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**Notice Title** NATIONAL ENVIRONMENTAL MANAGEMENT ACT (107/1998): REGULATIONS RELATING TO QUALIFICATION CRITERIA, TRAINING AND IDENTIFICATION OF, AND FORMS TO BE USED BY ENVIRONMENTAL MANAGEMENT INSPECTORS AND ENVIRONMENTAL MINERAL RESOURCE INSPECTORS

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GOVERNMENT NOTICES

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 480

31 MAY 2017

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998

(ACT NO. 107 OF 1998)

REGULATIONS RELATING TO QUALIFICATION CRITERIA, TRAINING AND IDENTIFICATION OF, AND FORMS TO BE USED BY, ENVIRONMENTAL MANAGEMENT INSPECTORS AND ENVIRONMENTAL MINERAL RESOURCE INSPECTORS

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby make Regulations relating to qualification criteria, training and identification of, and forms to be used by, Environmental Management Inspectors and Environmental Mineral Resource Inspectors, under section 44(1)(a) read with section 31E of the National Environmental Management Act, 1998 (Act No. 107 of 1998) set out in the Schedule hereto.

(Signed)

BOMO EDITH EDNA MOLEWA  
MINISTER OF ENVIRONMENTAL AFFAIRS

REGULATIONS RELATING TO QUALIFICATION CRITERIA, TRAINING AND IDENTIFICATION OF, AND FORMS TO BE USED BY, ENVIRONMENTAL MANAGEMENT INSPECTORS AND ENVIRONMENTAL MINERAL RESOURCE INSPECTORS

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1. Definitions

In these Regulations a word or expression to which a meaning has been assigned in the Act has that meaning and, unless the context otherwise indicates: -

"designating authority" means -

- (a) the Minister;
- (b) the Minister responsible for water and sanitation;
- (c) the Minister responsible for mineral resources;
- (d) a MEC; or
- (e) a person to whom the Minister, Minister responsible for mineral resources, Minister responsible for water and sanitation or MEC's

power under sections 31B, 31BA, 31BB and 31C, respectively, has been delegated in terms of the Act.

"inspector" means an official designated in terms of section 31B, 31BA, 31BB or 31C of the Act;

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

## 2. Qualification criteria and training for inspectors

Designating authorities may designate persons referred to in section 31B, 31BA, 31BB or 31C of the Act as inspectors only if such persons have successfully completed a relevant training course approved by the Director-General.

## 3. Mandates

(1) When specifying the powers of an Inspector in terms of section 31D(3) of the Act, a designating authority must select only the powers for an inspector as are -

- (a) necessary for the inspector's mandate; and
- (b) set out in respect of the inspector's grade in Annexure 1.

## 4. Issue of identity cards

(1) The identity card contemplated in section 31F of the Act -

- (a) must comply with regulation 5; and
- (b) may be issued only by -
  - (i) the Director-General or an official of the Department designated by the Director-General;
  - (ii) the Director-General of the department responsible for mineral resources or an official of that department designated by that Director-General;
  - (iii) the Director-General of the department responsible for water and sanitation or an official of that department designated by that Director-General; or
  - (iv) another organ of state authorised to do so in writing by the Director-General, Director-General of the department responsible for mineral resources or the Director-General of the department responsible for water and sanitation, as the case may be; and

(c) must be in the standard format and layout approved by the Director-General.

(2) An organ of state authorised in terms of subregulation (1)(b)(iv) to issue identity cards must issue such cards only to its own employees designated as inspectors by a designating authority.

(3) Notwithstanding subsection (2), the Director-General may authorise the head of a provincial department responsible for environmental affairs to issue identity cards to employees of provincial public entities and municipalities within its geographic area of jurisdiction.

#### 5. Contents and period of validity of identity cards

(1) An identity card must display -

- (a) the full names and identity number of the person designated as an inspector;
- (b) a recent photograph of that person;
- (c) the name of the organ of state of which that person is an employee and the employee number of that person;
- (d) particulars of the mandate of that person in terms of section 310(1), (2) or (2A) of the Act and must indicate for which legislation that person is designated as an inspector;
- (e) the full names and post description of the designating authority who designated the person as an inspector;
- (f) the signature of the designating authority;
- (g) the date on which the person was designated as an inspector;
- (h) the grade of the inspector; and
- (i) where applicable, that the inspector is a peace officer ex officio.

