

APPENDIX B: LIST OF KNOWN APPLICABLE STATUTES

1. BIODIVERSITY AND CULTURAL RESOURCE MANAGEMENT AND DEVELOPMENT

- Agricultural Pests Act (No. 36 of 1983)
- Animal Diseases Act (No. 35 of 1984)
- Animal Health Act (No. 7 of 2002)
- Animal Matters Amendment Act (No. 42 of 1993)
- Animals Protection Act (No. 71 of 1962)
- Cape Nature Conservation Ordinance 19 of 1974
- Conservation of Agricultural Resources Act (No. 43 of 1983)
- Constitution of the Republic of South Africa
- Environment Conservation Act (No. 73 of 1989)
- Game Theft Act (No. 105 of 1991)
- Medicines Control Act (No. 101 of 1965)
- National Environmental Management Act (No. 107 of 1998)
- National Environmental Management: Air Quality Act (No. 39 of 2004)
- National Environmental Management: Biodiversity Act (No. 10 of 2004)
- National Environmental Management: Protected Areas Act (No. 57 of 2003)
- National Environmental Management: Protected Areas Amendment Act (Act No. 21 of 2014)
- National Forests Act (No. 84 of 1998)
- National Heritage Resources Act (No. 25 of 1999)
- National Water Act (No. 36 of 1998)
- National Water Amendment Act (No. 45 of 1999)
- National Veld and Forest Fire Act (No. 101 of 1998)
- Nature Conservation Ordinance (No. 15 of 1974)
- Western Cape Heritage Management Act (No. 10 of 1997)
- Western Cape Nature Conservation Board Act (No. 15 of 1998)
- Western Cape Nature Conservation Laws Act (No. 3 of 2000)

2. GENERAL MANAGEMENT

- Disaster Management Act (No. 57 of 2002)
- Fire Brigade Services Act (No. 99 of 1987)
- Infrastructure Development Act (No. 23 of 2014)
- Local Government: Municipal Systems Act (No. 32 of 2000)
- National Road Traffic Act (No. 93 of 1996)
- National Building Standards Act (No. 103 of 1977)
- Occupational Health and Safety Act (No. 85 of 1993)
- Veterinary and Para-Veterinary Professionals Act (No 19 of 1982)
- Western Cape Planning and Development Act (No. 5 of 1998)

- Water Services Act (No. 108 of 1997)

3. FINANCIAL MANAGEMENT

- Public Finance Management Act (No. 1 of 1999)

4. HUMAN RESOURCE MANAGEMENT

- Basic Conditions of Employment Act (No. 75 of 1997)
- Broad-Based Black Economic Empowerment Act (No. 53 of 2003)
- Compensation for Occupational Injuries and Diseases Act (No. 130 of 1993)
- Employment Equity Act (No. 55 of 1998)
- Labour Relations Act (No. 66 of 1995)
- Occupational Health and Safety Act (No. 85 of 1993)
- Pension Funds Act (No. 24 of 1956)
- Skills Development Act (No. 97 of 1998)
- Skills Development Levies Act (No. 9 of 1999)
- Unemployment Insurance Act (No. 63 of 2001)

5. SUMMARY OF THE MOST APPLICABLE LEGISLATION

Protected Areas are proclaimed under section 23(1) of the National Environmental Protected Areas Act, 57 of 2003, (“the Protected Areas Act”).

5.1 NEM: PROTECTED AREAS ACT (ACT NO. 57 OF 2003)

The (Minister/MEC) is empowered, under section 23(1) of the National Environmental Protected Areas Act, 57 of 2003, (“the Protected Areas Act”) to declare an area as a Conservation Area if:

- 1 It has significant natural features or biodiversity;
- 2 Is in need of long-term protection for the maintenance of its biodiversity or for the provision of environmental goods and services.

Both of the above criteria pertain to the De Rust Nature Reserve and are discussed in detail under “Conservation Significance”.

Biodiversity management agreements

The Minister may enter into a biodiversity management agreement with the person, organization or organ of state identified in terms of section 43(2), or any other suitable person, organization or organ of state, regarding the implementation of a biodiversity management plan, or any aspect of it.

