

NO. 189 OF 1993: ENVIRONMENT CONSERVATION SECOND AMENDMENT ACT, 1993.

STATE PRESIDENT'S OFFICE

No. 2.

5 January 1994

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ACT

To amend the Environment Conservation Act, 1989, in order to make provision for the Minister to determine policy also with regard to the implementation and application of a convention, treaty or agreement; to grant the Minister the power to lay down norms and standards at the determination of policy; to grant the Director-General the power to ensure that the policy is complied with; and to further regulate the delegation of powers and assignment of duties; and to make provision for matters connected therewith.

GENERAL EXPLANATORY NOTE:

Words in italics indicate insertions in existing enactments.
Please note :

(English text signed by the State President.)
(Assented to 22 December 1993.)

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

Amendment of section 2 of Act 73 of 1989, as amended
by section 2 of Act 79 of 1992

1. Section 2 of the Environment Conservation Act, 1989 (hereinafter referred to as the principal Act), is hereby amended

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

"(1) Subject to the provisions of subsection (2) the Minister may by notice in the Gazette determine the general policy, including policy with regard to the implementation and application of a convention, treaty or agreement relating to the environment which has been entered into or ratified, or to be entered into or ratified, by the Government of the Republic, to be applied with a view to"; and

(b) by the insertion of the following subsection after subsection (1):

"(1A) The Minister may, in determining the policy under subsection (1), if in the opinion of the Minister it will further the objectives mentioned in subsection (1)(a), (b), (c) and (d), determine norms and standards to be complied with."

Substitution of section 3 of Act 73 of 1989, as
substituted by section 3 of Act 79 of 1992

2. The following section is hereby substituted for section 3 of the principal Act:

"Compliance with policy

3. (1) Each Minister, Administrator, local authority and government institution upon which any power has been conferred or to which any duty which may have an influence on the environment has been assigned by or under any law, shall exercise such power and perform such duty in accordance with the policy referred to in section 2.

(2) The Director-General shall ensure that the policy which has been determined under section 2(1), is complied with by each Minister, Administrator, local authority and government institution referred to in subsection (1), and may (a) take any steps or make any inquiries he deems fit in order to determine if the said policy is being complied with by any such Minister, Administrator, local authority or government institution; and (h) if in pursuance of any step taken or inquiry made under paragraph (a), he is of opinion that the said policy is not being complied with by any such Minister, Administrator, local authority or government institution, take such steps as he deems fit in order to ensure that the policy is complied with by such Minister, Administrator, local authority or Government institution."

Substitution of section 33 of Act 73 of 1989, as substituted by section 20 of Act 79 of 1992

3. The following section is hereby substituted for section 33 of the principal Act:

"Delegation

33. (1) The Minister, the Minister of Water Affairs, an Administrator, a local authority or a government institution may on such conditions as he or it may deem fit delegate or assign any power or duty conferred upon or assigned to him or it by or under this Act, excluding any power referred to in sections 2, 16(2), 18(1), 18(4), 24, 25, 26, 27 and 28, to, respectively, any officer or employee of the Department, the Department of Water Affairs or the provincial administration or local authority or government institution concerned.

(2) The Director-General may, on such conditions as he may deem fit, delegate or assign any power or duty conferred upon or assigned to him by or under this Act, to any officer or employee of the Department."

Short title

4. This Act shall be called the Environment Conservation Second Amendment 3 Act, 1993. §