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23 July 2024

No. 50966

THE PRESIDENCY

No. 5050 **23 July 2024**

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

Act No. 22 of 2024: Climate Change Act, 2024

VHUPRESIDENDE

No. 5050 **23 July 2024**

Zwi khou divhadziwa henefha uri mupresidende o tendelana na uyu mulayo une wa khou andadziwa hu u itela ndivhadzo kha tshitshavha:—

Nom 22 ya 2024: Mulayo wa Tshanduko ya Kilima, 2024

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GENERAL EXPLANATORY NOTE:

Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President)
(Assented to 18 July 2024)

ACT

To enable the development of an effective climate change response and a long-term, just transition to a low-carbon and climate-resilient economy and society for South Africa in the context of sustainable development; and to provide for matters connected therewith.

PREAMBLE

WHEREAS everyone has the constitutional right to an environment that is not harmful to their health and well-being, and to have the environment protected for the benefit of present and future generations through reasonable legislative and other measures that secure ecologically sustainable development and the use of natural resources while promoting justifiable economic and social development;

AND WHEREAS anthropogenic climate change represents an urgent threat to human societies and the planet and requires an effective, progressive and incremental response;

AND WHEREAS the Republic—

- (a) has a role to play in the global effort to reduce the greenhouse gas emissions identified by the international community as the primary drivers of anthropogenic climate change, and for which the implementation of appropriate mitigation responses is urgently required;
- (b) is especially vulnerable to those impacts of climate change which require urgent and appropriate adaptation responses; and
- (c) has made international commitments and obligations, including to communicate and implement an effective nationally determined climate change response, encompassing mitigation and adaptation actions, that represents the Republic's fair contribution to the global climate change response;

AND WHEREAS climate variability in the Republic, including the increased frequency and intensity of extreme weather events, will affect, amongst other things, human health, access to food and water, biodiversity, habitats and ecosystems, the coast and coastal infrastructure and human settlements;

AND WHEREAS anticipated impacts arising as a result of climate change have the potential to undermine achieving the Republic's developmental goals;

TSHALUTSHEDZONYANGAREDZI:

Maipfi o talelwaho nga mutalo u sa khawwi a sumbedza zwine zwa khou dzheniswa kha u phasiswa hu re hone.

(English text signed by the President)
(Assented to 18 July 2024)

MULAYO

U itela u konisa mveledziso ine ya shuma zwavhuḍi ya liga la u shumana na zwa tshanduko ya kilima nahone lwa tshifhinga tshilapfu, u shandukela kha zwa khaboni ya fhasi na kilima i re na ikonomi yo khwaḥelaho na tshitshavha tsha Afrika Tshipembe kha nyimele ya mveledziso yo khwaḥhaho; na u ita mbetshelo malugana na zwine zwa kwamana na zwenezwo.

MARANGAPHANḌA

SA IZWI muḥwe na muḥwe kha ndayotewa a na pfanelo ya zwa mupo une wa sa vhaise mutakalo, na u vha na mupo wo tsireledzeaho une wa vhuedza mirafho ya zwino na mirafho ya tshifhinga tshidaho nga kha maga a pfadzaho a mulayosiḥwa na maḥwe maga ane a tsireledza mveledziso yo khwaḥhaho ya ikhoḷodzhi na u shumiswa ha zwishumiswa zwa mupo hone hu tshi khou ḥuḥwedzwa ikonomi i pfadzaho nahone na mvelaphanḌa ya matshilisano;

NAHONE SA IZWI tshanduko ya kilima zwo itwa nga vhathu ndi tshutshedzo ya tshihadu kha vhathu na puḷanete nahone hu ḥoḍea liga line la shuma zwavhuḍi nahone line la ya phanḌa na u engedzwa;

NAHONE SA IZWI Riphabuḷiki—

- i na mushumo une ya tea u shuma kha ndingedzo dza lifhasi dza u fhungudza vhubvisagese ya tshikhalani yo topolwaho nga tshitshavha tsha mashango a dzitshakatshaka tshiitisi tshihulusa tsha tshanduko ya kilima zwo itiswa nga vhathu, nahone u shumiswa ha maga a u fhungudza zwi khou ḥoḍea lwa tshihadu;
- a yo ngo tsireledzea nga idzo ḥuḥwedzwo dza tshanduko ya kilima dzine dza ḥoḍa maga a tshihadu nahone o teaho; na
- yo ita zwa u ḥidzhenisa kha mbofho na vhuḍiimiseleli kha zwa mashango a dzitshakatshaka, hu tshi katelwa u daviḥidza na u thoma u shumisa liga la zwa tshanduko ya kilima line la shuma zwavhuḍi lo lavheleswaho kana u itiwa nga lushuka, hu tshi katelwa nyitio dza u fhungudza na u shandukisa, line la imela u dzhenela hu pfadzaho ha Riphabuḷiki kha liga la lifhasi kha zwa tshanduko ya kilima;

NAHONE SA IZWI tshanduko ya kilima kha Riphabuḷiki, hu tshi katelwa nyanzelo na vuhulu ha khalulo ya zwine mutsho wa itisa zwone, zwi ḍo kwama, vhuḥzhi ha zwithu, mutakalo wa vhathu, tswikelelo kha zwiliwa na maḍi, zwoḥe zwi tshilaho, vhudzulazwitshilaho na dziekhosisiteme, phendelashango na themamveledziso ya phendelashango na madzulo a vhathu;

NAHONE SA IZWI ḥuḥwedzwo dzo lavhelelwaho dzi tshi khou vha hone zwo itiswa nga tshanduko ya kilima dzi na khonadzeo ya u khakhisa u swikelelwa ha zwipikwa zwa mveledziso kha Riphabuḷiki;

AND WHEREAS implementing an effective climate change response is a national sustainable development priority as set out in the National Climate Change Response White Paper, while the Republic's Nationally Determined Contribution under the Paris Agreement, as may be varied from time to time, anticipates—

- (a) the realisation of significant socio-economic and environmental benefits in a manner that is driven and customised in the light of national circumstances, developmental, transformational, empowering and participatory, dynamic and evidence-based, balanced, cost-effective, integrated and aligned; and
- (b) support for a just transition to a climate-resilient, equitable and internationally competitive low-carbon economy and society, that takes into account the risks and opportunities that are expected to arise as a consequence of implementing the national climate change response;

AND WHEREAS responding to climate change raises unique challenges to effective governance as its impact transcends and challenges traditionally sectoral governance approaches, which require a nationally driven, coordinated and cooperative legal and administrative response that acknowledges the significant role of the provincial and municipal spheres taking into account the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005);

AND WHEREAS climate change policy needs to be implemented in the context of sustainable development objectives and the achievement of national development goals, it is desirable to develop a legal and institutional framework for the implementation of the Republic's national climate change response, in order to address these matters,

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

ARRANGEMENT OF SECTIONS

Sections

CHAPTER 1	5
INTERPRETATION, OBJECTS AND APPLICATION	
1. Definitions	
2. Objects of Act	
3. Principles	
4. Application of Act	10
5. Application of National Environmental Management Act	
6. Conflict with other legislation	
CHAPTER 2	
POLICY ALIGNMENT AND INSTITUTIONAL ARRANGEMENTS	
7. Alignment of policies	15
8. Provincial Forums on Climate Change	
9. Municipal Forums on Climate Change	
10. Presidential Climate Commission	
11. Functions of Presidential Climate Commission	
12. Process of appointment	20
13. Appointment of Executive Director	
14. Financial administration	
15. Reporting to government	
16. Administrative and secretariat support	

NAHONE SA IZWI u thoma u shumisa liga line la shuma zwavhuqi kha zwa tshanduko ya kilima hu tshithu tsha ndemesa tsha lushaka tsho khwaqhelaho tsha mveledziso ya lushaka sa zwe zwa sumbedzwa kha Ndivhadzamulayotibe ya Liga la Lushaka kha zwa Tshanduko ya Kilima, hu na uri Vhudzheneli vhu Lavheleswaho ha Lushaka ha Riphabuiki nga fhasi ha Thendelano ya Paris, zwi tshi nga shandukiswa misi yoqhe, ndavhelelo ndi ya u—

