markdittke
SPECIALIST ENVIRONMENTAL, HEALTH & SAFETY ATTORNEY

**Tel:** + 27 21 790 5977
**Fax:** + 27 86 616 8070
**Email:** info@dittke.com
**Address:** 15 Laurentia Way
Hout Bay, 7806
South Africa
**Managing Attorney:**
Mark Dittke - B.A LL.B LL.M (UCT)
www.dittke.com

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**ENVIRONMENTAL, HEALTH AND SAFETY AND FOODSTUFFS LEGAL UPDATE REPORT**

**(SOUTH AFRICA)**

**OCTOBER 2026**

Dear Clients,

Below please find a summary of selected relevant environmental, health and safety and foodstuffs legal developments that took place during October 2026.

## NATIONAL LEGISLATION

## ENVIRONMENTAL LEGISLATION

### *1) National Water Act*

- ***Raw water use charges*** for the 2027/28 financial year were published.

- ***Notice requiring persons to apply for a Water Use Licence for the purpose of Compulsory Licencing for the Kaap River Catchment***

The Kaap River forms part of the broader Crocodile Catchment, which is a strategically significant water resource area spanning approximately 10 446 km², encompassing key towns such as Mbombela, Barberton, White River, Malelane, and Komatipoort. Compulsory Licensing will be applied to the Kaap River quaternary catchments X23A to X23H, in Mpumalanga.

All persons who wish to use water from one or more water resources within that catchment, for section 21 water uses as set out below, must submit a completed licence application for such water use no later than 90 consecutive days after the publication of this notice (which took place on 30 October 2026).

The notice only affects the following water uses as set out in section 21 of the National Water Act:

(a) taking water from surface- and groundwater resources;

(b) storage of water; and

(d) engaging in a stream flow reduction activity as contemplated in section 36 (afforestation).

***2) Integrated Coastal Management Act***

The National Coastal Management Programme 2026-2031 was adopted.

***3) Petroleum Products Act***

- ***Compliance Regulations***

These new Regulations require licensees to update and verify their licensing details with the Department by 30 December 2026 at the correct regional office as displayed on the license certificate. Failure to do so may result in the cancellation of the licence.

***4) Marine Living Resources Act***

- ***Draft Policy for the Development of New Wild Marine Fisheries and the Expansion of Regulated Wild Marine Fisheries in South Africa: 2026***

This was published for comment.

***5) National Energy Acy***

- ***Draft National Energy Efficiency Strategy (NEES) 2025-35***

This was published for comment.

***6) Draft National Environmental Management Laws (Administrative Penalties) Amendment Bill, 2026***

The Bill proposes amendments to the National Environmental Management Act and the Air Quality Act allowing environmental management inspectors ("EMIs") and environmental mineral and petroleum inspectors ("EMPIs") to impose administrative penalties for breaches of NEMA and specific environmental management Acts, alongside criminal enforcement.

*Administrative penalties*

Fixed penalties cover breaches of provisions, norms or standards published in a Gazette notice, and licence, permit, authorisation or exemption conditions causing no significant pollution, environmental degradation or harm to species or ecosystems. The Minister will prescribe amounts and discounts for payment within a set period. Objections must be lodged within 30 days and decided by another inspector.

Variable penalties cover breaches of NEMA, specific environmental management Acts, norms or standards without designated fixed penalties, or licence, permit, authorisation or exemption conditions potentially causing significant pollution, environmental degradation or harm to species or ecosystems. Each organ of state employing EMI's or EMPI's must appoint a committee to recommend penalties and amounts. Written notice and reasonable opportunity for written representations must precede issue. The notice may require environmental investigation, evaluation and assessment. Within 30 days, objections may be lodged with the enforcing authority's head (Director-General, provincial department head or municipal manager), who may confirm, withdraw, reduce or increase the penalty.

Proposed section 31U caps variable penalties at R50 million per contravention. Inspectors must consider actual or potential environmental harm (including pollution, biodiversity and socio-economic impacts), fault and financial benefits to offenders or related parties. Adjustments may reflect mitigation, rehabilitation, remediation, compliance history, voluntary reporting, cooperation and ability to pay. The Minister must prescribe weightings and calculation methods; partial suspension is subject to prescribed criteria and conditions

Notice and representations ensure a hearing before variable penalties. Authorities may require investigations, impact assessments or other information establishing a contravention's nature, extent and environmental consequences.

