
REPUBLIC OF SOUTH AFRICA

**NATIONAL ENVIRONMENTAL
MANAGEMENT: INTEGRATED
COASTAL MANAGEMENT
AMENDMENT ACT**

IRIPHABLIKHI YOMZANTSI-AFRIKA

**UMTHETHO WOKWENZA
UTSHINTSHO KULAWULO
LOKUSINGQONGILEYO
LWESIZWE: UMTHETHO
WOLAWULO LONXWEME
OLUDIBENEYO**

No 36, 2014

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the National Environmental Management: Integrated Coastal Management Act, 2008, so as to amend certain definitions; to clarify coastal public property and the ownership of structures erected on and in coastal public property; to remove the power to exclude areas from coastal public property; to clarify and expand the provisions on reclamation; to clarify definitions and terminology; to simplify the administration of coastal access fee approvals; to simplify and amend powers relating to coastal authorisations; to replace coastal leases and concessions with coastal use permits; to extend the powers of MECs to issue coastal protection notices and coastal access notices; to limit the renewal of dumping permits; to simplify the composition and functions of the National Coastal Committee; to clarify the powers of delegation by MECs; to revise offences and increase penalties; to improve coastal authorisation processes; to provide for exemptions; to provide for transitional matters; to effect certain textual alterations; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 24 of 2008

1. Section 1 of the National Environmental Management: Integrated Coastal Management Act, 2008 (hereinafter referred to as the principal Act), is hereby amended— 5

(a) by the insertion before the definition of “admiralty reserve” of the following definition:

“**‘access fee’** means a fee that is charged to allow a person to enter coastal public property and includes launching from and entering a vessel launch site with a boat;” 10

INKCAZELO NGOKUBANZI:

[] Amagama abhalwe ngqindilili kwiibrakethi ezisisikweri abonisa okukhutshiweyo kumthetho okhoyo.

_____ Amagama akwelwe umgca ngaphantsi abonisa okufakelweyo kumthetho okhoyo.

UMTHETHO

Injongo kukwenza utshintsho kuMthetho Wolawulo Lokusingqongileyo Lwesizwe: UMthetho Wolawulo Lonxweme Oludibeneyo, ka-2008, ukuze kwenzekwe utshintsho ekuchazweni kwamagama athile; kukucacisa umhlaba kawonkewonke eselunxwemeni nobumnini bezakhiwo ezakhiwe kumhlaba kawonkewonke eselunxwemeni; kukohlutha igunya lokukhuphela ngaphandle imimandla ethile kumhlaba kawonkewonke eselunxwemeni; kukucacisa nokongeza oko kutshiwo ngumthetho ngokwenziwa kweendawo ezingumqwebedu zibe luncedo kwakhona; kukucacisa ukuchazwa kwamagama; kukwenza lula ukulawulwa kweemali zokungena kwimimandla eselunxwemeni; kukwenza lula nokwenza utshintsho kumagunya amayela nezigunyaziso kumhlaba eselunxwemeni; kukuphelisa ukuqeshwa kweendawo eziselunxwemeni nesivumelwano, kuze endaweni yazo kufakwe iimvume zokusebenzisa iindawo eziselunxwemeni; kukuwongeza amagunya omphathiswa wephondo okukhupha izihlokomiso zokukhuselwa konxweme nezihlokomiso zokufikelela kunxweme; kukubek' umda ekuhlaziyweni kweemvume zokulahl' inkunkuma; kukwenza lula ubume beKomiti Yonxweme Yelizwe nemisebenzi yayo; kukucacisa amagunya omphathiswa wephondo okuphathisa abanye; kukwenza utshintsho kwizenzo ezikukona nokwenza nkulu izohlwayo; kukwenza bhetele iinkqubo zokugunyazisa elunxwemeni; kukwenza ukuba kubekho ukukhululwa ekunkqanyangelweni; kukuxela okuza kwenzeka okwethutyana; kukwenza utshintsho oluthile kulo Mthetho; nokulungiselela imicimbi ehlobene noku.

KUWISW' UMTHETHO yiPalamente yeRiphabliki yoMzantsi-Afrika ngale ndlela ilandelayo:—

Kwenziwa utshintsho kwisiqendu 1 soMthetho 24 ka-2008

1. Kwenziwa utshintsho kwisiqendu 1 soMthetho Wolawulo Lokusingqongileyo Lwesizwe: UMthetho Wolawulo Lonxweme Oludibeneyo, ka-2008 (eza kubizwa emva koku ngokuthi nguMthetho ekwaqalwa ngawo)— 5

(a) ngokuthi engaphambi kokuchazwa kwagama elithi “indawo yomkhosi” kufakelwe ukuchazwa kwagama okulandelayo:

“‘umrhumo wokungena’ ngumrhumo ofunwayo ukuze umntu angene kwindawo kawonkewonke eselunxwemeni kwaye uquka kwindawo enesikhephe;”;

- (b) by the substitution for the definition of “adverse effect” of the following definition:
 “**‘adverse effect’** means any actual [or], potential or cumulative impact on the environment that impairs, or may impair, the environment or any aspect of it to an extent that is more than trivial or insignificant **[and, without limiting the term, includes any actual or potential impact on the environment that results in—**
 (a) **a detrimental effect on the health or well-being of a person;**
 (b) **an impairment of the ability of any person or community to provide for their health, safety or social and economic needs; or**
 (c) **a detrimental effect on the environment due to a significant impact or cumulative effect of that impact taken together with other impacts];”;**
- (c) by the deletion of the definition of “authorisation”;
- (d) by the substitution for the definition of “coastal activities” of the following definition:
 “**‘coastal activities’** means **[coastal]** activities listed or specified in terms of Chapter 5 of the National Environmental Management Act which take place—
 (a) in the coastal zone[:]; or
 (b) outside the coastal zone but have or are likely to have a direct impact on the coastal zone;”;
- (e) by the insertion after the definition of “coastal activities” of the following definition:
 “**‘coastal authorisation’** means an authorisation under this Act, and includes the authorisation to reclaim land in terms of sections 7B and 7C, a coastal waters discharge permit in terms of section 69, a general discharge authorisation in terms of section 69, a dumping permit in terms of section 71, a coastal use permit in terms of section 65 and any other authorisation under this Act, but excludes an environmental authorisation;”;
- (f) by the deletion of the definition of “coastal concession”;
- (g) by the deletion of the definition of “coastal lease”;
- (h) by the insertion after the definition of “coastal management” of the following definition:
 “**‘coastal management line’** means a line determined by an MEC in accordance with section 25 in order to demarcate an area within which development will be prohibited or controlled in order to achieve the objects of this Act or coastal management objectives;”;
- (i) by the substitution for the definition of “coastal planning scheme” of the following definition:
 “**‘coastal planning scheme’** means a scheme that—
 (a) reserves defined areas within the coastal zone to be used exclusively or mainly for a specified **[purposes]** purpose; and
 (b) prohibits or restricts any use of these areas in conflict with the terms of the scheme;”;
- (j) by the substitution for the definition of “coastal protection zone” of the following definition:
 “**‘coastal protection zone’** means the coastal protection zone contemplated in section **[17]** 16;”;
- (k) by the deletion of the definition of “coastal set-back line”;
- (l) by the substitution for the definition of “coastal waters” of the following definition:
 “**‘coastal waters’** means—

- (b) ngokuthi endaweni yokuchazwa kwegama elithi “isiphumo esingalunganga” kufakelwe ukuchazwa kwegama okulandelayo:
 “**‘isiphumo esingalunganga’** lithetha ukuchaphazeleka kwendalo esingqongileyo okwenzeka ngokwenene [okanye], okunokuthi kwenzeke okanye okukhulayo okuthi kwenzakalise okanye okunokuthi kwenzakalise indalo esingqongileyo okanye okuthile kwayo kangangokuba umonakalo uza kuba mkhulu [nokuthi, ngaphandle kokuzibophelela kulo mmiselo, oku kuquka nayiphi na into enokuchaphazela okusingqongileyo apho kuthi kubenemiphumela eyi le—
 (a) **iziphumo ezonakalisayo kwimpilo okanye kwintlalo yomntu;**
 (b) **ukuphazamiseka emandleni akhe nawuphi na umntu okanye abahlali ekuziboneleleni ngokwezidingo zabo ngempilo yabo, ekukhuselekeni okanye kwimfuno zentlalo noqoqosho; okanye**
 (c) **iziphumo ezonakalisayo kubume bokusingqongileyo ngenxa yempembelelo enobuzaza okanye iziphumo ezongezelelekileyo kwimpembelelo ehambelana kunye nezinye iimpembelelo];”;**
- (c) ngokuthi kucinywe ukuchazwa kwegama elithi “igunyaziso”;
- (d) ngokuthi endaweni yokuchazwa kwegama elithi “izinto ezinokwenziwa elunxwemeni” kufakelwe ukuchazwa kwegama okulandelayo:
 “**‘izinto ezinokwenziwa elunxwemeni’** lithetha izinto ezenziwa [elunxwemeni] ezidweliswe okanye ezixelwe kwiSahluko 5 soMthetho Wolawulo Lokusingqongileyo Lwesizwe ezenzeka—
 (a) kwimimandla yonxweme [;]; okanye
 (b) ngaphandle kommandla wonxweme, kodwa ewuchaphazelayo okanye ekunokwenzeka iwuchaphazele ngqo ummandla wonxweme;”;
- (e) ngokuthi emva kokuchazwa kwegama elithi “izinto ezinokwenziwa elunxwemeni” kufakelwe ukuchazwa kwegama okulandelayo:
 “**‘imvume yezonxweme’** lithetha ukugunyaziswa ngalou Mthetho, kwaye liquka isigunyaziso sokuwubanga kwakhona umhlaba ngokwesiqendu 7B no-7C, imvume yokuvulel’ inkunkuma kumanzi onxweme ngokwesiqendu 69, isigunyaziso sokuchith’ inkunkuma ngokwesiqendu 69, imvume ngokwesiqendu 71, imvume yokusebenzisa unxweme ngokwesiqendu 65, kwakunye nasiphi na esinye isigunyaziso esingokwalo Mthetho, kodwa isigunyaziso sendalo esingqongileyo asiqukwanga;”;
- (f) ngokuthi kucinywe ukuchazwa kwegama elithi “ukukhutshwa kwenxweme”;
- (g) ngokuthi kucinywe ukuchazwa kwegama elithi “uqeshiso lwenxweme”;
- (h) ngokuthi emva kokuchazwa kwegama elithi “ulawulo lwenxweme” kufakelwe ukuchazwa kwegama okulandelayo:
 “**‘ulawulo lwenxweme’** lithetha umda ogqitywe ngumphathiswa wephondo ngokwesiqendu 25 ukuze kucandwe ummandla ekuza kwalelwa kuwo uphuculo okanye lube phantsi kolawulo ukuze kufezeke iinjongo zalo Mthetho okanye iinjongo zokulawulwa kommandla wonxweme;”;
- (i) ngokuthi endaweni yokuchazwa kwegama elithi “indawo ekhuselweyo enxwemeni” kufakelwe ukuchazwa kwegama okulandelayo:
 “**‘indawo ekhuselweyo enxwemeni’** lithetha icebo—
 (a) **elilondoloza imimandla exeliweyo ngaphakathi kummandla wonxweme eza kusetyenziselwa ngokukhethekileyo okanye ngokuyintloko [iinjongo] injongo exeliweyo;**
 (b) **nelikwalelayo okanye elikunciphisayo ukusetyenziswa kwale mimandla ngendlela echasene nemiqathango yecebo;”;**
- (j) ngokuthi endaweni yokuchazwa kwegama elithi “ummandla wokukhuselwa konxweme” kufakelwe ukuchazwa kwegama okulandelayo:
 “**‘ummandla wokukhuselwa konxweme’** ngummandla wokukhuselwa konxweme oxelwe kwisiqendu [17] 16;”;
- (k) ngokuthi kucinywe ukuchazwa kwegama elithi “lomgca wokubuyela emva enxwemeni”;
- (l) ngokuthi endaweni yokuchazwa kwegama elithi “amanzi onxweme” kufakelwe ukuchazwa kwegama okulandelayo:
 “**‘amanzi onxweme’** lithetha—

- (a) **[marine waters that form part of]** the internal waters **[or]**, territorial waters, exclusive economic zone and continental shelf of the Republic referred to in sections 3 **[and]**, 4, 7 and 8 of the Maritime Zones Act, 1994 (Act No.15 of 1994), respectively; and
- (b) **[subject to section 26, any]** an estuary;”;
- (m) by the substitution for the definition of “coastal zone” of the following definition:
- “**‘coastal zone’** means the area comprising coastal public property, the coastal protection zone, coastal access land **[and]**, coastal protected areas, the seashore[,] and coastal waters **[and the exclusive economic zone]**, and includes any aspect of the environment on, in, under and above such area;”;
- (n) by the substitution for the definition of “estuary” of the following definition:
- “**‘estuary’** means a body of surface water—
- (a) **[that is part of a water course]** that is permanently or periodically open to the sea;
- (b) in which a rise and fall of the water level as a result of the tides is measurable at spring tides when the **[water course]** body of surface water is open to the sea; or
- (c) in respect of which the salinity is [measurably] higher than fresh water as a result of the influence of the sea, and where there is a salinity gradient between the tidal reach and the mouth of the body of surface water;”;
- (o) by the substitution for the definition of “general authorisation” of the following definition:
- “**‘general discharge authorisation’** means an authorisation under section 69(2);[{}];”;
- (p) by the insertion after the definition of “general authorisation” of the following definition:
- “**‘harbour’** means a harbour proclaimed in terms of any law and managed by an organ of state;”;
- (q) by the substitution for the definition of “high-water mark” of the following definition:
- “**‘high-water mark’** means the highest line reached by coastal waters, but excluding any line reached as a result of—
- (a) exceptional or abnormal **[floods or storms that occur no more than once in ten years]** weather or sea conditions; or
- (b) an estuary being closed to the sea;”;
- (r) by the substitution for the definition of “land development plan” of the following definition:
- “**‘land development plan’** means any plan that is **[prepared or]** approved in terms of legislation regulating land development and that indicates the desirable uses for areas of land but does not create legal rights to use land;”;
- (s) by the insertion after the definition of “Land Survey Act” of the following definition:
- “**‘land unit’** means a cadastral entity which is capable of registration in the deeds registry in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937);”;
- (t) by the substitution for the definition of “Minister” of the following definition:
- “**‘Minister’** means the Minister **[of Environmental Affairs and Tourism]** responsible for environmental affairs;”;

- (a) [**udini lwamanzi ayinxalenye**] amanzi angaphakathi [**okanye**], amanzi ommandla ummandla wokuhlumis' uqoqosho owodwa neshelufa yelizwekazi yeRiphabliki ekuthethwe ngawo kwisiqendu 3 [**kunye**], 4, 7 nese-8 se*Maritime Zones Act* 15 ka-1994; likwathetha; kunye 5
- (b) [**ngokulawulwa sisiqendu 26, naliphi na**] likwathetha ichweba;";
- (m) ngokuthi endaweni yokuchazwa kwegama elithi "ummandla wonxweme" kufakelwe ukuchazwa kwegama okulandelayo:
 " **ummandla wonxweme** ngummandla ongumhlaba kawonkewonke oselunxwemeni, ummandla wokukhuselwa oselunxwemeni, umhlaba wokufikelela elunxwemeni [**kunye**], imimandla ekhuselweyo eselunxwemeni, unxweme lolwandle[,] namanzi onxweme [nommandla owodwa wonxweme], kunye uquka nayiphi na inxalenye yendalo esingqongileyo ekuloo mmandla okanye engentla kwawo okanye ngaphantsi kwawo;"; 10 15
- (n) ngokuthi endaweni yokuchazwa kwegama elithi "ichweba" kufakelwe ukuchazwa kwegama okulandelayo:
 " **ichweba** ngamanzi athe thabalala angaphezulu—
 (a) [**ayinxalenye yomendo wamanzi**] asoloko ephambi kolwandle okanye aphambi kolwandle ngamaxesh' athile; 20
 (b) ekuthi kuwo ukuphakama nokuhla komthamo wamanzi ngenxa yamaza kube nako ukulinganiswa entwasahlobo xa [**umendo wamanzi**] amanzi athe thabalala angaphezulu ephambi kolwandle; okanye
 (c) ekuthe ubumtyuba bawo [**ngokunokulinganiswa**] bube ngaphezu kwamanzi amatsha ngenxa yempembelelo yamanzi, nalapho kukho ubumtyuba phakathi kweendawo ekufika kuyo amaza nalapho angena khona elwandle amanzi athe thabalala angaphezulu;"; 25
- (o) ngokuthi endaweni yokuchazwa kwegama elithi "ugunyaziso jikelele" kufakelwe ukuchazwa kwegama okulandelayo: 30
 " **ugunyaziso oluwakhupha jikelele** lithetha ukugunyazwa ngokwesiqendu 69(2);[{}];
- (p) ngokuthi emva kokuchazwa kwegama elithi "ugunyaziso jikelele" kufakelwe ukuchazwa kwegama okulandelayo: 35
 " **izibuko** lithetha izibuko elivakaliswe ngokwawo nawuphi na umthetho kwaye libe liphethwe licandelo likarhulumente;";
- (q) ngokuthi endaweni yokuchazwa kwegama elithi "umda wobuyiselo-mva lonxweme" kufakelwe ukuchazwa kwegama okulandelayo: 40
 " **umda wobuyiselo-mva lonxweme** lithetha elona qondo liphakamileyo elifikelelwa ngamanzi onxweme, kodwa alibhekiseli kwiqondo ekufikelelwe kulo ngenxa—
 (a) kwezingaqhelekanga [**izikhukula ezenzeka kungagqithi kwisihlandlo esinye kwezilishumi**] iimeko zemozulu okanye zaselwandle; okanye
 (b) yokuvalwa kwechweba, amanzi alo angangeni elwandle;"; 45
- (r) ngokuthi endaweni yokuchazwa kwegama elithi "isicwangciso sophuhliso lomhlaba" kufakelwe ukuchazwa kwegama okulandelayo: 50
 " **isicwangciso sophuhliso lomhlaba** lithetha nasiphi na isicwangciso esivunywe ngokomthetho wepalamente olawula ukuphuculwa komhlaba nesibonisa ukusetyenziswa okunqwenelekayo kwemimandla yomhlaba kodwa libe lingadali malungelo angokomthetho okuwusebenzisa umhlaba;";
- (s) ngokuthi emva kokuchazwa kwegama elithi "*Land Survey Act*" kufakelwe ukuchazwa kwegama okulandelayo: 55
 " **isiqwenga somhlaba** lithetha isiqwengana esinako ukubhaliswa kwiofisi yokubhaliswa kwemihlaba ngokwe*Deeds Registries Act* 47 ka-1937;";
- (t) ngokuthi endaweni yokuchazwa kwegama elithi "uMphathiswa" kufakelwe ukuchazwa kwegama okulandelayo: 60
 " **uMphathiswa** lithetha uMphathiswa [**weMicimbi yokusi-Ngqongileyo noKhenketho**] ophathiswe imicimbi yendalo esingqongileyo;";

- (u) by the insertion after the definition of “pollution” of the following definition:
 “**‘port’** means a port as defined in the National Ports Act, 2005 (Act No. 12 of 2005);”
- (v) by the insertion after the definition of “provincial lead agency” of the following definition: 5
 “**‘reclamation’** means the process of artificially creating new land within coastal waters, and includes the creation of an island or peninsula, but excludes beach replenishment by sand pumping for maintenance purposes;”
- (w) by the substitution for the definition of “sea” of the following definition: 10
 “**‘sea’** means [**all marine waters, including**]—
 (a) the high seas;
[(b) all marine waters under the jurisdiction of any state; and
(c) the bed, subsoil and substrata beneath those waters, but does not include estuaries;] 15
 (b) all coastal waters; and
 (c) land regularly or permanently submerged by sea water, including—
 (i) the bed, subsoil and substrata beneath those waters; and
 (ii) land flooded by sea water which subsequently becomes part of the bed of coastal waters, including the substrata beneath such land;” and 20
- (x) by the deletion of the word “and” after the definition of “Waste Assessment Guidelines”.

Amendment of section 2 of Act 24 of 2008

2. Section 2 of the principal Act is hereby amended— 25
 (a) by the deletion of the word “and” at the end of paragraph (d); and
 (b) by the insertion of the following paragraph after paragraph (d):
 “(dA) to provide for the establishment, use and management of the coastal protection zone; and”.

Amendment of section 4 of Act 24 of 2008 30

3. Section 4 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (a) of the following paragraph:
 “(a) its [**internal waters, territorial waters, exclusive economic zone and continental shelf as described in the Maritime Zones Act, 1994 (Act No. 15 of 1994)**] coastal waters; and” . 35

Amendment of section 6 of Act 24 of 2008

4. Section 6 of the principal Act is hereby amended—
 (a) by the substitution for the section heading of the following heading:
 “**[Conflicts] Interpretation and conflicts with other legislation**”; and
 (b) by the addition of the following subsection: 40
 “(4) Section 7(2) of this Act shall not affect—
 (a) the ownership of an immovable structure, part of an immovable structure, or port or harbour installation or infrastructure; or
 (b) the control, use and management of the sea space, including turning basins and channels, within a port or harbour, 45
 existing prior to the commencement of this Act.” .

