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Contents

No.		Gazette No.	Page No.
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS			
Forestry, Fisheries and the Environment, Department of / Bosbou, Visserye en die Omgewingsake, Departement van			
6893	National Environmental Management Act,1998 (107/1998): Notice for intention to adopt a Generic Environment Management Programme for the Prince Edward Islands	53764	3

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 6893 **1 December 2025**

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

NOTICE OF INTENTION TO ADOPT A GENERIC ENVIRONMENTAL MANAGEMENT PROGRAMME FOR THE PRINCE EDWARD ISLANDS AS AN ENVIRONMENTAL MANAGEMENT INSTRUMENT FOR THE PURPOSE OF EXCLUDING IN TERMS OF SECTION 24(2)(e) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998), IDENTIFIED ACTIVITIES FROM THE REQUIREMENT TO OBTAIN ENVIRONMENTAL AUTHORISATION

I, Willem Abraham Stephanus Aucamp, Minister of Forestry, Fisheries and the Environment, hereby give notice of my intention to adopt the *Generic Environmental Management Programme for Conservation or Conservation Research at the Prince Edward Islands (revision 0 of 2025)*, as an environmental management instrument in terms of the Regulations Laying Down the Procedure for the Adoption of Environmental Management Instruments, 2019, read with section 24(5)(bA) of the National Environmental Management Act, 1998, (Act No. 107 of 1998), and based on compliance with this environmental management instrument to, in terms of section 24(2)(e) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), exclude activities identified in terms of section 24(2)(a) and (b) of the National Environmental Management Act, 1998 from the requirement to obtain an environmental authorisation, prior to commencement, as set out in the Schedule.

The exclusion of identified activities will be relevant to conservation or conservation research only, subject to compliance with the Government Notice and Schedule and the relevant requirements of the *Generic Environmental Management Programme for Conservation or Conservation Research at the Prince Edward Islands (revision 0 of 2025)*, including the requirement to register any such exclusions.

All documents related to this exclusion are available on the departmental webpage:
https://www.dffe.gov.za/projectprogrammes/environmental_management_instruments
The Government Notice will also be available at https://www.dffe.gov.za/legislation/gazetted_notices

An exclusion in terms of this Notice does not exclude a person from complying with any other relevant legislation.

Members of the public are invited to submit written comments or input, within **thirty (30)** days from the date of the publication of this Notice in the Government *Gazette*, or the publication of the newspaper notice, whichever occurs last, to any of the following addresses:

By post to: Department of Forestry, Fisheries and the Environment
The Director-General
Attention: Mr Alvan Gabriel
Private Bag X447
PRETORIA
0001

By hand at: Reception, Environment House, 473 Steve Biko Road, Arcadia, Pretoria.

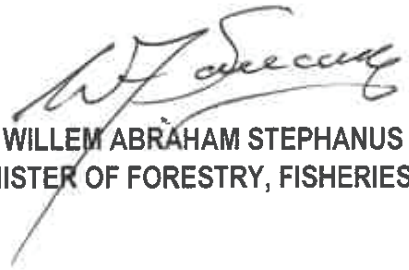
By e-mail: agabriel@dffe.gov.za

Should the 30-day comment period overlap with the period from 15 December 2025 to 5 January 2026, this period will be excluded from the reckoning of days.

Any inquiries in connection with the Notice can be directed to Mr Alvan Gabriel by phone at 066 081 9554 or by e-mail at agabriel@dffe.gov.za.

Comments or input received after the closing date may not be considered.

The Department of Forestry, Fisheries and the Environment complies with the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). Comments received and responses thereto are collated into a comments and response report which will be made available to the public as part of the consultation process. If a commenting party has any objection to his or her name, or the name of the represented company/ organisation, being made publicly available in the comments and responses report, such objection should be highlighted in bold as part of the comments submitted in response to this Government Notice.



