

GN. R. 29
GG16346
7 April 1995

ASSIGNMENT OF THE ENVIRONMENT CONSERVATION ACT, 1989, TO THE PROVINCES UNDER SECTION 235 (8) OF THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1993

Under section 235 (8) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), I hereby-

- (a) assign the administration of the Environment Conservation Act, 1989 (Act No. 73 of 1989), excluding those provisions (if any) of the said Act which fall outside the functional areas specified in Schedule 6 to the Constitution or which relate to matters referred to in paragraphs (a) to (e) of section 126 (3) of the Constitution, to a competent authority within the jurisdiction of the government of a province mentioned in section 124 (1) of the Constitution, designated by the Premier of the province concerned;
- (b) determine that the said Act is assigned to the extent specified in the first column of Part 1 of the Schedule in so far as that Act is applicable in, or in a part of, the province concerned;
- (c) amend the said Act to the extent set out in the second column of Part 1 of the Schedule; and
- (d) regulate the matters as set out in Part 2 of the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twenty-seventh day of March, One thousand Nine hundred and Ninety-five.

N. R. MANDELA,
President.

By Order of the President-in-Cabinet:

A. M. OMAR,
Minister of the Cabinet.

Part 1:
Extent of assignment (Para b)

- 1. Sections 16, 17, 19, 19A, 23, 24A, 27, 29 (2) (a) and 35 (2);
- 2. Section 1, 26, 28, 28A, 29 (7) and (8), 31 (1) and (2), 31A, 32, 33 (1), 34, 35 (3) and (4), and 41A, in so far as they relate to the powers and functions of the Administrator; and
- 3. Sections 29 (3), (4), (5) and (6), 30 (1) and (2), 36 and 37, in so far as they apply or relate to the sections referred to in items 1 and 2 above.

Part 1:
Amendments (Para c)

Amendments have been included in the Act.

- a) Amendment to definition of 'local authority' (section 1).
- b) Insertion of definitions for 'Administrator', 'Minister of State Expenditure', 'Official Gazette', 'province' and 'provincial administration' (section 1).
- c) Amendments to sections 10, 13 (2), 14 (1) (c), 15, 16, 17, 23, 24A, 26, 27, 28 (f), 28A, 29, 35, 41A (1).
- d) Repeal of section 39.

Part 2:
Regulation of matters as a result of assignment: Magaliesberg Protected Natural Environment (Para d)

- 1. The Magaliesberg Protected Natural Environment as it has been declared to be a protected natural environment by Administrator's Notice No. 126 of 4 May 1994 of the former Province of Transvaal, is-
 - (a) in so far as it is situated in the province North-West, hereby deemed to be declared a protected natural environment under section 16 (1) of the Environment Conservation Act, 1989 (Act No. 73 of 1989), to be known as Magaliesberg Protected Natural Environment: North-West;
 - (b) in so far as it is situated in the province Pretoria-Witwatersrand-Vereeniging, hereby deemed to be declared a protected natural environment under section 16 (1) of the Environment Conservation Act, 1989, to be known as Magaliesberg Protected Natural Environment: PWV.
- 2. The management advisory committee which has been established under section 17 of the Environment Conservation Act, 1989, in respect of the said Magaliesberg Protected Natural Environment, is hereby dissolved.
- 3. The directions which have been issued by Administrator's Notice No. 127 of 4 May 1994 of the former Province of Transvaal, under section 16 (2) of the Environment Conservation Act, 1989, are hereby deemed to be issued *mutatis mutandis* under the said section 16 (2) in respect of the Magaliesberg Protected Natural Environment: North-West referred to in paragraph (a) of item 1 above, and the Magaliesberg Protected Natural Environment: PWV referred to in paragraph (b) of item 1 above, respectively.