

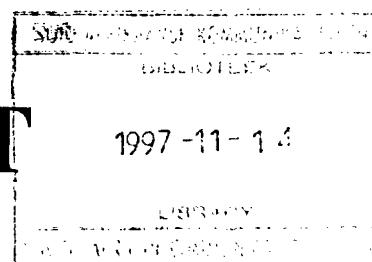


REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

## STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA



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KAAPSTAD, 12 NOVEMBER 1997

PRESIDENT' S OFFICE

KANTOOR VAN DIE PRESIDENT

No. 1507.

12 November 1997

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

No. 51 of 1997: Environmental Laws Rationalisation Act, 1997.

No. 1507

12 November 1997

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

No. 51 van 1997: Rasionaliseringswet op Omgewingswette, 1997.

**GENERAL EXPLANATORY NOTE:**

[ Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with a solid line indicate insertions in existing enactments.

# ACT

**To make provision for the rationalisation of certain Acts of Parliament which are administered by the Department of Environmental Affairs and Tourism, by amending those Acts and by extending the application thereof to certain areas which at present form part of the national territory of the Republic but where other laws apply at present in respect of the matters in question; and to make provision for matters connected therewith.**

(English text signed by the President.)  
(Assented to 6 November 1997.)

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

## Definitions

1. In this Act, unless the context otherwise indicates—
  - “affected area” means the areas which formerly constituted the national territories of the former Transkei, Bophuthatswana, Venda and Ciskei, and the areas in respect of which the former self-governing territories of Gazankulu, KaNgwane, KwaNdebele, KwaZulu, Lebowa and Qwaqwa were established;
  - “Minister” means the Minister of Environmental Affairs and Tourism.

## Amendment of laws

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2. The laws mentioned in Schedule 2 are hereby amended to the extent indicated in the third column thereof.

## Extension of laws

3. The application of the laws mentioned in Schedule 1 and all amendments thereof is hereby extended to the affected area.

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## Extension of regulations and notices to affected area

4. The application of all regulations and notices made or issued by the Minister under the laws mentioned in Schedule 1 is hereby extended to the affected area.

**Conflict of provisions**

5. In the case of any conflict between the provisions of a law referred to in section 3 or a regulation or notice referred to in section 4, and the provisions of any law, regulation, notice or other measure which had the force of law in the affected area immediately prior to the commencement of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), the provisions of the firstmentioned law, regulation or notice shall prevail.

**Short title**

6. This Act shall be called the Environmental Laws Rationalisation Act, 1997.

**SCHEDULE I****LAWS OF THE REPUBLIC OF SOUTH AFRICA UNDER THE CONSTITUTIONAL DISPENSATION WHICH EXISTED PRIOR TO 27 APRIL 1994 MADE APPLICABLE IN THE AFFECTED AREA BY SECTION 3**

| No. and year of law | Short title                                | Extent of application |
|---------------------|--------------------------------------------|-----------------------|
| Act 21 of 1935      | Sea-Shore Act, 1935                        | The whole             |
| Act 43 of 1948      | Prince Edward Islands Act, 1948            | The whole             |
| Act 45 of 1965      | Atmospheric Pollution prevention Act, 1965 | The whole             |
| Act 46 of 1973      | Sea Birds and Seals Protection Act, 1973   | The whole             |
| Act 73 of 1980      | Dumping at Sea Control Act, 1980           | The whole             |

**SCHEDULE 2****LAWS AMENDED BY SECTION 2**

| No. and year of law | Short title                                    | Extent of amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------------------|------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Act 21 of 1935      | Sea-Shore Act, 1935                            | <p>(a) Amendment of section 6 by the substitution for the expressions "House of Assembly" and "Minister of Community Development", wherever they occur, of [the expressions "National Assembly" and "Minister of Environmental Affairs and Tourism", respectively.</p> <p>(b) Amendment of section 9 by the substitution for [the expression "Minister of Community Development", wherever it occurs, of the expression "Minister of Environmental Affairs and Tourism",</p> <p>(c) Amendment of section 11 by the substitution in subsection (2) for the expression "Minister of Community Development" of the expression "Minister of Environmental Affairs and Tourism".</p> |
| Act 55 of 1962      | South African Citizens in Antarctica Act, 1962 | <p>Amendment of section 2 by [the substitution for subsection (2) of the following subsection:</p> <p>"(2) For the purposes of the administration of justice, and in general for the application of the laws of the Republic, Antarctica shall be deemed to be situated within the magisterial district of [Pretoria] <u>Cape Town</u>".</p>                                                                                                                                                                                                                                                                                                                                    |