MR WILLEM ABRAHAM STEPHANUS AUCAMP
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

1. Definitions

In this Schedule a word defined in the National Environmental Management Act, 1998 (Act No. 107 of 1998) or the Environmental Impact Assessment Regulations, 2014, has the same meaning and unless the context indicates otherwise —

"**competent authority**" means the organ of state that would have been designated by section 24C of the Act with considering an application for an environmental authorisation in respect of a listed or specified activity;

"holder" means the person that has received a registration from the competent authority in terms of paragraph 6 of this Government Notice;

"**Listing Notice 1**" means the Environmental Impact Assessment Regulations Listing Notice 1 of 2014 published under Government Notice No. R. 983 in Government *Gazette* No. 38282 of 4 December 2014, as amended from time to time;

"**Listing Notice 2**" means the Environmental Impact Assessment Regulations Listing Notice 2 of 2014 published under Government Notice No. R. 984 in Government *Gazette* No. 38282 of 4 December 2014 as amended from time to time;

"**Listing Notice 3**" means the Environmental Impact Assessment Regulations Listing Notice 3 of 2014 published under Government Notice No. R. 985 in Government *Gazette* No. 38282 of 4 December 2014 as amended from time to time;

"**management authority**" means an organ of state, institution or person assigned by the Minister in terms of section 38, read with sections 39-41 of the Protected Areas Act to manage the Prince Edward Islands Special Nature Reserve;

"**Prince Edward Islands**" means the southern-most territory of South Africa comprising of Marion and Prince Edward Islands in the sub-Antarctic, as contemplated in section 1 of the Prince Edwards Islands Act, 1948 (Act No. 43 of 1948) and for the purposes of this GEMPr, includes the associated coastal public property as defined in the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);

"Prince Edward Islands management plan" means the plan that is prepared and implemented by the management authority assigned to manage the Prince Edward Islands Special Nature Reserve, and that is approved by the Minister, as contemplated in sections 38, 39, 40 and 41 of the Protected Areas Act;

"proponent" means a person that requests registration from the competent authority in terms of paragraph 6 of this Government Notice;

"**the Act**" means the National Environmental Management Act, 1998 (Act No. 107 of 1998);

"**the Environmental Impact Assessment Regulations, 2014**" means the Environmental Impact Assessment Regulations, 2014, published under Government Notice No. R. 982 in Government Gazette No. 38282 of 4 December 2014, as amended from time to time;

"the National Appeal Regulations" means the National Appeal Regulations, 2025, published under Government Notice No. R. 5985 in *Government Gazette* No. 52269 dated 13 March 2025; and

"**the Protected Areas Act**" means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003).

2. Context

The erstwhile Minister responsible for environmental affairs declared the Prince Edward Islands (above the low-water mark of the sea) as a special nature reserve in November 1995[1], in terms of the Environment Conservation Act, 1989 (Act No. 73 of 1989). This declaration is also, in terms of the definition of "special nature reserve" in the Protected Areas Act, deemed to be a declaration in terms of the Protected Areas Act. The special nature reserve is therefore managed and controlled as if declared under the Protected Areas Act.

A management authority, for the Prince Edward Islands Special Nature Reserve, has been assigned by the Minister in terms of section 38(1)(a) of the Protected Areas Act. This management authority implements the Prince Edward Islands management plan (reviewed from time to time) as required by the Protected Areas Act. Further to this, a marine protected area for the Prince Edward Islands was declared in 2013[2] by the erstwhile Minister responsible for environmental affairs.

Only conservation or conservation research, which is strictly managed by the management authority, is currently conducted at the Prince Edward Islands and surrounding territorial waters, some of which, however, may require environmental authorisation for activities identified in terms of sections 24(2)(a) and (b) of the Act, prior to commencement thereof. However, section 24(2)(e) of the Act enables the exclusion of activities identified in terms of sections 24(2)(a) and (b) from the requirement to obtain environmental authorisation based on an environmental management instrument adopted in the prescribed manner.

The Department of Forestry, Fisheries and the Environment has prepared a *Generic Environmental Management Programme for Conservation or Conservation Research at the Prince Edward Islands (revision 0 of 2025)* (GEMPr), which stipulates measures to avoid, manage and/or mitigate the environmental impacts and risks associated with the implementation of identified activities included in Listing Notices 1, 2, and/or 3, read with the Environmental Impact Assessment Regulations, 2014. The specified activities in Listing Notice 3 that are relevant to the Prince Edward Islands are those specified for the Western Cape Province, since in terms of the Prince Edward Islands Act, 1948 (Act No. 43 of 1948), the islands fall within the magisterial district of the City of Cape Town. An exclusion of listed and/or specified activities would only be in force and effect from the date that a registration is obtained from the competent authority.

The GEMPr has been prepared in consideration of-

[1] Published under Government Notice No. R. 1703 in Government *Gazette* No 16796, with commencement date of 3 November 1995.
[2] Government Notice No. 426 in Government *Gazette* No. 36575 of 21 June 2013.

