



INFORMATION ALERT:

COMMENCEMENT OF OUTSTANDING SECTIONS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT 39 OF 2004

REPEAL OF THE ATMOSPHERIC POLLUTION PREVENTION ACT 45 OF 1965

On **1 April 2010** all the remaining sections of the National Environmental Management: Air Quality Act 36 of 2004 that did not come into operation in February 2005 will take effect (Government Notice 220 of 26 March 2010).

The sections that will come into effect on that date are the following:

- √ Section 21 – dealing with the **listing of activities which result in atmospheric emissions**, together with associated **minimum emission standards**;
- √ Section 22 – dealing with the consequences of listing of such activities, specifically **the requirement for an atmospheric emission licence for conducting a listed activity**;
- √ Sections 36-49 – which set out the **process and requirements for the licensing of listed activities** under the Act;
- √ Sections 51(1)(e), 51(1)(f) and 51(3) - dealing with various **offences** in terms of the Act;
- √ Section 60 – dealing with the **repeal of legislation**. With this section coming into effect, **the Atmospheric Pollution Prevention Act 45 of 1965 will be repealed**. However, this repeal will be subject to the transitional provisions contained in the NEM: Air Quality Act 39 of 2004;
- √ Section 61 – dealing with the **transitional arrangements in respect of registration certificates issued in terms of the Atmospheric Pollution Prevention Act 45 of 1965**.

It is also anticipated that the listed activities that will require an atmospheric emission licence under the NEM: Air Quality Act 39 of 2004 (subject to the transitional provisions of that Act) and the associated minimum emission standards will be promulgated in the very near future.

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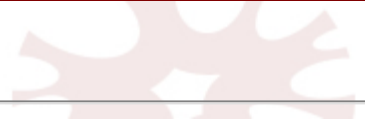
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