

LEGISLATION	SECTIONS	RELATES TO
The Constitution Act (No 108 of 1996)	Chapter 2	Bill of Rights
	Section 24	Environmental rights
National Environmental Management Act (No 107 of 1998 (as amended))	Section 2	Defines the strategic environmental management goals and objectives of the government. Applies through-out the Republic to the actions of all organs of state that may significantly affect the environment
	Section 24	Provides for the prohibition, restriction and control of activities which are likely to have a detrimental effect on the environment.
	Section 28	The developer has a general duty to care for the environment and to institute such measures as may be needed to demonstrate such care
Environment Conservation Act (No 73 of 1989) and regulations	Sections 19 and 19A	Prevention of littering by employees and subcontractors during construction and the maintenance phases of the proposed project
The Conservation of Agricultural Resources Act (No 43 of 1983) and regulations	Section 6	Implementation of control measures for alien and invasive plant species
National Heritage Resources Act (No 25 of 1999) and regulations	Section 34	No person may alter or demolish any structure or part of a structure which is older than 60 years without a permit issued by the relevant provincial heritage resources authority.
	Section 35	No person may, without a permit issued by the responsible heritage resources authority destroy, damage, excavate, alter, deface or otherwise disturb any archaeological or palaeontological site.
	Section 36	No person may, without a permit issued by the South African Heritage Resource Agency (SAHRA) or a provincial heritage resources authority destroy, damage, alter, exhume, remove from its original position or otherwise disturb any grave or burial ground older than 60 years which is situated outside a formal cemetery administered by a local authority. "Grave" is widely defined in the Act to include the contents, headstone or other marker of such a place, and any other structure on or associated with such place.

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	Section 38	This section provides for Heritage Impact Assessments (HIAs), which are not already covered under the ECA. Where they are covered under the ECA the provincial heritage resources authorities must be notified of a proposed project and must be consulted during the HIA process. The Heritage Impact Assessment (HIA) will be approved by the authorising body of the provincial directorate of environmental affairs, which is required to take the provincial heritage resources authorities' comments into account prior to making a decisions on the HIA.
Atmospheric Pollution Prevention Act (No 45 of 1964) and regulations	Sections 27 – 35	Dust control
	Section 36 - 40	Air pollution by fumes emitted by vehicles
National Environmental Management: Air Quality Act (No 39 of 2004)	Section 32	Control of dust
	Section 34	Control of Noise
	Section 35	Control of offensive odours
Occupational Health and Safety Act (No 85 of 1993) and regulations	Section 8	General duties of employers to their employees
	Section 9	General duties of employers and self employed persons to persons other than their employees
Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies Act (No 36 of 1947) and regulations	Sections 3 to 10	Control of the use of registered pesticides, herbicides (weed killers) and fertilisers. Special precautions must be taken to prevent workers from being exposed to chemical substances in this regard.
National Forests Act (No 84 of 1998) and regulations	Section 7	No person may cut, disturb, damage or destroy any indigenous, living tree in a natural forest, except in terms of a licence issued under section 7(4) or section 23; or an exemption from the provisions of this subsection published by the Minister in the Gazette.
	Sections 12-16	These sections deal with protected trees, with the Minister having the power to declare a particular tree, a particular group of trees, a particular woodland; or trees belonging to a particular species, to be a protected tree, group of trees, woodland or species. In terms of section 15, no person may cut, disturb, damage, destroy or remove any protected tree;

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		or collect, remove, transport, export, purchase, sell, donate or in any other manner acquire or dispose of any protected tree, except under a licence granted by the Minister.
Fencing Act (No 31 of 1963)	Section 17	Any person erecting a boundary fence may clean any bush along the line of the fence up to 1.5 metres on each side thereof and remove any tree standing in the immediate line of the fence. However, this provision must be read in conjunction with the environmental legal provisions relevant to protection of flora.
National Environmental Management: Biodiversity Act (No 10 of 2004)	Sections 65-69	These sections deal with restricted activities involving alien species; restricted activities involving certain alien species totally prohibited; and duty of care relating to alien species
	Sections 71 and 73	These sections deal with restricted activities involving listed invasive species and duty of care relating to listed invasive species.
National Water Act (No 36 of 1998) and regulations	Section 19	Prevention and remedying the effects of pollution
	Section 20	Control of emergency incidents
	Chapter 4	Use of Water and licensing
Hazardous Substances Act (No 15 of 1973) and regulations		Provides for the definition, classification, use, operation, modification, disposal or dumping of hazardous substances

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Institutional Guidelines for Public Sector Tourism Development and Promotion in South Africa (1999)		The Inter-provincial Technical Committee of MINMEC (a joint forum of ministers responsible for tourism matters) compiled the Institutional Guidelines, published by the Department of Environmental Affairs and Tourism (DEAT) in 1999. It seeks to formulate the institutional system and mechanisms to facilitate synergy in the management of tourism between the various tiers of government. The document further provides clarity on the roles, responsibilities and allocation of funding at National, Provincial and Local Government level to inform intergovernmental co-ordination on matters regarding tourism.
The Tourism Act (1993)		Makes provision for the promotion of tourism to and in South Africa; the further regulation and rationalisation of the tourism industry; measures aimed at the maintenance and enhancement of the standards of facilities and services hired out or made available to tourists; and the co-ordination and rationalization, as far as practicable, of the activities of persons who are active in the tourism industry; with a view to the said matters to establish a board with legal personality which shall be competent and obliged to exercise, perform and carry out certain powers, functions and duties; to authorise the Minister to establish a grading and classification scheme in respect of accommodation establishments, the membership of which shall be voluntary; to authorize the Minister to establish schemes for prescribed sectors of the tourism industry, the membership of which shall be voluntary; to make provision for the registration of tourist guides; to prohibit any person to act for gain as a tourist guide unless he has been registered as a tourist guide in terms of the Act; to authorise the Minister to make regulations; and to provide for matters connected therewith.
The Minerals and Petroleum Resources Development Act (No. 28 of 2002)		Should it be necessary for Eskom to mine borrow pits to provide material for roads, Eskom will need to apply to DME for a Mining Permit.