



## INFORMATION ALERT:

### COMMENCEMENT OF THE NATIONAL ENVIRONMENT LAWS AMENDMENT ACT 44 OF 2008

The Minister of Water and Environmental Affairs has, through GN 902 of 11 September 2009, determined **11 September 2009** as the date on which the National Environment Laws Amendment Act 44 of 2008 came into operation.

The following are the key implications of the Amendment Act coming into operation:

- The Atmospheric Pollution Prevention Act 45 of 1965 is now regarded as a "specific environmental management Act" under the National Environmental Management Act 107 of 1998, until such time as section 60 of the National Environmental Management: Air Quality Act 39 of 2004 takes effect.
- The definition of "specific environmental management Act" in section 1 of the National Environmental Management Act 107 of 1998 is amended so as to include *inter alia* the National Water Act 36 of 1998 and the National Environmental Management: Air Quality Act 39 of 2004.
- Schedule 1 of the National Environmental Management: Air Quality Act 39 of 2004 is amended to accommodate the inclusion of that Act as a "specific environmental management Act" through the above-mentioned amendment of the National Environmental Management Act 107 of 1998.
- Section 29 of the Environment Conservation Act 73 of 1989 (dealing with offences and penalties) is amended in order to include or omit certain sections of the Act that have to be complied with.
- The amendment of section 31H of the National Environmental Management Act 107 of 1998 which provides environmental management inspectors with additional powers including those assigned to peace officers as well as non-commissioned police officers.
- Section 31N of the National Environmental Management Act 107 of 1998 is amended by the addition of subsection 3 which establishes the fine (an amount not exceeding five million Rand) and / or the term of imprisonment (a period not exceeding 10 years) for a person convicted of a failure to comply with a compliance notice.

