

GAUTENG NOISE CONTROL REGULATIONS (GenN 5479 in PG 75 of 20 August 1999)

Published under Notice 5479 of 1999 (PG 75 of 20 August 1999)

THE Member of the Executive Council responsible for Agriculture, Conservation and Environment has under section 25 of the Environment Conservation Act, 1989 (Act 73 of 1989), made the regulations in the Schedule.

SCHEDULE

Preamble

The Gauteng Provincial Government-

RECOGNISING that past injustices have lead to social and economic disparities between the residents of Gauteng;

ACKNOWLEDGING the role of the Gauteng Province to take effective measures to support local government;

Adopt these noise regulations so as to-

PROVIDE a uniform minimum standard for noise regulation in the Province;

ACCOMMODATE the specific circumstances of different neighbourhoods and areas;
and

CREATE new mechanisms for effective enforcement in neighbourhoods.

1 Definitions

In these regulations any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned to it and, unless the context otherwise indicates-

"ambient sound level" means the reading on an integrating impulse sound level meter taken at a measuring point in the absence of any alleged disturbing noise at the end of a total period of at least 10 minutes after such meter was put into operation;

"animal" also includes birds and poultry;

"controlled area" means a piece of land designed by a local authority where, in the case of-

(a) Road traffic noise in the vicinity of a road-

- (i) The reading on an integrating impulse sound level meter, taken outdoors at the end of a period of 24 hours while such meter was in operation, exceeds 60 dBA;
or
 - (ii) The outdoor equivalent continuous "A" -weighted sound pressure level at a height of at least 1,2 metres, but not more than 1,4 metres, above the ground for a period of 24 hours as calculated in accordance with SABS 0210, and projected for a period of 15 years following the date on which the local authority has made such designation, exceeds 60 dBA;
- (b) Air traffic noise in the vicinity of an airfield, the calculated noisiness index, projected for a period of 15 years following the date on which the local authority made such designation, exceeds 65 dBA;
- (c) Industrial noise in the vicinity of an industry-
- (i) The reading on an integrating impulse sound level meter, taken outdoors at the end of a period of 24 hours while such meter was in operation, exceeds 60 dBA; or
 - (ii) The calculated outdoor equivalent continuous "A"-weighted sound pressure level at a height of at least 1,2 metres, but not more than 1,4 metres, above the ground for a period of 24 hours, exceeds 60 dBA, or
- (d) Noise from any other source in the vicinity of that source-
- (i) The reading on an integrating impulse sound level meter, taken outdoors at the end of a period extending from the time when such source of noise became active until the time when it was no longer active, while such meter was in operation, exceeds 65 dBA; or
 - (ii) The outdoor equivalent continuous "A"-weighted sound pressure level at a height of at least 1,2 metres, but not more than 1,4 metres, above the ground, as calculated in accordance with acceptable mathematical/acoustic methods for a period extending from the time when the source of noise became active until the time when it was no longer active, and projected for a period of 15 years following the date on which the local authority made such designation, exceeds 65 dBA: Provided that methods of calculation as described in SABS ARP 020 may be used for the calculation;

"dBA" means the value of the sound pressure level in decibels, determined using a frequency-weighting network A, and derived from the following equation:

$$LPA = 10 \log_{10} [PA/P_0]^2, \text{ where-}$$

PA = the "A" - weighted sound pressure; and

P0 = the reference sound pressure (P0 = 20mPa);

"disturbing noise" means a noise level that causes the ambient noise level to rise above the designated zone level, or if no zone level has been designated, the typical rating levels for ambient noise in districts, indicated in Table 2 of SABS 0103;

"erect" also means alter, convert, extend or re-erect;

"exempted vehicle" means a vehicle listed in Annexure A to SABS 0281;

"integrating sound level meter" means a device that integrates a function of the root mean square value of sound pressure over a period of time and indicates the result in dBA;

"integrating impulse sound level meter" means an integrating sound level meter set on "I"- time weighting;