- (a) kumafhadza ikonomi ya zwa matshilisano ya vhuqhogwa na mbuelo dza mupo nga ndila ine ya langwa na u dzudzanywa ho sedzwa nyimele dza lushaka, mveledziso, khwiqefhadzwa, maanqafhadzo na vhudzheneli, u shandukashanduka nahone zwo sendekaho kha vhuqanzi, ndinganelo, zwi sa quri, zwo xanganelanaho nahone zwo livhanaho; na
- (b) tikedza tshanduko i pfadzaho kha zwa kilima ya khwaqhelaho, zwi pfadzaho na ikonomi na tshitshavha hu re na vhubvisakhaboni hu re fhasi kha mashango a dzitshakatshaka, hu tshi khou dzhielwa nzhele khovhakhombo na zwikhala zwine zwa lavhelelwa u vha hone zwo vhangwa nga u thoma u shumisa liga la zwa tshanduko ya kilima la lushaka;

NAHONE SA IZWI zwa liga kha zwa tshanduko ya kilima zwi tshi ita uri hu vhe na khaedu dzenedzo kha kuvhusele kune kwa shuma zwavhuqi sa izwi qhuqhuedzo dza hone dzi tshi paqa na u ita khaedu kha ngona dza sialala dza sekithara ya kuvhusele, zwine zwa qoda u tshimbizwa nga lushaka, khonanyo na tshumisano ya zwa mulayo na liga la vhlangi vhune ha xangedza mushumo wa ndeme wa vundu na masipala hu tshi khou dzhielwa nzhele Mulayo wa Mutheo wa Vhushaka ha xhangelano ya Mivhuso wa, 2005 (Mulayo wa nomboro ya. 13 wa 2005);

NAHONE SA IZWI mbekanyamaitele ya tshanduko ya kilima i tshi tea u shumiswa kha nyimele ya zwipikwa zwa mveledziso yo khwaqhaho na u swikelelwa ha zwipikwa zwa mveledziso ya lushaka, zwi a qodea uri hu bveledziswe mutheo wa mulayo na mutheo wa zwimiswa u itela u shumiswa ha liga la zwa tshanduko ya kilima la lushaka kha Riphabuiki, u itela u tandulula mafhungo aya,

U PHASISWE nga Phalamennde ya Riphabuiki ya Afrika Tshipembe nga ndila i tevhelaho:—

NZUDZANYO DZA KHETHEKANYO

Khethekanyo

NDIMA YA 1

5

KUTALUTSHEDZELE, ZWIPIKWA NA KUSHUMISELE

1. Thalutshedzo
2. Zwipikwa zwa Mulayo
3. Ndayo
4. Kushumisele kwa Mulayo
5. U shumiswa ha Mulayo wa Ndango ya Mupo wa Lushaka
6. Khuqano na muqwe mulayosiqwa

10

NDIMA YA 2

NDIVHANYISO YA MBEKANYAMAITELE NA NZUDZANYO DZA TSHIIMISWA

15

7. Ndivhanyiso ya dzimbekanyamaitele
8. Foramu dza Mavundu dza Tshanduko ya Kilima
9. Foramu dza Mimasipala dza Tshanduko ya Kilima
10. Khomishini ya Kilima ya Phresidennde
11. Mishumo ya Khomishini ya Kilima ya Phresidennde ya zwa
12. Kuitele kwa u thola
13. U tholwa ha Mulangi wa Khorotshitumbe
14. Ndaulo ya masheleni
15. U vhiqa kha muvhuso
16. Thuso ya ndaulo na vhuqwaleli

20

25

CHAPTER 3**CLIMATE CHANGE RESPONSE: PROVINCES AND MUNICIPALITIES**

- 17. Climate change response
- 18. Finance mechanism

CHAPTER 4

5

NATIONAL ADAPTATION TO IMPACTS OF CLIMATE CHANGE

- 19. Adaptation objectives
- 20. Adaptation scenarios
- 21. National Adaptation Strategy and Plan
- 22. Sector Adaptation Strategy and Plan 10
- 23. Adaptation Information and Synthesis Adaptation Report

CHAPTER 5**GREENHOUSE GAS EMISSIONS AND REMOVALS**

- 24. National greenhouse gas emissions trajectory
- 25. Sectoral emissions targets 15
- 26. Listed greenhouse gases and activities
- 27. Carbon budgets
- 28. Phase-down and phase-out of synthetic greenhouse gas emissions and declaration
- 29. National Greenhouse Gas Inventory 20

CHAPTER 6**GENERAL MATTERS AND TRANSITIONAL ARRANGEMENTS**

- 30. Regulations
- 31. Consultation
- 32. Public participation 25
- 33. Delegation
- 34. Access to information
- 35. Offences and penalties
- 36. Appeals
- 37. Savings, transitional provisions and amendment of laws 30
- 38. Short title and commencement

SCHEDULE 1**Functions relevant to the development of Sectoral Emissions Targets****SCHEDULE 2**

- National Departments and State-Owned Entities responsible for certain functions required to develop a Sector Adaptation Strategy and Plan 35**

SCHEDULE 3**Amendment of laws**

NDIMA YA 3**LIGA LA TSHANDUKO YA KILIMA: MAVUNDU NA MIMASIPALA**

17. Liga la tshanduko ya kilima
18. Nqila ya zwa masheleni

NDIMA YA 4

5

VHU᠔OWEDZI HA LUSHAKA KHA THUTHUWEDZO DZA TSHANDUKO YA KILIMA

19. Zwipikwa zwa vhu᠔owedzi
20. Nyimele dza vhu᠔owedzi
21. Pu᠔ane na Nqila ya Vhu᠔owedzi ha lushaka 10
22. Pu᠔ane na Nqila ya Vhu᠔owedzi ha Sekithara
23. Mafhungo nga ha Vhu᠔owedzi na thanganyiso ya Muvhigo wa Vhu᠔owedzi

NDIMA YA 5**VHUBVISAGESE YA TSHIKHALANI NA U BVISWA**

24. Nqila ya Vhubvisagese ya tshikhalani ya Lushaka 15
25. Zwipikwa zwa vhubvisagese kha sekithara
26. Mishumo na gese dza tshikhalani dzi re kha mutevhe
27. Migaganyagwama ya khaboni
28. U fhungudza na u fhelisa vhubvisageseitwa ya tshikhalani na u qivhadza
29. Mutevhe wa Gese ya Tshikhalani wa Lushaka 20

NDIMA YA 6**MAFHUNGYANGAREDZI NA NZUDZANYO DZA TSHANDUKO**

30. Ndangulo
31. Vhukwamani
32. U dzhenela ha tshitshavha 25
33. Vhurumelwa
34. U swikelela mafhungo
35. Vhutshinyi na ndatiso
36. Dziaphili
37. Zwi sa katelwi, mbetshelo dza tshanduko na khwi᠔iso ya milayo 30
38. Dzina lipufhi na u thoma u shumisa Mulayo

SHEDULU YA 1**Mishumo yo teaho kha mveledziso ya Zwipikwa zwa Vhubvisagese kha Sekithara****SHEDULU YA 2****Mihasho ya Lushaka na Zwiimiswa zwa Muvhuso zwi re na vhu᠔ifhinduleli ha mishumo yeneyo ine ya ᠔o᠔ea ya u bveledzisa Pu᠔ane na Nqila ya Vhu᠔owedzi kha Sekithara 35****SHEDULU YA 3****Khwi᠔iso ya milayo**