- the best available science for the Prince Edward Islands undertaken over several decades by *bona fide* researchers;
- scientific publications for the Prince Edward Islands that have investigated, assessed and reported in detail, *inter alia, on* the biophysical, heritage and biodiversity resources, the sub-Antarctic environment, the marine and terrestrial systems and associated wildlife, and the climate. These scientific publications and research informed the determination of the various use zones for the Prince Edward Islands by the assigned management authority, which informs the nature and scale of conservation or conservation research that may be permitted by the management authority;
- the contents of the Prince Edward Islands management plan to which the GEMPr deliberately aligns;
- the expertise of relevant specialists who are familiar with the Prince Edward Islands including the legal context as well as the mandate to conserve and protect the biodiversity and environmental resources for the Prince Edward Islands; and
- relevant laws and Regulations,

and is regarded as an appropriate alternative environmental management instrument to the conducting of environmental impact assessment processes for conservation or conservation research at the Prince Edward Islands.

The intended exclusion from the requirement to obtain environmental authorisation is only relevant to identified activities related to conservation or conservation research at the Prince Edward Islands, and is subject to the exclusion registration process outlined herein.

3. Adoption of the Generic Environmental Management Programme as an Environmental Management Instrument

The GEMPr is intended to be adopted as an environmental management instrument in accordance with the Regulations Laying Down the Procedures to be Followed for the adoption of Environmental Management Instruments, 2019, read with section 24(5)(bA) of the Act, for the purposes of excluding identified activities related to conservation or conservation research from the requirement to obtain environmental authorisation, prior to commencement thereof, as contemplated in section 24(2)(e) of the Act.

4. Scope of the Exclusion

4.1 The following activities identified in terms of sections 24(2)(a) and (b) of the Act are intended to be excluded from the requirement to obtain an environmental authorisation in as far as they relate to conservation or conservation research at the Prince Edward Islands, and when undertaken in accordance with the requirements of this Government Notice and the GEMPr:

4.1.1 all activities identified in Listing Notice 1;
4.1.2 all activities identified in Listing Notice 2; and
4.1.3 all activities identified in Listing Notice 3 within the identified geographical areas relevant to the Western Cape Province.

4.2 An exclusion from the requirement to obtain environmental authorisation for identified activities within the scope of the Government Notice is only in force and effect from the date that the competent authority has issued a registration number thereby registering an exclusion.

4.3 As required by section 24(2)(a) and (b) of the Act and the Environmental Impact Assessment Regulations, 2014, an environmental authorisation must be obtained prior to commencement of any identified activity in Listing Notices 1 – 3, which falls outside the scope of this exclusion.

5. Conditions of Exclusion

5.1 Prior to the commencement of identified activities contemplated in paragraph 4, a proponent must request and obtain registration from the competent authority by following the process outlined in paragraph 6 below;

5.2 The relevant requirements of the GEMPr are binding for all registrations; and

5.3 Contravention, by the holder, of the environmental impact management outcomes of the GEMPr included in method statements submitted to the competent authority, or commencement of an identified activity which falls within the scope of this exclusion, without the proponent first obtaining a registration from the competent authority constitutes an offence in terms of section 49A(1)(c) and 49A(1)(d) of the Act.

6. Registration Process

6.1 A proponent must duly complete and submit the registration request form, contained in the GEMPr as **Annexure 1**, to the competent authority.

6.2 The registration request form must be accompanied by:

(a) Duly signed and dated declaration form, contained in the GEMPr as **Annexure 2**;

(b) Relevant method statements, the content requirements of which are unpacked in the GEMPr and by making use of the template provided in **Annexure 3** of the GEMPr;

(c) Proof of notification to the management authority of the intention to request registration; and

(d) Any augmenting information, material to the registration request and as listed in the registration request form by a proponent.

6.3 Within **thirty (30)** days of receipt of the registration request form, and all associated information contemplated in paragraph 6.2, the competent authority must, after reviewing the information submitted -

(a) refuse the request to register if the proposed identified activities do not fall within the scope of the exclusion;

(b) register the request and provide a registration number to the holder; or

(c) request any clarity, additional information or amendments to submitted method statements.

6.4 In the case where clarity, additional information or amendments to method statements were requested as contemplated in paragraph 6.3(c) above, the competent authority will have a further **thirty (30)** days to review the clarity, additional information, or amended method statements and must –

(a) refuse the request to register if the request does not fall within the scope of the exclusion;

(b) register the request, providing a registration number to the holder; or

(c) repeat the request for clarity or additional information or any amendments to submitted method statements.

