

South Africa

Disaster Management Act, 2002

Ministry of Environment, Forestry and Fisheries: Directions to address, prevent and combat the spread of COVID-19

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Disaster Management Act, 2002

Ministry of Environment, Forestry and Fisheries: Directions to address, prevent and combat the spread of COVID-19

Government Notice R439 of 2020

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[Up to date as at 31 March 2020]

[Repealed by [Directions Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 Relating to National Environmental Management Permits and Licences \(Alert Level 3\) \(Government Notice 650 of 2020\)](#) on 5 June 2020]

Directions issued by the Minister of Forestry, Fisheries and the Environment in terms of Regulation 10(8) of the regulations issued in terms of section 27(2) of the Disaster Management Act, 2002 ([Act No. 57 of 2002](#)): Measures to address, prevent and combat the spread of COVID-19

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment hereby, under regulation 10(8) of the Regulations issued in terms of section 27(2) of the Disaster Management Act, 2002 ([Act No. 57 of 2002](#)), issue directions to address, prevent and combat the spread of COVID-19 and to alleviate, contain and minimise the effects of the national state of disaster, as set out in the Schedule hereto.

Barbara Dallas Creecy

Minister of Forestry, Fisheries and the Environment

1. Definitions

In this Schedule, any word or expression to which a meaning has been assigned in the Regulations issued in terms of section 27(2) of the Disaster Management Act, 2002 ([Act No. 57 of 2002](#)), published under Government Notice No. 318 in *Government Gazette* No. 43107 of 18 March 2020, as amended, the National Environmental Management Act, 1998 ([Act No. 107 of 1998](#)), the National Environmental Management: Waste Act, 2008 ([Act No. 59 of 2008](#)), the National Environmental Management: Air Quality Act, 2004 ([Act No. 39 of 2004](#)) and the Environmental Impact Assessment Regulations, 2014, as amended, shall have the meaning so assigned to it, unless the context otherwise indicates.

2. Authority

- 2.1 The COVID-19 was classified as a pandemic by the World Health Organisation ("WHO"), and following related developments within the Republic, the Government of the Republic declared a national state of disaster relating to COVID-19 in terms of the Disaster Management Act, 2002.
- 2.2 Section 26(2)(b) of the Disaster Management Act, 2002 provides that a national disaster, once declared, must be managed in accordance with existing legislation, as well as contingency arrangements as amplified by disaster management regulations or directions issued in terms of section 27(2) of the Disaster Management Act, 2002.
- 2.3 These directions are issued pursuant to regulation 10(8) of the Disaster Management Regulations, 2020 to provide for measures necessary to manage COVID-19, and are valid for the duration of the declared national state of disaster.

3. Purpose

The purpose of these directions are to curtail the threat posed by the COVID-19 pandemic and to alleviate, contain and minimise the effects of the national state of disaster, and to ensure fair processes, especially relating to licensing processes, public participation processes, appeals processes, reporting requirements and the provision of waste management services during the lockdown period, which are not possible due to the restrictions placed on the movement of people.

4. Application

4.1 These directions apply to:

- (a) All national, local and provincial authorities and appeal authorities who are responsible for or involved in the processes listed in paragraphs 5.1 to 5.3;
- (b) All applicants, appellants, environmental assessment practitioners, companies, interested and affected parties or commenting authorities involved in the processes listed in paragraphs 5.1 to 5.3;
- (c) Other parties involved in the processes listed in paragraphs 5.1 to 5.3, or who are responsible to submit reports or holders of authorisations or licences related to the matters dealt with in paragraph 5.

4.2 Where any of the licencing authorities, competent authorities or appeal authorities affected by these Directions has publicly indicated that a different arrangement applies, such an arrangement will prevail over any arrangement indicated in these Directions.