- (u) ngokuthi emva kokuchazwa kwegama elithi “ukungcoliseka” kufakelwe ukuchazwa kwegama okulandelayo:
 “**‘izibuko lokungena’** izibuko ngendlela elichazwe ngayo kwi *National Ports Act 12 ka-2005*.”
- (v) ngokuthi emva kokuchazwa kwegama elithi “iarhente okhokelayo yephondo” kufakelwe ukuchazwa kwegama okulandelayo:
 “**‘ukutshiswa elwandle’** lithetha ukudalwa komhlaba omtsha ngeendlela ezinguzenzele, udalwa ngaphakathi kumanzi onxweme, kwaye liquka ukudalwa kwesiqithi okanye kosingasiqithi, kodwa alithethi ukuvuselelwa kwebhitshi ngokumpontshwa kwentlabathi ngenjongo yokugcinwa kwemeko isemgangathweni.”;
- (w) ngokuthi endaweni yokuchazwa kwegama elithi “ulwandle” kufakelwe ukuchazwa kwegama okulandelayo:
 “**‘ulwandle’** lithetha [**onke amanzi aselwandle, kuquka**]—
 (a) amaza olwandle aphakamileyo; 15
 [(b) **onke amanzi olwandle aphantsi kolawulo lwaso nasiphi na isizwe; kunye**
 (c) **nentsele yolwandle, umhlaba wangaphantsi kunye nomgangatho ophantsi komnye ngaphantsi kwalo manzi, kodwa oko akuwaquki amachweba;**] 20
 (b) onke amanzi onxweme; kunye
 (c) nomhlaba oman’ ukuntywila emanzini olwandle okanye ontywilwe ngokusisigxina, kuquka—
 (i) umhlaba ongaphezulu, umhlaba ongaphantsi, nomgangatho womhlaba ongaphantsi kwaloo manzi; kunye 25
 (ii) nomhlaba othe gwantya emanzini olwandle othi kamva ube yinxalenye yamanzi athe thantalala onxweme, kuquka nomhlaba ongaphantsi kwaloo mhlaba.”; kunye
- (x) kucinywe igama elithi “kunye” emva kokuchazwa kwegama elithi “iziKhokelo zoVavanyo lokuNgcola”. 30

Kwenziwa utshintsho kwisiqendu 2 soMthetho 24 ka-2008

2. Kwenziwa utshintsho kwisiqendu 2 soMthetho ekwaqalwa ngawo—
 (a) ngokuthi kucinywe igama elithi “kunye” ekupheleni kwisiqendu (d); kunye
 (b) kufakelwe isiqendu esilandelayo emva kwisiqendu (d):
 “(dA) ukwenzela ukusekwa nokusetyenziswa, nokulawulwa kommandla wokukhuselwa konxweme; kunye”. 35

Kwenziwa utshintsho kwisiqendu 4 soMthetho 24 ka-2008

3. Kwenziwa utshintsho kwisiqendu 4 soMthetho ekwaqalwa ngawo ngokuthi isiqendu (a) kwisiqendwana (1) sithatyathelw’ indawo sisiqendu esilandelayo:
 “(a) [**amanzi ayo angaphakathi, amanzi elizwe, awommandla wendawo yezoqoqosho ekhethekileyo, nethala lesizwe ngokubanzi njengokuba kucha-ziwe kuMthetho weMimandla yoLwandle, ka-1994 (uMthetho onguNom. 15 ka-1994),]** amanzi ayo onxweme; kunye”. 40

Kwenziwa utshintsho kwisiqendu 6 soMthetho 24 ka-2008

4. Kwenziwa utshintsho kwisiqendu 6 soMthetho ekwaqalwa ngawo— 45
 (a) ngokuthi umxholwana wesiqendu uthatyathelw’ indawo ngumxholwana olandelayo:
 “**[Ukukhabana] Ukuchazwa kwentsingiselo nokungqubana kwawo neminye imithetho**”; kunye
 (b) kongezwe isiqendwana esilandelayo: 50
 “(4) Isiqendu 7(2) salo Mthetho asiyi kuchaphazela—
 (a) ubunini bempahla engenakufuduswa, inxalenye yenpahla engena-kufuduswa, okanye ukwakhiwa kwezibuko okanye iimfuneko-ngqangi; kunye
 (b) ukulawulwa kommandla wolwandle, nokusetyenziswa kwawo, kuquka namachweba ngaphakathi kwizibuko, awayekho ngaphambi kokuqalisa kwalo Mthetho ukusebenza.”. 55

Amendment of section 7 of Act 24 of 2008

5. Section 7 of the principal Act is hereby substituted for the following section:

“Composition of coastal public property

7. (1) Coastal public property consists of—
- (a) coastal waters; 5
 - (b) land submerged by coastal waters, including—
 - (i) land flooded by coastal waters which subsequently becomes part of the bed of coastal waters; and
 - (ii) the substrata beneath such land;
 - (c) any natural island within coastal waters; 10
 - (d) the seashore, including—
 - (i) the seashore of a natural or reclaimed island; and
 - (ii) the seashore of reclaimed land;
 - (e) subject to section 66A, any admiralty reserve owned by the State;
 - (f) any land owned or controlled by the State declared under section 8 to be coastal public property; 15
 - (g) land reclaimed in terms of section 7C; or
 - (h) any natural resources on or in any coastal public property of a category mentioned in paragraphs (a) to (g).
- (2) Notwithstanding the provisions of subsection (1), coastal public property does not include— 20
- (a) any—
 - (i) immovable structure, or part of an immovable structure; or
 - (ii) installation or infrastructure located in a port or harbour, whether located on land or the seabed, lawfully constructed by an organ of state. 25
 - (b) any portion of the seashore below the high-water mark, which was lawfully alienated before the Sea-shore Act, 1935 (Act No. 21 of 1935), took effect, or which was lawfully alienated in terms of that Act, and which has not subsequently been re-incorporated into the seashore; 30
 - (c) any part of an island that was lawfully alienated before this Act commenced; or
 - (d) any portion of a coastal cliff that—
 - (i) was lawfully alienated before this Act took effect; and 35
 - (ii) is not owned by the State.”.

Insertion of sections 7A, 7B and 7C in Act 24 of 2008

6. The principal Act is hereby amended by the insertion after section 7 of the following sections:

“Purpose of coastal public property 40

- 7A. (1) Coastal public property is established for the following purposes:
- (a) To improve public access to the seashore;
 - (b) to protect sensitive coastal ecosystems;
 - (c) to secure the natural functioning of dynamic coastal processes;
 - (d) to protect people, property and economic activities from risks arising from dynamic coastal processes, including the risk of sea-level rise; or 45
 - (e) to facilitate the achievement of any of the objects of this Act.”.

Kwenziwa utshintsho kwisiqendu 7 soMthetho 24 ka-2008

5. Endaweni yesiqendu 7 soMthetho ekwaqalwa ngawo kufakelwa isiqendu esilandelayo:

“Ukwakheka kommandla wonxweme kawonkewonke

7. (1) Umhlaba kawonkewonke oselunxwemeni—	5
(a) ngamanzi aselunxwemeni;	
(b) ngumhlaba ontywile kumanzi aselunxwemeni, kuquka—	
(i) umhlaba othiwe gwantya ngamanzi aselunxwemeni othi kamva ube yinxanye yamanzi aselunxwemeni; kunye	
(ii) nomhlaba ongaphantsi kwaloo mhlaba;	10
(c) nasiphi na isiqithi esibekho ngendalo ngaphantsi kwamanzi onxweme;	
(d) unxweme, kuquka—	
(i) unxweme lwesiqithi esiyindalo okanye esinguzenzele;	
(ii) nonxweme lomhlaba onguzenzele; kunye	
(e) ngokulawulwa sisiqendwana 66A, nawuphi na umhlaba oliphandle ongokarhulumente;	15
(f) nawuphi na umhlaba ongokarhulumente okanye olawulwa ngurhulumente ovakaliswe ngokwesiqendu 8 ungumhlaba kawonkewonke oselunxwemeni;	
(g) umhla othe wabangwa ngokwesiqendu 7C; okanye	20
(h) nabuphi na ubuncwane bendalo obukumhlaba kawonkewonke oselunxwemeni okudidi olukhankanywe kwisiqendu (a) ukuya ku-(g);	
(2) Kungakhathaliseki ukuba sithini isiqendwana (1), umhlaba kawonkewonke oselunxwemeni awuquki—	
(a) nasiphi na—	25
(i) isakhiwo esingenakufuduswa, okanye inxalenye yesakhiwo esingenakufuduswa; okanye	
(ii) okugxunyekwe ezibukweni okanye iimfuneko-ngqangi ezisezibukweni,	
enoba zisemhlabeni okanye ziselwandle, ezakhiwe ngokusemthethweni licandelo likarhulumente.	30
(b) nayiphi na inxalenye yonxweme olungaphantsi kokuphakama kwamanzi olwandle, olwathi lwahlulwa ngokusemthethweni ngaphambi kokuqalisa kwe <i>Sea-shore Act</i> 21 ka-1935, okanye olwathi lwahlulwa ngokusemthethweni ngokwalo Mthetho, olungathanga emva koko lwahlanganiswa nonxweme kwakhona;	35
(c) nayiphi na inxalenye yesiqithi eyathi yahlulwa ngokusemthethweni ngaphambi kokuqalisa kwalo Mthetho ukusebenza; okanye	
(d) nayiphi na inxalenye yelitye elikhulu eliselunxwemeni—	
(i) elathi lahlulwa ngaphambi kokuqalisa kwalo Mthetho ukusebenza; kunye	40
(ii) elingelilo elikarhulumente.”.	

Kufakelwa isiqendu 7A no-7B no-7C kuMthetho 24 ka-2008

6. Kwenziwa utshintsho kuMthetho ekwaqalwa ngawo ngokuthi emva kwesiqendu 7 kufakelwe iziqendu ezilandelayo:

“Injongo yomhlaba kawonkewonke oselunxwemeni

7A. (1) Umhlaba kawonkewonke oselunxwemeni ukho ngezi njongo zilandelayo:	
(a) ukuphucula ukufikelela kwabantu elunxwemeni;	
(b) ukukhusela indalo yonxweme e-ethe-ethe;	50
(c) ukwenzela ukuba zihlale zisebenza ngokwendalo iinkqubo zaselunxwemeni eziguquguqakayo;	
(d) ukukhusela abantu, impahla nemisebenzi yoqoqosho kwiingozi ezinobangelwa ziinkqubo zaselunxwemeni eziguquguqakayo, kuquka nengozi yokuphakama kwamaza olwandle; okanye	55
(e) ukwenza ziphumelele iinjongo zalo Mthetho.”.	

Reclamation of land for state infrastructure

7B. (1) No organ of state may reclaim land for the development of state infrastructure unless authorised by the Minister.

(2) The Minister may, on application, approve reclamation in terms of this section.

(3) An application for reclamation must be—

(a) accompanied by—

(i) a detailed plan of how the land will be developed and utilised for the benefit of the State;

(ii) an assessment of whether there is any alternative land available and why such land cannot be used;

(iii) an explanation of the purpose for which the land is to be reclaimed;

(iv) detailed information on how development will be funded; and

(v) any other relevant information;

(b) submitted to the Minister for pre-approval prior to any application for an environmental authorisation in terms of Chapter 5 of the National Environmental Management Act; and

(c) published by notice in the *Gazette* for public comment by the Minister for a period of no less than 60 days.

(4) If an environmental authorisation is refused, a pre-approval in terms of subsection (3)(b) becomes invalid.

(5) If an environmental authorisation is granted, the applicant must resubmit to the Minister the application, the environmental authorisation and other documents related to the reclamation for a final decision.

(6) A final decision made by the Minister in terms of subsection (5) must be tabled in Parliament within 60 days of the decision.

(7) Any land reclaimed for the development of state infrastructure vests in the organ of state applying for such reclamation.

(8) Unless authorised by the Minister, land reclaimed in terms of subsection (2) may not be utilised other than in accordance with the purpose stated in the original application and conditions of the authorisation.

(9) The Minister may, when approving a reclamation application, make the approval subject to any conditions or title deed restrictions.

(10) Before making a decision in terms of this section, the Minister must consult with any organ of state that may be affected by such decision.

Reclamation of land for purposes other than state infrastructure

7C. (1) An application for reclamation for purposes other than the development of state infrastructure as contemplated in section 7B will only be considered in exceptional circumstances which are not contrary to the purpose of coastal public property as set out in section 7A.

(2) An application for reclamation in terms of this section must be accompanied by—

(a) details of how the land will be developed and its use;

(b) an assessment of whether there is any alternative land available and why such land cannot be used;

Ukulungiswa komhlaba ulungiselwa iimfuneko-ngqangi zikarhulumente

- 7B.** (1) Akukho candelo likarhulumente livumelekileyo ukuba lilungise umhlaba liwulungisela ukuphuculwa kweemfuneko-ngqangi zikarhulumente ngaphandle kokuba ugunyazwe nguMphathiswa. 5
- (2) Kusakwenziwa isicelo, uMphathiswa unokuthi akuvume ukulungiswa komhlaba ngokwesi siqendu.
- (3) Isicelo sokulungiswa komhlaba—
- (a) masiphelekwe—
- (i) sisicwangciso esichaza ngokubanzi indlela umhlaba oza kuphuculwa ngayo nendlela oza kusetyenziswa ukuze kulungelwe urhulumente; 10
- (ii) luphononongo lokuba awukho kusini na omnye umhlaba ongomnye ofumanekayo, nokuthi kungani lopo mhlaba ungenakusetyenziswa; 15
- (iii) ingcaciso yenjongo oza kusetyenziselwa yona umhlaba lowo;
- (iv) inkcazelo enabileyo yokuba iza kuvelaphi imali yokuphucula; kunye
- (v) nayiphi na enye ingcombolo efanelekileyo;
- (b) masingeniswe kuMphathiswa ukuze asivume ngaphambi kokuba kwenziwe isicelo sesigunyaziso sendalo esingqingileyo ngokwe-Sahluko 5 soMthetho Wolawulo Lokusingqongileyo Lwesizwe; kunye 20
- (c) masipapashwe nguMphathiswa ku*Shicilelo-Mithetho* ixesha elingekho ngaphantsi kweentsuku ezingama-60 ukuze abantu bavakalise izimvo. 25
- (4) Ukuba kwaliwe nesigunyaziso sendalo esingqongileyo, ukwamkelwa kwayo kwangaphambili ngokwesiqendwana (3)(b) kuba kokuphuthileyo.
- (5) Ukuba isigunyaziso sendalo esingqongileyo sivunyiwe, umenzi-sicelo makaphinde asingenise isicelo kuMphathiswa, kunye nesigunyaziso sendalo esingqongileyo, namanye amaxwebhu aphaathelele ekulungisweni komhlaba ukuze kwenziwe isigqibo sokugqibela. 30
- (6) Isigqibo sokugqibela esenziwe nguMphathiswa ngokwesiqendwana (5) masithiwe thaca ePalamente zingaphelanga iintsuku ezingama-60 sithathiwe eso sigqibo. 35
- (7) Umhlaba olungisiweyo ngenjongo yokuba ube neemfuneko-ngqango zikarhulumente ungowecandelo likarhulumente elenza isicelo sokulungiswa komhlaba.
- (8) Ngaphandle kokuba ugunyazwe nguMphathiswa, umhlaba olungiswe ngokwesiqendwana (2) awunakusetyenziswa ngaphandle kokuba usetyenziselwa injongo exelwe kwisicelo santlandlolo nakwimiqathango yesigunyaziso. 40
- (9) UMphathiswa unokuthi xa esivuma isicelo sokulungiswa komhlaba akwenze ukusivuma kwakhe kube nemiqathango.
- (10) Ngaphambi kokuba enze isigqibo ngokwesi siqendu, uMphathiswa makabonise necandelo likarhulumente elinokuthi lichatshazelwe seso sigqibo. 45

Ukulungiswa komhlaba ulungiselwa injongo engeyiyo eyeemfuneko-ngqangi zikarhulumente

- 7C.** (1) Isicelo sokulungiswa komhlaba esisesenjongo engekuko ukuphuculwa kweemfuneko-ngqangi zikarhulumente njengoko kwisiqendu 7B siya kuqwalaselwa kuphela kwiimeko ezingaqhelekanga ezingangqubaniyo nenjongo yomhlaba kawonkewonke oselunxwemeni njengoko kuxelwe kwisiqendu 7A. 50
- (2) Isicelo sokulungiswa komhlaba ngokwesi siqendu masiphelekwe—
- (a) yinkcazelo ephangaleleyo yendlela oza kuphuculwa usetyenziswe ngayo umhlaba; 55
- (b) luphononongo lokuba ukho kusini na umhlaba ongomnye nokuthi kungani ungenakusetyenziswa loo mhlaba;

- (c) information on whether the land and structures will be accessible to the public;
- (d) information on whether the development is in the interests of the whole community;
- (e) detailed information on how the development will be funded; and
- (f) any other relevant information. 5
- (3) An application for reclamation must be submitted to the Minister for pre-approval prior to any application for an environmental authorisation in terms of Chapter 5 of the National Environmental Management Act.
- (4) The Minister must— 10
- (a) follow the consultation process in section 53 prior to pre-approving an application for reclamation; and
- (b) submit a pre-approval for reclamation to Parliament for ratification.
- (5) In the event that— 15
- (a) Parliament fails to ratify the pre-approval, the Minister’s pre-approval as envisaged in subsection (3) becomes invalid; or
- (b) the environmental authorisation is refused, a pre-approval in terms of subsection (3) and a ratification in terms of subsection (4)(b) becomes invalid.
- (6) In the event that Parliament ratifies the pre-approval, application may be made for an environmental authorisation in terms of Chapter 5 of the National Environmental Management Act. 20
- (7) If an environmental authorisation is granted, the applicant must resubmit to the Minister the application, the environmental authorisation, the ratified pre-approval and other documents related to the reclamation for a final decision. 25
- (8) A final decision made by the Minister in terms of subsection (7) must be tabled in Parliament within 60 days of the decision.
- (9) Land reclaimed in terms of this section— 30
- (a) may not be sold under any circumstances;
- (b) must be subject to a lease as prescribed by the Minister; and
- (c) may not be subleased without the written authorisation of the Minister.
- (10) Unless authorised by the Minister, land reclaimed in terms of this section may not be utilised other than in accordance with the purpose stated in the original application and conditions of the authorisation. 35
- (11) The Minister may, when approving a reclamation application, make the approval subject to any conditions.”

Amendment of section 8 of Act 24 of 2008

7. Section 8 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: 40

- “(1) The Minister may, by notice in the *Gazette*, declare in the manner contemplated in subsection (2) any state-owned land as coastal public property **in order—** 45
- (a) **to improve public access to the seashore;**
- (b) **to protect sensitive coastal ecosystems;**
- (c) **to secure the natural functioning of dynamic coastal processes;**
- (d) **to facilitate the achievement of any of the objects of this Act; or**
- (e) **to protect people, property and economic activities from risks arising from dynamic coastal processes, including the risk of sea-level rise] for the 50**
purposes set out in section 7A.”

- (c) yinkcazelo yokuba uluntu luza kuba nako na ukufikelela kuloo mhlaba nakwizakhiwo ezikuwo;
- (d) yinkcazelo yokuba uphuculo olo luza kuba luncedo kuluntu luphela kusini na;
- (e) yinkcazelo enabileyo yokuba luza kuxhaswa njani ngemali uphuculo; kunye 5
- (f) nayo nayiphi na enye inkcazelo efanelekileyo.
- (3) Isicelo sokulungiswa komhlaba masingeniswe kuMphathiswa ukuze sivunywe ngaphambi kwesicelo sokugunyaziselwa indalo esingqongileyo ngokweSahluko 5 soMthetho Wolawulo Lokusingqongileyo Lwesizwe. 10
- (4) UMphathiswa—
- (a) makalandele inkqubo yokubonisana ekwisiqendu 53 ngaphambi kokuba asivume isicelo sokulungiswa komhlaba;
- (b) angenise ukuvunywa kwesicelo sokulungiswa komhlaba ePalamente ukuze samkelwe yiyo. 15
- (5) Xa—
- (a) iPalamente ingavumelananga nokuvunywa kokuqala kwesicelo, ukuvunywa kokuqala nguMphathiswa ekuthethwe ngako kwisiqendwana (3) kuba kokuphuthileyo; okanye
- (b) isigunyaziso sendalo esingqongileyo saliwe, ukuvunywa kokuqala kwesicelo ngokwesiqendwana (3) nokwamkelwa kwako ngokwesiqendwana (4)(b) kuba kokuphuthileyo. 20
- (6) Xa ithe iPalamente yavumelana nokuvunywa kokuqala, kunokuthi kwenziwe isicelo sokulungiswa komhlaba sesigunyaziso sendalo esingqongileyo ngokweSahluko 5 soMthetho Wolawulo Lokusingqongileyo Lwesizwe. 25
- (7) Xa isigunyaziso sendalo esingqongileyo sikhutshiwe, umenzi-sicelo makaphinde asingenise isicelo kuMphathiswa, nesigunyaziso sendalo esingqongileyo, nokuvunywa kwakuqalwa okuye kwamkelwa namanye amaxwebhu apha thelele ekulungisweni komhlaba ukuze kwenziwe isigqibo sokugqibela. 30
- (8) Isigqibo sokugqibela esenziwa nguMphathiswa ngokwesiqendwana (7) masithiwe thaca ePalamente zingaphelanga iintsuku ezingama-60 senziwe isigqibo. 35
- (9) Umhlaba olungisiweyo ngokwesiqendu—
- (a) awuvumelekanga ukuba uthengiswe nakuyiphi na imeko;
- (b) mawube nako ukuba kuqeshiwe ngawo ngendlela emiselwe nguMphathiswa; kwaye
- (c) akuvumelekanga ukuba uphinde uqeshiselwe omnye umntu ngaphandle kwesigunyaziso esibhaliweyo esivela kuMphathiswa. 40
- (10) Ngaphandle kokuba kugunyaze uMphathiswa, umhlaba olungisiweyo ngokwesiqendu awuvumelekanga ukuba usetyenziselwe enye injongo exelwe kwisicelo santlandlolo nangemiqathango yesigunyaziso.
- (11) UMphathiswa unokuthi xa esivuma isicelo sokulungiswa komhlaba akwenze ukusivuma kwakhe kuhambisane nemiqathango.”. 45

Kwenziwa utshintsho kwisiqendu 8 soMthetho 24 ka-2008

7. Kwenziwa utshintsho kwisiqendu 8 soMthetho ekwaqalwa ngawo ngokuthi endaweni yesiqendwana (1) kufakekwe isiqendu esilandelayo:

- “(1) UMphathiswa unokuthi, ngokukhuph’ isihlokomiso kuShicilelo-Mithetho, avakalise ngendlela exelwe kwisiqendwana (2) nawuphi na umhlaba ongokarhulumente, ewuvakalisa njengomhlaba kawonkewonke oselunxwemeni [ukuze—
- (a) kuphuculwe ukufikelela koluntu kunxweme;
- (b) kukhuselwe ummandla obuthathaka wonxweme;
- (c) kukhuselwe ukusebenza kweenkqubo zendalo yonxweme; 55
- (d) kwenziwe lula impumezo yazo naziphi na iinjongo zalo Mthetho; okanye
- (e) kukhuselwe abantu, impahla nemisebenzi yezoqoqosho kwimingcipheko evela kwiinkqubo eziguququkayo zonxweme, kubandakanywa umngcipheko wokunyuka komgangatho wolwandle] ngokwenjongo yesiqendu 7A.”. 60

Repeal of section 10 of Act 24 of 2008

8. Section 10 of the principal Act is hereby repealed.

Amendment of section 13 of Act 24 of 2008

9. Section 13 of the principal Act is hereby amended—

- (a) by the insertion after subsection (1) of the following subsection: 5
 “(1A) Subject to subsections (2) and (3), no person may prevent access to coastal public property.”;
- (b) by the substitution for subsection (3) of the following subsection: 10
 “(3) (a) No access fee may be charged for access to coastal public property without the approval of the Minister. 10
 (b) The Minister may by notice in the *Gazette* publish maximum fees for access to coastal public property or infrastructure located therein, payable by persons in general or a category of persons.
 (c) Any person or organ of state may apply to the Minister to charge a fee in excess of the maximum published in terms of paragraph (b). 15
 (d) The provisions of paragraph (a) shall not apply to fees for the use of facilities or activities which are located on or in coastal public property.”; and
- (c) by the substitution for subsection (5) of the following subsection: 20
 “(5) Subsections (3) and (4) do not apply to coastal public property— 20
 (a) [that has been leased] for which a coastal use permit has been issued in terms of section 65; or
 (b) that is, or forms part of, a protected area, or [the sea that forms part of] a port or harbour [or proclaimed fishing harbour].”.