(2) An identity card lapses when the designation of the cardholder as an inspector is withdrawn in terms of section 31B(1)(b), 31BA(1)(b), 31BB(1)(b) or 31C(1)(b) of the Act, where the designation otherwise lapses or where the inspector otherwise ceases to be a member of staff.

(3) Upon the lapsing of the designation, the cardholder must forthwith return the identity card to the Department, Department responsible for mineral resources, Department responsible for water and sanitation; or organ of state authorised in terms of regulation 4(1)(b)(iv) that issued that identity card.

(4) Where a member of staff who has been designated as inspector is

suspended in terms of the employer institution's labour practices, that inspector shall forthwith upon suspension, surrender his or her identity card, which card shall remain surrendered unless or until the suspension has been lifted and the official's employment has been reinstated.

#### 6. Duties of the designating authority

(1) The department of the designating authority must, upon designation, issue an identity card to an inspector within the relevant department and on receipt of the information detailed in regulation 5(1)(a),(b),(c),(d),(e),(f), (g), (h) and (i).

(2) The department of the designating authority must keep a detailed record of -

- (a) all persons in respect of whom an identity card is issued; and
- (b) all persons whose designation as an inspector have been withdrawn, suspended or lapsed and the reasons therefor.

#### 7. Format of section 31 H(1)(b) written notices

A written notice referred to in section 31H(1)(b) of the Act must correspond substantially with the form set out in Annexure 2.

#### 8. Section 31L compliance notices

(1) A compliance notice issued in terms of section 31L of the Act must correspond substantially with the form set out in Annexure 3.

(2) Before issuing a compliance notice in terms of section 31L of the Act, an inspector must give the person to whom the inspector intends to issue the compliance notice -

- (a) advance notice in writing of his or her intention to issue such compliance notice; and
  - (b) a reasonable opportunity to make representations in writing to the inspector why he or she should not issue the compliance notice as intended.
- (3) (a) If an inspector has reason to believe that giving written notice of the intention to issue a compliance notice in accordance with sub-regulation (2), will cause a delay resulting in significant and sudden harm to the environment, the inspector may issue a compliance notice without complying with sub-regulation (2).
- (b) A compliance notice issued in terms of paragraph (a) must include the inspector's reasons for not complying with sub-regulation (2).

#### 9. Transitional Arrangements

All inspectors who were issued with identity cards prior to the promulgation of these regulations, may continue to utilise their current identity cards, notwithstanding that they do not comply with the requirements set out in regulation 5, for a period of three years from the date of promulgation of these regulations, after which all inspectors' identity cards must comply with the requirements set out in regulation 5.

#### 10. Repeal

These regulations hereby repeal and replace the Regulations relating to qualification criteria, training and identification of, and forms to be used by, Environmental Management Inspectors published in GNR 494 dated 2 June 2006.

#### ANNEXURE 1

	Grade 5 Inspector	Grade 4 Inspector
Powers that maybe conferred in terms of section 31D (3)	Powers in terms of section 31H, section 31I(3), and section 31J of the Act.	<p>Powers in terms of</p> <ul style="list-style-type: none"> <li>- sections 31H, except for the powers under section 31H(1)(b), section 31H(1)(f)and section 31H(5)];</li> <li>- section 31K, except for powers under section 31K(5) and (6)</li> </ul>
Grade 3 Inspector	Grade 2 Inspector	Grade 1 Inspector
All the powers given to environmental management inspectors under the Act, except for the power under sections 31H (5) and 31L of the Act.	All the powers given to environmental management inspectors under the Act, except for the power under section 31L of the Act.	All the powers given to environmental management inspectors under the Act.

## ANNEXURE 2

NOTICE TO ANSWER QUESTIONS IN TERMS OF SECTION 31H (1) (ft) AS READ WITH SECTION 31H (2) AND (3) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998)

[Click here to see abovementioned image on page 10-11](#)

## ANNEXURE 3

COMPLIANCE NOTICE IN TERMS OF SECTION 31L OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (Act No. 107 OF 1998)

[Click here to see abovementioned image on page 12-15](#)

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