CHAPTER 1

INTERPRETATION, OBJECTS AND APPLICATION

Definitions

1. In this Act, unless the context indicates otherwise—
- “**adaptation**” means any adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects which moderates harm or exploits beneficial opportunities; 5
- “**adaptive capacity**” means the ability of systems, institutions, humans and other organisms to adjust to potential damage, to take advantage of opportunities, or to respond to consequences; 10
- “**carbon budget**” means an assigned amount of greenhouse gas emissions allocated to a person in terms of section 27 for direct emissions arising from the operations of that person over a defined time period;
- “**Carbon dioxide equivalent or CO₂e**” means the number of metric tons of carbon dioxide emissions with the same global warming potential as one metric ton of another greenhouse gas; 15
- “**carbon sink**” means any process, activity or mechanism which removes a greenhouse gas, an aerosol or a precursor of a greenhouse gas from the atmosphere;
- “**climate change**” means a change of climate that is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and that is in addition to natural climate variability observed over comparable time periods; 20
- “**commissioner**” means a commissioner of the Presidential Climate Commission appointed in terms of section 10(4);
- “**Department**” means the national department responsible for environmental affairs; 25
- “**direct greenhouse gas emissions**” means greenhouse gas emissions from sources that are owned or controlled by a person;
- “**Disaster Management Act**” means the Disaster Management Act, 2002 (Act No. 57 of 2002); 30
- “**district municipality**” means a district municipality established in terms of the Local Government: Municipal Structures Act;
- “**ecosystem**” means a dynamic system of plant, animal and micro-organism communities and their non-living environment, interacting as a functional unit;
- “**environment**” has the meaning assigned to it in section 1 of the National Environmental Management Act; 35
- “**Gazette**”, when used in relation to—
- (a) a Minister, means the *Government Gazette*;
- (b) an MEC, means the *Provincial Gazette* of the province concerned; and
- (c) a municipality, means the *Provincial Gazette* of the province in which the municipality is situated; 40
- “**greenhouse gas**” means gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation;
- “**greenhouse gas mitigation plan**” means the mitigation plan contemplated in section 27(4) which contains mitigation measures prepared specifically for the mitigation of greenhouse gas emissions; 45
- “**indirect greenhouse gas emissions**” means emissions that are a consequence of the activities of a person, but occur at sources owned or controlled by another person;

NDIMA YA 1

KUTALUTSHEDZELE, ZWIPIKWA NA KUSHUMISELEH

Thalutshedzo

1. Kha uno Mulayo, nga nḡa ha musi nyimele i tshi sumbedza nga inwe nḡila—
 - 5 “**vhuḡowedzi**” zwi amba ndivhanyiso inwe na inwe kha sisiteme dza mupo kana vhatu hu ḡiga ḡa ndivhanyiso na tshitḡuwedzi tsha kilima tsho lavhelwaho kana tsha vhukuma kana masiandoitwa ane a fhungudza khuvhalo kana a shumisa zwikhala zwa mbuelo;
 - 10 “**u kona u ḡowela**” zwi amba vhukoni ha dzisisiteme, zwiimiswa, vhatu na zwiḡwe kana tshilaho kha u kona u ḡowedza kana u ḡananisa na khonadzeo dza tshinyalelo, kha zwiwhuya zwa zwikhala, kana kha ḡine ḡa dzhiwa u itela u shumana na masiandoitwa;
 - 15 “**mugaganyagwama wa zwa khaboni**” zwi amba masheleni o avhelwaho hu tshi khou itelwa zwa vhubvisagese ya tshikhalani ane a avhelwa muthu hu tshi khou tevhedzwa khethekanyo ya 27 kha zwa u bva ha gese zwo livhaho zwi tshi khou itiswa nga mishumo ya uyo muthu nga murahu ha tshifhinga tsho ḡaluswaho;
 - 20 “**tshine tsha lingana na Gesepfuḡi kana CO₂e**” zwi amba nomboro ya tshileme tsha thani dza u bva ha gesepfuḡi zwi tshi fana na khonadzeo ya mufhiso wa kha pulanete sa tshileme tshithihi tsha gidi tsha inwe gese ya tshikhalani;
 - 25 “**munwelelo wa khaboni**” zwi amba kuitele kuḡwe na kuḡwe, zwiito zwiḡwe na zwiḡwe kana nḡila inwe na inwe ine ya bvisela thungo gese ya tshikhalani, zwifafadzeli kana tshirangeli kha zwa gese ya tshikhalani u bva tshikalani;
 - 30 “**tshanduko ya kilima**” zwi amba tshanduko ya kilima zwine nga nḡila yo livhaho kana i songo livhaho zwi dzhiwa zwi tshi vhangwa nga zwiito zwa vhatu zwine zwa shandukisa mbumbo ya pulanete tshikhalani na uri izwo ndi nyengedzedzo ya u shandukashanduka ha kilima lwa mupo sa zwe zwa wanuluswa nga murahu ha mbambedzo ya zwifhinga;
 - 35 “**khomishinari**” zwi amba khomishinari wa Khomishini ya Kilima ya Phresidennde o tholwaho u ya nga khethekanyo ya 10(4);
 - 40 “**Muhasho**” zwi amba muhasho wa lushaka u re na vhuḡifhinduleli ha mafhungo a zwa mupo;
 - 45 “**vhubvagese ya tshikhalani zwo livhaho**” zwi amba u bva ha gese ya tshikhalani i tshi bva kha zwiko zwine muḡe wazwo ndi muthu nahone zwi langwaho nga muthu;
 - 50 “**Mulayo wa Ndango ya Zwiwo**” zwi amba Mulayo wa Ndango ya Zwiwo wa, 2002 (Mulayo wa nomboro ya.57 wa 2002);
 - 55 “**masipala wa tshiḡiriki**” zwi amba masipala wa tshiḡiriki wo thomiwaho hu tshi khou tevhedzwa Muvhuso Wapo: Mulayo wa Zwiimiswa zwa Masipala;
 - “**ekhosisiteme**” zwi amba sisiteme ya tshandukotshanduko ya tshimela, tshipuka na tshitshavha tsha zwi tshilaho zwi sa vhonali nga maḡo a ḡama na mupo wa zwi sa tshili, tshumisano i tshi tou shuma sa yuniti;
 - “**mupo**” ipfi ḡi ḡi na ḡhalutshedzo ye ya vhofhekanywa naḡo kha khethekanyo ya 1 ya Mulayo wa Ndango ya Mupo;
 - “**Gazete**”, musi ipfi ḡi ḡi tshi khou shumiswa zwi tshi kwama—
 - (a) Minisiḡa, zwi amba *Gazete* ya Muvhuso;
 - (b) Muraḡo wa Khorotshithumbe (MEC), zwi amba *Gazete* ya Vundu ḡi kwameaho; na
 - (c) masipala, zwi amba *Gazete* ya Vundu ya vundu ḡine masipala wa wanala hone;
 - “**gese ya tshikhalani**” zwi amba zwithu zwo vhubvagese i re tshikhalani, vhubvagese hazwo ndi zwa mupo na zwine zwa itwa nga muthu, zwine zwa tswonzwa kana u nweledza na u bvisela nḡa gabelo ḡa tshedza na mufhiso;
 - “**puḡane ya u fhungudza gese ya tshikhakani**” zwi amba puḡane ya u fhungudza sa zwe zwa elekanywa kha khethekanyo ya 27(4) ine yo faredza maga a u fhungudza o dzudzanywaho ho tou sedzwa fhedzi u fhungudza mabvele a gese ya tshikhalani;
 - “**nḡila i songo livhaho ya mabvele a gese ya tshikhalani**” zwi amba mabvele ane ndi masiandoitwa a nyito dza muthu, fhedzi zwi itea kha zwiko zwine muḡe wazwo ndi muḡwe muthu nahone zwiko zwa hone zwa ḡi langwa nga muḡwe muthu;