Amendment of section 14 of Act 24 of 2008

25

10. Section 14 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection: 30
 “(1) **[If land has a curvilinear boundary extending to, or a stated distance from, the high-water mark that curvilinear boundary may be substituted by a boundary of another character by following the procedure prescribed by section 34 of the Land Survey Act, provided that in addition to the requirements of that section the written agreement referred to in that section must be signed by—** 30
 (a) **the Minister; and**
 (b) **the holder of real rights in the land or in land contiguous to it whose rights would be adversely affected by the replacement of the curvilinear boundary.]** 35
No person may replace the high-water mark curvilinear boundary with a straight line boundary in terms of section 34 of the Land Survey Act.”; 40
- (b) by the deletion of subsections (2), (3) and (4); 40
- (c) by the substitution in subsection (5) for the words preceding paragraph (a) of the following words: 45
 “If the high-water mark is landward of a straight line boundary of a coastal land unit when this Act took effect, or the high-water mark moves [inland] landward of [the] a straight line boundary [line] of a coastal land unit due to the erosion of the coast, sea-level rise or other causes, [and remains inland of that boundary line for a period of three years,] the owner of that coastal land unit—”; and 45
- (d) by the substitution in subsection (5) for paragraph (a) of the following paragraph: 50

Kutshitshiswa isiqendu 10 soMthetho 24 ka-2008

8. Isiqendu 10 soMthetho ekwaqalwa ngawo siyatshitshiswa.

Kwenziwa utshintsho kwisiqendu 13 soMthetho 24 ka-2008

9. Kwenziwa utshintsho kwisiqendu 13 soMthetho ekwaqalwa ngawo—
- (a) ngokuthi emva kwesiqendwana (1) kufakelwe isiqendwana esilandelayo: 5
 “(1A) Ngokulawulwa sisiqendwana (2) nese(3), akukho mntu uvumelekileyo ukuba athintele abanye ukungena kumhlaba kawonkewonkwe oselunxwemeni.”;
- (b) ngokuthi endaweni yesiqendwana (3) kufakwe isiqendu esilandelayo: 10
 “(3) (a) Akuvumelekanga ukubiza imali ngokungena kumhlaba kawonkewonke oselunxwemeni ngaphandle kwemvume yoMphathiswa.
 (b) UMphathiswa unokuthi ngokukhuph’ isihlokomiso kuShicilelo-Mithetho apapashe imirhumo yokungena kumhlaba kawonkewonke oselunxwemeni ekungenakuhlululwa kudlulwe kuyo loo mirhumo, mirhumo leyo emayihlawulwe ngabantu bonke okanye ludidi oluthile lwabantu. 15
 (c) Nawuphi na umntu okanye icandelo likarhulumente angenz’ isicelo kuMphathiswa sokubiza umrhumo ongaphaya komrhumo vumelekileyo opapashwe ngokwesiqendu (b).
 (d) Okutshiwo sisiqendu (a) akusebenzi kwimirhumo yokusebenzisa iindawo ezikumhlaba kawonkewonke oselunxwemeni.”; kunye 20
- (c) ngokuthi endaweni yesiqendwana (5) kufakelwe isiqendwana esilandelayo: 25
 “(5) Isiqendwana (3) nese-(4) azisebenzi kumhlaba kawonkewonke oselunxwemeni—
 (a) **[oqeshisileyo]** okhutshelwe imvume yokuwusebenzisa ngokwesiqendu 65; okanye
 (b) ongummandla okhuselweyo okanye oyinxalenye yommandla okhuselweyo, okanye **[ulwandle oluyinxalenye]** izibuko lokungena okanye izibuko **[okanye izibuko lokuloba elaziwayo elibhengeziweyo]**.”. 30

Kwenziwa utshintsho kwisiqendu 14 soMthetho 24 ka-2008

10. Kwenziwa utshintsho kwisiqendu 14 soMthetho ekwaqalwa ngawo—
- (a) ngokuthi endaweni yesiqendwana (1) kufakelwe isiqendwana esilandelayo: 35
 “(1) **[Ukuba umhlaba unomda wegophe ofikelela, okanye umgama oxeliweyo ukusuka kwiqondo lamanzi eliphezulu ukuze umda wegophe ubanjelwe ngomda wolunye uphawu ngokulandela inkqubo ekwisolotya la-34 loMthetho woCandomhlaba, ngaphandle kokuba ngaphezu kweemfuno zelo solotya invumelwano ekubhekiselelwe kuyo kwelo solotya mayityikitye—**
 (a) **nguMphathiswa; kunye** 40
 (b) **nomnini wamalungelo enene kulo mhlaba okanye umhlaba okufuphi womntu pnamalungelo akhe aya kuchaphazeleka kakubi ngokokubekwa kwemida yegophe.]**
Akukho mntu uvumelekileyo ukuba ashensexise umda oligophe wokuphakama kwamanzi olwandle aze endaweni yawo enze umda ongumgca ongqalileyo ngokwesiqendwana 34 seLand Survey Act.”; 45
- (b) ngokuthi kucinywe isiqendwana (2), (3) nese-(4);
- (c) ngokuthi endaweni yamazwi akwisiqendwana (5) awandulela isiqendu (a) kufakwe amazwi alandelayo: 50
 “Ukuba iqondo lokuphakama kwamanzi olwandle lingena emhlabeni kumgca ongumda wesiqwenga xa lo Mthetho uqalisa ukusebenza, okanye umqondiwo wokuphakama kwamaza ungena [kumhlaba ongaphakathi] emhlabeni kumgca ongqalileyo [umgca] kumhlaba oselunxwemeni ngenxa yokukhuliseka konxweme, ukuphakama kolwandle okanye abanye oonobangela, [lize lihlale apho ixesha eliminyaka mibini,] umnini weso siqwenga somhlaba—;” kunye 55
- (d) isiqendu (a) kwisiqendwana (5) sithatyathelw’ indawo sisiqendu esilandelayo:

- “(a) loses ownership of any portion of that coastal land unit that is situated below the high-water mark to the extent that such land unit becomes coastal public property; and”; and
 (e) by the deletion of subsection (6).

Amendment of section 15 of Act 24 of 2008

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11. Section 15 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

- “(2) No person may construct, maintain or extend any structure, or take other measures on coastal public property to prevent or promote erosion or accretion of the seashore except as provided for in this Act, the National Environmental Management Act or any other specific environmental management Act.”.

Amendment of section 16 of Act 24 of 2008

12. Section 16 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words: 15
 “(1) Subject to subsection (2) and section 26, the coastal protection zone consists of—”;
- (b) by the substitution in subsection (1) for paragraph (c) of the following paragraph:
 “(c) any coastal [protection] protected area, or part of such area, which 20
 is not coastal public property;”;
- (c) by the insertion in subsection (1) after paragraph (f) of the following paragraph:
 “(fA) the part of a river which is situated within a land unit referred to in 25
 paragraph (d)(i) or (e);”;
- (d) by the substitution in subsection (1) for paragraph (i) of the following paragraph:
 “(i) any land adjacent to an area referred to in paragraphs (a) to (h) that
 would be inundated by a 1:[50]100 year flood or storm event.”.

Amendment of section 17 of Act 24 of 2008

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13. Section 17 of the principal Act is hereby amended by the substitution in paragraph (f) for subparagraph (ii) of the following subparagraph:

- “(ii) temporarily depositing objects and materials washed up by [the sea or tidal waters] coastal waters.”.

Amendment of section 18 of Act 24 of 2008

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14. Section 18 of the principal Act is hereby amended—

- (a) by the substitution for subsection (2) of the following subsection:
 “(2) Coastal access land [is] designated in terms of subsection (1) is
 automatically subject to a public [access] servitude [in favour of the
 local municipality within whose area of jurisdiction it is situated
 and] in terms of which members of the public may use that land to gain
 access to coastal public property.”; 40
- (b) by the substitution for subsection (4) of the following subsection:
 “(4) No land within a port or harbour, defence or other strategic
 facility may be designated as coastal access land without the consent of
 the Minister responsible for that facility.”; and 45

“(a) ulahlekelwa bubumnini benxalenye yaloo mhlaba oselunxwemeni ongezantsi komqondiso wokuphakama kwamaza ukuba uthi loo mhlaba ube ngumhlaba kawonkewonke oselunxwemeni; kunye”;

(e) kucinywe isiqendwana (6).

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Kwenziwa utshintsho kwisiqendu 15 soMthetho 24 ka-2008

11. Kwenziwa utshintsho kwisiqendu 15 soMthetho ekwaqalwa ngawo ngokuthi endaweni yesiqendwana (2) kufakelwe isiqendwana esilandelayo:

“(2) Akukho mntu uvumelekileyo ukuba akhe isakhiwo, okanye asigcine sikwimeko entle okanye asinwebe, okanye athabathe amanye amanyathelo kumhlaba kawonkewonke oselunxwemeni ngenjongo yokuthintela ukukhukuliseka okanye ngenjongo yokukhuthaza ukunwebeka konxweme, ngaphandle kokuba ukwenza ngendlela exelwe kulo Mthetho, okanye kuMthetho Welizwe Wokulawulwa Kokusingqongileyo, okanye komnye umthetho ongokulawulwa kwendalo esingqongileyo.”.

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Kwenziwa utshintsho kwisiqendu 16 soMthetho 24 ka-2008

12. Kwenziwa utshintsho kwisiqendu 16 soMthetho ekwaqalwa ngawo—

(a) ngokuthi endaweni yamazwi awandulela isiqendu (a) kwisiqendwana (1) kufakelwe amazwi alandelayo:

“(1) Ngokulawulwa sisiqendwana (2) nasisiqendu 26, ummandla wokukhuselwa konxweme—”;

(b) ngokuthi endaweni yesiqendu (c) kwisiqendwana (1) kufakelwe isiqendu esilandelayo:

“(c) nawuphi na ummandla oselunxwemeni [**okhuselweyo**] okhuselweyo, okanye inxalenye yaloo mmandla, engenguwo umhlaba kawonkewonke oselunxwemeni;

(c) ngokuthi emva kwesiqendu (f) kwisiqendwana (1) kufakelwe isiqendu esilandelayo:

“(fA) inxalenye yomlambo engaphakathi kwesiqwengwana somhlaba ekuthethwe ngaso kwisiqendu (d)(i) okanye (e)”; kunye

(d) endaweni yesiqendu (i) kwisiqendwana (1) kufakelwe isiqendu esilandelayo:

“(i) nawuphi na umhlaba okufutshane nommandla ekuthethwe ngawo kwisiqendu (a) ukuya ku-(h) obuya kuthi gwantya sisikhukula sonyaka esingu-1:[50]100.”.

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Kwenziwa utshintsho kwisiqendu 17 soMthetho 24 ka-2008

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13. Kwenziwa utshintsho kwisiqendu 17 soMthetho ekwaqalwa ngawo ngokuthi endaweni yesiqendwana (ii) kwisiqendu (f) kufakelwe isiqendwana esilandelayo:

“(ii) ukufaka okwethutyana izinto ezikhukuliswe [**lulwandle okanye ngamaza amakhulu**] ngamanzi onxweme.”.

Kwenziwa utshintsho kwisiqendu 18 soMthetho 24 ka-2008

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14. Kwenziwa utshintsho kwisiqendu 18 soMthetho ekwaqalwa ngawo—

(a) ngokuthi endaweni yesiqendwana (2) kufakelwe isiqendwana esilandelayo:

“(2) Umhlaba wokufika elunxwemeni [**u**] owalathwe ngokwesiqendwana (1) uthi ngokuzenzekelayo, kuxhomekeke ekubeni kunikwe umasipala [**waloo ndawo**] ilungelo lokucanda apho kukho loo mhlaba [**ukufumana ufikelelo**] olunokuthi [**likamasipala waloo ndawo iphantsi kolawulo lwakhe nangokwemimiselo yamalungu oluntu angawusebenzisa loo mhlaba**] uluntu luwusebenzise ukuze lufike kumhlaba kawonkewonke oselunxwemeni.”;

(b) ngokuthi isiqendwana (4) sithatyathelw’ indawo sisiqendwana esilandelayo:

(4) Akukho mhlaba ongaphakathi kwezibuko okanye indawo yokhuselo okanye yecebo elichuliweyo enokubizwa ngokuba ngumhlaba wokungena elunxwemeni ngaphandle kwemvume yoMphathiswa ophathiswe loo ndawo.”; kunye

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(c) by the addition after subsection (5) of the following subsections:

“(6) If a municipality fails to designate strips of land as coastal access land in terms of subsection (1), the MEC, and failing the MEC, the Minister, may designate such access land by notice in the *Gazette*.

(7) The MEC may not take any measures under subsection (6) without first consulting the municipality and giving it a reasonable opportunity to make representations.

(8) The Minister may not take any measures under subsection (6) without first consulting the municipality and the relevant MEC and giving them a reasonable opportunity to make representations.

(9) Each municipality approving the rezoning, subdivision or development of a land unit within or abutting on coastal public property must ensure that adequate provision is made in the conditions of approval to secure public access to that coastal public property.”.

Amendment of section 19 of Act 24 of 2008

15. Section 19 of the principal Act is hereby amended by the substitution for the introductory paragraph of the following paragraph:

“Before designating land as coastal access land or withdrawing any such designation, a municipality, the MEC or Minister, as the case may be, must—”.

Amendment of section 22 of Act 24 of 2008

16. Section 22 of the principal Act is hereby amended by the addition of the following subsection:

“(3) The Minister, after consultation with the relevant MEC, must exercise the powers and perform the functions granted to the MEC in this section, if such power relates to any part of an area that—

(a) is a national protected area as defined in the Protected Areas Act;

(b) straddles a coastal boundary between two provinces; or

(c) extends up to, or straddles, the borders of the Republic.”.

Amendment of title to Part 7 of Chapter 2 of Act 24 of 2008

17. The title to Part 7 of Chapter 2 of the principal Act is hereby substituted for the following title:

“**Coastal [set-back] management lines**”.

Amendment of section 25 of Act 24 of 2008

18. The following section is hereby substituted for section 25 of the principal Act:

“Establishment of coastal [set-back] management lines

25. (1) An MEC must **[in regulations published]** by notice in the *Gazette* [—

(a)] establish or change coastal **[set-back] management lines—**

[i](a) to protect coastal public property, private property and public safety;

[ii](b) to protect the coastal protection zone;

[iii](c) to preserve the aesthetic values of the coastal zone; or

(c) emva kwesiqendwana (5) kongezwe iziqendwana ezilandelayo:

“(6) Ukuba umasipala uyoyisakala ukwalatha iziqwenga zomhlaba njengomhlaba wokufikelela kunxweme ngokwesiqendwana (1), umphathiswa wephondo, ekuya kuthi ke xa kungabi ngumphathiswa wephondo kube nguMphathiswa, unokwalatha umhlaba onjalo ngokukhuph’ isihlokomiso ku*Shicilelo-Mithetho*. 5

(7) Umphathiswa wephondo akavumelekanga ukuba athabathe amanyathelo ngokwesiqendwana (6) engaqalanga abonisane nomasipala kwaye aze amnike ithuba elaneleyo lokuba atsho afuna ukukutsho. 10

(8) UMphathiswa akavumelekanga ukuba athabathe amanyathelo ngokwesiqendwana (6) engaqalanga abonisane nomasipala kwakunye nomphathiswa wephondo ochaphazelekayo aze abanike ithuba elaneleyo ukuba batsho abafuna ukukutsho. 10

(9) Umasipala ngamnye ovumela ukucandwa ngokutsha komhlaba okanye ukuphuculwa kwesiqwenga somhlaba ngaphakathi okanye ochukumisana nomhlaba kawonkewonke oselunxwemeni makaqini-sekise ukuba kwenziwe okwaneleyo kwimiqathango yokuvunyelwa ukuze uluntu lufikelele kumhlaba kawonkewonke oselunxwemeni.”. 15

Kwenziwa utshintsho kwisiqendu 19 soMthetho 24 ka-2008

15. Kwenziwa utshintsho kwisiqendu 19 soMthetho ekwaqalwa ngawo ngokuthi endaweni yesiqendu esiyintshayelelo kufakelwe isiqendu esilandelayo: 20

“Ngaphambi kokuba alathe umhlaba njengomhlaba ofikisa elunxwemeni okanye ngaphambi kokuba akurhoxise ukwalatha kwakhe, umasipala, umphathiswa wephondo okanye uMphathiswa, makathi—”.

Kwenziwa utshintsho kwisiqendu 22 soMthetho 24 ka-2008 25

16. Kwenziwa utshintsho kwisiqendu 22 soMthetho ekwaqalwa ngawo ngokuthi kongezwe isiqendwana esilandelayo:

“(3) UMphathiswa unokuthi emva kokuba ebonisene nomphathiswa wephondo ochaphazelekayo asebenzise amagunya kwaye enze nemisebenzi anikwe umphathiswa wephondo kwesi siqendu, ukuba loo magunya amayela nenxalenye yommandla— 30

(a) engummandla okhuselweyo welizwe njengoko uchazwe kwi*Protected Areas Act*;

(b) ongxabalaze phezu komda oselunxwemeni phakathi kwamaphondo amabini; okanye 35

(c) onabela, okanye ongxabalaza, kwimida yeRiphabliki.”.

Kwenziwa utshintsho kwiNxalenye 7 yeSahluko 2 soMthetho 24 ka-2008

17. Umxholo weNxalenye 7 yeSahluko 2 soMthetho ekwaqalwa ngawo uthatyathelw’ indawo ngumxholo olandelayo:

“iiNdlela [zokubuyela] zolawulo elunxwemeni”.

Kwenziwa utshintsho kwisiqendu 25 soMthetho 24 ka-2008

18. Isiqendu 25 soMthetho ekwaqalwa sithatyathelw’ indawo sisiqendu esilandelayo:

“Ukumiswa kwemigca [yokubuyela emva] yolawulo elunxwemeni

25. (1) Umphathiswa wephondo [ngokwemimiselo epapashwe] ngokukhuph’ isihlokomiso ku*Shicilelo-Mithetho* [— 45

(a)] amisele okanye aguqule umgca [wokubuyela] zolawulo elunxwemeni—

[i](a) ukukhusela umhlaba kawonkewonke oselunxwemeni, umhlaba ongowomntu othile, nokhuseleko lukawonkewonke;

[ii](b) ukukhusela ummandla wokukhuselwa oselunxwemeni; 50

[iii](c) ukukhusela ukulondoloza ubuhle bommandla wonxweme; okanye

[iv](d) for any other reason consistent with the objectives of this Act[; **and**].

(b)(1A) An MEC may, in regulations published in the *Gazette*, prohibit or restrict the building, erection, alteration or extension of structures that are wholly or partially seaward of [that] a coastal [set-back] management line. 5

(1B) When establishing coastal management lines in terms of subsection (1), the MEC must consider the location of immovable property and the ownership and zonation of vacant land.

(2) Before making or amending [the regulations] a notice referred to in subsection (1), or making the regulations referred to in subsection (1A), the MEC must— 10

- (a) consult with any local municipality within whose area of jurisdiction the coastal [set-back] management line is, or will be, situated; and
- (b) give interested and affected parties an opportunity to make representations in accordance with Part 5 of Chapter 6. 15

(3) A local municipality within whose area of jurisdiction a coastal [set-back] management line has been established must delineate the coastal [set-back] management line on a map or maps that form part of its zoning scheme in order to enable the public to determine the position of the [set-back] coastal management line in relation to existing cadastral boundaries. 20

(4) A coastal [set-back] management line may be situated wholly or partially outside the coastal zone.

