

Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 731 | 15 May Mei | 2026 | No. 54694

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5845

9 771682 584003 54694



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

NO FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

Contents

No.		Gazette No.	Page No.
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS			
Forestry, Fisheries and the Environment, Department of / Bosbou, Visserye en die Omgewingsake, Departement van			
7486	National Environmental Management Act, 1998 (Act No. 107 Of 1998): Criteria to be considered when determining an appropriate fine in terms of section 24g	54694	3

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FIDSHERIES AND ENVIRONMENT

NO. 7486 **15 May 2026**

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

CONSULTATION ON THE INTENTION TO AMEND THE REGULATIONS RELATING TO THE PROCEDURE TO BE FOLLOWED AND CRITERIA TO BE CONSIDERED WHEN DETERMINING AN APPROPRIATE FINE IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998)

I, Willem Abraham Stephanus Aucamp, Minister of Forestry, Fisheries and the Environment, hereby consult on my intention to, under sections 44(1)(aC) and 44(1)(b) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), amend the Regulations relating to the procedure to be followed and criteria to be considered when determining an appropriate fine in terms of section 24G of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as set out in the Schedule.

Section 24G of the National Environmental Management Act, 1998 has been amended by the National Environmental Management Laws Amendment Act, 2022 (Act No. 2 of 2022) with effect from 30 June 2023. The intention of the proposed amendments to the Regulations is to align the Regulations with the amended section 24G of the National Environmental Management Act, 1998.

Members of the public are invited to submit written comments or inputs, within 30 days after the publication of this Notice in the Government *Gazette* or a notification in a newspaper, whichever occurs last, to any of the following addresses:

By post to: The Director-General
Department of Forestry, Fisheries and the Environment
Attention: Ms S Carlyle
Private Bag X447
PRETORIA
0001

By hand at: Environment House
473 Steve Biko Road
ARCADIA
0083

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

Any enquiries in connection with the Notice can be directed to Ms Carlyle by phone at (012) 399 9314 or by e-mail at scarlyle@dffe.gov.za

Comments or inputs 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 may be collated into a comments and responses report which may 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.



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

SCHEDULE

Definitions

1. In this Schedule, any word or expression to which a meaning has been assigned in the Act has that meaning, and unless the context indicates otherwise—

"the Regulations" means the Regulations relating to the procedure to be followed and criteria to be considered when determining an appropriate fine in terms of Section 24G of the National Environmental Management Act, 1998 (Act No. 107 of 1998), published under Government Notice No. R. 698 in Government *Gazette* No. 40994 of 20 July 2017; and

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

Amendment of regulation 4 of the Regulations

2. Regulation 4 of the Regulations is hereby amended by the substitution for paragraph (a) of subregulation (1), of the following paragraph:

"(a) the information submitted by an applicant in terms of section 24G(1)(aa)(H) and 24G(1)(bb) of the Act;".

Amendment of regulation 7 of the Regulations

3. Regulation 7 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

"(2) The registers referred to in subregulation (1) must be submitted biannually by each competent authority to the National Department responsible for environmental affairs on 30 April and 31 October each year beginning on 30 April 2017.".

Amendment of regulation 8 of the Regulations

4. Regulation 8 of the Regulations is hereby amended by the deletion, in subregulation 3, of the word "of" before "a register of interested and affected parties".

Amendment of regulation 10 of the Regulations

5. Regulation 10 of the Regulations is hereby amended by—

(a) the substitution in subregulation (3) for the word "and" of the word "or" prior to the wording "in both instances to both such fine and such imprisonment."; and

(b) re-numbering subregulation (3) to become subregulation (2).

Amendment of regulation 13 of the Regulations

6. Regulation 13 of the Regulations is hereby substituted for the following regulation:

"(1) An application submitted prior to 30 June 2023 in terms of section 24G of the Act and which is pending when these amendments to the Regulations take effect, must be finalised in terms of the legislation that applied at the time when the application was submitted.

(2) An application submitted on or after 30 June 2023 in terms of section 24G of the Act and which is pending when this regulation takes effect, must be finalised in terms of these Regulations.".

Amendment of Annexure A of the Regulations

7. Annexure A of the Regulations is hereby amended—

(a) by the substitution for Section A of the following Section A:

"ANNEXURE A TO THE SECTION 24G APPLICATION FORM

SECTION A: DIRECTIVE

Section 24G(1) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") provides that on application by a person who—

(a) has commenced with a listed or specified activity without an environmental authorisation in contravention of section 24F(1);
(b) has commenced, undertaken or conducted a waste management activity without a waste management licence in terms of section 20(b) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008); and
(c) is in control of, or successor in title to, land on which a person-
    (i) has commenced with a listed or specified activity without an environmental authorisation in contravention of section 24F(1); or
    (ii) has commenced with, undertaken or conducted a waste management activity in contravention of section 20(b) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008),

the Minister, the Minister responsible for mineral resources or the MEC concerned (or the official to which this power has been delegated), as the case may be—

(aa) must direct the applicant to—

(A)	immediately cease the activity pending a decision on the application submitted in terms of this subsection, except if there are reasonable grounds to believe the cessation will result in serious harm to the environment	
(B)	investigate, evaluate and assess the impact of the activity on the environment	
(C)	remedy any adverse effects of the activity on the environment	
(D)	cease, modify or control any act, activity, process or omission causing pollution or environmental degradation	
(E)	contain or prevent the movement of pollution or degradation of the environment	
(F)	eliminate any source of pollution or degradation	
(G)	undertake public participation which is appropriate to bring the unlawful commencement, undertaking or conducting of a listed, specified or waste management activity to the attention of interested and affected parties, and to provide them with a reasonable opportunity to comment on the application in accordance with relevant elements of public participation as prescribed in terms of the Act	
(H)	compile a report containing-	
	(AA)	a description of the need and desirability of the activity

	(BB)	an assessment of the nature, extent, duration and significance of the consequences for, or impacts on, the environment of the activity, including the cumulative effects and the manner in which the geographical, physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity
	(CC)	a description of mitigation measures undertaken or to be undertaken in respect of the consequences for, or impacts on, the environment of the activity
	(DD)	a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed, if applicable; and

(bb) may direct the applicant to compile an environmental management programme or to provide such other information or undertake such further studies as the Minister, Minister responsible for mineral resources or MEC, as the case may be, may deem necessary.

You are hereby provided with an opportunity to make representations on any or all of the abovementioned instructions, including where you are of the opinion that any of these instructions are not relevant for the purposes of your application, setting out the reasons for your assertion. Kindly note further that, after taking your representations into account, relevant final directives will be issued.";

(b) by the substitution, in Section C for the wording "R5 million" of the wording "R10 million", wherever the wording "R5 million" occurs; and

(c) by the substitution, in Section D, for the second last paragraph of the following paragraph:

"This advertisement shall be considered as a preliminary notification and the competent authority will direct the applicant to undertake further public participation and advertising after receipt of this application form.".

Commencement

8. These amendments to the Regulations will take effect on the date of publication for implementation in the Government *Gazette* and will also apply to any application submitted on or after 30 June 2023, which is still pending on the date of publication of these amendments to the Regulations, for implementation.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065

This gazette is also available free online at **www.gpwonline.co.za**