boete sowel as sodanige gevangenisstraf vir elke dag waarop sodanige oortreding voortduur.

(6) Indien die Minister van voorneme is om 'n regulasie kragtens subartikel (2) uit te vaardig, moet hy die teks van die voorgenome regulasie in die *Staatskoerant* laat publiseer tesame met 'n kennisgewing waarin verklaar word dat hy van voorneme is om sodanige regulasie uit te vaardig en waarin belanghebbendes gevra word om kommentaar en verhoë wat hulle in verband met die voorgenome regulasie wil lewer of rig, binne 'n tydperk in die kennisgewing vermeld, wat nie minder as 60 dae vanaf die datum van publikasie mag wees nie, aan die Direkteur-generaal voor te lê.

(7) Die bepalings van subartikel (6) is nie van toepassing nie ten opsigte van 'n wysiging van 'n voorgenome regulasie as gevolg van 'n kennisgewing wat ingevolge daardie subartikel gepubliseer is.

(8) Regulasies kragtens hierdie artikel wat die besteding van Staatsgeld sal meebring, word slegs met die instemming van die Minister van Finansies uitgevaardig.

Bevoegdheid van Minister en Administrateur in geval van versuim deur plaaslike owerheid.

13. (1) Wanneer na die oordeel van die Administrateur 'n plaaslike owerheid in die betrokke provinsie versuim om 'n werksaamheid te verrig wat aan hom opgedra is kragtens enige regulasie wat ingevolge artikel 12 (4) van toepassing verklaar is in die regsgebied van daardie plaaslike owerheid, kan die Administrateur nadat hy die plaaslike owerheid 'n geleentheid gebied het om verhoë tot hom te rig die plaaslike owerheid by skriftelike kennisgewing aansê om binne 'n tydperk in daardie kennisgewing vermeld sodanige werksaamheid te verrig, en, indien die plaaslike owerheid versuim om aan daardie aansegging te voldoen, kan die Administrateur sodanige werksaamheid verrig asof hy daardie plaaslike owerheid is en kan hy enigiemand magtig om alle stappe wat vir daardie doel nodig is, te doen.

(2) Enige uitgawe deur die Administrateur aangegaan by die verrigting van 'n werksaamheid uit hoofde van die bepalings van subartikel (1), kan op die betrokke plaaslike owerheid verhaal word.

(3) Wanneer na die oordeel van die Minister 'n plaaslike owerheid versuim het om 'n werksaamheid ingevolge subartikel (1) te verrig, en die Administrateur nie soos in daardie subartikel beoog, opgetree het nie, kan die Minister, nadat hy met die Administrateur oorleg gepleeg het, enigiets doen wat die Administrateur sou kon doen, en in so 'n geval is die bepalings van subartikels (1) en (2) *mutatis mutandis* met betrekking tot die Minister en enigiets deur hom of kragtens sy magtiging gedoen, van toepassing.

Uitgawes deur plaaslike owerheid.

14. (1) 'n Plaaslike owerheid kan in verband met die verrigting van werksaamhede wat aan hom opgedra is by of kragtens enige regulasie wat ingevolge artikel 12 (4) in sy regsgebied van toepassing verklaar is die uitgawes aangaan wat die Minister met die instemming van die Minister van Finansies goedkeur.

(2) Die Minister kan uit geld wat die Parlement bewillig, aan 'n plaaslike owerheid die uitgawes aldus goedgekeur, gedeeltelik of ten volle terugbetaal.

Delegering van bevoegdheid.

15. (1) Die Minister kan onderworpe aan die voorwaardes wat hy bepaal aan 'n beampte in die Departement enige van of al die bevoegdhede wat hierdie Wet aan hom verleen, uitgesonderd die bevoegdheid om regulasies uit te vaardig, deleger.

(2) Die Direkteur-generaal kan, onderworpe aan die voorwaardes wat hy bepaal, enige van die bevoegdhede deur hierdie Wet aan hom verleen, aan 'n beampte in die Departement deleger.

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continuing contravention, to a fine not exceeding R10 or to imprisonment for a period not exceeding five days or to both such fine and such imprisonment for each day on which such contravention continues.