“(5) The Minister, after consultation with the relevant MEC, must exercise the powers and perform the functions granted to the MEC in this section, if such power relates to any part of an area that— 25

- (a) is a national protected area as defined in the Protected Areas Act;
- (b) straddles a coastal boundary between two provinces; or
- (c) extends up to, or straddles, the borders of the Republic.”. 30

Amendment of section 26 of Act 24 of 2008

19. Section 26 of the principal Act is hereby amended by the addition of the following subsection:

“(6) The Minister, after consultation with the relevant MEC, must exercise the powers and perform the functions granted to the MEC in subsection (1)(b) if such power relates to any part of an area that— 35

- (a) is a national protected area as defined in the Protected Areas Act;
- (b) straddles a coastal boundary between two provinces; or
- (c) extends up to, or straddles, the borders of the Republic.”.

Amendment of section 27 of Act 24 of 2008 40

20. The following section is hereby substituted for section 27 of the principal Act:

“Determining and adjusting coastal boundary of coastal public property

27. [(1)] When determining or adjusting the inland coastal boundary of coastal public property, the Minister must take into account— 45

- (a) the dynamic nature of the shoreline;
- (b) the need to make appropriate allowance for—

[iv](d) ngaso nasiphi na esinye isizathu esivisisana neenjongo zalo Mthetho; kunye].

(b) (1A) Umphathiswa wephondo unokuthi, kwimimiselo epapashwe kuShicilelo-Mithetho, athintele okanye akwenze kube nemida ukwakhiwa, ukutshintshwa okanye ukwandiswa kwezakhiwo ezijonge elwandle ngokupheleleyo okanye ngokuyinxenye [e] zendlela [zokubuyela] yokulawulwa konxweme. 5

(1B) Xa emisela imida yokulawulwa konxweme ngokwesiqendwana (1), umphathiswa wephondo makaqwalasele indawo ekuyo impahla engenakufuduswa nobunini nokucandwa komhlaba ongenabani. 10

(2) Ngaphambi kokuba enze okanye atshintshe [imimiselo] isihlokomiso ekuthethwe ngaso kwisiqendwana (1), okanye enze imimiselo ekuthethwe ngayo kwisiqendwana (1A), umphathiswa wephondo—

(a) makabonise naye nawuphi na umasipala [wasekhaya] ekukho kuye umda [wokubuyela] wokulawulwa konxweme, okanye eza kubakho kuye loo masipala; kunye 15

(b) anike abantu abanomdla nabachaphazelekayo ithuba lokutsho abafuna ukukutsho ngokweNxalenye 5 yeSahluko 6.

(3) Umasipala wasekhaya ekuthe kummandla wakhe kwamiselwa indlela [yokubuyela] yokulawulwa konxweme makabonise ngokuzoba umda [wokubuyela] wokulawulwa konxweme kwimaphu okanye kwiimaphu eziyinxalenye yecebo lokucandwa komhlaba ukuze uluntu lukwazi ukuqonda apho ukhoyo umda [wokubuyela] wokulawulwa konxweme xa kuthelakiswa nemida ekhoyo. 20

(4) Umda [wokubuyela] wokulawulwa konxweme unokuba ngaphandle ngokupheleleyo okanye ngokuyinxenye kummandla wonxweme. 25

“(5) UMphathiswa makathi emva kokuba ebonisene nomphathiswa wephondo ochaphazelekayo asebenzise amagunya kwaye enze nemisebenzi anikwe umphathiswa wephondo kwesi siqendu, ukuba loo magunya amayela nenxalenye yommandla— 30

(a) engummandla okhuselweyo welizwe njengoko uchazwe kwiProtected Areas Act;

(b) onxabalaze phezu komda oselunxwemeni phakathi kwamaphondo amabini; okanye

(c) onabela, okanye onxabalaza, kwimida yeRiphabliki.”. 35

Kwenziwa utshintsho kwisiqendu 26 soMthetho 24 ka-2008

19. Kwenziwa utshintsho kwisiqendu 26 soMthetho ekwaqalwa ngawo ngokuthi kongezwe isiqendwana esilandelayo:

“(6) UMphathiswa makathi emva kokuba ebonisene nomphathiswa wephondo ochaphazelekayo asebenzise amagunya kwaye enze nemisebenzi anikwe umphathiswa wephondo kwisiqendwana (1)(b), ukuba loo magunya amayela nenxalenye yommandla— 40

(a) engummandla okhuselweyo welizwe njengoko uchazwe kwiProtected Areas Act;

(b) onxabalaze phezu komda oselunxwemeni phakathi kwamaphondo amabini; okanye 45

(c) onabela, okanye onxabalaza, kwimida yeRiphabliki.”.

Kwenziwa utshintsho kwisiqendu 27 soMthetho 24 ka-2008

20. Isiqendu 27 soMthetho ekwaqalwa ngawo sithatyathelw’ indawo sisiqendu esilandelayo: 50

“Ukwenza isigqibo nokwenza uhlehlengiso ngomda wonxweme womhlaba kawonkewonke oselunxwemeni

27. [(1)] Xa esenza isigqibo okanye esenza uhlehlengiso ngomda wonxweme womhlaba kawonkewonke oselunxwemeni, uMphathiswa makacingele— 55

(a) ubume obuguqu-guqukayo bonxweme;

(b) imfuneko yokuvumela—

- (i) the periodic natural movements in the high-water mark; and
 - (ii) the erosion and accretion of the seashore;
 - (c) the importance of ensuring the natural functioning of dynamic coastal processes and of extending the coastal boundaries of coastal public property to include the littoral active zone and sensitive coastal ecosystems, including coastal wetlands; 5
 - (d) the potential effects of projected rises in sea-level; **[and]**
 - (dA) any anthropogenic influences on dynamic coastal processes; and
 - (e) any other factor that may be prescribed.
- [(2) The Minister may exclude any area from coastal public property for government purposes, by proclamation. 10**
- (3) Before excluding any area from coastal public property in terms of subsection (2), the Minister must consult with interested and affected parties in terms of Part 5 of Chapter 6.**
- (4) The Minister may exclude any area from coastal public property for any other purpose with the ratification of Parliament. 15**
- (5) Land excluded from coastal public property forms part of state owned land.**
- (6) The Minister may on application approve the reclamation of land subject to conditions. Such reclaimed land shall, unless excluded from coastal public property in terms of subsection (5), form part of coastal public property. 20**
- (7) For purposes of this section, “government purposes” means the exercise of functions by an organ of state that are in the national interest or in the interest of national security but does not include donation, leases of more than 20 years or alienation by that organ of state.]” 25**

Amendment of section 28 of Act 24 of 2008

21. Section 28 of the principal Act is hereby amended by the addition of the following subsection: 30

- “(4) The Minister, after consultation with the relevant MEC, must exercise the powers and perform the functions granted to the MEC in subsections (2) and (3), if such power relates to any part of an area that—
- (a) is a national protected area as defined in the Protected Areas Act;
 - (b) straddles a coastal boundary between two provinces; or
 - (c) extends up to, or straddles, the borders of the Republic.” 35

Amendment of section 33 of Act 24 of 2008

22. Section 33 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

- “(2) The Minister, with the concurrence of the Minister responsible for water affairs, must within four years of the commencement of this Act **[prescribe]** publish by notice in the *Gazette* a national estuarine management protocol.” 40

- (i) iintshukumo eziman' ukwenzeka ngokwendalo kwinqanaba lokuphakama kwamaza olwandle; kunye
- (ii) nokukhukuliseka nokwanda konxweme;
- (c) ukubaluleka kokuqinisekisa ukusebenza ngokwendalo kweenkqubo eziguqu-guqukayo zonxweme nokokunweba imida yonxweme yomhlaba kawonkewonke oselunxwemeni ukuze iquke ummandla wonxweme neenkqubo zendalo zonxweme ezi-ethe-ethe, kuquka nemigxobhozo eselunxwemeni; 5
- (d) okunokwenzeka kube ziziphumo zokuphakama kwamaza olwandle okulindelekileyo; [kunye] 10
- (dA) nayiphi na impembelelo kwiinkqubo eziguqu-guqukayo zonxweme; kunye
- (e) nako nakuphi na okunye okunokuthi kufunwe.

[(2) UMphathiswa usenokuwukhuphela ngaphandle nawuphi na ummandla ekubeni ngumhlaba wonxweme kawonkewonke ngenjongo yokuba usetyenziswe ngurhulumente, ekwenza oko ngesibhengezo. 15

(3) Ngaphambi kokuba uMphathiswa awukhuphele ngaphandle ummandla ekubeni ngumhlaba wonxweme kawonkewonke, ufanele abonisane nabantu abachaphazelekayo ngokweNdima 5 yeSahluko 6. 20

(4) Umphathiswa usenokuwukhuphela ngaphandle ummandla ekubeni ngummandla wonxweme kawonkewonke ekwenza oko nokuba kungayiphi na enye injongo, kuze oko kuvunywe yiPalamenye kamva. 20

(5) Umhlaba ongeyoxaleny yommandla wonxweme kawonkewonke uyinxaleny yomhlaba ongoxalumenthe. 25

(6) Xa kuthe kwenziwa isicelo, uMphathiswa unokukuvuma ukubangwa komhlaba ngokutsha. Umhlaba obangwe ngokutsha uya kuba yinxaleny yommandla wonxweme kawonkewonke, ngaphandle kokuba ukhutshelwe ngaphandle ekubeni yinxaleny yommandla wonxweme kawonkewonke ngokwesolotyana (5). 30

(7) Kweli solotyana, amagama athi “iinjongo zikarhulumente” athetha ukwenziwa ukwenziwa kwemisebenzi likacandelo likarhulumente, misebenzi leyo eluncedo kwilizwe liphela okanye ekhusela ilizwe, kodwa la magama akaquki umnikelo, ukuqeshwa komhlaba ixesha elingaphezu kwama-20 eminyaka, okanye ukuchithwa kwawo lelo candelo likarhulumente.]”. 35

Kwenziwa utshintsho kwisiqendu 28 soMthetho 24 ka-2008

21. Kwenziwa utshintsho kwisiqendu 28 soMthetho ekwaqalwa ngawo ngokuthi kongezwe isiqendwana esilandelayo:

“(4) UMphathiswa makathi emva kokuba ebonisene nomphathiswa wephondo ochaphazelekayo asebenzise amagunya kwaye enze nemisebenzi anikwe umphathiswa wephondo kwisiqendwana (2) nesesi (3), ukuba loo magunya amayela nenxaleny yommandla—

- (a) engummandla okhuselweyo welizwe njengoko uchazwe kwi-*Protected Areas Act*;
- (b) ongxabalaze phezu komda oselunxwemeni phakathi kwamaphondo amabini; okanye
- (c) onabela, okanye ongxabalaza, kwimida yeRiphabliki.”.

Kwenziwa utshintsho kwisiqendu 33 soMthetho 24 ka-2008

22. Kwenziwa utshintsho kwisiqendu 33 soMthetho ekwaqalwa ngawo ngokuthi isiqendwana (2) sithatyathelw' indawo sisiqendwana esilandelayo:

“(2) UMphathiswa makathi ngokuvumelana noMphathiswa ophathiswe imicimbi yamanzi, ingekapheli iminyaka emine uqalile ukusebenza lo Mthetho [emiselweyo] apapashe isihlokomiso kuShicilelo-Mithetho inkqubo emayilandelwe ezweni lonke yokulawulwa kwamachweba.”.

Amendment of section 34 of Act 24 of 2008

23. Section 34 of the principal Act is hereby amended—
- (a) by the deletion in subsection (1)(b) of the full stop at the end of subparagraph (ii) and the substitution of a semicolon;
 - (b) by the addition in subsection (1) of the following paragraphs:
 - “(c) if applicable, ensure that relevant legislation is enacted to implement an estuarine management plan; and
 - (d) submit an annual report to the Minister on the implementation of the estuarine management plan, the legislation and any other matter which the Minister may prescribe.”; and
 - (c) by the addition of the following subsection:
 - “(3) The report referred to in subsection (1)(d) must be tabled in Parliament annually.”.

Amendment of section 35 of Act 24 of 2008

24. Section 35 of the principal Act is hereby amended by the addition of the following subsection:
- “(4) The National Coastal Committee must report to the Minister annually on the matters in subsection (3) and that report must be tabled in Parliament.”.

Amendment of section 36 of Act 24 of 2008

25. Section 36 of the principal Act is hereby amended—
- (a) by the insertion after subsection (1) of the following subsection:
 - “(1A) The Minister must designate an official from the Department as the Chairperson of the National Coastal Committee.”;
 - (b) by the substitution for subsection (2) of the following subsection:
 - “(2) [(a)] The persons to be appointed in terms of [subsection] subsections (1) and (1A) must, by virtue of the office that they hold or their expertise, be able to assist the National Coastal Committee in fulfilling its functions.
 - [(b) When appointing persons in terms of subsection (1), the Minister must ensure that the National Coastal Committee includes—**
 - (i) persons with expertise in fields relevant to coastal management and coastal ecosystems;**
 - (ii) a representative from each Provincial Coastal Committee;**
 - (iii) one or more members representing municipalities in the coastal zone;**
 - (iv) representatives of national government departments which play a significant role in undertaking or regulating activities that may have an adverse effect on the coastal environment, including representatives of the departments responsible for agriculture, minerals and energy, transport, public works, provincial and local government, land affairs, water affairs and forestry and trade and industry; and**
 - (v) one or more members representing the management authorities of coastal protected areas.];”;**
 - (c) by the insertion after subsection (2) of the following subsections:
 - “(2A) The Minister must appoint permanent members on the National Coastal Committee which must include but is not limited to—
 - (a) a representative from each Provincial Coastal Committee;
 - (b) representatives of national government departments which play a significant role in undertaking or regulating activities that may have an adverse effect on the coastal environment; and

Kwenziwa utshintsho kwisiqendu 34 soMthetho ka-2008

23. Kwenziwa utshintsho kwisiqendu 34 soMthetho ekwaqalwa ngawo—
- (a) ngokuthi kwisiqendwana (1)(b) kucinywe ungxu ekupheleni kwisiqendwana (ii) kuze endaweni yakhe kufakwe i-*semicolon*;
- (b) ngokuthi kwisiqendwana (1) kongezwe iziqendu ezilandelayo: 5
“(c) ukuba kuyasebenza oku kuloo meko, qinisekisa ukuba kuwiswa umthetho wepalamente ofanelekileyo ukuze lenziwe lisebenze icebo lokulawulwa kwamachweba;
 (d) angenise ingxelo yonyaka kuMphathiswa ngokusetyenziswa kwecebo lokulawulwa kwamachweba, umthetho wepalamente kunye nawo nawuphi na umcimbi anokuthi uMphathiswa awufune.”; 10
 kunye
- (c) kongezwe isiqendwana esilandelayo:
“(3) Ingxelo ekuthethwe ngayo kwisiqendwana (1)(d) mayithiwe thaca ePalamente qho minyaka le.”. 15

Kwenziwa utshintsho kwisiqendu 35 soMthetho 24 ka-2008

24. Kwenziwa utshintsho kwisiqendu 35 soMthetho ekwaqalwa ngawo ngokuthi kongezwe isiqendwana esilandelayo:
- “(4) IKomiti Yonxweme Yezwelonke mayenz’ ingxelo kuMphathiswa minyaka le ngemicimbi ekwisiqendwana (3) kwaye loo ngxelo mayithiwe thaca ePalamente.”. 20

Kwenziwa utshintsho kwisiqendu 36 soMthetho 24 ka-2008

25. Kwenziwa utshintsho kwisiqendu 36 soMthetho ekwaqalwa ngawo—
- (a) ngokuthi kwisiqendwana (1) kufakelwe isiqendwana esilandelayo: 25
“(1A) UMphathiswa makachonge igosa kwiSebe libe nguSihlalo weKomiti Yonxweme Yezwelonke.”;
- (b) ngokuthi kwisiqendwana (2) sithatyathelw’ indawo kwisiqendwana esilandelayo:
“(2) [(a)] Abantu mabamiselwe ngokwisiqendu [ngokwesolotyana] ngokwisiqendwana (1) nese-(1A) mabathi ngokwesikhundla abakuso okanye ngokobuchule abanabo, bakwazi ukunceda iKomiti Yonxweme Yezwelonke ekufezeni imisebenzi yayo. 30
[(b) xa enyula abantu ngokwesolotyana lo-(1), uMphathiswa kufuneka aqiniseke ukuba iKomiti yoNxweme yeSizwe iquka—
- (i) abantu abaziingcali kwiinkalo zolawulo lwamanxweme nakwiinkqubo ezilawula izinto eziphilayo nale ndawo ziphila kuyo engamanxweme; 35
- (ii) ummeli ophuma kwiKomiti yePhondo yamaNxweme;
- (iii) ilungu elinye okanye amalungu angaphezulu amele oomasi-pala kwindawo yamanxweme;
- (iv) abameli bamasebe karhulumente wesizwe abadlala indima ebalulekileyo, abamkela okanye abamisa kakuhle imisetyenzana enokuba nesiphumo esibi kwezokusingqongileyo emanxwemeni, kuqukwa nabameli bamasebe ajongene nezolimo, izimbiwa namandla, ezothutho, imisebenzi yoluntu, urhulumente wamaphondo nowasekhaya, imicimi yezemihlaba, imicimbi yezamanzi namahlathi, norhwebo noshishino; kunye 40
- (v) nelungu elinye okanye amalungu angaphezulu amele abase-magunyeni kulawulo lweendawo zamanxweme ezikhuselweyo.]”; 45
- (c) ngokuthi emva kwisiqendwana (2) kufakelwe isiqendwana esilandelayo:
“(2A) UMphathiswa makamisele amalungu asisigxina kwiKomiti Yonxweme Yezwelonke emakubekho kuyo—
- (a) ummeli weKomiti Yonxweme Yephondo nganye;
- (b) abameli bamasebe karhulumente omkhulu afeza lukhulu ekwenzeni okanye ekulawuleni imisebenzi enokuba nesiphumo esibi kwindawo engqonge unxweme; kunye 55

(c) one or more members representing the management authorities of coastal protected areas.

(2B) The Committee may, when required invite other persons to participate in the National Coastal Committee which may include—

(a) a representative of a national government department which is not a permanent member;

(b) a representative of a municipality that is affected by issues under consideration by the National Coastal Committee;

(c) persons with expertise in fields relevant to coastal management and coastal ecosystems; and

(d) any other person who may assist the National Coastal Committee in fulfilling its functions.”; and

(d) by the deletion of subsections (4).

Amendment of section 37 of Act 24 of 2008

26. Section 37 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) A member of the National Coastal Committee vacates office if he or she [—

(a) **becomes impaired to the extent that he or she is unable to carry out his or her duties as a member of the National Coastal Committee;**

(b) **ceases to hold any office necessary for his or her appointment to the National Coastal Committee; or**

(c)] tenders his or her resignation [**and a Minister accepts it**].”.

Amendment of section 38 of Act 24 of 2008

27. Section 38 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) The Premier may assign [**some**] any of the functions referred to in subsection [(1)] (2) to any organ of state other than the lead agency in the province.”.

Amendment of section 51 of Act 24 of 2008

28. Section 51 of the principal Act is hereby amended by the substitution for the introductory paragraph of the following paragraph:

“**[An environmental implementation or environmental management]** Any programme or plan in terms [of Chapter 3] of the National Environmental Management Act, any specific environmental management Act, an integrated development plan in terms of the Municipal Systems Act and a provincial or municipal land development plan must—”.

Amendment of section 56 of Act 24 of 2008

29. Section 56 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) A coastal planning scheme may only be established with the consent of—

(a) the Minister, if the scheme applies to an area that extends into the sea further than 500 metres from the high-water mark or affects the protection or use of marine living resources; or

(b) the relevant Minister [of Transport] responsible for navigation of vessels on the sea or vessels entering or leaving a port or harbour, if the scheme [—

(i) affects [**the navigation of vessels on the sea;**] or

(ii) restricts such vessels [**entering or leaving a harbour**].”.

- (c) ilungu elinye okanye angaphezu koko amela amagunya apetheyo emimandla yonxweme ekhuselweyo.
- (2B) IKomiti inokuthi xa kufuneka yenze njalo imeme abanye abantu ukuba babe nenxaxheba kwiKomiti Yonxweme Yezwelonke, ekunokuthi kubekho kuyo—
- (a) ummeli wesebe likarhulumente omkhulu obngelilo ilungu elisisigxina;
- (b) ummeli kamasipala ochatshelwayo yimibandela eqwalaselwayo yiKomiti Yonxweme Yezwelonke;
- (c) abantu abanobuchule kwimiba enento yokwenza nokuphathwa konxweme nemeko yalo; kunye
- (d) nawuphi na omnye umntu onokuyincedisa iKomiti Yonxweme Yezwelonke ekufezeni imisebenzi yayo.”; kunye
- (d) kucinywe isiqendwana (4).

Kwenziwa utshintsho kwisiqendu 37 soMthetho 24 ka-2008 15

26. Kwenziwa utshintsho kwisiqendu 37 soMthetho ekwaqalwa ngawo ngokuthi isiqendwana (1) sithatyathelw’ indawo sisiqendwana esilandelayo:

- “(1) Ilungu leKomiti Yonxweme Yezwelonke liyeka ukuba lilungu xa [-
- (a) **likhubazekile kangangokuba lingabi nako ukwenza imisebenzi yalo njengelungu leKomiti yoNxweme yeSizwe;**
- (b) **lithe layeka ukusebenzela i-ofisi emenza akwazi ukonyulwa abe lilungu leKomiti yoNxweme yeSizwe; okanye**
- (c)] ungenisa incwadi yokuyeka [**abe noMphathiswa ukuvumile oko.**]”.

Kwenziwa utshintsho kwisiqendu 38 soMthetho 24 ka-2008

27. Kwenziwa utshintsho kwisiqendu 38 soMthetho ekwaqalwa ngawo ngokuthi endaweni yesiqendwana (3) kufakelwe isiqendwana esilandelayo:

- “(3) INkulumbuso inokuthi [**eminye**] **nayiphi na imisebenzi ekuthethwe ngayo kwisiqendwana [(1)] (2)** iyabele naliphi na icandelo likarhulumente elingelilo iqumrhu elikhokelayo kwiphondo.