"measuring point" relating to-

- (a) A piece of land from which an alleged disturbing noise emanates, means a point outside the property projection plane where an alleged disturbing noise shall be measured in accordance with the provisions of regulation 16;
- (b) A building with more than one occupant, means a point in or outside the building where an alleged disturbing noise shall be measured in accordance with the provisions of regulation 16; and
- (c) A stationary vehicle, means a point as described in SABS 0181 where a measuring microphone shall be placed;

"neighbourhood" means an area which corresponds with a demarcated area of a municipal ward recognised by a local authority, or a municipal ward, or wards of a local authority;

"Neighbourhood Noise Watch Committee" means any Neighbourhood Noise Watch Committee contemplated in regulation 2;

"noise control officer" means a person with a qualification equivalent to a senior certificate plus three years tertiary education in engineering, physical sciences or health sciences and who is registered with a professional council;

"noise level" means the reading on an integrating impulse sound level meter taken at a measuring point in the presence of any alleged disturbing noise at the end of a total period of at least 10 minutes after such meter was put into operation, and, if the alleged

disturbing noise has a discernible pitch, for example, a whistle, buzz, drone or music, to which 5 dBA has been added;

"noise nuisance" means any sound which disturbs or impairs or may disturb or impair the convenience or peace of any person;

"noisiness index" means a number expressed in dBA as defined in SABS 0117;

"non-exempted vehicle" means a vehicle not listed in Annexure A to SABS 0281;

"plant" means a refrigeration machine, air conditioners, fan system, compressor, power generator or pump;

"property projection plane" means a vertical plane on, and including the boundary line of a piece of land defining the boundaries of such piece of land in space;

"recreational vehicle" means-

- (a) an off-road vehicle, scrambler, dune buggy or ultra-light aircraft;
- (b) a model aircraft, vessel or vehicle;
- (c) any aircraft or helicopter used for sport or recreational purposes;
- (d) a vessel used on water; or
- (e) any other conveyance vessel or model which is used for sport or recreational purposes;

"SABS ARP 020" means South African Bureau of Standards publication 0201 - 1997 titled: "Sound impact investigations for integrated environmental management" published under Notice 242 in Free State Gazette 67 of 7 November 1997, as amended from time to time or its corresponding replacement;

"SABS-IEC 60651" means South African Bureau of Standards publication 60651 - 1998 titled: "Sound level meters" published under Notice 24 in Free State Gazette 35 of 24 April 1998, as amended from time to time or its corresponding replacement;

"SABS-IEC 60804" means South African Bureau of Standards publication 60804 - 1998 titled: "Integrating-averaging sound level meters" published under Notice 24 in Free State Gazette 35 of 24 April 1998, as amended from time to time or its corresponding replacement;

"SABS-IEC 60942" means South African Bureau of Standards publication 60942 - 1998 titled: "Electro Acoustic Sound Calibrators" published under Notice 24 in Free State

Gazette 35 of 24 April 1998, as amended from time to time or its corresponding replacement;

"SABS 0103" means South African Bureau of Standards publication 0103 - 1997 titled: "The measurement and rating of environmental noise with respect to annoyance and to speech communication" published under Government Notice 718 in Government Gazette 18022 of 30 May 1997, as amended from time to time or its corresponding replacement;

"SABS 0117" means South African Bureau of Standards publication 0117 - 1974 titled: "Code of Practice for the determination and limitation of disturbance around an aerodrome due to noise from aeroplanes" published under Government Notice 151 of 1 February 1985, as amended from time to time or its corresponding replacement;

"SABS 0181" means South African Bureau of Standards publication 0181 - 1981 titled: "Code of Practice for the measurement of noise emitted by road vehicles when stationary" published under General Notice 463 of 9 July 1982, as amended from time to time or its corresponding replacement;

"SABS 0210" means South African Bureau of Standards publication 0210 - 1986 titled: "Code of Practice for calculating and predicting road traffic noise" published under Government Notice 358 of 20 February 1987, as amended from time to time or its corresponding replacement;