| No. and year of law | Short title                                | Extent of amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Act 45 of 1965      | Atmospheric Pollution Prevention Act, 1965 | <p>(a) Amendment of section 1 —</p> <p>(i) by the substitution in subsection (1) for the definition of “chief officer” of the following definition:</p> <p>“ ‘chief officer’ means the chief air pollution control officer appointed under section six, and includes the [Government Mining Engineer] Director-General: Minerals and Energy or the Chief Inspector of Explosives acting in pursuance of authority conferred upon him or her in terms of subsection (2) of that section and any person performing any of the functions of the chief officer by virtue of authority conferred upon him or her in terms of subsection (5) of that section;”;</p> <p>(ii) by the deletion in subsection (1) of the definition of “employee”;</p> <p>(iii) by the substitution in subsection (1) for the definition of “local authority” of the following definition:</p> <p>“ ‘local authority’ means a local government body within the meaning of section 1 of the Local Government Transition Act, 1993 (Act No. 209 of 1993).”;</p> <p>(iv) by the substitution in subsection (1) for the definition of “mine” of the following definition:</p> <p>“ ‘mine’ means a mine within the meaning of section [one] 102 of the [Mines and Works Act, 1956 (Act NO, 27 of 1956)] Mine Health and Safety Act, 1996 (Act No. 29 of 1996);”;</p> |

| No. and year of law | Short title | Extent of amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                     |             | <p>(v) by the substitution in subsection (1) for the definition of "Minister" of the following definition:<br/> " 'Minister' means the Minister of [Health and Welfare] Environmental Affairs and Tourism;";</p> <p>(vi) by the substitution in subsection (1) for the definition of "officer" of the following definition:<br/> " 'officer' means an officer within the meaning of section [one] 1 of the Public Service Act, [1957] 1994 [(Act No. 54 of 1957)] (Proclamation No. 103 of 1994);"; and</p> <p>(vii) by the substitution in subsection (1) for the definition of "works" of the following definition:<br/> " 'works' means works within the meaning of section [one] 102 of the [Mines and Works Act, 1956 (Act No. 27 of 1956)] Mine Health and Safety Act, 1996 (Act No. 29 of 1996).";</p> <p>) Amendment of section 6-</p> <p>(i) by the substitution in paragraph (a) of subsection (2) for the expression "Government Mining Engineer" of the expression "Director-General, Minerals and Energy"; and</p> <p>(ii) by the substitution for subparagraph (i) of paragraph (c) of subsection (2) of the following subparagraph:<br/> "(i) any inspector [of mines] appointed under section [six] of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908), of the <b>Transvaal</b>, or under that section as applied to the Orange Free State by the Orange Free State <b>Metals Mining Act, 1936 (Act No. 13 of 1936),] 49(I) of the Mine Health and Safety Act,</b></p> |

Act No. 51, 1997

ENVIRONMENTAL LAWS RATIONALISATION ACT, 1997

| No. and year of law | Short title | Extent of amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                     |             | <p data-bbox="1045 290 1304 417"><u>1996 (Act No. 29 of 1996), or any Director: Mineral Development appointed in terms of section 4 of the Minerals Act, 1991 (Act No. 50 of 1991) to exercise or perform with reference to mines and works; or”.</u></p> <p data-bbox="954 553 1235 580"><i>(c)</i> Amendment of section 32—</p> <p data-bbox="997 585 1304 705">(i) by the substitution in subsection <i>(1)</i> for the expression “Government Mining Engineer” of the expression:<br/>“Chief Inspector as contemplated in the Mine Health and Safety Act, 1996 (Act No. 29 of 1996)”; and</p> <p data-bbox="997 841 1304 1027">(ii) by the substitution in subsection (2) for the expression “Mines and Works Act, 1956 (Act No. 27 of 1956)” of the expression “Minerals Act, 1991 (Act No. 50 of 1991)”,</p> <p data-bbox="954 1038 1304 1351"><i>(d)</i> Amendment of section 47. by the substitution in subsections (4) and (5) for the expressions “Railway Administration” and “Minister of Transport Affairs”, wherever they occur, of the expressions “Transnet Limited and The South African Rail Commuter Corporation Limited” and “chairperson of Transnet Limited.” respectively.</p> <p data-bbox="954 1363 1304 1671"><i>(e)</i> Amendment of the Act, by the substitution for the expressions “Administrator”, “Director-General: Health and Welfare” and “Minister of Industries, Commerce and Tourism”, wherever they occur, of the expressions “Premier”, “Director-General: Environmental Affairs and Tourism” and “Minister of Trade and Industry”, respectively.</p> |

Act No. 51, 1997

LAW OF RATIONALISATION ACT, 1997

| No. and year of law |     |
|---------------------|-----|
| Act 73 of 1980      | 7 m |

|      | Content of amendment                                                                                                                                                                                                                                                                                                                                                                                                         |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1980 | Amendment of section 1 by the substitution for subsection (2) of the following subsection:<br>“(2) In relation to any matter affecting <b>[the Railways and Harbours Administration] Transnet Limited</b> and the <b>South African Commuter Corporation Limited</b> , the Minister shall only act in terms of this Act with the concurrence of the <b>[Minister of Transport Affairs] chairperson of Transnet Limited.</b> ” |