Kwenziwa utshintsho kwisiqendu 51 soMthetho 24 ka-2008 30

28. Kwenziwa utshintsho kwisiqendu 51 soMthetho ekwaqalwa ngawo ngokuthi isiqendu esiyintshayelelo sithatyathelw’ indawo sisiqendu esilandelayo:

- “[**Ulungelolaniso nokulungelelaniswa koyilo nenkqubo yolawulo lonxweme**] Nasiphi na isicwangciso okanye isicwangciso [seSahluko 3] esingokoMthetho Wokulawulwa Kokusingqongileyo, nawuphi na uMthetho wokulawulwa kwendalo esingqongileyo, icebo lokuphucula elingokweMunicipal Systems Act necebo lokuphucula lephondo okanye likamasipala malithi—”.

Kwenziwa utshintsho kwisiqendu 56 soMthetho 24 ka-2008

29. Kwenziwa utshintsho kwisiqendu 56 soMthetho ekwaqalwa ngawo ngokuthi isiqendwana (5) sithatyathelw’ indawo sisiqendwana esilandelayo:

- “(5) Isicwangciso sobume bonxweme sinokwenziwa kuphela ngemvume—
- (a) yoMphathiswa, ukuba isicwangciso eso sisebenza kummandla ogqithela elwandle ugqithe ngomgama ongaphezu kwama-500 eemitha ukusuka kwindawo yamazaphakamileyo okanye ukuba uchaphazela ukukhuselwa okanye ukusetyenziswa kwezidalwa eziphila elwandle; okanye
- (b) yoMphathiswa [**wezoThutho**] ochaphazelekayo ophathiswe ukuhamba kweenqanawa elwandle okanye iinqanawa ezingena okanye eziphuma ezibukweni, ukuba isicwangciso [—
- (i)] sichaphazela [**ukuqhutywa kweenqanawa elwandle;**] okanye
- (ii)] siyazithintela ezo nqanawa [ezingena nezishiya izibuko].”.

Amendment of section 59 of Act 24 of 2008

30. Section 59 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following paragraph:
 “If the Minister or MEC has reason to believe that a person has, either 5
prior to or after the commencement of this Act, carried out, is carrying
 out, or intends to carry out, an activity that has, is having, or is likely to
 have, an adverse effect on the coastal environment then, subject to
 subsection (2), he or she may issue a written coastal protection notice to
 the person responsible for that activity—”; 10
- (b) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:
 “Before exercising a power to issue a coastal protection notice under
 subsection (1), the Minister or MEC must—”; 15
- (c) by the deletion of subsection (3);
- (d) by the substitution for the second “(ii)” in paragraph (a) of subsection (4), of “(iii)”; 20
- (e) by the substitution for the introductory paragraph of subsection (5) for the following paragraph:
 “If the Minister or MEC has reason to believe that a person has, either 20
prior to or after the commencement of this Act, carried out, is carrying
 out, or intends to carry out, an activity that is having, or is likely to have,
 an adverse effect on the rights of natural persons to gain access to, use
 and enjoy coastal public property, the Minister or MEC may issue a
 written coastal access notice to that person—”; and 25
- (f) by the substitution for subsection (6) of the following subsection:
 “(6) When issuing a notice contemplated in subsection (5), subsections (2) [, (3)] and (4) apply with the necessary changes.”.

Amendment of section 60 of Act 24 of 2008

31. Section 60 of the principal Act is hereby amended by the deletion of subsection (3). 30

Amendment of section 62 of Act 24 of 2008

32. Section 62 of the principal Act is hereby amended by the deletion of subsection (2).

Amendment of section 63 of Act 24 of 2008

35

33. Section 63 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for paragraph (d) of the following paragraph:
 “(d) the estuarine management plans, coastal management programmes,
coastal management lines and coastal management objectives 40
 applicable in the area;”;
- (b) by the deletion of subsection (1)(f);
- (c) by the deletion of the word “and” at the end of subsection (1)(g);
- (d) by the substitution in subsection (1) for paragraph (h) of the following paragraph: 45
 “(h) **[the objects of this Act, where applicable.]** whether the
 development or activity—
 (i) is situated within coastal public property and is inconsistent
 with the objective of conserving and enhancing coastal
 public property for the benefit of current and future 50
 generations;”

Kwenziwa utshintsho kwisiqu 59 soMthetho 24 ka-2008

- 30.** Kwenziwa utshintsho kwisiqu 59 soMthetho ekwaqalwa ngawo—
- (a) ngokuthi endaweni yamagama awandulela isiqu (a) kwisiqundwana (1) kufakelwe amagama alandelayo:
 “Ukuba uMphathiswa okanye umphathiswa wephondo unesizathu sokukholelwa ukuba umntu uthe, ngaphambi kokuqalisa kokusebenza kwalo Mthetho okanye emva kwako, wenza, okanye unenjongo yokwenza umsebenzi oye waneziphumo, okanye onesiphumo, okanye ekunokwenzeka ube nesiphumo esibi kwindalo esingqongileyo eselunxwemeni, ngoko ke, ngokulawulwa sisiqendwana (2), unokuthi amkhuphele isaziso esibhaliweyo sokukhuselwa konxweme umntu owenza loo nto—”;
- (b) ngokuthi kwisiqundwana (2) amazwi awandulela isiqu (a) athatyathelw’ indawo ngamazwi alandelayo:
 “Ngaphambi kokuba asebenzise igunya lokukhupha isihlokomiso sokukhuselwa konxweme ngokwesiqundwana (1), uMphathiswa okanye umphathiswa wephondo maka—”;
- (c) ngokuthi kucinywe isiqundwana (3);
- (d) ngokuthi ku-“(ii)” okwisiqu (a) sesiqundwana (4), kufakelwe u-“(iii)”;
- (e) ngokuthi isiqu esiyintshayelelo kwisiqundwana (5) sithatyathelw’ indawo sisiqendwana esilandelayo:
 “Ukuba uMphathiswa okanye umphathiswa wephondo unesizathu sokukholelwa ukuba umntu uthe, ngaphambi kokuqalisa kokusebenza kwalo Mthetho okanye emva kwako, wenza, okanye unenjongo yokwenza umsebenzi onesiphumo, okanye ekunokwenzeka ube nesiphumo esibi kumalungelo abantu okufika kumhlaba kawonkewonke oselunxwemeni nokuwusebenzisa, uMphathiswa okanye umphathiswa wephondo unokukhuphela loo mntu isaziso esibhaliweyo esimayela nokufika elunxwemeni—”;
- (f) isiqundwana (6) sithatyathelw’ indawo sisiqendwana esilandelayo:
 “(6) Xa kukhutshwa isaziso esixelwe kwisiqundwana (5), isiqundwana (2) [, (3)] nese-(4) ziyasebenza, kubekho nje utshintsho olunokuthi lufuneke.”.

Kwenziwa utshintsho kwisiqu 60 soMthetho 24 ka-2008

- 31.** Kwenziwa utshintsho kwisiqu 60 soMthetho ekwaqalwa ngawo ngokuthi kucinywe isiqundwana (3).

Kwenziwa utshintsho kwisiqu 62 soMthetho 24 ka-2008

- 32.** Kwenziwa utshintsho kwisiqu 62 soMthetho ekwaqalwa ngawo ngokuthi kucinywe isiqundwana (2).

Kwenziwa utshintsho kwisiqu 63 soMthetho 24 ka-2008 40

- 33.** Kwenziwa utshintsho kwisiqu 63 soMthetho ekwaqalwa ngawo—
- (a) ngokuthi isiqu (d) kwisiqundwana (1) sithatyathelw’ indawo sisiqendwana esilandelayo:
 “(d) izicwangciso zokulawulwa kwechweba, izicwangciso zokulawulwa konxweme, imida yokulawulwa konxweme neenjongo zokulawulwa konxweme ezisebenza kulo mmandla;”;
- (b) ngokuthi kucinywe isiqundwana (1)(f);
- (c) ngokuthi kucinywe igama elithi “kunye” ekupheleni kwesiqundwana (1)(g);
- (d) ngokuthi isiqu (h) kwisiqundwana (1) sithatyathelw’ indawo sisiqendwana esilandelayo:
 “(h) [neenjongo zalo Mthetho, apho kufaneleke khona.] enoba uphuculo okanye umsebenzi—
 (i) wenzeka ngaphakathi kumhlaba kawonkewonke oselunxwemeni kwaye uvisisana neenjongo yokulondoloza umhlaba kawonkewonke oselunxwemeni nokuwuphucula”

- (ii) is situated within the coastal protection zone and is inconsistent with the purpose for which a coastal protection zone is established as set out in section 17;
 - (iii) is situated within coastal access land and is inconsistent with the purpose for which coastal access land is designated as set out in section 18;
 - (iv) is likely to cause irreversible or long-lasting adverse effects to any aspect of the coastal environment that cannot satisfactorily be mitigated;
 - (v) is likely to be significantly damaged or prejudiced by dynamic coastal processes;
 - (vi) would substantially prejudice the achievement of any coastal management objective; or
 - (vii) would be contrary to the interests of the whole community.”;
- (e) by the addition to subsection (1) of the following paragraphs:
- “(i) whether the very nature of the proposed activity or development requires it to be located within coastal public property, the coastal protection zone or coastal access land;
 - (j) whether the proposed activity or development will provide important services to the public when using coastal public property, the coastal protection zone, coastal access land or a coastal protected area; and
 - (k) the objects of this Act, where applicable.”; and
- (f) by the deletion of subsections (2), (3) and (4).

Repeal of section 64 of Act 24 of 2008

34. Section 64 of the principal Act is hereby repealed.

Amendment of heading to Part 4 of Act 24 of 2008

35. The following heading is hereby substituted for the heading to Part 4 of Chapter 7:
 “[Coastal leases and coastal concessions on] Use of coastal public property”.

Amendment of section 65 of Act 24 of 2008

36. The following section is hereby substituted for section 65 of the principal Act:

“Award of [leases and concessions] coastal use permits on coastal public property”

65. (1) [Subject to sections 67 and 95, no person may occupy any part of, or site on, or construct or erect any building, road, barrier or structure on or in, coastal public property except under and in accordance with a coastal lease awarded by the Minister in terms of this Chapter] The Minister may by notice in the *Gazette*—

- (a) list activities that—
 - (i) are prohibited within coastal public property; or
 - (ii) require a coastal use permit from the Minister; and
- (b) set different user charges for coastal use permits in terms of paragraph (a)(ii),

- ukuze kuncedakale izizukulwana zangoku nezexesha elizayo;
- (ii) wenzeka ngaphakathi kummandla okhuselweyo wonxweme kwaye uvisisana nenjongo owawenzelwe yona ummandla okhuselweyo wonxweme njengoko ichazwe kwisiqendu 17; 5
- (iii) wenzeka kumhlaba wokungena elunxwemeni kwaye uvisisana nenjongo owawenzelwe yona umhlaba wokungena elunxwemeni njengoko ichazwe kwisiqendu 18;
- (iv) kunokwenzeka ubangele iziphumo ezibi ezingenakulungiseka kuyo nayiphi na inxalenye yendalo esingqongileyo eselunxwemeni, ziphumo ezo ezingenakuthityazwa ngokwane- lisayo; 10
- (v) kunokwenzeka ukuba wonakaliswe ziinkqubo eziguqu- guqukayo zonxweme;
- (vi) kunokwenzeka ukuba zingaphumeleli iinjongo zokulawulwa konxweme; kunye 15
- (vii) kuya kuba kokuchaseneyo noko kuluncedo kuluntu lonke;”;
- (e) ngokuthi kwisiqendwana (1) kongezwe iziqendu ezilandelayo: 20
- “(i) enoba ubunjani bomsebenzi ocetywayo okanye uphuculo bufunisa ukuba ube kummandla kawonkewonke oselunxwemeni, kumma- ndla wokhuselo oselunxwemeni okanye kumhlaba wokufika elunxwemeni; 25
- (j) enoba umsebenzi ocetywayo okanye uphuhliso luza kunika iinkonzo ezibalulekileyo kuluntu xa lusebenzisa umhlaba kawonke- wonke oselunxwemeni, umhlaba wokhuselo oselunxwemeni, umhlaba wokufika elunxwemeni okanye ummandla wokhuselo oselunxwemeni; kunye
- (k) neenjongo zalo Mthetho, apho kunokwenzeka khona.”; kunye
- (f) kucinywe isiqendwana (2) nese-(3) nese-(4). 30

Kutshitshiswa isiqendu 64 soMthetho 24 ka-2008

34. Isiqendu 64 soMthetho ekwaqalwa ngawo siyatshitshiswa.

Kwenziwa utshintsho kwisihloko seNxalenye 4 yoMthetho 24 ka-2008

35. Isihloko seNxalenye 4 yeSahluko 7 sithatyathelw’ indawo sisihloko esilandelayo: 35

“[Ukuqeshiswa konxweme nonikezelo kummandla wonxweme kawonke- wonke] Ukusetyenziswa komhlaba kawonkewonke oselunxwemeni”.

Kwenziwa utshintsho kwisiqendu 65 soMthetho 24 ka-2008

36. Isiqendu 65 soMthetho ekwaqalwa ngawo sithatyathelw’ indawo sisiqendu esilandelayo:

“Ukunikwa kwee[mpepha-mvume zokuqeshisa]mvume zokusebenzisa unxweme kumhlaba kawonkewonke oselunxwemeni 40

65. (1) [Phantsi kwesolotya la-67 nela-96, akukho mntu unokuhlala nakweyiphi na inxalenye, okanye isiza, okanye akhe okanye agxumeke nasiphi na isakhiwo, indlela, isithontelo okanye isakhiwo ngaphezu okanye ngaphakathi kummandla wonxweme kawonkewonke ngapha- ndle kwempepha-mvume yoqeshiso ekhutshwe nguMphathiswa nokwemimiselo yesi Sahluko] UMphathiswa unokuthi ngokukhuph’ isihlokomiso kuShicilelo-Mithetho— 45

- (a) adwelise imisebenzi— 50
- (i) eyalelweyo kumhlaba kawonkewonke oselunxwemeni; kunye
- (ii) efuna imvume yokusetyenziswa konxweme evela kuMpha- thiswa; kunye
- (b) abe nemirhumo engafaniyo emayirhunywe yemvume yokusebenzisa ngokwesiqendu (a)(ii),

provided that such activities do not require environmental authorisation in terms of Chapter 5 of the National Environmental Management Act.

(2) [Subject to section 95, no] No person may—
 [claim an exclusive right to use or exploit any specific coastal resource in any part of, or that is derived from, coastal public properly unless he or she—

(a) is empowered by national legislation to do so; or

(b) is authorised to do so in terms of—

(i) a coastal concession awarded by the Minister in terms of this Chapter; or

(ii) an authorisation issued under the Marine Living Resources Act]

(a) undertake an activity prohibited in terms of subsection (1)(a)(i);

(b) undertake an activity referred to in subsection (1)(a)(ii) without a coastal use permit; or

(c) contravene any conditions determined in a coastal use permit referred to in section 66.

(3) A coastal [lease or coastal concession] use permit in terms of subsection (1)(a)(ii) may, subject to section 66, be awarded by the Minister either—

(a) on application by a person; or

(b) if the Minister so determines in any specific case, through a prescribed [bid] process.

(4) An application for a coastal [lease or coastal concession] use permit must be lodged in the prescribed manner.

(5) A coastal [lease or coastal concession] use permit awarded in terms of this Chapter does not relieve the [lessee or concessionaire] holder thereof from the obligation to—

(a) obtain any other coastal authorisation that may be required in terms of this Act or any other authorisation in terms of other legislation; or

(b) comply with any other legislation.”.

Amendment of section 66 of Act 24 of 2008

37. The following section is hereby substituted for section 66 of the principal Act:

“Terms of coastal [leases and coastal concessions] use permits

66. [(1)] A coastal [lease or coastal concession] use permit—

(a) must be awarded for a fixed period of time of not more than 20 years whereafter a new application must be made in terms of section 65(3) and (4);

(b) is subject to any [prescribed] conditions [or as may be] determined by the Minister [in any specific case]; and

(c) must provide for the payment by the [lessee or concessionaire] holder thereof of a [reasonable rent] user charge determined by the Minister in terms of section 65(1)(b).

[(2) A coastal lease or coastal concession on land that is partially or completely submerged by coastal waters may authorise the lessee to use the water either exclusively or for specified purposes.]”.

kodwa ke loo misebenzi ayifunisi ukugunyazwa kwendalo esingqongileyo |
ngokweSahluko 5 soMthetho Wolawulo Lokusingqongileyo Lwesizwe.

(2) [Phantsi kwesolotyala-95,] Akukho mntu uvumelekileyo—
[unokubanga ilungelo elikhethekileyo lokusebenzisa okanye loku- 5
xhamla nawuphi umthombo wobutyebi ongqale elunxwemeni nakwe-
yiphi na inxalenye okanye oko kuvela kummandla wonxweme
kawonkewonke ngaphandle kokuba—

(a) unikwe igunya ngumthetho wesizwe ukuba enze njalo; okanye

(b) ugunyanzise ukuba enze njalo ngokwemithetho—

(i) yonikezelo lonxweme olunikezelwa nguMphathiswa ngo- 10
kwemimiselo yesi Sahluko; okanye

(ii) yogunyanziso olunikezelwa phantsi komthetho weMarine
Living Resources Act]

(a) ukwenza nawuphi na umsebenzi owalelweyo ngokwesiqendwana
(1)(a)(i); 15

(b) ukwenza nawuphi na umsebenzi ekuthethwe ngawo kwisiqendwana
(1)(a)(ii) ngaphandle kwephephamvume lokusetyenziswa konxweme;
okanye

(c) ukwaphula nayiphi na imiqathango exelwe kwiphephamvume lokuse-
tyenziswa konxweme ekuthethwe ngalo kwisiqendu 66. 20

(3) [Ukuqeshisa kwaselunxwemeni okanye] iphephamvume lokuse-
tyenziswa konxweme ngokwesiqendwana (1)(a)(ii)—

(a) kusakwenziwa isicelo ngumntu; okanye

(b) ukuba uMphathiswa ugqibe ngolo hlobo kuyo nayiphi na imeko,
ngokwenkqubo [yokunika ixabiso] emiselweyo. 25

(4) Isicelo [sokuqeshisa kwasemanxwemeni okanye ukunikezela
kwaselunxwemeni] sephephamvume lokusetyenziswa konxweme masi-
fakwe ngendlela emiselweyo.

(5) [Uqeshiso lwaselunxwemeni] Iphephamvume lokusetyenziswa
konxweme elinikwe umntu ngokwesi Sahluko alimkhululi [umqeshiswa
okanye umnikezelwa kwimfanelo] lowo unalo kwimbopheleleko— 30

(a) yokufumana esinye isigunyaziso saselunxwemeni esinokufuneka
ngokwalo Mthetho okanye esinye isigunyaziso ngokomnye umthetho
wepalamente; okanye

(b) yokwenza okufunwa ngomnye umthetho wepalamente.”. 35

Kwenziwa utshintsho kwisiqendu 66 soMthetho 24 ka-2008

37. Isiqendu 66 soMthetho ekwaqalwa ngawo sithatyathelw' indawo sisiqendu
esilandelayo:

“Imiqathango [yeziqeshiso zaselunxwemeni nonikezelo lwaselunxwe-
meni] yamaphephamvume okusetyenziswa 40

66. [(1)] [Uqeshiso lwaselunxwemeni okanye unikezelo lwaselunxwe-
meni] iphephamvume lokusetyenziswa konxweme—

(a) malinikwe umntu libe lelexesha eliqingqiweyo elingekho ngaphezu
kwama-20 eminyaka ekuya kuthi emva koko kufuneka kwenziwe
isicelo esitsha ngokwisiqendu 65(3) nese-(4); 45

(b) singalawulwa [emiselweyo] yimiqathango [okanye] egqitywe
nguMphathiswa [ngokwemeko nganye engqalileyo]; kunye

(c) malifune ukuba kuhlalulwe [ngumqeshiswa okanye ngumnike-
zelwa intlawulo] ngumnini walo [yengqesho eyamkelekileyo]
umrhumo ogqitywe nguMphathiswa ngokwisiqendu 65(1)(b). 50

[(2) Ukuqeshisa kwaselunxwemeni okanye unikezelo lwaselunxwe-
meni emhlabeni onxweme ngokungaphelelanga okanye ngokupheleleyo
emanzini onxweme kunokugunyanzisa umqeshiswa ukusebenzisa
amanzi angaphezu kwalo mhlaba mhlawumbi ngendlela ekhethekileyo
okanye ngokweenjongo ezingqalileyo.]” 55

Insertion of section 66A in Act 24 of 2008

38. The principal Act is hereby amended by the insertion after section 66 of the following section:

“Leases in admiralty reserves

66A. (1) Notwithstanding section 7(1)(e), a lease in an admiralty reserve, prior to the commencement of this section, must be managed by the organ of state empowered to do so in terms of the relevant local, provincial or national legislation. 5

(2) A lease referred to in subsection (1), must be managed as prescribed by the Minister and until so prescribed, such leases must be managed in a manner that is consistent with the purpose of coastal public property as set out in section 7A.” 10

Amendment of section 68 of Act 24 of 2008

39. The following section is hereby substituted for section 68 of the principal Act:

“Amendment, revocation, suspension or cancellation of authorisations 15

68. (1) An issuing authority may amend, revoke, suspend or cancel [an] a coastal authorisation issued in terms of this Act, if—

- (a) the holder of the coastal authorisation contravenes or fails to comply with a condition subject to which the coastal authorisation was issued;
- (b) it is in conflict with a coastal management programme or will significantly prejudice the attainment of a coastal management objective;
- (c) changes in circumstances require such amendment, revocation, suspension or cancellation; or
- (d) it is necessary to meet the Republic’s international obligations. 20 25

(2) An issuing authority must by written notice delivered to the holder of the coastal authorisation, or sent by registered post to the holder’s last known address, request the holder to make written representations within a period of 30 days from the date of the notice as to why the coastal authorisation should not be amended, revoked, suspended or cancelled, as the case may be. 30

(3) After the expiry of the period referred to in subsection (2) the issuing authority must consider the matter in the light of all relevant circumstances, including any representations made by the holder, and may—

- (a) revoke the coastal authorisation; 35
- (b) suspend the coastal authorisation for a period determined by the issuing authority;
- (c) cancel the coastal authorisation from a date determined by the issuing authority;
- (d) alter the terms or conditions of the coastal authorisation; or 40
- (e) decide not to amend, revoke, suspend or cancel the coastal authorisation. 45

(4) Notwithstanding subsections (2) and (3), the issuing authority may, whenever it is in the interests of the promotion, protection or utilisation on a sustainable basis of the coastal zone, at any time by written notice to the holder of [an] a coastal authorisation amend, revoke, suspend or cancel the coastal authorisation.

