

# DRAFT NATIONAL APPEAL REGULATIONS



Legal Authorisations and Compliance Inspectorate



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Department:  
Environmental Affairs  
**REPUBLIC OF SOUTH AFRICA**



# BACKGROUND

- EIA and Waste Management Licence appeals currently processed in terms of Chapter 7 of the EIA Regulations.
- Mining appeals currently processed in terms of the 2004 MPRDA Regulations.
- Appeals are thereafter categorised in terms of the Department's Appeals Protocol.
- Timeframe for finalisation on appeal:
  - Category 1: 195 days
  - Category 2: 216 days
  - Category 3: 350 days



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- Intention of the draft appeal regulations is to repeal the various appeal regulations currently in effect in terms of NEMA and the SEMAs.
- Applicable to all appeals in terms of the National Environmental Management Act, Waste Act and Biodiversity Act.
- Separate, but similar regulations will be promulgated to deal with appeals in terms of Air Quality Act and ICM Act.



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# DIFFERENCES BETWEEN CURRENT AND NEW REGULATIONS

- All appeals to be finalised within 90 days of submission of appeal.
- Notice of intention to appeal and appeal to be submitted simultaneously.
- No provision made for submission of answering statements.
- No provision made for condonation – still possible in terms of NEMA but will be applied restrictively.



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# APPEALS PROCESS

- Appeal to be submitted within 20 days from date of notification of decision.
- Responding Statement to be submitted within 20 days of receipt of Appeal.
- Appeal Panel, where appropriate, to be constituted within 10 days of receipt of Responding Statements.
- Appeal Panel to provide recommendation within 10 days of receipt of instructions from Appeal Administrator.
- Appeal Administrator to make recommendation to Appeal Authority within 30 days of receipt of all information, in the in the event that an appeal panel has not been constituted and within 10 days in the event that an appeal panel has been constituted.
- Appeal Decision to be reached within 20 days of recommendation from Appeal Administrator.



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# IMPLEMENTATION DATE

- Draft National Appeal Regulations approved by Minister and MECs.
- To be published for public comment.
- Mine appeals – to be determined.



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