"SABS 0281" means South African Bureau of Standards publication 0281 - 1997 titled: "Engine speed (S values), reference sound levels and permissible sound levels of stationary road vehicles" published under Government Notices 761, 762 and 763 in Government Gazette 18040 of 6 June 1997, as amended from time to time or its corresponding replacement;

"sound level" means the reading on a sound level meter taken at a measuring point;

"sound level meter" means a device measuring sound pressure while it is set on "F"-time weighting and indicates the result in dBA;

"the Act" means the Environment Conservation Act, 1989 (Act 73 of 1989); and

"zone sound level" means a derived dBA value determined indirectly by means of a series of measurements, calculations or table readings and designated by a local authority for an area.

PART I

NEIGHBOURHOOD NOISE WATCH COMMITTEES (regs 2-7)

2 Establishment of Neighbourhood Noise Watch Committees

(1) A local authority may publish a notice in the Provincial Gazette requesting applications for the establishment of a neighbourhood noise watch committee.

(2) Notwithstanding the provisions of subregulation (1), any group of individuals, or an organisation may, of its own initiative, make application to the local authority concerned to be declared as the Neighbourhood Noise Watch Committee for one or more neighbourhood.

(3) The local authority concerned may request any information which it deems necessary in considering applications referred to in subregulations (1) or (2), including the constitution of the applicant and the representivity of the applicant.

(4) After consideration of an application referred to in subregulation (1) or (2), the local authority concerned, may approve the application or reject the application with reasons.

3 Neighbourhood By-Laws

(1) A majority of all residents in any neighbourhood may by agreement lodge draft by-laws in relation to any such neighbourhood with the local authority concerned regarding the control and reduction of noise nuisance in the neighbourhood, including provisions regarding restrictions of certain activities that may lead to noise nuisance at specific times and days.

(2) Upon receipt of any draft by-laws contemplated in subregulation (1), the local authority shall, if it is of the opinion that such draft by-laws comply with subregulation (1) and are reasonable, cause such by-laws to be promulgated in the Provincial Gazette in respect of any such neighbourhood: Provided that no such by-laws shall be approved where they discriminate on the grounds of race, colour or religion or are grossly unfair.

(3) Any person who contravenes or fails to comply with any provision of any such by-law shall be guilty of an offence.

(4) No accused shall be convicted of any offence referred to in paragraph (3) unless the court is satisfied that a notice referred to in regulation 5 has been served on him or her and that he or she has failed to comply with any instruction contained therein within the determined period.

4 Validity of By-Laws

Any by-law made by the local authority concerned under these regulations or any other law and which is inconsistent with any by-law made in regulation 3 shall be of no force and effect in relation to the neighbourhood concerned.

5 Powers of Neighbourhood Noise Watch Committees

(1) Any Neighbourhood Noise Watch Committee may, if it is of the opinion that any provision of any by-law is being contravened or that there is a failure to comply therewith in the neighbourhood concerned, cause a notice in writing to that effect to be served on the owner or occupier concerned in which he or she is instructed to rectify such contravention or failure within 14 days or such longer period as may be determined by the Neighbourhood Noise Watch Committee.

(2) If the owner or occupier concerned fails to comply with any notice referred to in subregulation (1) within the determined period, a member of the Neighbourhood Noise Watch Committee or any owner or occupier of any premises in the neighbourhood concerned who feels aggrieved thereby, may act as complainant in any criminal proceedings instituted against such owner or occupier.

6 Serving of Notice

(1) A written notice under regulation 5 to any owner or occupier concerned shall be served upon him or her

- (a) by delivering a copy thereof to him or her;
- (b) by leaving such copy at his or her usual or last known place of residence or business; or
- (c) by sending such copy to him or her by post to his or her usual or last known place of residence or business.