- “**Intergovernmental Relations Framework Act**” means the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005);
- “**just transition**” means a shift towards a low-carbon, climate-resilient economy and society and ecologically sustainable economies and societies which contribute toward the creation of decent work for all, social inclusion and the eradication of poverty; 5
- “**Local Government: Municipal Structures Act**” means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);
- “**mayor**”, in respect of the different types of municipalities, means—
- (a) a mayor elected in terms of section 48 of the Local Government: Municipal Structures Act; or 10
- (b) an executive mayor elected in terms of section 55 of the Local Government: Municipal Structures Act;
- “**MEC**” means the member of the Executive Council to whom a Premier has assigned responsibility for the environment; 15
- “**metropolitan municipality**” means a metropolitan municipality established in terms of the Local Government: Municipal Structures Act;
- “**Minister**” means the Cabinet Minister responsible for environmental affairs;
- “**mitigation**” means a human intervention to reduce the sources or enhance the carbon sinks of greenhouse gases; 20
- “**Municipal Forum on Climate Change**” means a Municipal Forum on Climate Change contemplated in section 9;
- “**National Climate Change Response White Paper**” means the White Paper on the National Climate Change Response published under Government Notice No. 757 in *Gazette* No. 34695 of 19 October 2011; 25
- “**national department**” means a department listed in Schedule 1 to the Public Service Act, 1994 (Proclamation No. 103 of 1994);
- “**Nationally Determined Contribution**” means the Nationally Determined Contribution, as amended from time to time, prepared in terms of Article 4(2) of the Paris Agreement and submitted by the Republic to the Secretariat of the United Nations Framework Convention on Climate Change in terms of Article 4(12) of the Paris Agreement; 30
- “**National Environmental Management Act**” means the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- “**national greenhouse gas emissions profile**” means the latest trends in national greenhouse gas emission totals with and without sinks; 35
- “**national greenhouse gas emissions trajectory**” means the national greenhouse gas emissions trajectory contemplated in section 24;
- “**National Greenhouse Gas Inventory**” means the National Greenhouse Gas Inventory contemplated in section 29; 40
- “**organ of state**” means an organ of state as defined in section 239 of the Constitution of the Republic of South Africa, 1996;
- “**Paris Agreement**” means the Paris Agreement adopted by the Twenty-First Conference of the Parties to the United Nations Framework Convention on Climate Change in Paris, France, on 12 December 2015, and ratified by the Republic on 1 November 2016; 45
- “**policies and measures**” means the manner in which an organ of state exercises a power or performs a function in response to climate change through implementing planning instruments, policies and programmes to mitigate emissions relating to the requirements stipulated by the United Nations Framework Convention on Climate Change, the Paris Agreement or any other global climate change agreement under the United Nations Framework Convention on Climate Change; 50
- “**prescribe**” means prescribe by regulation;
- “**Presidential Climate Commission**” means the Presidential Climate Commission referred to in section 10; 55

- “**Mulayo wa Mutheo wa Vhushaka ha tshanganelano ya Muvhuso**” zwi amba Mulayo wa Mutheo wa Vhushaka ha tshanganelano ya Muvhuso wa, 2005 (Mulayo wa nomboro ya. 13 wa 2005);
- “**tshanduko i pfadzaho**” zwi amba u sudzuluwela kha zwa khaboni ya fhasi, ikonomi yo khwaṭhelaho nahone i sa khakhisei na tshitshavha na ikhoḷodzhi ya ikonomi dzo khwaṭhaho na zwitshavha zwine zwa dzhenela kha u sika mishumo yavhuḍi ya vhatu vhoṭhe, hu tshi katelwa zwa matshilisano na u fhelisa vhushai; 5
- “**Muvhuso Wapo: Mulayo wa Zwiimiswa zwa Masipala**” zwi amba Muvhuso Wapo: Mulayo wa Zwiimiswa zwa Masipala wa, 1998 (Mulayo wa nomboro ya. 117 wa 1998); 10
- “**ṅedorobo**”, malugana na tshaka dzo fhambanaho dza mimasipala, zwi amba- (a) ṅedorobo o khethiwaho hu tshi khou tevhedzwa khethekanyo ya 48 ya Muvhuso Wapo: Mulayo wa Zwiimiswa zwa Masipala wa; kana (b) ṅedorobo wa khorotshitumbe o khethiwaho u ya nga khethekanyo ya 55 ya Muvhuso Wapo: Mulayo wa Zwiimiswa zwa Masipala; 15
- “**Muraḍo wa Khorotshitumbe (MEC)**” zwi amba muraḍo wa Khorotshitumbe ane khae Mulangavundu o mu hwesa vhuḍifhinduleli ha zwa mupo; 20
- “**masipala wa ḍorobo khulwane**” zwi amba masipala wa ḍorobo khulwane wo thomiwaho u ya nga Muvhuso Wapo: Mulayo wa Zwiimiswa zwa Masipala; 20
- “**Minisiṭa**” zwi amba Minisiṭa wa Khabinete a re na vhuḍifhinduleli ha zwa mafhungo a mupo; 20
- “**phungudzo**” zwi amba u dzhenela ha vhatu kha zwa u fhungudza zwiko kana u khwaṭhisa u tswonzwiwa ha khaboni ya gese dza tshikhalani; 25
- “**Foramu ya Masipala ya Tshanduko ya Kilima**” zwi amba Foramu ya Masipala ya Tshanduko ya Kilima sa zwe zwa elekanywa kha khethekanyo ya 9; 25
- “**Nḍivhadzamulayotibe ya Liga la Tshanduko ya Kilima la Lushaka**” zwi amba Nḍivhadzamulayotibe kha zwa Liga la Tshanduko ya Kilima la Lushaka ya anḍadzawo kha nḍivhadzo ya Muvhuso ya nomboro ya. 757 kha *Gazete* ya nomboro ya. 34695 ya 19 Tshimedzi 2011; 30
- “**muhasho wa lushaka**” zwi amba muhasho u re kha mutevhe wa Shedulu ya 1 kha Mulayo wa Tshumelo ya Tshitshavha wa, 1994 (Mulevho wa nomboro ya. 103 wa 1994); 30
- “**u Dzhenela ho Tiwaho nga Lushaka**” zwi amba u Dzhenela ho Tiwaho nga Lushaka, sa zwine zwa khwiṅiswa misi yoṭhe, zwo dzudzanywaho hu tshi khou tevhedzwa Atikiḷi ya 4(2) ya Thendelano ya Paris nahone zwa ṅetshedzwa nga Riphabuḷiki kha Vhuṅwaleli ha Muteho wa Thendelano wa Lushaka kha zwa Tshanduko ya Kilima u ya nga Atikiḷi ya 4(12) ya Thendelano ya Paris; 35
- “**Mulayo wa Ndango ya Mupo wa Lushaka**” zwi amba Mulayo wa Ndango ya Mupo wa Lushaka wa, 1998 (Mulayo wa nomboro ya. 107 wa 1998); 40
- “**mbumbo ya vhubvagese ya tshikhalani ya lushaka**” zwi amba zwine zwa khou itea zwinozwino kha zwa mabvele a gese ya tshikhalani zwi gumofulu zwi na mitswonzwo namusi zwi si na mitswonzwo; 40
- “**nḍila ya vhubvagese ya tshikhalani kha lushaka**” zwi amba nḍila ya mabvele a gese ya tshikhalani kha lushaka sa zwe zwa elekanywa kha khethekanyo ya 24; 45
- “**Mutevhe wa Gese ya Tshikhalani wa Lushaka**” zwi amba Mutevhe wa Gese ya Tshikhalani wa Lushaka sa zwe zwa elekanywa kha khethekanyo ya 29; 45
- “**tshiimiswa tsha muvhuso**” zwi amba tshiimiswa tsha muvhuso sa zwe zwa t alutshedzwa kha khethekanyo ya 239 ya Ndayotewa ya Riphabuḷiki ya Afrika Tshipembe ya, 1996; 50
- “**Thendelano ya Paris**” zwi amba Thendelano ya Paris yo tšanganedzwaho nga Khuvhangano ya Vhufumbili-Thihi ya Mutheo wa Thendelano ya Vhuthihi ha Mashango a Dzitsakatshaka kha zwa Tshanduko ya Kilima ngei Paris, France nga la 12 Nyendavhusiku 2015, nahone wa tendelwa nga Riphabuḷiki nga la 1 Lara 2016; 50
- “**mbekanyamaitele na maga**” zwi amba nḍila ine ngayo tshiimiswa tsha muvhuso tsha shumisa maandā kana tsha shumisa tshi tshi khou tou dzhia ḷiga malugana na tshanduko ya kilima nga kha u shumisa zwishumiswa zwa vhuḍani, mbekanyamaitele na mbekanyamushumo dza u fhungudza u bva ha gese malugana na ṭhoḍea dzo bulwaho kha Mutheo wa Thendelano ya Vhuthihi ha Mashango a Dzitsakatshaka, kha Tshanduko ya Kilima; 55
- “**u randela**” zwi amba u randela nga ndangulo; 60
- “**Khomishini ya Kilima ya Phresidennde**” zwi amba Khomishini ya Phresidennde ya zwa Kilima yo ambiwaho kha khethekanyo ya 10; 60