Kufakelwa isiqendu 66A kuMthetho 24 ka-2008

38. Kwenziwa utshintsho kuMthetho ekwaqalwa ngawo ngokuthi emva kwesiqendu 66 kufakelwe isiqendu esilandelayo:

“Ingqesho kwimimandla ethile

66A. (1) Kungakhathaliseki ukuba sithini na isiqendu 7(1)(e), 5
ingqesho kummandla othile, ngaphambi kokuqalisa kwesi siqendu ukusebenza, mayilawulwe licandelo likarhulumente egunyazwe ukuba yenze oko ngokomthetho kamasipala, okanye owephondo okanye wezwelonke.

(2) Ingqesho ekuthethwe ngayo kwisiqendu (1) mayilawulwe ngendlela emiselwe nguMphathiswa, kwaye de kube kuyenzeka oko, ezo ngqesho 10
mazilawulwe ngendlela evisisana nenjongo yomhlaba kawonkewonke oselunxwemeni njengoko ichazwe kwisiqendu 7A.”

Kwenziwa utshintsho kwisiqendu 68 soMthetho 24 ka-2008

39. Isiqendu 68 soMthetho ekwaqalwa ngawo sithatyathelw’ indawo sisiqendu esilandelayo: 15

“Ukuhlonyelwa, ukurhoxiswa, ukuxhonywa okanye ukucinywa kwesigunyazisi

68. (1) Igunya elikhupha isigunyaziso saselunxwemeni esikhutshwe ngokwalo Mthetho linokwenza utshintsho kuso, okanye lisitshitshise okanye lisixhome, ukuba— 20

(a) umnini-sigunyaziso saselunxwemeni waphula umqathango esasikhutshwe phantsi kwawo isigunyaziso eso;

(b) isigunyaziso siyangqubana nesicwangciso sokulawulwa konxweme okanye siza kukuqhwalalisa kanobom ukuphumelela kwiinjongo zokulawulwa konxweme; 25

(c) ukuguquka kweemeko kufunisa ukuba kwenziwe utshintsho kwisigunyaziso okanye sitshitshiswe okanye sixhonywe;

(d) kuyimfuneko ukuze kuhlantatyezwane neembopheleleko enazo iRiphabliki kumazwe ngamazwe.

(2) Igunya elikhupha isigunyaziso malithi ngesaziso esibhaliweyo esithi sisiwe kumntu onesigunyaziso sonxweme, okanye esithi sithunyelwe ngeposi erejistiweyo kwidilesi yokugqibela eyaziwayo yomntu onesigunyaziso, licele umntu onesigunyaziso ukuba atsho afuna ukukutsho ngencwadi zingaphelanga iintsuku ezingama-30 ukususela kumhla wesaziso, ncwadi leyo emcela ukuba axele kungani isigunyaziso saselunxwemeni singenakwenziwa utshintsho, okanye sitshitshiswe okanye sixhonywe. 30 35

(3) Lakuba liphelixe ixesha ekuthethwe ngalo kwisiqendwana (2) igunya elikhupha isigunyaziso maliwuqwalasele umcimbi ngokweemeko zonke ezifanele ukuqwalaselwa, kuquka nokutshiwo ngumntu onesigunyaziso, okanye— 40

(a) igunya linokusitshitshisa isigunyaziso saselunxwemeni;

(b) enokusixhoma isigunyaziso saselunxwemeni ubude bexesha obugqitywe ligunya elikhupha isigunyaziso;

(c) linokusirhoxisa isigunyaziso saselunxwemeni ukususela kumhla ogqitywe ligunya elisikhuphileyo; 45

(d) linokuyiguqula imiqathango yesigunyaziso saselunxwemeni; okanye

(e) lisengagqiba kwelokuba lingenzi lutshintsho, lingasitshitshisi, lingasixhomi okanye lingasirhoxisi isigunyaziso saselunxwemeni.

(4) Kungakhathaliseki ukuba sithini isiqendwana (2) nese-(3), igunya elikhupha isigunyaziso linokuthi, nanini na xa kuza kuba luncedo ekukhuthazeni, ekukhuseleni okanye ekusetyenzisweni kwesiseko sommandla wokhuselo, nangaliphi na ixesha linokuthi ngesaziso esibhaliweyo esiya kumntu onesigunyaziso saselunxwemeni, lenze utshintsho, okanye lisitshitshise okanye lisixhome okanye lisirhoxise isigunyaziso saselunxwemeni. 50 55

(5) If the issuing authority intends to exercise the powers under subsection (4), subsection (2) shall apply with the necessary changes.

(6) If the Minister or an issuing authority has reason to believe that it is urgently necessary to exercise powers under [subsections] subsection (1), (3) or (4) in order to protect the coastal environment or human health and well-being, the Minister or issuing authority may, by notice to the holder of [an] a coastal authorisation, temporarily suspend the coastal authorisation and then follow the procedure referred to in subsection (3). 5

(7) A competent authority, when exercising the power to amend, withdraw or suspend an environmental authorisation in terms of the National Environmental Management Act, must consider the factors referred to in subsections (1), (4), (5) and (6) with the necessary changes.”. 10

Amendment of section 69 of Act 24 of 2008

40. Section 69 of the principal Act is hereby amended—

- (a) by the substitution for the term “general authorisation”, wherever it occurs, of the term “general discharge authorisation”; 15
- (b) by the substitution for subsection (1) for the following subsection:
 - “(1) No person may discharge effluent that originates from a source on land into coastal waters except in terms of a general discharge authorisation contemplated in subsection (2) or a coastal waters discharge permit issued under this section by the Minister after consultation with the Minister responsible for water affairs in instances of discharge of effluent into an estuary.”; 20
- (c) by the substitution for subsection (3) for the following subsection:
 - “(3) Any person who wishes to discharge effluent into coastal waters in circumstances that are not authorised under a general discharge authorisation referred to in subsection (2) must apply to the Department for a coastal waters discharge permit.”; 25
- (d) by the substitution in subsection (4) for the words preceding paragraph (a) of the following words: 30
 - “Any person who at the commencement of this Act is discharging effluent into coastal waters and who is not authorised to do so in terms of a general discharge authorisation under subsection (2) must apply to the Department for a coastal waters discharge permit—”;
- (e) by the substitution in subsection (7) for the words preceding paragraph (a) of the following words: 35
 - “The Minister, and in instances of discharge of effluent into an estuary, with the concurrence of the Minister responsible for water affairs, must, when deciding whether or not to issue a general discharge authorisation contemplated in subsection (2) or to grant an application for a coastal waters discharge permit, take into account all relevant factors, including—”; and 40
- (f) by the deletion of subsection (11).

Amendment of section 70 of Act 24 of 2008

41. Section 70 of the principal Act is hereby amended by the substitution in subsection (1) for paragraphs (a), (b) and (e) of the following paragraphs, respectively: 45

(5) Ukuba igunya elikhupha isigunyaziso linenjongo yokusebenzisa amagunya angokwesiqendwana (4), isiqendwana (2) masisebenze kubekho nje utshintsho oluyimfuneko.

(6) Ukuba uMphathiswa okanye igunya elikhupha isigunyaziso unesizathu sokukholelwa ukuba kuyimfuneko ngokungxamisekileyo ukusebenzisa amagunya [**phantsi kwamasolotyana**] angokwesiqendwana (1), (3) okanye (4) ukuze kukhuselwe indalo esingqongileyo yonxweme okanye impilo yabantu, uMphathiswa okanye igunya elikhupha isigunyaziso unokuthi, ngesaziso esiya kumntu onesigunyaziso saselunxwemeni, asixhome okwethutyana isigunyaziso saselunxwemeni aze alandele inkqubo ekuthethwe ngayo kwisiqendwana (3).

(7) Igunya elinegunya lokukwenza oko, xa lisebenzisa igunya lokwenza utshintsho, okanye lokurhoxisa okanye lokuxhoma isigunyaziso sendalo esingqongileyo ngokoMthetho Wokulawulwa Kokusingqongileyo, masiqwalaselwe izinto ekuthethwe ngazo kwisiqendwana (1), (4), (5) nese-(6) kubekho nje utshintsho oluyimfuneko.”.

Kwenziwa utshintsho kwisiqendu 69 soMthetho 24 ka-2008

40. Kwenziwa utshintsho kwisiqendu 69 soMthetho ekwaqalwa ngawo—

- (a) ngokuthi igama elithi “isigunyaziso jikelele”, naphi na apho livela khona, lithatyathelw’ indawo ligama elithi “isigunyaziso esisebenza kubantu bonke sokuwavulela”;
- (b) ngokuthi isiqendwana (1) sithatyathelw’ indawo sisiqendwana esilandelayo:
 “(1) Akukho mntu uvumelekileyo ukuba avulele amanzi angcolileyo esuka emhlabeni aye kungena kumanzi onxweme ngaphandle kokuba ukwenza oko ngokwesigunyaziso esisebenza kubantu bonke sokuwavulela ekuthethwe ngaso kwisiqendwana (2) okanye akwenze oko ngephepha-mvume elikhutshwe ngokwesi siqendu nguMphathiswa emva kokubonisana noMphathiswa ophathiswe imicimbi yamanzi kwiimeko zokuvumelelwa kwamanzi angcolileyo angene emachwebeni.”;
- (c) ngokuthi isiqendwana (3) sithatyathelw’ indawo sisiqendwana esilandelayo:
 “(3) nawuphi na umntu onqwenela ukuvulela amanzi angcolileyo kumanzi onxweme kwiimeko ezingagunyazwanga ngokwesigunyaziso esisebenza kubantu bonke sokuwavulela ekuthethwe ngaso kwisiqendwana (2), makenz’ isicelo kwiSebe sephepha-mvume lokuvulela amanzi angcolileyo angene kumanzi onxweme;
- (d) ngokuthi amazwi awadulela isiqendu (a) kwisiqendwana (4) athatyathelw’ indawo ngamazwi alandelayo:
 “Nawuphi na umntu othi ekuqaleni kwalo Mthetho ukusebenza avulele amanzi angcolileyo angene kumanzi onxweme, abe engagunyazwanga ukuba enze njalo ngokwesigunyaziso esisebenza kubantu bonke sokuwavulela ngokwesiqendwana (2), makenz’ isicelo kwiSebe sephepha-mvume sokuwavulela angene kumanzi onxweme—”;
- (e) ngokuthi amazwi awandulela isiqendu (a) kwisiqendwana (7) thatyathelw’ indawo ngamazwi alandelayo:
 “UMphathiswa, kwiimeko zokuvulelwa kwamanzi angcolileyo angene echwebeni, ebonisana noMphathiswa ophathiswe imicimbi yamanzi, makathi, xa esenza isigqibo sokuba asikhuphe kusini na isigunyaziso esisebenza kubantu bonke sokuwavulela esixelwe kwisiqendwana (2) okanye xa esenza isigqibo sokuba asamkele kusini na isicelo sephepha-mvume lokuvulela amanzi angcolileyo angene elunxwemeni, athabathel’ ingqalelo zonke izibakala ezifanelekileyo, kuquka—”;
- (f) kucinywe isiqendwana (11).

Kwenziwa utshintsho kwisiqendu 70 soMthetho 24 ka-2008

41. Kwenziwa utshintsho kwisiqendu 70 soMthetho ekwaqalwa ngawo ngokuthi isiqendu (a), (b) no-(e) kwisiqendwana (1) zithatyathelw’ indawo zisiqendu ezilandelayo:

- “(a) incinerate at sea, including aboard a South African vessel, aircraft, platform or other structure, any waste or other material[—
- (i) **within the coastal waters or the exclusive economic zone; or**
 - (ii) **aboard a South African vessel];**
- (b) import into the Republic any waste or other material to be dumped or incinerated at sea, including aboard a South African vessel, aircraft, platform or other structure [**within the coastal waters or the exclusive economic zone**];
- (e) except on the authority of a dumping permit granted under section 71—
- (i) dump at sea any waste or other material [**within the coastal waters or the exclusive economic zone**]; or
 - (ii) dump from a South African vessel, aircraft, platform or other [**man-made**] structure at sea, any waste or other material [**on the high seas**]; or”.

Amendment of section 71 of Act 24 of 2008 15

42. Section 71 of the principal Act is hereby amended—
- (a) by deletion in subsection (3) of the word “or” at the end of paragraph (f), the insertion of the word “or” at the end of paragraph (g) and the addition of the following paragraph:
- “(h) waste or other material which may be prescribed.”; and 20
- (b) by the substitution for subsection (5) of the following subsection:
- “(5) [A] The Minister, may issue a dumping permit [**must be issued**] for a [**specified**] period of not more than [**two**] five years [**but may be renewed once for a period of not more than two years**] whereafter a new application must be made.” 25

Amendment of section 74 of Act 24 of 2008

43. Section 74 of the principal Act is hereby amended by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:
- “A person who is dissatisfied with any decision taken to issue, refuse, amend, suspend or cancel [**an**] a coastal authorisation, may lodge a written appeal against that decision with—”.

Amendment of section 79 of Act 24 of 2008

44. Section 79 of the principal Act is hereby amended—
- (a) by the substitution in subsection (1) for paragraph (h) of the following paragraph: 35
- “(h) passes off, uses, alters or has in possession any altered or false document purporting to be [**an**] a coastal authorisation; [**or**]”;
- (b) by the substitution for the full stop at the end of paragraph (i) of subsection (1) of a semi-colon, and the addition of the following paragraphs: 40
- “(j) reclaims land from coastal waters without authorisation of the Minister in terms of sections 7B and 7C; 40
- (k) utilises reclaimed land in contravention of sections 7B and 7C;
- (l) charges fees in contravention of section 13(3)(a) and (b);
- (m) conducts an activity that is prohibited in terms of section 65(1)(a)(i); 45

- “(a) atshise elwandle, kuquka nokhwele inqanawa yaseMzantsi-Afrika, inqwelo-moya, iqonga okanye esinye isakhiwo, nayiphi na inkunkuma okanye enye into—
- (i) **kufutshane namanzi onxweme okanye kummandla obekelwe ushishino; okanye** 5
- (ii) **enqanaweni yaseMzantsi Afrika**];
- (b) angenise kwiRiphabliki ivela kwelinye ilizwe nayiphi na inkunkuma okanye enye into eza kulahlwa okanye itshiswe elwandle, kuquka nokhwele inqanawa yaseMzantsi-Afrika, inqwelo-moya, iqonga okanye esinye isakhiwo **[kufuphi namanzi onxweme okanye kummandla obekelwe ushishino]**; 10
- (e) ngaphandle kwaxa enegunya lephephamvume lokulahl’ inkunkuma elinikwe ngokwesiqendu 71—
- (i) alahlele elwandle nayiphi na inkunkuma okanye into **[kufuphi namanzi onxweme okanye kummandla obekelwe ushishino]**; okanye 15
- (ii) alahle ekwinqanawa yaseMzantsi-Afrika okanye ekwinqwelo-moya, okanye iqonga okanye esinye isakhiwo **[eyenziwe ngumntu]** esiselwandle, nayiphi na inkunkuma okanye enye into **[enzonzobileni]**; okanye”.

Kwenziwa utshintsho kwisiqendu 71 soMthetho 24 ka-2008 20

42. Kwenziwa utshintsho kwisiqendu 71 soMthetho ekwaqalwa ngawo—
- (a) ngokuthi kucinywe kwisiqendwana (3) igama elithi “okanye” ekupheleni kwesiqendu (f), kuze kufakelwe igama “okanye” ekupheleni kwesiqendu (g), kuze kongezwe isiqendu esilandelayo: 25
- “(h) inkunkuma okanye enye into enokuthi ifuneke.”; kunye
- (b) isiqendwana (5) sithatyathelwe indawo sisiqendwana esilandelayo: 30
- “(5) UMphathiswa usengakhupha iphephamvume lokulahl’ inkunkuma [kufuneka ikhutshelwe] [elimisiweyo] yexesha elingekho ngaphezulu [emibini] kweminyaka emihlanu [kodwa lisenokuvuselelwa kube kanye kwixesha elingekho ngaphezulu kweminyaka emibini] ekuya kuthi emva koko kufuneke ukuba kwenziwe isicelo esitsha.”.

Kwenziwa utshintsho kwisiqendu 74 soMthetho 24 ka-2008

43. Kwenziwa utshintsho kwisiqendu 74 soMthetho ekwaqalwa ngawo ngokuthi amazwi awandulela isiqendu (a) kwisiqendwana (2) athatyathelw’ indawo ngamazwi alandelayo: 35
- “Umntu onganeliswanga sisigqibo esithatyathiweyo sokukhupha isigunyaziso, okanye sokwala naso, okanye sokwenza utshintsho kuso okanye sokusixhoma okanye sokusirhoxisa, isisigunyaziso saselunxwemeni, angafak’ isibheno esibhaliweyo nxamnye neso sigqibo ku—”. 40

Kwenziwa utshintsho kwisiqendu 79 soMthetho 24 ka-2008

44. Kwenziwa utshintsho kwisiqendu 79 soMthetho ekwaqalwa ngawo—
- (a) ngokuthi isiqendu (h) kwisiqendwana (1) sithatyathelw’ indawo sisiqendu esilandelayo: 45
- “(h) akhohlise, asebenzise, aguqule okanye abe noxwebhu olutshintshiweyo okanye olububuxoki olunjongo yalo ikukuba sisigunyaziso saselunxwemeni; [okanye]”;
- (b) ngokuthi unxaxaxa ekupheleni kwesiqendu (i) kwisiqendwana (1) athatyathelw’ indawo sisiphumzi, kuze kongezwe iziqendu ezilandelayo: 50
- “(j) abuye athabathele kuye umhlaba kumanzi onxweme engenaso isigunyaziso soMphathiswa ngokwesiqendu 7B no-7C;
- (k) asebenzise umhlaba olungisiweyo ngokungqubanyo nesiqendu 7b no-7C;
- (l) afune intlawulo ngokuchasene nesiqendu 13(3)(a) no-(b);
- (m) enze umsebenzi owalelweyo ngokwesiqendu 65(1)(a)(i); 55

- (n) fails to comply with a verbal directive issued by the Minister or MEC in terms of section 92(1); or
- (o) fails to comply with section 96(1).”;
- (c) by the deletion in subsection (2) of the word “or” at the end of paragraph (b) and the addition of the following paragraphs: 5
- “(d) constructs, maintains or extends any structure, or takes other measures on coastal public property to prevent or promote erosion or accretion of the seashore in contravention of section 15(2);
- (e) fails to comply with a coastal protection notice or access notice issued in terms of section 59; 10
- (f) conducts an activity without a coastal authorisation required in terms of this Act;
- (g) fails to comply with the conditions of a coastal authorisation;
- (h) fails to comply with section 95(1);
- (i) allows any other person to do, or to omit to do, anything which is an offence in terms of paragraph (a), or (c) to (h); 15
- (j) prevents access to coastal public property in contravention of section 13(1A); or
- (k) contravenes any other provision of this Act which is not referred to in subsections (1) or (2).”;
- (d) by the deletion of subsections (3) and (4). 20

Amendment of section 80 of Act 24 of 2008

45. The following section is hereby substituted for section 80 of the principal Act:

“Penalties

80. (1) A person who is [guilty] convicted of a category one offence referred to in section 79(1) may be sentenced to a fine of up to R5 000 000 or to imprisonment for a period of up to ten years, or to both such fine and imprisonment. 25

(2) A person who is [guilty] convicted of a category two offence referred to in section 79(2) may be sentenced on a first conviction for that offence to a fine of up to [R500 000] R2 000 000 or to imprisonment or community service for a period of up to five years, or to both such fine [,] and imprisonment or community service. 30

[(3) A person who is guilty of a category three offence referred to in section 79(3) may be sentenced on a first conviction for that offence to a fine of up to R50 000 or community service for a period of up to six months or to both such fine and community service.] 35

(4) A person who is [guilty] convicted of a category two [or three] offence may be sentenced on a second or subsequent conviction for that offence as if he or she has committed a category one [or two] offence. 40

(5) A court that sentences any person—

(a) to community service for an offence in terms of this Act must impose a form of community service which benefits the coastal environment, unless it is not possible to impose such a sentence in the circumstances; 45

(b) for any offence in terms of this Act, may suspend, revoke or cancel [an] a coastal authorisation granted to the offender under this Act.