7 Interdict

(1) Any person who feels aggrieved by any contravention of or any failure to comply with any provision of any by-law, shall have the legal capacity to apply to any competent court of law for a peremptory or prohibitory interdict in connection with the contravention of or failure to comply with such provision of the by-law.

(2) Any interdict referred to in subregulation (1) may, in addition to being applied for against the occupier of any premises, also be applied for against any absent owner thereof.

(3) Notwithstanding anything to the contrary contained in any law, any court established under section 2(1)(f) of the Magistrates' Court Act, 1944 (Act 32 of 1944), shall, for the purposes of the provisions of subregulation (1) be deemed to be a competent court of law, and any such court shall have the jurisdiction to hear and allow or dismiss any application referred to in that subregulation.

PART II

NOISE POLLUTION MANAGEMENT (regs 8-13)

8 Prohibition of Disturbing Noise

No person shall make, produce or cause a disturbing noise, or allow it to be made, produced or caused by any person, animal, machine, device or apparatus or any combination thereof.

9 Prohibition of Noise Nuisance

No person shall-

- (a) operate or play, or allow to be operated or played, a radio, television set, drum, musical instrument, sound amplifier, loudspeaker system or similar device producing, reproducing or amplifying sound so as to cause a noise nuisance;
- (b) offer any article for sale by shouting, ringing a bell or making other sounds or by allowing shouting, the ringing of a bell or making of other sounds in a manner which may cause a noise nuisance;
- (c) allow an animal owned or controlled by him or her to cause a noise nuisance;
- (d) discharge fireworks in a residential area in a manner which may cause a noise nuisance;
- (e) build, make, construct, repair, rebuild, modify, operate or test a vehicle, vessel, aircraft or object on or near residential premises, or allow it to be built, made, constructed, repaired, rebuilt, modified, operated or tested, if this may cause a noise nuisance;
- (f) erect a building or structure on residential premises or allow it to be erected if this may cause a noise nuisance;
- (g) use or discharge any explosive, firearm or similar device that emits impulsive sound and may cause a noise nuisance, or allow it to be used or discharged, except with the prior consent in writing of the local authority concerned and subject to such conditions as the local authority may deem necessary;
- (h) on a piece of land or in water or in airspace above that piece of land designated by a local authority by means of a notice in the press
 - (i) move about on or in a recreational vehicle; or
 - (ii) exercise control over a recreational vehicle; or

- (iii) as the owner or person in control of the piece of land, water or airspace, allow such activity to take place;
 - if it may cause a noise nuisance;
- (i) except in an emergency, emit a sound, or allow a sound to be emitted, by means of a bell, carillon, siren, hooter, static alarm, whistle, loudspeaker or similar device, if it may cause a noise nuisance;
- (j) operate any machinery, saw, sander, drill, grinder, lawnmower power garden tool or similar device or allow it to be operated in a residential area, if it may cause a noise nuisance;
- (k) load, unload, open, shut or in any other way handle a crate, box, container, building material, rubbish container or any other article, or allow it to be loaded unloaded, opened, shut or handled, if this may cause a noise nuisance;
- (l) drive a vehicle on a public road in such a manner that it may cause a noise nuisance;
- (m) use any power tool or power equipment used for construction work, drilling work or demolition work, or allow it to be used, in or near a residential area if it may cause a noise nuisance.

10 Land Use

(1) No person shall-

- (a) establish a new township unless the layout plans concerned, if required by the local authority, indicate in accordance with the specifications of the local authority the existing and future sources of noise, with concomitant dBA values, which are foreseen in the township for a period of 15 years following the date on which the erection of the buildings in and around the township commences;
- (b) make changes to existing facilities or existing uses of land or buildings or erect new buildings, if these will house or cause activities, that will, after such changes or erection, cause a disturbing noise, unless precautionary measures to prevent the disturbing noises have been taken to the satisfaction of the local authority;
- (c) build a road or change an existing road, or alter the speed limit on a road, if this will cause an increase in noise in or near residential areas, or office, church, hospital or educational buildings, unless the need for noise control

measures has been properly determined by the local authority in consultation with the authority concerned to ensure that the land in the vicinity of such roads will not be designated as a controlled area;

