

- (3) The Minister must prepare and regularly update a national report on the state of the coastal environment, which must include—
- (a) information from provincial reports submitted to the Minister in terms of subsection (2); and
 - (b) a review on the status of each pipeline that discharges effluent into coastal waters in terms of section 69 and its impact on the coastal environment and progress on any other national responsibilities in this Act.

(Section 93(3) substituted by section 56 of Act 36 of 2014)

94. Co-ordination of actions between provinces and municipalities

The MEC must -

- (a) liaise with coastal municipalities in the province to co-ordinate actions taken in terms of this Act by provincial organs of state in the province with actions taken by municipalities; and
- (b) monitor compliance by such municipalities with this Act.

94A. Exemptions

- (1) The Minister may in writing exempt any person or group of persons or organ of state from a provision of this Act, provided that such exemption does not conflict with the objects of the Act.
- (2) An exemption granted in terms of subsection (1) may—
 - (a) be subject to conditions;
 - (b) be subject to payment of a fee; and
 - (c) be amended or cancelled at any time by the Minister.
- (3) Before making a decision in terms of this section, the Minister must consult with any organ of state that may be affected by such decision.

(Section 94A inserted by section 57 of Act 36 of 2014)

CHAPTER 12 MISCELLANEOUS MATTERS

Part 1

Transitional provisions

95. Existing leases on, or rights to, coastal public property

- (1) In order to enable the Minister to establish the nature and extent of existing uses within the coastal zone, the holder of a lease or right in terms of the Sea-shore Act, 1935 (Act No. 21 of 1935), or a lease within the admiralty reserve must, within 12 months of the commencement of this section, provide the Minister with a copy of the lease concluded in terms of the Sea-shore Act.
- (2) If a lease under the Sea-Shore Act—
 - (a) relates to an activity that is not listed in terms of section 65(1)(a), that lease is no longer required and therefore lapses, and the activity may continue;
 - (b) relates to an activity which is prohibited by notice in terms of section 65(1)(a)(i), that activity must stop within a period of 180 days from the date of publication of such notice; or
 - (c) relates to an activity requiring a permit in terms of section 65(1)(a)(ii) application must be made for a coastal use permit in terms of section 65(3) within a period of 180 days of the publication of the notice listing such activities.
- (3) If an application for a coastal use permit contemplated in subsection 2(c) is refused, that activity must stop within a period of 180 days of receipt of the refusal.
- (4) Unless a person referred to in subsection (2)(c) is directed otherwise by a person acting in terms of this Act, it is not an offence for that person to continue with the activity if that person makes an application for a permit under section 65(3)(a) within 180 days as contemplated in subsection (2)(c) but has not yet been notified whether the application has been granted or refused.

(Section 95 substituted by section 58 of Act 36 of 2014)

(Commencement date of section 95: 5 February 2016)

96. Unlawful structures on coastal public property

- (1) A person who, before this section took effect, had unlawfully constructed a building or other structure on coastal public property or who, when this section took effect, occupied a building or other structure unlawfully built on coastal public property must—
 - (a) within 180 days of the publication of the *Gazette* notice contemplated in section 65(1)(a)(ii), apply for a coastal use permit if the activity is listed in terms of section 65(1)(a)(ii); or

- (b) within 180 days of the publication of the *Gazette* notice contemplated in section 65(1)(a)(i), demolish the building or structure and as far as reasonably possible, restore the site to its condition before the building or other structure was built, if the activity is prohibited in terms of section 65(1)(a)(i); and must notify the Department with proof of such demolition and restoration.
- (2) If a person referred to in subsection (1) applies for a coastal use permit in accordance with section 65(3)(a) and the application is refused by the Minister, that person must demolish the building or structure and, within a reasonable period, as determined by the Minister when refusing the application, as far as reasonably possible restore the site to its condition before the building or other structure was built.
- (3) If a person who in terms of subsection (1) or (2) is obliged to demolish the building or structure and to restore the site to its original condition, fails to do so within the period specified in subsection (1)(b) or specified by the Minister in subsection (2), the Minister may, under section 60, issue a written repair or removal notice to that person.
- (3A) If appropriate, before issuing a notice as contemplated in subsection (3), the Minister must consider the effect this may have on the elderly, children, disabled persons and households headed by women, particularly in low-income households.
- (4) This section does not affect—
- (a) any legal proceedings that commenced prior to the commencement of this section to enforce any prohibition or restriction on construction or other activities in terms of any other law; or
- (b) any legal proceedings instituted after the commencement of this Act to enforce any notice served prior to the commencement of this section that required the addressee to vacate or demolish any building or structure that was constructed unlawfully.

(Section 96 substituted by section 59 of Act 36 of 2014)

(Commencement date of section 96: 5 February 2016)

97.

(Section 97 repealed by section 60 of Act 36 of 2014)

97A. Withdrawal of previous exclusions

Any exclusion of an area from coastal public property in terms of section 27, prior to the repeal of that section, shall be of no force and effect and shall remain coastal public property to the extent defined in section 7.

(Section 97A inserted by section 61 of Act 36 of 2014)

98. Repeal of legislation

The laws referred to in Schedule 1 are hereby repealed to the extent indicated in the third column of that Schedule.

(Commencement date of section 98: 5 February 2016)

99. Savings

- (1) Subject to section 6 any regulation made in terms of a provision repealed under section 98 remains valid to the extent that it is consistent with this Act and shall be regarded as having been made in terms of this Act.
- (2) Anything else done in terms of legislation repealed in terms of section 98 which can or must be done in terms of this Act must be regarded as having been done in terms of this Act.

Part 2 General

100. Limitation of liability

Neither the State nor any other person is liable for any damage or loss caused by -

- (a) the exercise of any power or the performance of any duty in terms of this Act; or
- (b) the failure to exercise any power or perform any duty in terms of this Act, unless the exercise of or failure to exercise the power, or performance or failure to perform the duty, was unlawful, negligent or in bad faith.

101. Short title and commencement

This Act is called the National Environmental Management: Integrated Coastal Management Act, 2008, and takes effect on a date or dates determined by the President by proclamation in the *Gazette*.

(Section 101 substituted by section 62 of Act 36 of 2014)

SCHEDULE 1
LAWS REPEALED
(Section 98)

(Commencement date of section 98: 5 February 2016)

Number and year of the law	Short title	Extent of repeal or amendment
Act No. 21 of 1935	Sea-shore Act, 1935	Repeal of the whole, to the extent that it has not been assigned to provinces.
Act No. 73 of 1980	Dumping at Sea Control Act, 1980	Repeal of the whole