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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT**NO. 1733****7 February 2022**

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998)

AMENDMENT OF SECTION 24H REGISTRATION AUTHORITY REGULATIONS, 2016

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby, in terms of sections 24(5)(e), 24H and 44 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), amend the Section 24H Registration Authority Regulations, 2016, as amended, published under Government Notice No. 849 in Government Gazette No. 40154 of 22 July 2016, as set out in the Schedule hereto.

BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

Amendment of regulation 22

Regulation 22 of the section 24H Registration Authority Regulations, 2016, published under Government Notice No. 849 in Government Gazette No. 40154 of 22 July 2016, as amended by Government Notice No. 906 in Government Gazette No. 43632 of 21 August 2020 is hereby amended by the substitution for subregulation (2) of the following subregulation:

- “(2) Regulation 14 of these Regulations takes effect 54 months from the date of the appointment of the first registration authority.”.

EXPLANATORY MEMORANDUM

1. The Environmental Assessment Practitioners Association of South Africa (EAPASA) was appointed on 8 February 2018 in terms of section 24H of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA). EAPASA is the registration authority for EAPs.
2. The section 24H Registration Authority Regulations, 2016 (the Regulations) were gazetted on 22 July 2016 under Government Notice No. 849 in Government Gazette 40154 and, with the exception of regulation 14, commenced on 8 February 2018. Regulation 14 of the Regulations provides that no person other than a registered environmental assessment practitioner (EAP), registered with a registration authority, may hold primary responsibility, for the planning, management, coordination or review of environmental impact assessments (EIAs) and associated environmental management programmes (EMPrs).
3. Regulation 22(2) of the Regulations provided that regulation 14 takes effect 24 months from the date of appointment of the first registration authority, which would have been 8 February 2020. This timeframe was extended by an additional 24 months under Government Notice No. 906 in Government Gazette 43632, to 8 February 2022.
4. Proposed amendments to the Regulations were published for public comment on 31 December 2021 under Government Notice No. 1655 in Government Gazette No. 45703 and included, amongst others, a proposed 6 months extension for the compulsory registration of EAPs.
5. Due to the late publication of the proposed amendments to the regulations, the number of EAPs registered to date and the number of applications that still need to be considered by EAPASA, it is clear that additional time is required to adequately consider comments emanating from the public comment process that ensued on 31 December 2021, and to allow more time for EAPs to register and to allow EAPASA to process registration applications. As a result, a 6 months period of extension for EAPs to register is deemed appropriate.
6. EAPs are strongly encouraged to continue to submit their applications for registration to the EAPASA in the interim. It must be borne in mind that, in terms of the Regulations, EAPASA has 120 days to process applications.