5 (6) If the Minister intends to make any regulation in terms of subsection (2), he shall cause the text of the proposed regulation to be published in the *Gazette* together with a notice declaring his intention to make such regulation and calling upon interested parties to submit to the Director-General, within a period
10 specified in such notice, which shall be not less than 60 days from the date of publication, such comments and representations in connection with the proposed regulation as they may wish to submit or make.

(7) The provisions of subsection (6) shall not apply to any
15 amendment made to a proposed regulation as a result of a notice published in terms of the said subsection.

(8) Regulations under this section which will entail the expenditure of State money shall be made only with the concurrence of the Minister of Finance.

20 13. (1) Whenever in the opinion of the Administrator any local authority within the province in question fails to perform any function assigned to it under any regulation declared in terms of section 12 (4) to be applicable in the area of jurisdiction of such local authority, the Administrator may, after affording
25 the local authority an opportunity of making representations to him, by written notice direct such local authority to perform such function within a period specified in such notice, and, if such local authority fails to comply with such direction, the Administrator may perform such function as if he were such local
30 authority and may authorize any person to take all steps required for that purpose.

Powers of Minister and Administrator in case of default by local authority.

(2) Any expenditure incurred by the Administrator in the performance of any function by virtue of the provisions of subsection (1), may be recovered from the local authority concerned.

35 (3) Whenever in the opinion of the Minister a local authority has failed to perform a function in terms of subsection (1), and the Administrator has not acted as contemplated in that subsection, the Minister may, after having consulted with the Administrator, do anything which the Administrator could have done,
40 and in any such case the provisions of subsections (1) and (2) shall apply *mutatis mutandis* with reference to the Minister and anything done by him or under his authority.

45 14. (1) Any local authority may incur in connection with the performance of functions assigned to it by or under any regulation declared in terms of section 12 (4) to be applicable in its area of jurisdiction, such expenditure as may be approved by the Minister with the concurrence of the Minister of Finance.

Expenditure by local authority.

(2) Expenditure so approved may be refunded to such local authority by the Minister either in part or in full out of moneys
50 appropriated by Parliament.

55 15. (1) The Minister may, subject to such conditions as he may determine, delegate to an officer in the Department any or all of the powers conferred upon him by this Act, save the power to make regulations.

Delegation of powers.

(2) The Director-General may, subject to such conditions as he may determine, delegate to an officer in the Department any of the powers conferred upon him by this Act.

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Minister kan instelling, raad of liggaam tot plaaslike owerheid vir doeleindes van hierdie Wet verklaar.

Staat gebind.

Ander Wette van Parlement word nie deur hierdie Wet gewysig of vervang nie.

Kort titel.

16. Die Minister kan by kennisgewing in die *Staatskoerant* enige instelling, raad of liggaam van persone tot plaaslike owerheid vir die doeleindes van hierdie Wet verklaar, en kan sodanige kennisgewing by dergelike kennisgewing wysig of intrek.

17. Die bepalinge van hierdie Wet en die regulasies daarkrag- 5 tens uitgevaardig, bind die Staat, met inbegrip van 'n provinsiale administrasie, behalwe vir sover dit strafregtelike aanspreeklikheid betref.

18. Die bepalinge van hierdie Wet word nie so uitgelê dat dit die bepalinge van enige ander Wet van die Parlement wysig of 10 vervang nie.

19. Hierdie Wet heet die Wet op Omgewingsbewing, 1982.

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16. The Minister may by notice in the *Gazette* declare any institution, council or body of persons to be a local authority for the purposes of this Act, and may by like notice amend or withdraw such notice.

Minister may declare institution, council or body to be local authority for purposes of this Act.

5 17. The provisions of this Act and the regulations made thereunder shall bind the State, including any provincial administration, except in so far as criminal liability is concerned.

State bound.

10 18. The provisions of this Act shall not be construed as amending or superseding any provision of any other Act of Parliament.

Other Acts of Parliament not amended or superseded by this Act.

19. This Act shall be called the Environment Conservation Act, 1982.

Short title.