6.5 The competent authority may request clarity, additional information or amendments to method statements as many times as may be required. At each increment, the **thirty (30)** day review timeframe for the competent authority starts afresh. A proponent must thus ensure that information submitted to the competent authority is replete at the outset to prevent self-incurred delays.

6.6 A registration request automatically lapses if any clarity, additional information or amendment to submitted method statements requested by the competent authority is not submitted to the competent authority within **thirty (30)** days of such request being made, unless the competent authority has, in writing, agreed to an extension of the timeframe to submit the required information.

6.7 A new registration request may be submitted by a proponent in the event of the lapsing of a registration request.

6.8 A registration file record must be created and maintained by a holder, for each registration, in accordance with the requirements outlined in paragraph 4.2 of the GEMPr.

7 Withdrawal, Suspension or Amendment of a Registration

7.1.1 If the competent authority has reason to believe that a registration was obtained through fraud, non-disclosure of material information, misrepresentation of a material fact, or non-compliance with registration requirements, the competent authority may –

(a) notify the holder, in writing, to provide the competent authority with written representations as to why the registration should not be withdrawn by the competent authority;

(b) include, in the written notice contemplated in paragraph 7.1(a), the suspension of the registration, with immediate effect, and/or issue a direction to the holder to immediately cease any identified activities that have commenced or to refrain from commencing any identified activities, pending a decision on whether or not to withdraw the registration;

(c) require that the holder, within **ten (10)** days of the written notice contemplated in paragraph 7.1 (a), provide the competent authority with written representations as to why the registration should not be withdrawn; and

(d) request additional information within **ten (10)** days of the lapsing of the timeframe allocated for the holder to submit written representations contemplated in paragraph 7.1(c), which additional information must be submitted within **ten (10)** days of the request being made, unless the competent authority has, in writing, agreed to an extension of the timeframe to submit the additional information.

7.1.2 Within **ten (10)** days of receipt of written representations or additional information from a holder, or, within **ten (10)** days of the expiry of the time period within which a holder may submit written representations or additional information, the competent authority must consider all representations from the holder, if any, and inform the holder in writing of its decision to —

(a) lift the suspension; or

(b) withdraw the registration.

7.2 The competent authority may at any time, on its own accord, or upon written request received from a holder –

(a) without following the process contemplated in paragraph 7.1, withdraw a registration that is no longer required and that does not fall within the scope of paragraph 7.1; or

(b) without following the registration process contemplated in paragraph 6, amend a registration.

A registration is withdrawn or amended on the date that the competent authority confirms such withdrawal or amendment in writing.

7.3 In the case of a request for withdrawal, submitted to the competent authority prior to the commencement of the identified activities, and in the absence of written confirmation of the withdrawal from the competent authority, the registration is deemed to be withdrawn seven (7) days after the submission of the request for withdrawal to the competent authority.

7.4 In the event that the competent authority withdraws a registration, the competent authority may –

(a) direct the holder of the withdrawn registration to rehabilitate the affected environment relevant to the withdrawal, should the identified activities have already commenced; and

(b) refer the matter for enforcement action against the holder of the withdrawn registration.

8. Compliance Monitoring, Enforcement and Auditing

8.1 Compliance monitoring, enforcement and auditing must be conducted in accordance with the requirements outlined in paragraph 4.4 of the GEMPr.

9. General

9.1 Any timeframes contemplated in this Notice must be calculated in accordance with the reckoning of days as provided for in regulations 3(1), 3(2) and 3(5) of the Environmental Impact Assessment Regulations, 2014, with the changes required by the context.

9.2 The provisions of the National Appeal Regulations are applicable to a decision taken in terms of this Notice.

10. Transitional Arrangements

10.1 An application for environmental authorisation for identified activities contemplated in paragraph 4 of this Notice, submitted in terms of the Environmental Impact Assessment Regulations, 2014, which is pending on the date of coming into effect of this Notice, must be finalised in accordance with the procedures of the Environmental Impact Assessment Regulations, 2014 or may be withdrawn. Should the application be withdrawn, the proponent may submit a request to the competent authority for registration in accordance with the requirements of this Notice.

10.2 An environmental authorisation issued for identified activities contemplated in paragraph 4 of this Notice that is valid remains valid and is subject to the requirements of the Environmental Impact Assessment Regulations, 2014.

10.3 A record of decision issued in terms of the Environment Conservation Act, 1989 (Act No. 73 of 1989) and that is valid remains valid and is subject to the requirements of the Environment Conservation Act, 1989 (Act No. 73 of 1989) and the relevant transitional provisions included in the Environmental Impact Assessment Regulations, 2014.

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