5. Directions

The following directions will apply:

- 5.1 Directions relating to licences and environmental authorisations as contemplated in the National Environmental Management Act, 1998, the National Environmental Management: Waste Act, 2008 and the National Environmental Management: Air Quality Act, 2004
 - (a) The following timeframes are hereby extended, or deemed to be extended, by the number of days of the duration of the lockdown period of the national state of disaster declared for the COVID-19 pandemic, including any extensions to such duration, with effect from 27 March 2020 until the termination of the lockdown period:
 - (i) Timeframes prescribed in terms of the Environmental Impact Assessment Regulations 2014, published in terms of section 24(5) of the National Environmental Management Act, 1998, or as contained in any environmental authorisation issued in terms of the Environmental Impact Assessment Regulations, 2014, including any condition contained in an environmental authorisation relating to the period of validity of an environmental authorisation, the period relating to an extension of the validity period of an environmental authorisation and the requirement to submit an environmental audit report, which periods lapses or falls within the period of the duration of the lockdown period of the national state of disaster;
 - (ii) Timeframes prescribed in terms of the National Environmental Management: Waste Act, 2008 and National Environmental Management: Air Quality Act, 2004 relating to licences and environmental authorisations; and
 - (iii) Timeframes prescribed in terms of the National Appeal Regulations, 2014, as amended, issued under section 44(1)(a), read with section 43(4) of the National Environmental Management Act, 1998; and
 - (b) Authorities responsible for the processing of applications or appeals contemplated in paragraph (a), will not receive or process such applications or appeals from 27 March 2020 until the termination

of the lockdown period of the national state of disaster.

- 5.2 Directions relating to exemptions contemplated in sections 74 to 77 and transfers of waste management licences contemplated in section 52 of the National Environmental Management: Waste Act, 2008, authorisations issued for the export of waste tyres contemplated in regulation 4(e) of the Waste Tyre Regulations, 2017 published under Government Notice No. 1064 in Government *Gazette* No. 41157 of 29 September 2017 published in terms of the National Environmental Management: Waste Act, 2008 and applications for the amendment of orders to remediate contaminated land issued in terms of section 38 of the National Environmental Management: Waste Act, 2008
- (a) Any exemption issued in terms of section 76 of the National Environmental Management: Waste Act, 2008, which exemption expires between 27 March 2020 and the termination of the lockdown period of the national state of disaster is hereby extended, or deemed to be extended, by the number of days of the duration of the lockdown period of the national state of disaster declared for the COVID-19 pandemic, including any extension to such duration;
 - (b) Authorities responsible for the processing of applications for the transfer of waste management licences contemplated in sections 77 and 52 of the National Environmental Management: Waste Act, 2008, will not receive or process such applications between 27 March 2020 and the termination of the lockdown period of the national state of disaster;
 - (c) Any authorisation for the export of waste tyres issued in terms of regulation 4(e) of the Waste Tyre Regulations, 2017 under Government Notice No. 1064 in Government *Gazette* No. 41157 of 29 September 2017 published in terms of section 69(1)(b), (e) and (ee) of the National Environmental Management: Waste Act, 2008, which authorisation expires between 27 March 2020 and the termination of the lockdown period of the national state of disaster, is hereby extended, or deemed to be extended, by the number of days of the duration of the lockdown period of the national state of disaster declared for the COVID-19, including any extension to such duration; and
 - (d) Authorities responsible for the processing of applications for the amendment of any order to remediate contaminated land issued in terms of section 38 of the National Environmental Management: Waste Act, 2008 will not receive or process such applications between 27 March 2020 and the termination of the lockdown period of the national state of disaster.
- 5.3 Directions relating to reporting as contemplated in regulation 8 of the National Atmospheric Emission Reporting Regulations, 2015 published under Government Notice No. 283 in Government *Gazette* No. 38633 of 2 April 2015 and in regulation 7(1) and (2) of the National Greenhouse Gas Emission Reporting Regulations, 2016 published under Government Notice No. 275 in Government *Gazette* No. 40762 of 3 April 2017, promulgated in terms of section 12 read with section 53(aA), (o) and (p) of the National Environmental Management: Air Quality Act, 2004
- (a) The reference to 31 March in regulation 8 of the National Atmospheric Emission Reporting Regulations, 2015 and in regulation 7(1) and (2) of the National Greenhouse Gas Emission Reporting Regulations, 2016 promulgated in terms of section 12 read with section 53(aA), (o) and (p) of the National Environmental Management: Air Quality Act, 2004 must, for the duration of the lockdown period of the national state of disaster, be read as a reference to 30 April 2020.