*Personal liability, fines and prosecution*

Proof is on a balance of probabilities, not beyond reasonable doubt. The proposed section 31Y makes company directors (board members, close corporation members, partners and trustees) and public sector managers (municipal managers, organs of state's CEOs and board members, Directors-General and provincial department heads) personally liable alongside their entities where failure to take all reasonable compliance steps caused the breach. The entity's breach is *prima facie* evidence of their liability. Employees and agents are also personally liable alongside employers for their own contravening acts or omissions.

The proposed section 31AA requires penalised firms and organs of state to publish penalty details on their website for one year, in their annual report and as otherwise prescribed by the Minister. Non-publication is an offence.

Penalties apply only to post-commencement breaches where no criminal charge was brought, prosecution was withdrawn or the person was acquitted. They do not constitute previous convictions under the Criminal Procedure Act, 1977. Unpaid penalties may be filed with a

competent court's registrar for enforcement as civil judgments. Items removed by inspectors may be forfeited to the State.

*Proposed changes for environmental rectification*

The Bill would replace section 24G's pre-decision fine of up to R10 million for unlawfully commenced listed or waste management activities seeking *ex post facto* authorisation with prosecution or administrative penalties. Decisions must await penalty payment, the National Prosecuting Authority declining prosecution, acquittal, or conviction with all appeals and reviews exhausted. Without enforcement action, applications may be considered on submission. The Minister may prescribe an application fee.

Similar section 22A amendments would replace the fine of up to R10 million for unlawfully commencing listed activities requiring an atmospheric emission licence ("AEL") with the penalty framework and permit an application fee. Mining, metallurgical, smelting, energy generation and other industrial facilities under AEL's and environmental authorisations are likely particularly affected.

Section 24G and 22A applications pending at commencement remain subject to current provisions.

*Proposed new offences*

Non-payment of fixed or variable penalties carries up to R5 million, five years' imprisonment, or both; repeat convictions carry up to R10 million, ten years, or both. Courts may also order outstanding payment. Failure to publish penalty details on a website for one year and in an annual report (section 31AA) carries up to R1 million, one year's imprisonment, or both.

## HEALTH AND SAFETY LEGISLATION

### *7) Mine Health and Safety Act*

- ***Mine Health and Safety Regulations, 1997***

Various forms contained in Chapter 21 of the Regulations were substituted, while some new forms were inserted.

### *8) Medicines and Related Substances Act*

- ***General Regulations, 2017***

The amendments made to the Regulations in August 2026 were repealed and replaced, presumably to correct errors.

## FOODSTUFFS AND AGRICULTURAL LEGISLATION

No relevant legislation dealing with this topic was passed this month.

## TRANSPORT LEGISLATION

No relevant legislation dealing with this topic was passed this month.

## LABOUR LEGISLATION

No relevant legislation dealing with this topic was passed this month.

## PROVINCIAL LEGISLATION

### *9) Draft Air Quality Management Plan for the Eastern Cape Province*

The province published its draft plan for comment.

### *10) Draft Western Cape Air Quality Management Plan (2027-2031)*

The draft plan was made available for public comment.

## MUNICIPAL LEGISLATION

### *11) Umvoti Local Municipality*

The Council adopted the following by-laws on 25 June 2026 (although notice to that effect was only published in the Provincial Gazette on 2 October 2026). It is unclear whether these are all new by-laws, partly amended or simply upheld without change. The notice vaguely states that "these by-laws will remain gazetted and in force unless changed by way on annual review, should no change occur the by-laws remained gazetted in terms of this public notice".

- Fire Brigade By Law
- Animal Impound Regulations [sic]
- Waste Management By Law
- Crime Prevention, Traffic and Public Control By Law
- Cemeteries, Crematoria and Undertakers By Law
- Public Amenities By Law
- Fireworks By Law
- Electricity By Law
- Embedded General By Law
- Informal Traders for Urban and Rural Township Economies By Law

- Street Traders By Law
- Informal Economy By Law
- Public Transport By Law
- CCTV Regulations [sic]
- Standing Rules and Orders of Council By Law
- Spatial Land Use Management By Law.

***12) City of Johannesburg***

The City brought out new Waste Management By-laws which simultaneously repealed the 2021 Waste Management By-laws, 2021.

***13) Midvaal Local Municipality***

The Electricity Supply By-law was passed.

***14) Elundini Local Municipality***

- The Waste Management By-law was published.
- The Draft Electricity Supply By-law was released.

***15) Polokwane Local Municipality***

Amendments were made to the Electricity Supply By-law.

**SANS AND OTHER STANDARDS**

The following standards were revised:

- *SANS 9001:2026 Ed 6 - Quality management systems – Requirements*

Specifies requirements for a quality management system when an organization needs to demonstrate its ability to consistently provide products and services that meet customer and applicable statutory and regulatory requirements, and aims to enhance customer satisfaction through the effective application of the system, including processes for improvement of the system and the assurance of conformity to customer and applicable statutory and regulatory requirements.