- (d) if required by a local authority, install, replace or modify a plant with a total input power exceeding 10 kilowatts on any premises, unless the local authority has been notified by the owner of the plant in writing at least 14 days before such installation, replacement or modification of-
 - (i) the particulars of the plant;
 - (ii) the number, street address and title deed description of the premises concerned; and
 - (iii) the nature of and the date on which the installation, replacement or modification shall commence:

Provided that if an existing plant had to be replaced by necessity without preceding notification to the local authority, the local authority shall be notified thereof by the owner of the plant in writing within 14 days after the replacement of the plant.

(2) The local authority may-

- (a) before changes are made to existing facilities or existing uses of land or buildings or before new buildings are erected, in writing require that noise impact assessments or tests be conducted to the satisfaction of that local authority by the owner, developer, tenant or occupant of the facilities, land or buildings and that reports or certificates relating to the noise impact to the satisfaction of that local authority be submitted by the owner, developer, tenant or occupant to the local authority on written demand;
- (b) if excavation work, earthmoving work, pumping work, drilling work, construction work, or demolition work or any similar activity, power generation or music causes or may cause a noise nuisance or a disturbing noise, instruct in writing that such work, activity, generation or music be forthwith discontinued until such conditions as the local authority may deem necessary have been complied with;
- (c) set conditions relating to noise control to be included in the conditions of the establishment of new township, in order to achieve the objectives of the Act;
- (d) in writing request the owner or person in control of a premises referred to in subregulation (2)(a) to furnish proof forthwith to the local authority's satisfaction that no disturbing noise shall be caused by or on the premises.

11 Designation of Controlled Areas

(1) A local authority may-

- (a) designate a controlled area in its area of jurisdiction or amend or cancel an existing controlled area by notice in the Provincial Gazette;
- (b) designate zone sound levels for specific areas and for specific times in its area of jurisdiction or amend or cancel such designation by notice in the Provincial Gazette.

(2) No person may-

- (a) erect educational, residential, flat, hospital, church or office buildings in an existing township in a controlled area or area for which a zone sound level has been designated in terms of subregulation (1)(b), unless acoustic screening measures have been provided in the building to limit the reading on an integrating impulse sound level meter, measured inside the building after completion, to 40 dBA or such level as may be determined in accordance with subregulation (1)(b): Provided that any air conditioning or ventilating system shall be switched off during the course of such noise measurements;
- (b) situate educational, residential, hospital or church erven within a controlled area in a new township or an area that has been rezoned: Provided that such situation may be allowed by the local authority concerned in accordance with the acoustic screening measures mentioned by that local authority in the approved building plans.

12 Motor Vehicles

(1) No person may drive a vehicle, or allow it to be driven, on a public road, if the sound level at the measuring point measured in accordance with the procedure prescribed in SABS 0181 exceeds:

- (a) In the case of a non-exempted vehicle, the sound level specified in Table 1 of SABS 0281 for that type of vehicle; or
- (b) in the case of an exempted vehicle, the applicable reference sound level indicated in the tables of Annexure A to SABS 0281, for that type of vehicle by more than 5 dBA;

(2) A local authority may-

- (a) in order to determine whether a vehicle being used on any road in the area of jurisdiction of that local authority, including a private, provincial or national road crossing its area of jurisdiction, complies with the provisions of these regulations, instruct the owner or person in control of the vehicle-
 - (i) to have any appropriate inspection or test conducted on the vehicle as the local authority may deem necessary, on a date and at a time and place determined by the local authority in writing;
 - (ii) to stop the vehicle or cause it to be stopped;
- (b) subject to the provisions of subregulations (3) and (4) and the applicable provisions of any other law, attach a vehicle if the sound level of such vehicle exceeds the sound level referred to in subregulation (1) by more than 5 dBA.

(3) A vehicle attached under subregulation (2)(b) shall be kept in safe custody by a local authority.