- (n) angakwenzi okufunwa ngumyalelo okhutshwe ngomlomo nguMphathiswa okanye ngumphathiswa wephondo ngokwesiqendu 92(1); okanye
- (o) angakwenzi okufunwa sisiqendu 96(1).”;
- (c) ngokuthi kucinywe kwisiqendwana (2) igama elithi “okanye” ekupheleni kwesiqendu (b), kuze kongezwe iziqendu ezilandelayo: 5
- “(d) uyakha, alondolozwe okanye anwebe isakhiwo okanye enze ezinye izenzo kumhlaba karhulumente oselunxwemeni ukuthintela okanye ukukhuthaza ukukhukuliseka okanye ukunwebeka konxweme ngokuchasene nesiqendu 15(2);
- (e) akakwenzi okufunwa sisihlokomiso sokukhuselwa konxweme okanye isihlokomiso sokungena esikhutshwe ngokwesiqendu 59;
- (f) wenza umsebenzi othile engenaso isigunyaziso saselunxwemeni esifunwa ngokwalo Mthetho; okanye
- (g) akakwenzi okufunwa yimiqathango yesigunyaziso saselunxwemeni; 15
- (h) akakwenzi okufunwa sisiqendu 95(1);
- (i) uvumela omnye umntu ukuba enze okanye angenzi into ekukwaphul’ umthetho ngokwesiqendu (a), okanye (c) ukuya ku-(h);
- (j) uthintela ukungena kumhlaba kawonkewonke oselunxwemeni esaphula isiqendu 13(1A); okanye 20
- (k) waphula nakuphi na okutshiwo ngulo Mthetho ekungathethwanga ngako kwisiqendwana (1) okanye (2).”;
- (d) kucinywe isiqendwana (3) nese-(4).

Kwenziwa utshintsho kwisiqendu 80 soMthetho 24 ka-2008 25

45. Isiqendu 80 soMthetho ekwaqalwa ngawo sithatyathelw’ indawo sisiqendu esilandelayo:

“Izohlwayo

80. (1) Umntu [onetyala] ofunyaniswe enetyala kuluhlu lokuqala lwamatyala ekuthethwe ngalo kwisiqendu 79(1) angagwetywa ifayini enokude ifikelele kwizi-R5 000 000 okanye ukuvalelwa entolongweni ixesha elinokude lifike kwiminyaka eli-10 okanye agwetywe kokubini loo fayini nokuvalelwa entolongweni. 30

(2) Umntu [onetyala] ofunyaniswe enetyala kuluhlu lwesibini lwamatyala ekuthethwe ngawo kwisiqendu 79(2) angagwetywa, xa kukokokuqala efunyaniswa enetyala elinjalo, ifayini enokude ifikelele [R5 000 000] kwizi-R2 000 000 okanye ukuvalelwa entolongweni okanye ukusebenzela uluntu ixesha elinokude lifike kwiminyaka emihlanu, okanye agwetywe kokubini loo fayini [,] kunye nokuvalelwa entolongweni okanye ukusebenzela uluntu. 40

[(3) Umntu onetyala lolwaphulo-mthetho lodidi lwesithathu ekubhekiswa kulo kwisolotyala la-79(3) kwisihlandlo sokuqala kolo lwaphulo-mthetho angagwetywa isohlwayo semali esingafikelela kuma-R50 000 okanye isigwebo seenkonzo zoluntu esingafikelela kwiinyanga ezintandathu okanye zombini isohlwayo esinjalo semali nesigwebo seenkonzo zoluntu.] 45

(4) Umntu [onetyala] ofunyaniswe enetyala kuluhlu lwesibini [okanye lwesithathu] lwamatyala angagwetywa, xa kukokwesibini okanye ngaphezu koko efunyaniswa enetyala angagwetywa kube ngathi ufunyaniswe enetyala kuluhlu lokuqala [okanye lwesibini] lwamatyala. 50

(5) Inkundla egweba umntu—

(a) ukusebenzela uluntu netyala elingokwalo Mthetho mayimngwebe ukusebenzela uluntu okuluhlobo olunceda indalo esingqongileyo eselunxwemeni, ngaphandle kokuba akunakwenzeka ukumngweba eso sigwebo; 55

(b) ngalo naliphi na ityala elingokwalo Mthetho, unokuthi asixhome, asitshitshise isigunyaziso saselunxwemeni ebesinikwe lowo wenze ityala ngokwalo Mthetho.

(6) If a person is found guilty of an offence in the High Court, the penalty limitations in subsections (1), (2) and (4) do not apply a higher penalty may be imposed.”.

Amendment of section 81 of Act 24 of 2008

46. The following section is hereby substituted for section 81 of the principal Act: 5

“Jurisdiction of courts

81. (1) [If a person is charged with the commission of an offence in terms of this Act on, in or above coastal waters, a court whose area of jurisdiction abuts on the coastal waters has jurisdiction in the prosecution of the offence] Any act or omission in contravention of any of the provisions of this Act which is committed— 10

(a) by any person in, on or above coastal waters;

(b) outside coastal waters by any citizen of the Republic or any person ordinarily resident in the Republic; or

(c) by any person on board any South African vessel, 15
shall be dealt with and judicial proceedings taken as if such act or omission had taken place in the territory of the Republic.

(2) Any offence in terms of this Act shall, for purposes in relation to jurisdiction of a court to try the offence, be deemed to have been committed within the area of jurisdiction of the court in which the prosecution is 20
instituted.”.

Amendment of section 83 of Act 24 of 2008

47. Section 83 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for paragraph (g) of the following paragraph: 25
- “(g) the procedures to be followed with the lodging and consideration of applications for coastal authorisations, including—
- (i) the conditions with which applicants must comply before or after the lodging of their applications;
- (ii) the application fees to be paid; 30
- (iii) the authorities that will be competent to issue the different categories of [**authorisation**] coastal authorisations;
- (iv) the consultation procedures to be followed with organs of state and other interested and affected parties;
- (v) the authorities whose consent is required before [**permits**] 35
coastal authorisations may be issued; and
- (vi) the procedures for objecting to such applications;
- (vii) the powers of issuing authorities when considering and deciding such applications;
- (viii) the factors that must be taken into account when deciding 40
applications;
- (ix) the circumstances in which applications must be refused or may be approved and guidelines as to the conditions on which permits may or must be issued; and
- (x) the [**bid**] process to be followed for the award of coastal 45
[leases and coastal concessions] authorisations.”;
- (b) by the substitution in subsection (1) for paragraphs (h) to (l) of the following paragraphs:
- “(h) the contents of coastal authorisations;
- (i) the giving of security in respect of any obligation that may arise 50
from carrying out activities authorised by [**permits, coastal leases**

(6) Ukuba umntu ufunyaniswe enetyala kwiNkundla Ephakamileyo, imida yesohlwayo ekwisiqendwana (1), (2) nesesi-(4) azisebenzi, ndaweni yoko kunokuwiswa isihloko esithe kratya.”.

Kwenziwa utshintsho kwisiqendu 81 soMthetho 24 ka-2008

46. Isiqendu 81 soMthetho ekwaqalwa kwawo sithatyathelw’ indawo sisiqendu 5 esilandelayo:

“Amagunya eenkundla

81. (1) [Ukuba ngaba umntu umangalelwe ngolwaphulo-mthetho ngokwemimiselo yalo Mthetho alwenze ku, phakathi okanye phezulu kwamanzi onxweme, inkundla elawulo lwayo lwayame kumanzi onxweme inegunya ekutshutshisweni kolo lwaphulo-mthetho] Nakuphi na ukwenziwa kwesenzo okanye ukungenziwa kwesenzo esifunekayo okwaphula okutshiwo ngulo Mthetho-
 (a) nguye nawuphi na umntu kumanzi onxweme okanye phezu kwawo;
 (b) ngaphaya kwemida yamanzi onxweme kusenziwa ngummi weRiphabliki okanye nguye nawuphi na umntu ohlala kwiRiphabliki; okanye
 (c) nguye nawuphi na umntu okhwele inqanawa yoMzantsi-Afrika, kuza kusetyenzwa ngaye kwaye ityala lasenkundleni liza kuqhubeka ngokungathi oko kwenziwa kwesenzo okanye oko kungenziwa kwesenzo esifunekayo kwenzeke kumhlaba weRiphabliki.
 (2) Naliphi na ityala elenziwe ngokwalo Mthetho liza kuthatyathwa njengelenziwe ngaphakathi kommandla ophantsi kwegunya lenkundla ekuqalisa kuyo utshutshiso.”.

Kwenziwa utshintsho kwisiqendu 83 soMthetho 24 ka-2008

47. Kwenziwa utshintsho kwisiqendu 83 soMthetho ekwaqalwa ngawo—

(a) ngokuthi isiqendu (g) kwisiqendwana (1) sithatyathelw’ indawo sisiqendu esilandelayo:

“(g) iinkqubo emazilandelwe ekufakweni nasekuqwalaselweni kwezicelo zezigunyaziso zaselunxwemeni, kuquka—
 (i) nemiqathango ekufuneka abenzi-sicelo bahlangabezane nayo ngaphambi okanye ngemva kokufakwa kwabo izicelo;
 (ii) imirhumo yokwenz’ isicelo emayihlalwulwe;
 (iii) amagunya aya kuthi abe nako ukukhupha iindidi ngeendidi [zezigunyaziso] zezigunyaziso zaselunxwemeni;
 (iv) iindlela zokubonisana emazilandelwe ekubonisaneni nama-candelo karhulumente nabanye abantu abanomdla nabachaphazelekayo;
 (v) abasemagunyeni ekufuneka imvume yabo ngaphambi kokuba [iimvume] izigunyaziso zaselunxwemeni zikhutshwe;
 (vi) iindlela zokuzichasa ezo zicelo;
 (vii) amagunya abo basemagunyeni xa beqwalasela kwaye besenza izigqibo ngezicelo;
 (viii) izinto emazithatyathelw’ ingqalelo xa kusenziwa isigqibo ngezicelo;
 (ix) imeko ekunokuthi kuzo izicelo zikhatywe okanye zivunywwe, kunye nezikhokelo mayela nemiqathango emakhutshwe ngayo amaphephamvume; kunye
 (x) nenkqubo [yesiniki xabiso] emayilandelwe xa kukhutshwa [ukunikezelwa koqeshiso ngonxweme nelungelo lonxweme] izigunyaziso; kwaye

(b) ngokuthi isiqendu (h) ukuya ku-(l) kwisiqendwana (1) zithatyathelw’ indawo zisiqendu ezilandelayo:

“(h) okuqulethwe zizigunyaziso zaselunxwemeni;
 (i) ukunikwa kwesibambiso mayela nembopheleleko enokubakho ekwenzeni imisebenzi egunyazwe [ngeemvume, uqeshiso ngo-

- or coastal concessions]** coastal authorisations, and the form of such security;
- (j) the procedure to be followed in connection with the lodging and consideration of appeals in terms of Chapter 9, including—
- (i) the fees to be paid; 5
 - (ii) the conditions with which appellants must comply before or after the lodging of their appeals;
- [(iii) the powers of, and the procedure to be followed by, an MEC when considering and deciding such appeals;]**
- (iv) the circumstances in which a temporary stay may be granted in the carrying out of notices in terms of section 59 or 60, or an amendment, revocation, suspension or cancellation of **[permits, leases or concessions]** coastal authorisations in terms of section 68; 10
- (k) methods, procedures and conditions of enforcing compliance with coastal authorisations; 15
- (l) the issuing and contents of notices to persons who have contravened or failed to comply with—
- (i) a provision of this Act;
 - (ii) a coastal management programme; or 20
 - (iii) a condition of a **[permit, coastal lease or]** coastal **[concession]** authorisation;”; and
- (c) by the substitution in subsection (1) for paragraph (r) of the following paragraph:
- “(r) the issuing and contents of **[permits or licences]** coastal authorisations.”. 25

Amendment of section 84 of Act 24 of 2008

- 48.** Section 84 of the principal Act is hereby amended—
- (a) by the substitution in subsection (1) for paragraph (e) of the following paragraph: 30
- “(e) coastal management lines, including the granting of permission for the erection, placing, alteration or extension of a structure that is wholly or partially seaward of a coastal [set-back] management line and the process to be followed for acquiring such permission, including the authority by whom, the circumstances in which and the conditions on which such permission may be given;”; and 35
- (b) by the addition of the following subsection:
- “(3) The Minister, after consultation with the relevant MEC, must make regulations in terms of subsections (1)(b), (c), (d) and (e), if such regulations relate to any part of an area that—
- (a) is a national protected area as defined in the Protected Areas Act;
 - (b) straddles a coastal boundary between two provinces; or
 - (c) extends up to, or straddles, the borders of the Republic.”. 40

Amendment of section 85 of Act 24 of 2008

- 49.** Section 85 of the principal Act is hereby amended by the substitution in subsection (3) for paragraph (d) of the following paragraph: 45
- “(d) provide that any person who contravenes or fails to comply with a provision thereof is guilty of an offence and liable on conviction to—
- (i) imprisonment for a period not exceeding **[two]** five years;
 - (ii) an appropriate fine not exceeding R2 million; or 50
 - (iii) both such fine and imprisonment.”.

- nxweme okanye ngelungelo lonxweme] zizigunyaziso zaselunxwemeni, nohlobo lwesibambiso;
- (j) inkqubo emayilandelwe mayela nokufakwa nokuqwalaselwa kwezibheno ngokweSahluko 9, kuquka—
- (i) iimali emazihlawulwe; 5
- (ii) imiqathango ababhenayo ekufuneka bahlangabezane nayo ngaphambi okanye emva kokufakwa kwezibheno;
- [(iii) **amagunya, nenkqubo ekufuneka ilandelwe, nguMphathiswa wePhondo xa eqwalasela naxa athatha izigqibo ngezibheno ezinjalo;**] 10
- (iv) iimeko ekunokuthi kuzo kuvunyelwe ukuhlala ithutyana ekuphumezeni izihlokomiso ngokwesiqendu 59 okanye 60, okanye utshintsho, okanye ukutshitshiswa, okanye ukuxhonywa, okanye ukucinywa [**kweemvume, uqeshiso nelungelo ngokwemimiselo**] kwezigunyaziso zaselunxwemeni ngokwesiqendu 68; 15
- (k) iindlela, iinkqubo nemiqathango yokunyanzelisa ukwenziwa kokufunwa zizigunyaziso zaselunxwemeni;
- (l) ukukhutshwa kwezihlokomiso nezikuquletheyo zikhutshelwa abantu abangakwenzanga okufunwa— 20
- (i) ngulo Mthetho;
- (ii) yinkqubo yokulawulwa konxweme; kunye
- (iii) ngumqathango [**yemvume, yoqeshiso ngonxweme okanye**] wesigunyaziso [**yelungelo lonxweme**] saselunxwemeni;” kunye 25
- (c) isiqendu (r) kwisiqendwana (1) sithatyathelw’ indawo sisiqendu esilandelayo:
“(r) ukukhutshwa [**kweemvume okanye ilayisensi**] kwezigunyaziso zaselunxwemeni nezikuquletheyo.”.

Kwenziwa utshintsho kwisiqendu 84 soMthetho 24 ka-2008

- 48.** Kwenziwa utshintsho kwisiqendu 84 soMthetho ekwaqalwa ngawo— 30
- (a) ngokuthi isiqendu (e) kwisiqendwana (3) sithatyathelw’ indawo sisiqendu esilandelayo:
- “(e) imida yokulawulwa konxweme, kuquka nokukhutshwa kwemvume yokwakhiwa, nokutshintshwa, nokunwetywa kwesakhiwo esibheke elwandle ngokupheleleyo okanye ngokuyinxenye [**kwicala lomgca wobuyela elwandle**] somda wokulawulwa konxweme nenkqubo yokulandelwa yokufumana loo mvume, kuquka nomntu loo mvume enokukhutshwa ngegunya lakhe, neemeko enokukhutshwa kuzo, nemiqathango enokukhutshwa kuyo;” kunye 35
- (b) kongezwe isiqendwana esilandelayo: 40
- “(3) UMphathiswa, emva kokubonisana nomphathiswa wephondo ochaphazelekayo, makenze imimiselo ngokwesiqendwana (1)(b), (c), (d) no-(e), ukuba loo mimiselo inento yokwenza nenxalenye yommandla—
- (a) ongummandla okhuselweyo wezwelonke njegoko uchazwe kwi-Protected Areas Act; 45
- (b) ungxabalaze phezu komda wonxweme ophakathi kwamaphondo amabini; okanye
- (c) unabela, okanye ungxabalaze, phezu kwemida yeRiphabliki.”.

Kwenziwa utshintsho kwisiqendu 85 soMthetho 24 ka-2008 50

- 49.** Kwenziwa utshintsho kwisiqendu 85 soMthetho ekwaqalwa ngawo ngokuthi isiqendu (d) kwisiqendwana (3) sithatyathelw’ indawo sisiqendu esilandelayo:
- “(d) mayithi nawuphi na umntu owaphula okanye ongakwenziyo okufunwa ngumthetho waphul’ umthetho kwaye esakufunyaniswa enetyala uya kugwetywa— 55
- (i) ukuvalelwa entolongweni ixesha elingagqithiyo [**emibini**] kwiminyaka emihlanu;
- (ii) ifayini efanelekileyo engagqithiyo kwizigidi ezi-R2; okanye
- (iii) agwetywe kokubini loo fayini nokuvalelwa entolongweni.”.

Amendment of heading to Part 2 of Act 24 of 2008

50. The following heading is hereby substituted for the heading of Part 2 of Chapter 11:

“Powers to be exercised by [Minister and] MEC”.

Repeal of section 87 of Act 24 of 2008

5

51. Section 87 of the principal Act is hereby repealed.

Amendment of section 89 of Act 24 of 2008

52. Section 89 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) The Minister— 10

(a) may not delegate a power or duty vested in the Minister—

(i) to make regulations; or

(ii) to publish notices in the *Gazette*; **[or**

(iii) to appoint the members of the National Coastal Committee;]

and 15

(b) may withdraw by notice in writing any delegation made in terms of a provision of this Act **[or of a statute repealed by this Act].”.**

Amendment of section 90 of Act 24 of 2008

53. Section 90 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (d) of the following paragraph: 20

“(d) establish **[set-back]** coastal management lines **[to implement or monitor compliance with provincial norms and standards].”.**

Amendment of section 91 of Act 24 of 2008

54. Section 91 of the principal Act is hereby amended by the deletion in subsection (1) of the word “or” at the end of paragraph (a), the insertion of the word “; or” at the end of paragraph (b) and the addition of the following paragraph: 25

“(c) an official within the MEC’s department.”.

Amendment of section 92 of Act 24 of 2008

55. Section 92 of the principal Act is hereby amended—

(a) by the substitution for the section heading of the following heading: 30

“**Urgent action by Minister or MEC**”;

(b) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“(1) The Minister or MEC may issue a verbal directive to any responsible person to **[stay]** stop an activity if such activity poses—”; 35

and

(c) by the substitution for subsection (3) of the following subsection:

“(3) When issuing a verbal directive contemplated in subsection (1), the provisions of section 59(1)[, (3)] and (4) or 60(1)[, (3)] and (4) apply with the necessary changes.”. 40

Amendment of section 93 of Act 24 of 2008

56. Section 93 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) The Minister must prepare and regularly update a national report on the state of the coastal environment **[based on]**, which must include— 45

Kwenziwa utshintsho kumxholo weCandelo 2 loMthetho 24 ka-2008

50. Umxholo olandelayo uthatyathelw' indawo ngumxholo weCandelo 2 lesahluko 11:

“Amagunya amakasetyenziswe [Mphathiswa]ngumphathiswa wephondo”.

Kutshitshiswa isiqendu 87 soMthetho 24 ka-2008

5

51. Isiqendu 87 soMthetho ekwaqalwa ngawo siyatshitshiswa.

Kwenziwa utshintsho kwisiqendu 89 soMthetho 24 ka-2008

52. Kwenziwa utshintsho kwisiqendu 89 soMthetho ekwaqalwa ngawo ngokuthi isiqendwana (5) sithatyathelw' indawo sisiqendwana esilandelayo:

“(5) UMphathiswa— 10

- (a) akavumelekanga ukuba aphathise igunya okanye umsebenzi onikwe yena—
 (i) wokwenza imimiselo; okanye
 (ii) wokupapasha izihlokomiso kuShicilelo-Mithetho; [okanye
 (iii) ukuba onyule amalungu eKomiti yamaNxweme yeSizwe;] kunye
 (b) nakuphi na ukuphathisa unokuthi akurhoxise ngokukhuph' isihlokomiso 15
 esibhaliweyo ngokokutsho kwalo Mthetho [okanye yomthetho obhangiswe
 ngulo Mthetho].”.

Kwenziwa utshintsho kwisiqendu 90 soMthetho 24 ka-2008

53. Kwenziwa utshintsho kwisiqendu 90 soMthetho ekwaqalwa ngawo ngokuthi isiqendu (d) kwisiqendwana (1) sithatyathelw' indawo sisiqendu esilandelayo: 20

“(d) ukuseka [imigca yokubuyisela emva] imida yokulawulwa konxweme [okanye ukubeka esweni ukuthotyelwa kwezithethe nemigangatho yephondo].”.

Kwenziwa utshintsho kwisiqendu 91 soMthetho 24 ka-2008

54. Kwenziwa utshintsho kwisiqendu 91 soMthetho ekwaqalwa ngawo ngokuthi kucinywe kwisiqendwana (1) igama elithi “okanye” ekupheleni kwisiqendu (a), kuze kufakelwe igama elithi “; okanye” ekupheleni kwisiqendu (b), kuze kongezwe isiqendu esilandelayo: 25

“(c) igosa elingaphakathi kwesebe lomphathiswa wephondo.”.

Kwenziwa utshintsho kwisiqendu 92 soMthetho 24 ka-2008

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55. Kwenziwa utshintsho kwisiqendu 92 soMthetho ekwaqalwa ngawo—

- (a) ngokuthi isihloko sesiqendu sithatyathelw' indawo sisihloko esilandelayo:
 “**Amanyathelo angxamisekileyo oMphathiswa okanye umphathiswa wephondo**”;
 (b) ngokuthi amazwi awandulela isiqendu (a) kwisiqendwana (1) athatyathelw' indawo ngamazwi alandelayo: 35
 “(1) UMphathiswa okanye umphathiswa wephondo unokukhupha umyalelo ngomlomo ewubhekisa nakuwuphi na umntu esithi maka-yimise nayiphi na into ayenzayo ukuba loo nto ayenzayo iba—”; kunye
 (c) isiqendwana (3) sithatyathelw' indawo sisiqendwana esilandelayo: 40
 “(3) Xa ekhupha umyalelo ngomlomo oxelwe kwisiqendwana (1), okutshiwo sisiqendu 59(1) [, (3)] nasisiqendwana (4) okanye isiqendu 60(1)[, (3)] nasisiqendwana (4) kuyasebenza, kubekho nje utshintsho oluyimfuneko.”.