- “**Provincial Forum on Climate Change**” means a Provincial Forum on Climate Change contemplated in section 8;
- “**Public Finance Management Act**” means the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- “**regulation**” means a regulation made, and includes a notice issued, under this Act; 5
- “**Resilience**” means the capacity of social, economic and environmental systems to cope with a hazardous event or trend or disturbance, responding and re-organising in ways that maintain their essential function, identity and structure, while also maintaining the capacity for adaptation, learning and transformation; 10
- “**sector**” means a collective term for a group of activities with similar characteristics which either emit greenhouse gases or are vulnerable to climate change;
- “**sectoral emissions targets**” means quantitative or qualitative goals informed by sectoral policies and measures that may lead to greenhouse gas emission reductions, for the sector or sub-sector, over a defined time period as determined in terms of section 25; 15
- “**sub-sector**” means, in respect of mitigation, a further subdivision of a group of greenhouse gas emitting activities as defined by the latest version of the guidelines of the Intergovernmental Panel on Climate Change, established by the World Meteorological Organisation and the United Nations Environment Programme in 1988; 20
- “**sustainable development**” has the meaning assigned to it in section 1 of the National Environmental Management Act;
- “**synthetic greenhouse gas**” means an artificial greenhouse gas as declared by the Minister in terms of section 28; 25
- “**this Act**” includes the Schedules to this Act and any regulations or notices issued under this Act;
- “**United Nations Framework Convention on Climate Change**” means the United Nations Framework Convention on Climate Change adopted by the United Nations General Assembly in New York in 1992, and ratified by the Republic on 29 August 1997; and 30
- “**vulnerability**” means the degree to which a system is susceptible to, or unable to cope with, adverse effects of climate change, including climate variability and extremes. 35

Objects of Act

2. The objects of this Act are to—
- (a) provide for a coordinated and integrated response by the economy and society to climate change and its impacts in accordance with the principles of cooperative governance; 40
 - (b) provide for the effective management of inevitable climate change impacts by enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change, with a view to building social, economic and environmental resilience and an adequate national adaptation response in the context of the global climate change response; 45
 - (c) make a fair contribution to the global effort to stabilise greenhouse gas concentrations in the atmosphere at a level that avoids dangerous anthropogenic interference with the climate system;
 - (d) to ensure a just transition towards a low carbon economy and society considering national circumstances; 50
 - (e) give effect to the Republic’s international commitments and obligations in relation to climate change; and
 - (f) protect and preserve the planet for the benefit of present and future generations of humankind.

- “**Foramu ya Vundu kha zwa Tshanduko ya Kilima**” zwi amba Foramu ya Vundu kha zwa Tshanduko ya Kilima yo elekanywaho kha khethekanyo ya 8;
- “**Mulayo wa Ndango ya Masheleni a Tshitshavha**” zwi amba Mulayo wa Ndango ya Masheleni a Tshitshavha wa, 1999 (Mulayo wa nomboro ya. 1 wa 1999); 5
- “**ndangulo**” zwi amba ndangulo yo itwaho, nahone hu katelwa ndivhadzo yo netshedzwaho nga fhasi ha uno Mulayo;
- “**Khwaṭhela**” zwi amba vhukoni ha sisiteme dza matshilisano, ikonomi na mupo kha u ḡowela zwithu zwi re khombo kana zwikhakhisi, ḡiga na nzudzanyo-hafhu nga ndila dzine dza tikedza mushumo wa ndeme, vhuṅe na tshivhumbeo hu na u tikedza vhukoni ha u ḡowela, u guda na tshanduko; 10
- “**sekithara**” zwi amba themokateli kha tshigwada tsha mishumo i re na zwiṭaluli zwine zwa fana zwine zwi a bvisa gese dza tshikhalani kana zwi na tshayatsireledzo kha u kwamea nga tshanduko ya kilima;
- “**zwipikwa zwa vhubvisagese kha sekithara**” zwi amba zwipikwa zwa khwanthithethivi kana khwaḡithethivi zwo ḡisendekaho kha mbekanyamaitele dza sekithara na maga ane a nga livhisa kha u fhungudzea ha u bva ha gese ya tshikhalani, kha sekithara kana sekithara ṭhukhu, nga murahu ha tshifhinga tsho ṭaluswaho sa zwe zwa tiwa u ya nga khethekanyo ya 25; 15
- “**sekithara ṭhukhu**” zwi amba, malugana na phungudzo, inwe khethekanyo ṭhukhu ya tshigwada tsha nyito dza u bvisa gese ya tshikhalani sa zwe zwa ṭalutshedzwa kha ḡinwalo ḡa zwino-zwino ḡa tshumbandila dza Phaneḡe ya ṭhanganelano ya Muvhuso kha zwa Tshanduko ya Kilima, yo thomiwaho nga Dzangano ḡa Vhubvumbamutsho ḡa Lifhasi na Mbekanyamushumo ya Mupo ya Vhuthihi ha Mashango a Dzitshakatshaka nga ṅwaha wa 1988; 20
- “**mveledziso yo khwaṭhaho**” maipfi aya a na ṭhalutshedzo ye ya vhofhekanywa nao kha khethekanyo ya 1 ya Mulayo wa Ndango ya Mupo wa Lushaka; 25
- “**Geseitwa ya tshikhalani**” zwi amba gesenyitwa ya tshikhalani sa zwe zwa ḡivhadzwa nga Minisiṭa u ya nga khethekanyo ya 28;
- “**uno Mulayo**” hu katelwa Shedulu kha uno Mulayo na ndangulo dziṅwe na dziṅwe kana ndivhadzo dzi netshedzwaho nga uno Mulayo; 30
- “**Thendelano ya Mutheo ya Vhuthihi ha Mashango a Dzitshakatshaka kha zwa Tshanduko ya Kilima**” zwi amba Thendelano ya Mutheo ya Vhuthihi ha Mashango a Dzitshakatshaka kha zwa Tshanduko ya Kilima yo ṭanganedzwaho nga Buthanonyangaredzi ḡa Vhuthihi ha Mashango a Dzitshakatshaka ngei New York nga ṅwaha wa 1992, nahone yo tendelwaho nga Riphabuḡiki nga ḡa 29 ṭhangule 1997; na 35
- “**tshayatsireledzo**” zwi amba tshikalo tshine sisiteme ya nga kona u kwamea, kana ya sa kone u ḡowela, masiandoitwa mavhi a tshanduko ya kilima, hu tshi katelwa u shandukashanduka ha kilima na khalulo. 40

Zwipikwa zwa Mulayo

2. Zwipikwa zwa uno Mulayo ndi u—
- (a) ita mbetshelo ya ḡiga ḡo konanywaho nahone ḡo ṭanganelanaho nga ikonomi na tshitshavha kha zwa tshanduko ya kilima na ṭhuṭhuwedzo dza hone u ya nga ndayo dza tshumisano kha zwa mavhusele; 45
- (b) ita mbetshelo kha zwa ndango i shumaho zwavhuḡi ho sedzwa ṭhuṭhuwedzo dza tshanduko ya kilima nga u khwaṭhisa vhukoniḡowedzwa, u khwaṭhisa u tila na u fhungudza tshayatsireledzo kha tshanduko ya kilima, muhumbulo u wa u fhaṭa u sa kwamea ha zwa matshilisano, ikonomi na mupo na ḡiga ḡo linganelaho ḡa u ḡowedza lushaka kha nyimele ya ḡiga ḡa tshanduko ya kilima kha pulanete; 50
- (c) shela mulenzhe hu pfaḡzaho kha ndingedzo ya ḡifhasi ya u dzikisa u ḡala ha gese tshikhalani ngei tshikhalani kha ḡevheḡe ine ya thivhela mulingo nga u khakhisa ha zwiito zwa vhatu kha sisiteme ya kilima; 55
- (d) vhona uri hu vhe na u shanduka hu pfaḡzaho kha zwa ikonomi na tshitshavha zwa khaboni ya fhasi hu tshi lavheleswa nyimele dza lushaka; 55
- (e) vhe na u shuma kha mbofho na vhuḡiimiseli kha zwa mashango a dzitshakatshaka nga Riphabuḡiki zwi tshi ḡa kha mafhungo a tshanduko ya kilima; na 60
- (f) tsireledza na u vhumungo pulanete hu tshi itelwa u vhuvelwa ha mirafho ya vhatu vha re hone zwino na vhane vha khou ḡa.