5.2 NEM: BIODIVERSITY ACT (ACT NO. 10 OF 2004)

Objectives of Act:

- (a) within the framework of the National Environmental Management Act, to provide for—
 - (i) the management and conservation of biological diversity within the Republic and of the components of such biological diversity;
 - (ii) the use of indigenous biological resources in a sustainable manner; and

- (iii) the fair and equitable sharing among stakeholders of benefits arising from bio-prospecting involving indigenous biological resources;
- (b) to give effect to ratified international agreements relating to biodiversity which are binding on the Republic;
- (c) to provide for co-operative governance in biodiversity management and conservation; and
- (d) to provide for a South African National Biodiversity Institute to assist in achieving the objectives of this Act.

5.3 NATIONAL VELD AND FOREST FIRE ACT (ACT NO. 101 OF 1998)

‘The purpose of the Act is to prevent and combat veld, forest and mountain fires throughout the Republic.’

Firebreaks;-

In terms of section 12 and 14 every landowner must prepare and maintain a firebreak as determined in section 13. Failure to do so is an offence in terms of section 25(3), unless he has been exempted by the Minister in terms of section 15.

Fighting Preparedness;-

There is also a further duty on landowners to have equipment, protective clothing and trained personnel available in the eventuality that there may be fire on their property (section 17). Failure to meet this requirement is an offence in terms of section 25(4).

5.4 CONSERVATION OF AGRICULTURAL RESOURCES ACT, 1983 (NO 43 OF 1983)

CARA is an act of the National Department of Agriculture and makes provision for the conservation of the natural agricultural resources of South Africa through:

1. Maintaining the production potential of land;
2. Combating and preventing erosion;
3. Preventing the weakening or destruction of water sources;
4. Protecting the vegetation; and
5. Combating weeds and invader plants.

5.5 APPLICABLE CAPENATURE GUIDELINES AND REQUIREMENTS

- Nature Conservation Ordinance (19/1974)
- Western Cape Nature Conservation Board Act No 15 of 1998
- Nature and Environmental Conservation Regulations (Provincial Notice 955/1975)
- CNC WC Fire Management Plan and Guidelines
- CNC Guidelines for the management of leopard management areas
- CNC Baseline and monitoring manual
- CNC guideline for river maintenance
- Policy on the re-establishment of Cape Mountain Zebra Populations
- Policy on the certificates of adequate enclosure
- Hunting Proclamation
- City of Cape Town Invasive Alien Species Strategy (2008)

5.6 OTHER RELEVANT LEGISLATION / POLICIES / PLANS

- Nature Conservation Ordinance (19/1974)
- Western Cape Nature Conservation Board Act No 15 of 1998
- Nature and Environmental Conservation Regulations (Provincial Notice 955/1975)
- City of Cape Town Animal by-law 2010
- City of Cape Town Spatial Development Plan
- City of Cape Town Spatial Development Framework
- Constitution of the Republic of South Africa Act, 1996 (No. 108 of 1996)
- Disaster Management Act (No. 57 of 2002)
- Environmental Impact Assessment Amendment Regulations (2010)
- Environmental Impact Assessment Regulations (2014)
- Eskom Conversion Act (No. 13 of 2001)
- Forest Act (No. 122 of 1984)
- Hazardous Substances Act (No.15 of 1973)
- ISO 14001 Environmental Management System
- ISO 9001 Quality Management System
- Land Use Planning Ordinance 15 of 1985 (section 29)
- Marine Living Resources Act (No. 18 of 1998)
- Municipal Systems Act (No. 32 of 2000)
- National Environmental Management Act (No. 107 of 1998)
- National Environmental Management: Biodiversity Act (No. 10 of 2004): Threatened or Protected Species Regulations
- National Environmental Management: Air Quality Act (No. 39 of 2004)
- National Environmental Management: Integrated Coastal Management Act (No. 24 of 2008)
- National Environmental Management: Waste Act (No. 59 of 2008)
- National Environmental Management: Waste Amendment Act (No. 26 of 2014)
- National Key Points Act (No. 102 of 1980)
- National Heritage Resources Act (No. 25 of 1999)
- National Nuclear Regulatory Act (No. 47 of 1999)
- National Radioactive Waste Disposal Institute Act (No. 53 of 2008)
- National Water Act, 1998 (No. 36 of 1998)
- Nuclear Energy Act (No. 46 of 1999)
- Operational policy for the disposal of land-derived water containing waste to the marine environment of South Africa
- Promotion of Access to Information Act (No. 2 of 2000)
- Promotion of Administrative Justice Act (No. 3 of 2000)
- Regulations in terms of NEMA, 1998: Control of Vehicles on the Coastal Zone
- Seashore Act (No. 21 of 1935)
- Western Cape Provincial Spatial Development Framework