

10 JUNE 2020

# ENVIRONMENTAL ALERT

## IN THIS ISSUE >

### UPDATE: Directions regarding measures to address, prevent and combat the spread of COVID-19 relating to environmental permitting and licensing processes during Alert Level 3

At the start of South Africa's national COVID-19 lockdown (lockdown), we published an alert on the initial directions published by the Minister of Environment, Forestry and Fisheries (Minister) in terms of the Disaster Management Act 57 of 2002 (Initial Directions). The Initial Directions were aimed at addressing the impacts of the national state of disaster on the various processes regulated under National Environmental Management Act 107 of 1998 (NEMA) and its associated strategic environmental management acts (SEMAs), including the National Environmental Management: Waste Act 59 of 2008 (NEMWA) and the National Environmental Management: Air Quality Act 39 of 2004 (NEMAQA).

FOR MORE INSIGHT INTO OUR  
EXPERTISE AND SERVICES

CLICK HERE 



CLIFFE DEKKER HOFMEYR

## UPDATE: Directions regarding measures to address, prevent and combat the spread of COVID-19 relating to environmental permitting and licensing processes during Alert Level 3

The Initial Directions were only valid for the initial lockdown period, being from 27 March to 16 April 2020, and did not contemplate the Alert Levels which were subsequently published in relation to the extended lockdown period.

At the start of South Africa's national COVID-19 lockdown (lockdown), we published an alert on the initial directions published by the Minister of Environment, Forestry and Fisheries (Minister) in terms of the Disaster Management Act 57 of 2002 (Initial Directions). The Initial Directions were aimed at addressing the impacts of the national state of disaster on the various processes regulated under National Environmental Management Act 107 of 1998 (NEMA) and its associated strategic environmental management acts (SEMAs), including the National Environmental Management: Waste Act 59 of 2008 (NEMWA) and the National Environmental Management: Air Quality Act 39 of 2004 (NEMAQA).

The Initial Directions were only valid for the initial lockdown period, being from 27 March to 16 April 2020, and did not contemplate the Alert Levels which were subsequently published in relation to the extended lockdown period.

On 6 June 2020, the Minister published several directions for the Alert Level 3 lockdown period relating to the regulation of processes under NEMA, SEMAs and other legislation governing the biodiversity, forestry and fishing sectors (Alert Level 3 Directions).

The Alert Level 3 Directions comprise of directions relating to:

- permitting and licensing in terms of NEMA and the SEMAs, which are aimed at ensuring fair licensing and public participation processes during Alert Level 3 (Permitting Directions). The Permitting Directions:
  - allow the electronic submission of applications and virtual meetings with licensing officials;
  - apply to provincial environmental departments, as well as the Department of Mineral Resources and Energy; and
  - repeal the Initial Directions, and provide for the extension of various NEMA, NEMWA and NEMAQA timeframes;
- the freshwater and marine fishing sector, which prescribe certain requirements for fishing during Alert Level 3, and provide for the extension of timeframes contained in fishing permits, rights, exemptions or licences;

## UPDATE: Directions regarding measures to address, prevent and combat the spread of COVID-19 relating to environmental permitting and licensing processes during Alert Level 3...*continued*

It is important to consider and timeously seek advice on the implication of the Alert Level 3 Directions on business operations and any associated licensing processes.

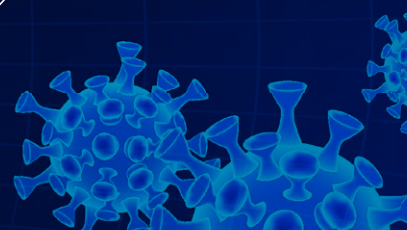
- the biodiversity sector, which aim to ensure fair processes relating to permits, registrations and certificates during Alert Level 3 and extend the relevant timeframes (Biodiversity Directions). The Biodiversity Directions also provide for the carrying out of activities governed by the National Environmental Management: Biodiversity Act 10 of 2004; the National Environmental Management: Protected Areas Act 57 of 2003 and any applicable provincial conservation legislation; and
- the forestry sector, which aim to ensure fair processes relating to licencing, evaluation of licence applications, and inspections in terms of the National Forest Act 84 of 1998.

It is important to consider and timeously seek advice on the implication of the Alert Level 3 Directions on business operations and any associated licensing processes.

*Laura-Anne Wilson, Margo-Ann Werner and Alecia Pienaar*

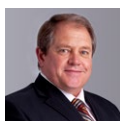
# CDH'S COVID-19 RESOURCE HUB

Click here for more information 

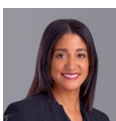


## OUR TEAM

For more information about our Environmental practice and services, please contact:



**Allan Reid**  
Mining & Minerals Sector Head  
Director  
Corporate & Commercial  
T +27 (0)11 562 1222  
E [allan.reid@cdhlegal.com](mailto:allan.reid@cdhlegal.com)



**Margo-Ann Werner**  
Senior Associate  
T +27 (0)11 562 1560  
E [margo-ann.werner@cdhlegal.com](mailto:margo-ann.werner@cdhlegal.com)



**Alecia Pienaar**  
Associate  
T +27 (0)11 562 1017  
E [alecia.pienaar@cdhlegal.com](mailto:alecia.pienaar@cdhlegal.com)

### **BBBEE STATUS:** LEVEL TWO CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

### **PLEASE NOTE**

This information is published for general information purposes and is not intended to constitute legal advice. Specialist legal advice should always be sought in relation to any particular situation. Cliffe Dekker Hofmeyr will accept no responsibility for any actions taken or not taken on the basis of this publication.

### **JOHANNESBURG**

1 Protea Place, Sandton, Johannesburg, 2196. Private Bag X40, Benmore, 2010, South Africa. Dx 154 Randburg and Dx 42 Johannesburg.  
T +27 (0)11 562 1000 F +27 (0)11 562 1111 E [jhb@cdhlegal.com](mailto:jhb@cdhlegal.com)

### **CAPE TOWN**

11 Buitengracht Street, Cape Town, 8001. PO Box 695, Cape Town, 8000, South Africa. Dx 5 Cape Town.  
T +27 (0)21 481 6300 F +27 (0)21 481 6388 E [ctn@cdhlegal.com](mailto:ctn@cdhlegal.com)

### **STELLENBOSCH**

14 Louw Street, Stellenbosch Central, Stellenbosch, 7600.  
T +27 (0)21 481 6400 E [cdhstellenbosch@cdhlegal.com](mailto:cdhstellenbosch@cdhlegal.com)

©2020 9053/JUNE