Principles

3. The interpretation and application of this Act must be guided by—
- (a) the national environmental management principles set out in section 2 of the National Environmental Management Act where applicable in this Act;
 - (b) the principle that the climate system must be protected for the benefit of present and future generations of humankind; 5
 - (c) the principle that acknowledges international equity and each country's common but differentiated responsibilities and respective capabilities, in light of different national circumstances;
 - (d) a contribution to a just transition towards low-carbon, climate-resilient and ecologically sustainable economies and societies which contribute to the creation of decent work for all, social inclusion and the eradication of poverty; 10
 - (e) the need for integrated management, in the context of climate change, which requires climate change considerations to be integrated into the making of decisions which may have a significant effect on the Republic's ability to mitigate or which exacerbate its vulnerability to climate change; 15
 - (f) the need for decision-making to consider the special needs and circumstances of localities and people that are particularly vulnerable to the adverse effects of climate change, including vulnerable workers and groups such as women, especially poor and rural women, children, especially infants and child-headed families, the aged, the poor, the sick and persons with disabilities; 20
 - (g) the need for a risk-averse and cautious approach to be adopted, which takes into account the limits of current knowledge about causes and effects of climate change and the consequences of decisions and actions in relation thereto; 25
 - (h) the need for climate change mitigation and adaptation responses to be informed by evolving climate change scientific knowledge and decisions which must be based on the best available science, evidence and information;
 - (i) an effective climate change response which requires preventative measures to mitigate the causes of climate change and to strengthen resilience through the adoption of adaptation measures; 30
 - (j) the costs of responding to the adverse impacts of climate change and of mitigation which must be paid for by those responsible for causing the adverse impacts;
 - (k) an integrated climate change response which requires the enhancement of public awareness of climate change causes and impacts and the promotion of participation and action at all levels; and 35
 - (l) a recognition that a robust and sustainable economy and a healthy society depends on the services that well-functioning ecosystems provide, and that enhancing the sustainability of the economic, social and ecological services is an integral component of an effective and efficient climate change response. 40

Application of Act

4. (1) This Act applies to the Republic, including—
- (a) its internal waters, territorial waters, exclusive economic zone and continental shelf of the Republic as referred to in sections 3, 4, 7 and 8 of the Maritime Zones Act, 1994 (Act No.15 of 1994), respectively; and 45
 - (b) the Prince Edward Islands referred to in the Prince Edward Islands Act, 1948 (Act No. 43 of 1948).
- (2) This Act binds all organs of state.

Ndayo

3. Kuṭalutshedzele na kushumele kwa uno Mulayo zwi tea u sumbiwa nḡila nga—
- (a) ndayo dza ndango ya mupo dzo sumbedzwaho kha khethekanyo ya 2 ya Mulayo wa Ndango ya Mupo wa Lushaka hune dza vha dzo tea kha uno Mulayo; 5
 - (b) ndayo ya uri sisiṭeme ya kilima i tea u tsireledzwa u itela u vhuvelwa ha mirafho ya vhathu ya zwino na ya tshifhinga tshi ḡaho;
 - (c) ndayo ine ya ṭanganedza na u dzhiela nzhele u lingana kha mashango a dzitshakatshaka na zwine zwa fana kha shango ḡinwe na ḡinwe fhedzi hu tshi fhambana vhuḡifhinduleli na vhukoni, ho sedzwa nyimele dza mashango o fhambanaho; 10
 - (d) u shela mulenzhe kha tshanduko i pfadzaho kha zwa khaboni ya fhasi, kilima yo khwaṭhelaho na zwitshavha na ikononi zwa ikhoḡodzhi yo khwaṭhaho zwine zwa shela mulenzhe kha u sikwa ha mishumo ya khwiṅe kha vhathu vhoṭhe, u katelwa ha zwa matshilisano na pheliso ya vhashai; 15
 - (e) ṭhoḡea ya ndango yo ṭanganelanaho, kha nyimele ya tshanduko ya kilima, ine ya ṭoḡa ndavheleso na u dzhiela nzhele tshanduko ya kilima i tshi ṭanganyiswa kha u itwa ha tsho dzine dza nga vha na masiandoitwa mahulu kha vhukoni ha Riphabuḡiki kha u fhungudza kana zwine zwa nga vhangula kana u ṅaṅisa tshayatsireledzo kha tshanduko ya kilima; 20
 - (f) ṭhoḡea ya u dzhia tsho ya u lavhelesa ṭhoḡea na nyimele dza tshipentshela kha vhupo hapo na vhathu vhane, nga maandesa a vho ngo tsireledzea kha masiandoitwa mavhi a tshanduko ya kilima, hu tshi katelwa vhashumi vha songo tsireledzeaho na zwigwada zwa vhathu u tou fana na vhafumakadzi, zwihulusa vhashai na vhafumakadzi vha vhupo ha mahayani, vhana, zwihulusa dzitshetshe na miṭa ine ya rangwa phanḡa nga vhana, vhaaluwa, vhashai, vhathu vhane vha khou lwala na vhathu vha re na vuholefhali; 25
 - (g) ṭhoḡea ya nḡila ya u sa funa khovhakhombo na u dzhiela zwithu nzhele i tea u ṭanganedzwa, zwine zwa dzhiela nṭha phungudzelo dza nḡivho i re hone zwino nga ha zwivhangini na masiandoitwa a tshanduko ya kilima na masiandoitwa a tsho na nyito kha zwenezwi; 30
 - (h) ṭhoḡea ya phungudzo ya tshanduko ya kilima na maga a vhuḡowedzi i ḡo ḡisendeka kha nḡivho ya sainthifiki ine ya khou vha hone nga ha tshanduko ya kilima na tsho dzine dza tea u sendekwa kha mafhungo, vhuṭanzi na saintsi zwi re hone; 35
 - (i) ḡiga ḡa tshanduko ya kilima ḡine ḡa shuma zwavhuḡi ḡine ḡa ṭoḡa maga a u fhungudza zwivhangini zwa tshanduko ya kilima na u khwaṭhisa vkhukwaṭheli nga kha u ṭanganedza maga a vhuḡowedzi;
 - (j) mbadelo dza u shumana na masiandoitwa mavhi a tshanduko ya kilima na a phungudzo dzine dza tea u badelwa nga avho vha re na vhuḡifhinduleli ha u vhangana masiandoitwa mavhi; 40
 - (k) ḡiga ḡa tshanduko ya kilima ḡo ṭanganelanaho ḡine ḡa ṭoḡa khwaṭhiso ya tshitshavha tshine tsha ḡivha nga ha zwivhangini na masiandoitwa zwa tshanduko ya kilima na u ṭuṭuwedza u dzhenela na nyito kha masia oṭhe; na u dzhiela nzhele uri ikononi yo dzingindelaho na tshitshavha tshi re na mutakalo wavhuḡi zwo sendeka kha tshumelo dzine ekhosisiṭeme ine ya khou shuma zwavhuḡi ya ṅetshedza, na u khwaṭhisa tshumelo dza zwa ikononi, zwa matshilisano na ikhoḡodzhi ndi tshipiḡa tsha ndemesa kha ḡiga ḡa tshanduko ya kilima ḡine ḡa shuma zwavhuḡi. 45

Kushumisele kwa Mulayo

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4. (1) Uno Mulayo u shuma kha Riphabuḡiki, hu tshi katelwa—
- (a) maḡi a ngomu ha Riphabuḡiki, maḡi a re kha mavu a Riphabuḡiki, zounu ya ikononi yo khetheaho na kha phendelashango zwa Riphabuḡiki zwine zwo ambiwa kha khethekanyo dza 3, 4, 7 na 8 dza Mulayo wa Dzizounu dza Lwanzhe wa, 1994 (Mulayo wa nomboro ya.15 wa 1994), na 55
 - (b) zwiṭangadzime zwa Prince Edward zwine izwi zwo ambiwa kha Mulayo wa Zwiṭangadzime zwa Prince Edward wa, 1948 (Mulayo wa nomboro ya. 43 wa 1948).
- (2) Uno Mulayo u vhoḡa zwiimiswa zwoṭhe zwa muvhuso.

Application of National Environmental Management Act

5. (1) This Act must, in relation to climate change, be read, interpreted and applied in conjunction with the National Environmental Management Act.

(2) This Act must be regarded as a specific environmental management Act as defined in section 1 of the National Environmental Management Act.

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Conflict with other legislation

6. In the event of any conflict between a provision of this Act and other legislation specifically relating to climate change, this Act prevails.