(4) A local authority may lift the attachment contemplated in subregulation (2)(b) if the owner or person in control of the vehicle concerned has been instructed in writing by such authority

- (a) to repair or to modify the vehicle concerned or to cause it to be repaired or to be modified; and
- (b) to have any inspection or test, as the local authority may deem necessary conducted on the vehicle on a date and a time and place mentioned in the instruction.

13 Music, open-Air Music Festivals and Similar Gatherings

(1) Subject to the provisions of regulations 8 and 9(a), no person may operate or play a radio, television set, gramophone, recording device, drum, musical instrument, sound amplifier or similar device producing, reproducing or amplifying sound, or allow it to be operated or played, in a public place, if the noise level, measured at any point which may be occupied by a member of the public, exceeds 95 dBA, unless permission has been obtained from the local authority.

(2) No person may stage an open-air music festival or similar gathering without the prior written consent in writing of the local authority.

(3) If any music causes or may cause a noise nuisance or a disturbing noise, the local authority may instruct in writing that such music be forthwith discontinued until such conditions as the local authority may deem necessary have been complied with.

(4) Subject to the provisions of subregulations (2) and (3) and the applicable provisions of any other law, the local authority may attach any instrument used to generate music if the sound level of such instrument exceeds the sound level referred to in subregulation (1) and no permission has been obtained.

(5) An instrument attached under subregulation (4) shall be kept in safe custody by a local authority.

(6) A local authority may lift the attachment contemplated in subregulation (4) if the owner or person in control of the instrument has applied for permission in terms of subregulation (1).

PART III

GENERAL PROVISIONS (regs 14-22)

14 General Powers of a Local Authority

A local authority may-

- (a) for the purpose of applying these regulations, at any reasonable time enter a premises upon reasonable notice-
 - (i) to conduct any appropriate examination, inquiry or inspection thereon as it may deem expedient; and
 - (ii) to take any steps it may deem necessary;
- (b) if a noise emanating from a building premises, vehicle, recreational vehicle or street is a disturbing noise or noise nuisance or may in the opinion of the local authority concerned be a disturbing noise or noise nuisance, instruct in writing the person causing such noise or who is responsible therefore, or the owner or occupant of such building, premises, vehicle, recreational vehicle or street from which or from where such noise emanates or may emanate, or all such persons, to discontinue or cause to be discontinued such noise or to take steps to lower the level of such noise to a level conforming to the requirements of these regulations within the period stipulated in the instruction: Provided that the provisions of the paragraph shall not apply in respect of a disturbing noise or noise nuisance caused by rail vehicles or air traffic or by vehicles that are not used as recreational vehicles on a public road;
- (c) if the owner or person in charge of an animal fails to comply with an instruction referred to in paragraph (b), subject to the applicable provisions of any other law, impound or cause to be impounded such animal;

- (d) impose such appropriate conditions as it deems fit when granting any permission or exemption in terms of these regulations, including the specification of times and days when activities that may cause noise are permitted or prohibited;
- (e) subject to the applicable provisions of any other law, place or cause to be placed measuring instruments or similar devices, road traffic signs or notices at any place within its area of jurisdiction for the enforcement of the provisions of these regulations: Provided that road traffic signs and notices shall be placed on private property only with the permission of the owner.

15 General Prohibition

No person may-

- (a) fail to comply with a written condition, written instruction, written notice, written requirement or written demand issued by a local authority in terms of these regulations;
- (b) tamper with, remove, put out of action, damage or impair the functioning of a noise monitoring system, noise limiter, noise measuring instrument, acoustic device, road traffic sign or notice placed in a position by or on behalf of a local authority;
- (c) for the purposes of these regulations, in respect of a duly authorized employee of a local authority-
 - (i) fail or refuse to grant admission to such employee to enter and to inspect a premises;
 - (ii) fail or refuse to give information which may lawfully be required of him or her to such employee;
 - (iii) hinder or obstruct such employee in the execution of his or her duties; or
 - (iv) give false or misleading information to such employee knowing that it is false or misleading.