Kwenziwa utshintsho kwisiqendwana 93 soMthetho 24 ka-2008

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56. Kwenziwa utshintsho kwisiqendu 93 soMthetho ekwaqalwa ngawo ngokuthi isiqendwana (3) sithatyathelw' indawo sisiqendwana esilandelayo:

“(3 UMphathiswa makaqulunqe ingxelo yezwelonke aze aman' ukuyenza ibe sexesheni engemeko yendalo esingqongileyo eselunxwemeni [ngokusekwe], emayiquke— 50

- (a) information from provincial reports submitted to the Minister in terms of subsection (2); and
- (b) a review on the status of each pipeline that discharges effluent into coastal waters in terms of section 69 and its impact on the coastal environment and progress on any other national responsibilities in this Act.”.

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Insertion of section 94A in Act 24 of 2008

57. The principal Act is hereby amended by the insertion after section 94 of the following section:

“Exemptions

- 94A.** (1) The Minister may in writing exempt any person or group of persons or organ of state from a provision of this Act, provided that such exemption does not conflict with the objects of the Act.
- (2) An exemption granted in terms of subsection (1) may—
- (a) be subject to conditions;
- (b) be subject to payment of a fee; and
- (c) be amended or cancelled at any time by the Minister.
- (3) Before making a decision in terms of this section, the Minister must consult with any organ of state that may be affected by such decision.”.

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Amendment of section 95 of Act 24 of 2008

58. The following section is hereby substituted for section 95 of the principal Act: 20

“Existing leases on, or rights to, coastal public property

- 95.** (1) In order to enable the Minister to establish the nature and extent of existing uses within the coastal zone, the holder of a lease or right in terms of the Sea-shore Act, 1935 (Act No. 21 of 1935), or a lease within the admiralty reserve must, within 12 months of the commencement of this section, provide the Minister with a copy of the lease concluded in terms of the Sea-shore Act.
- (2) If a lease under the Sea-Shore Act—
- (a) relates to an activity that is not listed in terms of section 65(1)(a), that lease is no longer required and therefore lapses, and the activity may continue;
- (b) relates to an activity which is prohibited by notice in terms of section 65(1)(a)(i), that activity must stop within a period of 180 days from the date of publication of such notice; or
- (c) relates to an activity requiring a permit in terms of section 65(1)(a)(ii) application must be made for a coastal use permit in terms of section 65(3) within a period of 180 days of the publication of the notice listing such activities.
- (3) If an application for a coastal use permit contemplated in subsection 2(c) is refused, that activity must stop within a period of 180 days of receipt of the refusal.
- (4) Unless a person referred to in subsection (2)(c) is directed otherwise by a person acting in terms of this Act, it is not an offence for that person to continue with the activity if that person makes an application for a permit under section 65(3)(a) within 180 days as contemplated in subsection (2)(c) but has not yet been notified whether the application has been granted or refused.”.

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- (a) ingcombolo evela kwiingxelo zamaphondo ezingeniswe kuMphathiswa ngokwesiqendwana (2); kunye
- (b) ukuqwalaselwa ngokutsha kwemeko yombhobho ngamnye okhuphela ukungcola kumanzi onxweme ngokwesiqendu 69 nesiphumo okuthi kube naso kwindalo esingqongileyo eselunxwemeni nenkqubela kuyo nayiphi na eminye imisebenzi yezwelonke ekulo Mthetho.” 5

Kufakelwa isiqendu 94A kuMthetho 24 ka-2008

57. Kwenziwa utshintsho kuMthetho ekwaqalwa ngawo ngokuthi emva kwesiqendu 94 kufakelwe isiqendu esilandelayo:

“Ukukhululwa 10

- 94A.** (1) UMphathiswa unokuthi ngenchwadi akhulule nawuphi na umntu okanye iqela labantu okanye icandelo likarhulumente ekunkqanyangelweni kokutshiwo ngulo Mthetho, kuxhomekeke ekubeni oko kukhululwa akungqubani neenjongo zalo Mthetho.
- (2) Ukukhululwa komntu ngokwesiqendwana (1)— 15
- (a) kunokuxhomekeka kwimiqathango;
- (b) kunokuxhomekeka ekuhlawulweni komrhumo; kunye
- (c) kunokuthi kwenziwe utshintsho okanye kurhoxiswe nangaliphi na ixesha nguMphathiswa.
- (3) Ngaphambi kokuba uMphathiswa enze isigqibo ngokwesi siqendu, makabonisane necandelo likarhulumente elisenokuthi lichatshazelwe seso sigqibo.” 20

Kwenziwa utshintsho kwisiqendu 95 soMthetho 24 ka-2008

58. Isiqendu 95 soMthetho ekwaqalwa ngawo sithatyathelw’ indawo sisiqendu esilandelayo: 25

“Uqeshiso olukhoyo, okanye ilungelo, kummandla wonxweme kawonkewonke

- 95.** (1) Ukuze uMphathiswa akwazi ukuqonda ubunjani nobungakanani bokusetyenziswa kwangoku ngaphakathi kummandla wonxweme, umntu onesivumelwano sengqesho okanye ilungelo ngokwe*Sea-shore Act 21* ka-1935, okanye oqeshileyo ngaphakathi kommandla, makathi zingaphelanga iinyanga ezili-12 siqalile ukusebenza esi siqendu, anike uMphathiswa ikopi yesivumelwane sengqesho ekungenwe kuso ngokwe*Sea-shore Act*. 30
- (2) Ukuba isivumelwano sengqesho esingokwe*Sea-Shore Act*— 35
- (a) sinento yokwenza nomsebenzi ongadweliswanga ngokwesiqendu 65(1)(a), eso sivumelwano sengqesho asisafuneki kwaye siyaphelwa, umsebenzi wona ungaqhubeka;
- (b) sinento yokwenza nomsebenzi owalelweyo ngesihlokomiso ngokwesiqendu 65(1)(a)(i), loo msebenzi mawume zingaphelanga iintsuku ezili-180 ukususela kumhla wesihlokomiso; 40
- (c) sinento yokwenza nomsebenzi ofuna iphepha-mvume ngokwesiqendu 65(1)(a)(ii) makwenziwe isicelo sephepha-mvume lokusebenzisa unxweme ngokwesiqendu 65(3) zingaphelanga iintsuku ezili-180 sipapashiwe isihlokomiso esidwelisa loo misebenzi. 45
- (3) Ukuba isicelo sephepha-mvume lokusebenzisa unxweme elixelwe kwisiqendwana (2)(c) saliwe, loo msebenzi mawume zingaphelanga iintsuku ezili-180 kufunyenwe ukwalelwa.
- (4) Ngaphandle kokuba umntu ekuthethwe ngaye kwisiqendwana (2)(c) uyalelwe ngenye indlela ngumntu owenza ngokwalo Mthetho, asikuko ukwaphul’ umthetho ngaloo mntu ukuba aqhubeke nomsebenzi ukuba loo mntu wenza isicelo sephephamvume ngokwesiqendu 65(3)(a) zingaphelanga iintsuku ezili-180 njengoko kuxelwe kwisiqendwana (2)(c) abe engekaziswa ukuthi isicelo sivunyiwe okanye sikhatyawe kusini na.” 50

Amendment of section 96 of Act 24 of 2008

59. The following section is hereby substituted for section 96 of the principal Act:

“Unlawful structures on coastal public property

(1) **[Subject to the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act No. 19 of 1998), and subsection (4), a]** A person who, before this [Act] section took effect, had unlawfully constructed a building or other structure on coastal public property or who, when this [Act] section took effect, occupied a building or other structure unlawfully built on coastal public property must— 5

- (a) within 180 days of the publication of the *Gazette* notice contemplated in section 65(1)(a)(ii), apply for a coastal [lease in terms of Chapter 7] use permit if the activity is listed in terms of section 65(1)(a)(ii); or 10
- (b) within 180 days of the publication of the *Gazette* notice contemplated in section 65(1)(a)(i), demolish the building or structure and as far as reasonably possible, restore the site to its condition before the building or other structure was built, if the activity is prohibited in terms of section 65(1)(a)(i); and must notify the Department with proof of such demolition and restoration. 15

(2) If a person referred to in subsection (1) applies for a coastal [lease] use permit in accordance with [subsection (1)] section 65(3)(a) and the application is refused by the Minister, that person must demolish the building or structure and, within a reasonable period, as determined by the Minister when refusing the application, as far as reasonably possible restore the site to its condition before the building or other structure was built. 20

(3) If a person who in terms of subsection (1) or (2) is obliged to demolish the building or structure and to restore the site to its original condition, fails to do so within the period specified in subsection (1)(b) or specified by the Minister in subsection (2), the Minister [or the MEC] may, under section 60, issue a written repair or removal notice to that person. 25

(3A) If appropriate, before issuing a notice as contemplated in subsection (3), the Minister must consider the effect this may have on the elderly, children, disabled persons and households headed by women, particularly in low-income households. 30

- (4) This section does not affect—
- (a) any legal proceedings that commenced prior to the commencement of this [Act] section to enforce any prohibition or restriction on construction or other activities in terms of any other law; or 35
- (b) any legal proceedings instituted after the commencement of this Act to enforce any notice served prior to the commencement of this section that required the addressee to vacate or demolish any building or structure that was constructed unlawfully; or]. 40

[(c) any rights a person may have in terms of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act No. 19 of 1998).]”.

Repeal of section 97 of Act 24 of 2008

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60. Section 97 of the principal Act is hereby repealed.

Kwenziwa utshintsho kwisiqendu 96 soMthetho 24 ka-2008

59. Isiqendu esilandelayo sithabath' indawo yesiqendu 96 soMthetho ekwaqalwa ngawo:

“Izakhiwo ezingekho mthethweni kummandla wonxweme kawonkewonke 5

(1) [Ngokuxhomekeka kuMthetho wokuThintela ukuSuswa okungekho-Mthethweni nokuHlala eMhlabeni ngokungekhoMthethweni, 1998 uMthetho onguNom. 19 ka-1998), nakwisolotyana (4),] Umntu othe ngaphambi kokuqalisa ukusebenza [lo Mthetho] kwesi siqendu wabe wakhe ngokungekho mthethweni isakhiwo kumhlaba kawonkewonke 10
oselunxwemeni, okanye othe, xa [lo Mthetho] esi siqendu siqalisa ukusebenza, wabe ehlala kwisakhiwo esakhiwe ngokungekho mthethweni kumhlaba kawonkewonke oselunxwemeni, makathi—

(a) zingaphelanga iintsuku ezili-180 sipapashiwe isihlokomiso kuShicilelo-Mithetho esixelwe kwisiqendu 65(1)(a)(ii), enze isicelo sephepha-mvume lokusebenzisa unxweme [ngokwemimiselo yeSahluko 7] ukuba umsebenzi lowo udweliswe ngokwesiqendu 65(1)(a)(ii); okanye 15

(b) zingaphelanga iintsuku ezili-180 sipapashiwe isihlokomiso kuShicilelo-Mithetho esixelwe kwisiqendu 65(1)(a)(i), asichithe isakhiwo kwaye kangangoko kunokwenzeka asibuyisele isiza kwimeko ebesikuyo ngaphambi kokuba kwakhiwe isakhiwo kuso, ukuba umsebenzi lowo walelwe ngokwesiqendu 65(1)(a)(i); kwaye makazise iSebe enobungqina bokuba usidilizile isakhiwo waza wasibuyisela kwimeko ebesikuyo isiza. 20
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(2) Ukuba umntu ekuthethwe ngaye kwisiqendwana (1) wenza isicelo [sokuqeshiselwa] sephephamvume lokusebenzisa [nesolotyana (1)] ngokwesiqendu 65(3)(a) size isicelo saliwe nguMphathiswa, loo mntu makasidilize isakhiwo aze, kungabanga xesha elixelwe nguMphathiswa xa esikhaba isicelo, asibuyisele isiza kwimeko esasikuyo ngaphambi kokuba kwakhiwe kuso. 30

(3) Ukuba umntu onyanzelekileyo ngokwesiqendwana (1) okanye (2) ukuba adilize isakhiwo aze abuyisele isiza kwimeko esasikuyo ngaphambili, akakwenzi oko kwixesha elixelwe kwisiqendwana (1)(b) okanye elixelwe nguMphathiswa kwisiqendwana (2), uMphathiswa [okanye uMphathiswa wePhondo] unokuthi, ngokwesiqendu 60, akhuphele loo mntu isaziso esibhaliweyo sokulungisa okanye sokushenixsa. 35

(3A) Ukuba kufanelekile, ngaphambi kokuba akhuphe isihlokomiso esixelwe kwisiqendwana (3), uMphathiswa makaqwalasele isiphumo okunokuthi kube naso oku kubantu abakhulileyo, kubantwana, kubantu abagokekileyo nakwiintsapho ezinentloko engumama, ngakumbi kwii-ntsapho ezamkela imali engephi. 40

(4) Esi siqendu asichaphazeli—

(a) amanyathelo omthetho awayeqalise ngaphambi kokuqalisa [kwalo Mthetho] kwesi siqendu ukusebenza okunyanzelisa ukwalwla okanye ukuthintela ukwakhiwa kwezakhiwo okanye eminye imisebenzi ngokomthetho ongomnye; okanye 45

(b) amanyathelo omthetho awaqaliswa ngaphambi kokuqalisa kwesi siqendu ukusebenza okwathi kwafunisa ukuba umntu aphume okanye adilize isakhiwo esasakhiwe ngokungekho mthethweni[; okanye]. 50

[(c) **nawaphi na amalungelo anokuthi umntu abenawo ngokoMthetho wokuThintela ukuSuswa okungekhoMthethoweni nokuHlala ngokungekhoMthethweni, 1998 (uMthetho onguNom. 19 ka-1998).]**”.

Kutshitshiswa isiqendu 97 soMthetho 24 ka-2008 55

60. Isiqendu 97 soMthetho ekwaqalwa ngawo siyatshitshiswa.

Insertion of section 97A in Act 24 of 2008

61. The principal Act is hereby amended by the insertion after section 97 of the following section:

“Withdrawal of previous exclusions

97A. Any exclusion of an area from coastal public property in terms of section 27, prior to the repeal of that section, shall be of no force and effect and shall remain coastal public property to the extent defined in section 7.”. 5

Amendment of section 101 of Act 24 of 2008

62. The following short title is hereby substituted for the short title and commencement of the principal Act: 10

“Short title and commencement

101. This Act is called the National Environmental Management: Integrated Coastal Management Act, [2007] 2008, and takes effect on a date or dates determined by the President by proclamation in the *Gazette*.”.

Amendment of Arrangement of Sections of Act 24 of 2008 15

63. The Arrangement of Sections after the Preamble of the principal Act is hereby amended—

- (a) by the substitution for item 6 of the following item:
“6. [Conflicts] Interpretation and conflicts with other legislation”;
- (b) by the insertion after item 7 of the following items: 20
“7A. Purpose of coastal public property
7B. Reclamation of land for state infrastructure
7C. Reclamation of land for purposes other than state infrastructure”;
- (c) by the deletion of item 10;
- (d) by the substitution after item 24 of the following heading: 25

“Part 7

- Coastal [set-back] management lines”;**
- (e) by the substitution for item 25 of the following item: 30
“25. Establishment of coastal [set-back] management lines”;
- (f) by the deletion of item 64;
- (g) by the substitution for the heading after item 64 of the following heading:

“Part 4 35

- [Coastal leases and coastal concessions on] Use of coastal public property”;**
- (h) by the substitution for item 65 of the following item: 40
“65. Award of [leases and concessions] coastal use permits on coastal public property”;
- (i) by the substitution for item 66 of the following item:
“66. Terms of coastal [leases and coastal concessions] use permits”;
- (j) by the insertion after item 66 of the following item:
“66A. Leases in admiralty reserves”;
- (k) by the substitution after item 86 of the following heading: 45

Kufakelwa isiqendu 97A kuMthetho 24 ka-2008

61. Kwenziwa utshintsho kuMthetho ekwaqalwa ngawo ngokuthi emva kwesiqendu 97 kufakelwe isiqendu esilandelayo:

“Ukurhoxiswa kokukhutshelwa ngaphandle kwangaphambili

97A. Nakuphi na ukukhutshelwa ngaphandle kommandla kumhlaba kawonkewonke oselunxwemeni ngokwesiqendu 27, ngaphambi kokutshitshiswa kweso siqendu, akuyi kusebenza kwaye loo mmandla uya kuhlala ungumhlaba kawonkewonke oselunxwemeni ngokwendlela echazwe kwisiqendu 7.”

Kwenziwa utshintsho kwisiqendu 101 soMthetho 24 ka-2008

62. Igama loMthetho ekwaqalwa ngawo nokuqalisa kwawo ukusebenza kuthatyathelw’ indawo ligama elilandelayo:

“Igama lawo nokuqalisa kwawo ukusebenza

101. Lo Mthetho ubizwa ngokuba nguMthetho Wokwenza Utshintsho Kulawulo Lokusingqongileyo Lwesizwe: UMthetho Wolawulo Lonxweme Oludibeneyo [2007] ka-2008, kwaye uqalisa ukusebenza ngomhla ogqitywe okanye ngemihla egqitywe nguMongameli ngokukhuph’ isihlokomiso ku*Shicilelo-Mithetho*.”

Kwenziwa utshintsho kuLandelwano Lweziqendu zoMthetho 24 ka-2008

63. Kwenziwa utshintsho kuLandelwano Lweziqendu emva kweNtshayelelo yoMthetho ekwaqalwa ngawo—

- (a) ngokuthi isiqendu 6 sithathelw’ indawo sisiqendu esilandelayo:
“6. [Ungquzulwano] Ukuchazwa kwentsingiselo nongquzulwano neminye imithetho”;
- (b) ngokuthi emva kwesiqendu 7 kufakelwe isiqendu esilandelayo:
“7A. Injongo yomhlaba kawonkewonke oselunxwemeni
7B. Ukulungiswa komhlaba ulungiselwa iimfuneko-ngqangi zikarhulumente
7C. kulungiswa komhlaba ulungiselwa ezinye iinjongo ezingezizo iimfuneko-ngqangi zikarhulumente”;
- (c) ngokuthi kucinywe isiqendu 10;
- (d) ngokuthi emva kwesiqendu 24 kufakelwe umxholo olandelayo:

“iNdima 7**Umda [wobuyiselo-mva] wokuphathwa konxweme”;**

- (e) isiqendu 25 sithatyathelw’ indawo sisiqendu esilandelayo:
“25. Ukusekwa kwemida [yobuyiselo-mva] yokuphathwa konxweme”;
- (f) ngokuthi kucinywe isiqendu 64;
- (g) ngokuthi emva kwesiqendu 64 kufakwe umxholo olandelayo:

“iNdima 4**[Uqeshiso lonxweme nelungelo lonxweme] Ukusetyenziswa komhlaba kawonkewonke oselunxwemeni”;**

- (h) ngokuthi isiqendu esilandelayo sithatyathelw’ indawo sisiqendu esilandelayo:
“65. Ukunikezelwa [kwemvume yokuqesha] kwamaphepha-mvume okusetyenziswa konxweme kumhlaba kawonkewonke”;
- (i) ngokuthi isiqendu 66 sithatyathelw’ indawo sisiqendu esilandelayo:
“66. Imiqathango [yoqeshiso nemvume yokusebenzisa] yokusetyenziswa kwamaphepha-mvume elunxwemeni”;
- (j) ngokuthi emva kwesiqendu 66 kufakelwe isiqendu esilandelayo:
“66A. Izivumelwano zengqesho kwimimandla ethile”;
- (k) ngokuthi emva kwesiqendu 86 kufakelwe umxholo olandelayo:

“Part 2**Powers to be exercised by [Minister and] MEC”;**

- (l) by the deletion of item 87;
- (m) by the insertion after item 94 of the following item: 5
 “94A. Exemptions”;
- (n) by the deletion of item 97; and
- (o) by the insertion after item 97 of the following item:
 “97A. Withdrawal of previous exclusions”.

Short title and commencement 10

64. This Act is called the National Environmental Management: Integrated Coastal Management Amendment Act, 2014, and comes into operation within six months of the date of publication in the *Gazette* as contemplated in section 81 of the Constitution of the Republic of South Africa, 1996, or such earlier date as determined by proclamation by the President in the *Gazette*. 15

“iNxalenye 2

Amagunya amakasetyenziswe [nguMphathiswa na] ngumphathiswa Wephondo”;

- (l) ngokuthi kucinywe isiqendu 87;
- (m) ngokuthi emva kwesiqendu 94 kufakelwe isiqendu esilandelayo: 5
 “94A. Ukukhululeka ekunkqanyangelweni”;
- (n) ngokuthi kucinywe isiqendu 97; kunye
- (o) emva kwesiqendu 97 kufakelwe isiqendu esilandelayo:
 “97A. Ukurhoxiswa kwezinto ezazingaqukwanga ngaphambili”.

Igama lawo nokuqalisa kwawo ukusebenza 10

64. Lo Mthetho ubizwa ngokuba nguMthetho Wokwenza Utshintsho Kulawulo Lokusingqongileyo Lwesizwe: UMthetho Wolawulo Lonxweme Oludibeneyo, ka-2014, kwaye uqalisa ukusebenza zingaphelanga iinyanga ezintandathu uksusela kumhla wokupapashwa kwawo ku*Shicilelo-Mithetho* njengoko kuxelwe kwisiqendu 81 soMgaqo-siseko weRiphabliki yoMzantsi-Afrika ka-1996, kanye ke omnye umhla ongaphambi koko onokuthi ugqitywe ngokuthi uhlokonyiswe nguMongameli ku*Shicilelo-Mithetho*. 15