CHAPTER 2**POLICY ALIGNMENT AND INSTITUTIONAL ARRANGEMENTS**

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Alignment of policies

7. (1) Every organ of state that exercises a power or performs a function that is affected by climate change, or is entrusted with powers and duties aimed at the achievement, promotion and protection of a sustainable environment, must review and if necessary revise, amend, coordinate and harmonise their policies, laws, measures, programmes and decisions in order to—

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- (a) ensure that the risks of climate change impacts and associated vulnerabilities are taken into consideration; and
- (b) give effect to the principles and objects set out in this Act.

(2) In order to give effect to the principles and objects set out in this Act, organised labour, civil society, business, traditional leaders and other relevant stakeholders may advise on the Republic's climate change response, the mitigation of climate change impacts and adaptation to the effects of climate change towards the attainment of the just transition to a climate resilient and low carbon economy and society.

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Provincial Forums on Climate Change

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8. (1) Every Premier's intergovernmental forum, established in terms of section 16 of the Intergovernmental Relations Framework Act, also serves as a Provincial Forum on Climate Change.

(2) Sections 17 and 19 of the Intergovernmental Relations Framework Act apply to a Provincial Forum on Climate Change.

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(3) A Provincial Forum on Climate Change must—

- (a) coordinate climate change response actions in the relevant province in accordance with this Act; and
- (b) provide a report to the President's Coordinating Council in terms of section 20(a) of the Intergovernmental Relations Framework Act, which report must include climate change considerations.

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(4) A Provincial Forum on Climate Change may establish an intergovernmental technical support structure in terms of section 30 of the Intergovernmental Relations Framework Act if there is a need for formal technical support to the Provincial Forum on Climate Change.

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Municipal Forums on Climate Change

9. (1) Every district intergovernmental forum, established in terms of section 24 of the Intergovernmental Relations Framework Act, also serves as a Municipal Forum on Climate Change.

U shumiswa ha Mulayo wa Ndango ya Mupo wa Lushaka

5. (1) Zwi tshi kwama tshanduko ya kilima, uno Mulayo u tea u vhalwa, u talutshedzwa na u shumiswa u tshi țanganyiswa na Mulayo wa Ndango ya Mupo wa Lushaka.

(2) Uno Mulayo u tea u dzhiwa sa Mulayo wa ndango ya mupo wo țaluswaho kana wa tshipentshela sa zwe zwa țalutshedzwa kha khethekanyo ya 1 ya Mulayo wa Ndango ya Mupo wa Lushaka. 5

Khuđano na muñwe mulayosiñwa

6. Kha nyimele ya musu hu na khuđano inwe na inwe vhukati ha mbetshelo ya uno Mulayo na muñwe mulayosiñwa wo sedzaho kha zwa tshanduko ya kilima, uno Mulayo ndi wone une wa ɔo shumiswa. 10

NDIMA YA 2**NDIVHANYISO YA MBEKANYAMAITELE NA NZUDZANYO DZA TSHIIMISWA****Ndivhanyiso ya dzimbekanyamaitele 15**

7. (1) Tshiimiswa tshiñwe na tshiñwe tsha muvhuso tshine tsha shumisa maanđa kana u shuma mushumo une wa kwamea nga tshanduko ya kilima, kana tsho hweswaho maanđa na mishumo ine ndivho ya hone ndi u swikelela, u țuțuwedza na tsireledzo ya mupo wo khwațhelaho, tshi tea u țhațhuvha nahone arali zwi tshi țođea tshi shandukise, khwiñise, konanye na u kwakwanyisa mbekanyamaitele, milayo, maga, mbekanyamaitele na tsho dzatsho u itela u— 20

(a) vhona uri khovhakhombo dza țhuțhuwedzo dza tshanduko ya kilima na vhushayatsireledzo zwi dzhielwe nzhele; na

(b) shumisa ndayo na zwipikwa zwo sumbedzwaho kha uno Mulayo.

(2) U itela u shuma ha ndayo na zwipikwa zwo sumbedzwaho kha uno Mulayo, madzangano a zwa vhashumi, tshitshavha tsha vhadzulapo, mabindu, vharangaphanđa vha sialala na vhañwe vhafaramikovhe vha nga eletshedza malugana na ĳiga ĳa tshanduko ya kilima ĳa Riphabuĳiki, țhuțhuwedzo na vhuđowedzi zwa tshanduko ya kilima kha masiandoitwa a tshanduko ya kilima kha u swikelela tshanduko i pfadzaho kha u khwațhela ha kilima na tshitshavha na ikonomi zwi re na khaboni ya fhasi. 30

Foramu dza Mavundu dza Tshanduko ya Kilima

8. (1) Inwe na inwe foramu ya țhanganelano ya muvhuso ya Mulangavundu, yo thomiwaho hu tshi khou tevhedzwa khethekanyo ya 16 ya Mulayo wa Mutheo wa Vhushaka ha țhanganelano ya Muvhuso, i shuma-vho sa Foramu ya Vundu ya Tshanduko ya Kilima. 35

(2) Khethekanyo ya 17 na 19 ya Mulayo wa Mutheo wa Vhushaka ha țhanganelano ya Muvhuso dzi shuma kha Foramu ya Vundu ya Tshanduko ya Kilima.

(3) Foramu ya Vundu ya Tshanduko ya Kilima i tea u—

(a) konanya nyito dza ĳiga ĳa tshanduko ya kilima kha vundu ĳo teaho hu ya nga uno Mulayo; na 40

(b) fha muvhigo Khoro ya u Konanya ya Phresidennde u ya nga khethekanyo ya 20(a) ya Mulayo wa Mutheo wa Vhushaka ha țhanganelano ya Muvhuso, une uyo muvhigo u katela ndavheleso dza tshanduko ya kilima.

(4) Foramu ya Vundu ya Tshanduko ya Kilima i nga thoma tshiimiswa tsha thikhedzo ya thekhenikhaĳa u ya nga khethekanyo ya 30 ya Mulayo wa Mutheo wa Vhushaka ha țhanganelano ya Muvhuso arali hu na țhođea ya thikhedzo ya thekhenikhaĳa ya fomaĳa kha Foramu ya Vundu ya Tshanduko ya Kilima. 45

Foramu dza Mimasipala dza Tshanduko ya Kilima

9. (1) Inwe na inwe Foramu ya țhanganelano ya muvhuso ya tshițiriki, yo thomiwaho hu tshi khou tevhedzwa khethekanyo ya 24 ya Mulayo wa Mutheo wa Vhushaka ha Muvhuso, i shuma-vho sa Foramu ya Masipala ya Tshanduko ya Kilima. 50

(2) Sections 25 and 27 of the Intergovernmental Relations Framework Act apply to a Municipal Forum on Climate Change.

(3) A Municipal Forum on Climate Change must—

- (a) coordinate climate change response actions for those activities within the operational control of the relevant municipality in accordance with this Act; 5
and
- (b) provide a report on such actions to the relevant Provincial Forum on Climate Change.

(4) A Municipal Forum on Climate Change may establish an intergovernmental technical support structure in terms of section 30 of the Intergovernmental Relations Framework Act if there is a need for formal technical support to the Municipal Forum on Climate Change. 10

Presidential Climate Commission

10. (1) (a) The Presidential Climate Commission which existed immediately before the commencement of this Act continues to exist. 15

(b) A person who was a commissioner of the Presidential Climate Commission immediately prior to the commencement of this Act will, subject to subsection (6), continue to serve as a commissioner for the remainder of the term for which such commissioner was appointed.

(2) The Presidential Climate Commission will, upon being listed as a public entity in Schedule 3 to the Public Finance Management Act, be a national public entity for purposes of the Public Finance Management Act and will be subject to the provisions of the said Act. 20

(3) The Presidential Climate Commission is independent, impartial and will have the full legal capacity of a juristic person once it is listed as a national public entity in Schedule 3 to the Public Finance Management Act. 25

(4) (a) The President must appoint not more than 25 members who will serve as commissioners of the Presidential Climate Commission, comprising representatives of, including but not limited to, a fair representation of government, organised labour, civil society, traditional leaders, the South African Local Government Association and business, to advise on the Republic's climate change response, the mitigation of climate change impacts and adaptation to the effects of climate change towards the attainment of the just transition to a low-carbon and climate-resilient economy and society. 30

(b) A serving member of Parliament, as well as a member of a provincial legislature and a member of a municipal council, except a member of a municipal council who has been nominated by the South African Local Government Association, may not be appointed as a commissioner of the Presidential Climate Commission. 35

(5) Ministers, whose portfolios are affected by the work of the Presidential Climate Commission, must be invited to attend the meetings of the Presidential Climate Commission. 40

(6) The commissioners of the Presidential Climate Commission are appointed for a period of five years, renewable for one further period not exceeding five years.