- *SANS 19011:2026 - Ed 4 - Guidelines for auditing management systems*

Provides guidance on auditing management systems, including auditing principles, managing audit programmes, conducting audits, and evaluating the competence of individuals involved in the audit process.

- *SANS 14001:2026 Ed 4 - Environmental management systems*

The standard was amended.

- *SANS 60086-4:2026 - Ed 6 - Primary batteries Part 4: Safety of lithium batteries*

Specifies tests and requirements for primary lithium batteries to ensure their safe operation under intended use and reasonably foreseeable misuse.

The following draft standards were published for comment:

- *SANS 60079-29-0:20xx Ed 1 Explosive atmospheres - Part 29-0: Gas detection equipment - General requirements and test methods*

Specifies general requirements, test methods and acceptance criteria that apply to flammable, oxygen and toxic gas detection equipment intended to detect gases and vapours and to provide an indication, alarm or other output function for personnel or property protection in industrial and commercial applications.

- *SANS 0079-0:20XX Ed 7 Explosive atmospheres Part 0: Equipment - General requirements*

Specifies the general requirements for construction, testing and marking of Ex Equipment and Ex Components intended for use in explosive atmospheres.

- *2026-12-08 SANS 60079-10-2:20xx Ed 3 Explosive atmospheres Part 10-2: Classification of areas - Combustible dust atmospheres*

Concerns the identification and classification of areas where explosive dust atmospheres and combustible dust layers are present, in order to permit the proper assessment of ignition sources in such areas.

- *2026-12-08 SANS 60079-30-1:20xx Ed 3 Explosive atmospheres Part 30-1: Electrical resistance trace heating - General and testing requirements*

Specifies general and testing requirements for electrical resistance trace heaters for application in explosive atmospheres with the exclusion of those for Equipment Protection Levels (EPL) Ga, Da, Ma and Mb equipment.

- *2026-12-08 SANS 60079-30-2:20xx Ed 3 Explosive atmospheres Part 30-2: Electrical resistance trace heating - Application guide for design, installation and maintenance*

Provides guidance for the application of electrical resistance trace heating systems in areas where explosive atmospheres may be present, with the exclusion of those classified as requiring EPL Ga/Da (traditional relationship to Zone 0 and Zone 20 respectively). This standard also provides guidance for explosive atmospheres incorporating the Division method of area

classification that may be applied by some users of this standard. It provides recommendations for the design, installation, maintenance and repair of trace heating systems including associated control and monitoring equipment.

- *SATS 60079-44:xxxx Ed 1 Explosive atmospheres - Part 44: Personal competence*

Provides guidance to establish recommended minimum criteria to determine roles, establish expectations of the necessary skills and evidence of competence to assess and manage the competence of personnel conducting work in or associated with hazardous areas.

- *SANS 14002-3:20xx Ed 1 - Environmental management systems - Guidelines for using ISO 14001 to address environmental aspects and conditions within an environmental topic area Part 3: Climate.*

Gives guidance to organizations on addressing climate-related environmental aspects, environmental conditions, and the associated risks and opportunities within an environmental management systems.

- *SANS 16368:202X Ed 3 - Mobile elevating work platforms - Design calculations, safety requirements and test methods*

This document specifies safety requirements and protective/risk reduction measures, and the means for their verification, for all types and sizes of mobile elevating work platforms (MEWPs) intended for moving a person(s) along with their necessary tools and materials at an elevated work location. This document also applies to MEWPs designed for applications requiring special access to specific work areas. These MEWPs can be either self-propelled or manually propelled and are used to elevate personnel to a level at which they can place, install, or retrieve objects or material on a routine basis. To facilitate operator access to the work area, the retraction of a portion of the MEWP's work platform guardrail system(s) can be necessary. This document is intended to serve as a guide for manufacturers and remanufacturers of MEWPs to achieve the following objectives:- elimination or reduction of accidents and personal injuries;- establishment of criteria for design, manufacture, remanufacture, rebuild/recondition, testing and performance;- establishment and understanding by manufacturers and remanufacturers of their responsibilities. The design and manufacturing requirements of this document apply to all MEWPs manufactured or remanufactured on or after the effective date, but it is not applicable to rebuilt or reconditioned MEWPs. It identifies the hazards arising from the use of MEWPs and describes methods for the elimination or reduction of these hazards.

If you have any questions, please feel free to contact us.

Kind regards

**MARK DITTKE**