16 Use of Measuring Instruments

(1) Any person taking readings shall ensure that-

- (a) sound measuring instruments comply with the requirements for type 1 instruments in accordance with SABS-IEC 60651, SABS-IEC 60804 and SABS-IEC 60942 as the case may be;
- (b) the acoustic sensitivity of sound level meters is checked before and after every series of measurements by using a sound calibrator, and shall reject the results if the before and after calibration values differ by more than 1 dBA;
- (c) the microphones of sound measuring instruments are at all times provided with a windshield;
- (d) the sound measuring instruments are operated strictly in accordance with the manufacturer's instructions; and
- (e) sound measuring instruments are verified annually by a calibration laboratory for compliance with the specifications for accuracy of national codes of practice for acoustics, to comply with the Measuring Units and National Measuring Standards Act 1973 (Act 76 of 1973).

(2) The measuring of dBA values in respect of controlled areas, ambient sound levels or noise levels in terms of these regulations shall be done as follows:

- (a) Outdoor measurements on a piece of land: By placing the microphone of an integrating impulse sound level meter at least 1,2 metres, but not more than 1,4 metres, above the ground and at least 3,5 metres away from walls, buildings or other sound reflecting surfaces; and
- (b) indoor measurements in a room or enclosed space which is not ventilated mechanically: By placing the microphone of an integrating impulse sound level meter at least 1,2 metres, but not more than 1,4 metres, above the floor and at least 1,2 metres away from the wall, with all the windows and outer doors of the room or enclosed space entirely open: Provided that windows and doors are closed for indoor measurements in rooms or enclosed spaces which are mechanically ventilated.

(3) Any deviation from heights and distances referred to in subregulation (2) shall be reported with the finishing of reasons.

17 Exemptions

(1) The provision of these regulations shall not apply, if-

- (a) the emission of sound is necessary for the purpose of warning people of a dangerous situation; or

(b) the emission of sound takes place during an emergency.

(2) Any person may by means of a written application, in which the reasons are given in full, apply to the local authority concerned for exemption from any provision of these regulations.

(3) The local authority may-

- (a) grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted shall be stipulated therein;
- (b) alter or cancel any exemption or condition in an exemption;
- (c) refuse to grant an exemption.

(4) An exemption shall not take effect before the applicant has undertaken in writing to comply with all conditions imposed by a local authority under subregulation (3): Provided that if activities are commenced before such undertaking has been submitted to the local authority concerned, the exemption shall lapse.

(5) If any condition of an exemption is not complied with, the exemption shall lapse forthwith.

18 Penalties

Any person who contravenes or fails to comply with a provision of these regulations shall be guilty of an offence and liable on conviction to a fine not exceeding R20 000, or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment, and, in the event of a continuing contravention, to a fine not exceeding R250 or imprisonment for a period not exceeding twenty days, or to both such fine and such imprisonment for a period not exceeding twenty days, or to both such fine and such imprisonment, for each day on which such contravention continues.

19 Restriction of Liability

No authorized employee of the State shall be liable in respect of anything done in good faith in the exercise of a power or the performance of a duty conferred or imposed in terms of these regulations.

20 Application of Regulations

(1) All local authorities shall apply these regulations, with the exception of regulation 10(a), (b), (c) and regulation 11(a) and (b): Provided that if a local authority has a noise control officer at its disposal, all these regulations shall be applied.

(2) A local authority may in terms of section 28A of the Act apply to the Member of the Executive Council in writing with the furnishing of reasons, for exemption from the application of any provision of these regulations.

(3) Exemption from the application of all these regulations shall be considered in accordance with policy determined under section 2 of the Act.

21 Repeal of Regulations

The regulations published under Government Notice R154 of 10 January 1992 are hereby repealed.

22 Commencement

These Regulations shall come into operation on the date of publication in the Provincial Gazette.