

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 3436

19 May 2023

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

CONSULTATION ON THE INTENTION TO AMEND THE TRANSITIONAL ARRANGEMENTS IN THE FINANCIAL PROVISIONING REGULATIONS, 2015

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby consult on the intention to extend, by 5 months, the date of compliance for holders of rights and permits obtained under the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) (MPRDA) regime through an amendment of the transitional arrangements contained in the Financial Provisioning Regulations, 2015, as amended, in terms of section 44(1)(aE), (aF), (aG) and (aH), read with sections 24(5)(b)(ix), 24(5)(d), 24N, 24P and 24R of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as set out in the Schedule hereto.

Members of the public are invited to submit written comments or inputs, within 30 days after the publication of this Notice in the *Gazette*, to the following address:

By post to: The Director-General
Department of Forestry, Fisheries and the Environment
Attention: Dr D Fischer
Private Bag X447
PRETORIA
0001

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

By e-mail: dfischer@dff.gov.za
Enquiries: 012 399 8843

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



BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

Definition

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned, and "the Regulations" means the Financial Provisioning Regulations, 2015, published under Government Notice No. R. 1147 in *Government Gazette* No. 39425 of 20 November 2015, as amended by Government Notice No. 1314, published in *Government Gazette* No. 40371 of 26 October 2016, Government Notice No. R. 452, published in *Government Gazette* No. 41584 of 20 April 2018, Government Notice No. 991, published in *Government Gazette* No. 41921 of 21 September 2018, Government Notice No. 24, published in *Government Gazette* No. 42956 of 17 January 2020, Government Notice No. 495, published in *Government Gazette* No. 44698 of 11 June 2021 and Government Notice No. 2087, published in *Government Gazette* No. 46378 of 19 May 2022.

Substitution of regulation 17B of the Regulations

2. Regulation 17B of the Regulations is hereby substituted for the following regulation:

"17B Extension of the transitional period

Unless regulation 17A applies, a holder, or holder of a right or permit, who applied for such right or permit prior to 20 November 2015, regardless when the right or permit was obtained—

- (a) must by no later than 19 February 2024 comply with these Regulations; and
- (b) shall, until 18 February 2024, be regarded as having complied with the provisions of these Regulations, if such holder has complied with the provisions and arrangements regarding financial provisioning, approved as part of the right or permit issued in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002)."