(7) The Presidential Climate Commission is chaired by the President.

(8) The President must appoint a deputy chairperson.

(9) In the absence of the chairperson, the deputy chairperson must perform all functions of the chairperson. 45

(10) The Presidential Climate Commission may—

- (a) determine its own procedures to be followed at its meetings;
- (b) adopt a code of conduct for the commissioners of the Presidential Climate Commission; and 50
- (c) adopt rules which list the circumstances under which a commissioner may be removed, as well as the process for such removal.

- (2) Khethekanyo dza 25 na 27 dza Mulayo wa Mutheo wa Vhushaka ha tshanganelano ya Muvhuso dzi shuma kha Foramu ya Masipala ya Tshanduko ya Kilima.
- (3) Foramu ya Masipala ya Tshanduko ya Kilima i tea u—
- (a) konanya nyito dza līga la tshanduko ya kilima kha iyo mishumo i re nga ngumu ha zwine ya zwi shuma nahone ya zwi langa kha masipala zwo teaho u ya nga uno Mulayo; na 5
- (b) fha muvhigo Foramu ya Vundu ya Tshanduko ya Kilima yo teaho malugana na iyo mishumo.
- (4) Foramu ya Masipala ya Tshanduko ya Kilima i nga thoma tshiimiswa tsha thikhedzo ya thekhenikhaḷa ya tshanganelano ya muvhuso u ya nga khethekanyo ya 30 ya Mulayo wa Mutheo wa Vhushaka ha tshanganelano ya Muvhuso arali hu na tshoḷea ya uri hu vhe na thikhedzo ya thekhenikhaḷa ya fomaḷa kha Foramu ya Masipala ya Tshanduko ya Kilima. 10

Khomishini ya Kilima ya Phresidennde

10. (1) (a) Khomishini ya Kilima ya Phresidennde yo vha ho hone phanḡa ha u thoma u shumiswa uno Mulayo i ya phanḡa na u dzula i hone. 15
- (b) Muthu we a vha e khomishinari wa Khomishini ya Kilima ya Phresidennde phanḡa ha u thoma u shumiswa uno Mulayo, hu tshi khou tevhedzwa khethekanyo tshukhu ya (6), u ya phanḡa na u shuma sa khomishinari lwa tshifhinga tsho salaho tsha uho u tholiwa hawe. 20
- (2) Khomishini ya Kilima ya Phresidennde, musi i tshi tou vha kha mutevhe wa zwiimiswa zwa tshitshavha kha Shedulu ya 3 kha Mulayo wa Ndango ya Masheleni a Tshitshavha, i ḡo mbo ḡi vha tshiimiswa tsha tshitshavha u itela ndivho dza Mulayo wa Ndango ya Masheleni a Tshitshavha na Mulayo wo bulwaho.
- (3) Khomishini ya Kilima ya Phresidennde yo ḡiimisaho, a i dzhii sia nahone i ḡo vha na vhukoni ho fhelelaho ha u vha tshiimiswa tshi re mulayoni musi i tshi tou vha kha mutevhe wa zwiimiswa zwa tshitshavha kha Shedulu ya 3 kha Mulayo wa Ndango ya Masheleni a Tshitshavha. 25
- (4) (a) Phresidennde u tea u thola miraḡo i sa ho fhiri 25 ine ya ḡo shuma sa dzikhomishinari dza Khomishini ya Kilima ya Phresidennde, ine ya vhumbe nga vhaimele, hu tshi katelwa vha sa gumihho kha, u imelwa hu pfaḡzaho ha muvhuso, madzango a vhashumi, tshitshavha tsha vhadzulapo, vhangaphanḡa ha sialala, Asosiesheni ya Muvhuso Wapo ya Afrika Tshipembe na mabindu, u itela u eletshedza nga ha līga la tshanduko ya kilima la Riphabuḷiki, phungudzo ya tshuḡhewedzo ya tshanduko ya kilima na vhuḡowedzi kha masiandoitwa a tshanduko ya kilima malugana na u swikelelwa ha tshanduko i pfaḡzaho kha zwa khaboni ya fhasi na tshitshavha na ikonomi zwo dzingindelaho. 30
- (b) Muraḡo wa Phalamennde ane a khou sa muraḡo Phalamenndeni, khathihi na muraḡo wa vhusimamilayo ha vundu na muraḡo wa khoro ya masipala, hu sa katelwi muraḡo wa khoro ya masipala ane o ḡangiwa nga Asosiesheni ya Muvhuso Wapo ya Afrika Tshipembe, a nga si tholwe sa khomishinari wa Khomishini ya Kilima ya Phresidennde. 40
- (5) Dziminisiḡa, dzine maimo adzo a kwamea nga mushumo wa Khomishini ya Kilima ya Phresidennde, dzi tea u rambiwa uri dzi dzhenele miḡangano ya Khomishini ya Kilima ya Phresidennde. 45
- (6) Khomishinari dza Khomishini ya Kilima ya Phresidennde dzi tholwa lwa tshifhinga tsha miḡwaha miḡanu, ine ya vusuludzwa hafu luthihi lwa tshiḡwe tshifhinga tshi sa paḡi miḡwaha miḡanu.
- (7) Mudzulatshidulo wa Khomishini ya Kilima ya Phresidennde ndi Phresidennde.
- (8) Phresidennde u tea u thola muthusamudzulatshidulo. 50
- (9) Musi mudzulatshidulo a si ho, muthusamudzulatshidulo u tea u shuma mishumo yoḡhe ya mudzulatshidulo.
- (10) Khomishini ya Kilima ya Phresidennde i nga—
- (a) ta maitele ayo ane a ḡo tevhelwa kha miḡangano yayo;
- (b) tḡangedza mulayo wa vhuḡifari wa khomishinari dza Khomishini ya Kilima ya Phresidennde; na 55
- (c) tḡangedza ndayo dzine dza ita mutevhe wa nyimele dzine nga fhasi hadzo, khomishinari a nga bvisiwa kha vhuimo ha u vha khomishinari, khathihi na kuitele kwa uho u bvisiwa.

Functions of Presidential Climate Commission

- 11.** (1) The functions of the Presidential Climate Commission are to—
- (a) advise on the Republic's climate change response to ensure realisation of the vision for effective climate change response and the long-term just transition to a low-carbon and climate-resilient-economy and society; 5
 - (b) advise government on the mitigation of climate change impacts, including through the reduction of emissions of greenhouse gases, and adapting to the effects of climate change; and
 - (c) advise government on any socio-economic matter related to the just transition.
- (2) The Presidential Climate Commission may establish committees to assist it in the performance of its functions and may delegate or assign such functions to such committees. 10
- (3) The committees established in terms of subsection (2) must be composed of persons suitably qualified in environmental management, climate change mitigation, finance, law and related fields. 15

Process of appointment

- 12.** (1) Before appointing the commissioners in terms of section 10(4), the President must—
- (a) invite nominations by notice in the *Gazette* and in at least two nationally circulated newspapers; and 20
 - (b) in the notice referred to in paragraph (a), specify the period within which nominations must be submitted and stipulate the procedure to be adopted regarding such nominations.
- (2) The composition of the Presidential Climate Commission must—
- (a) broadly reflect the demographics and gender composition of the Republic; and 25
 - (b) be appropriately qualified and have expertise in the socio-economic, environmental and broader sustainability field.
- (3) The role of a commissioner is to provide advice to the Presidential Climate Commission on the Republic's climate change response, the mitigation of climate change impacts and adaptation to the effects of climate change towards the attainment of the just transition to a low-carbon and climate-resilient economy and society. 30
- (4) No person shall be appointed as a commissioner unless he or she is a South African citizen.
- (5) Commissioners who are not in the employment of the state are eligible for remuneration. 35
- (6) The remuneration of commissioners must be determined by the Minister in consultation with the Minister of Finance.

Appointment of Executive Director

- 13.** (1) The Minister must appoint a person with appropriate qualifications, experience and expertise as the Executive Director of the Presidential Climate Commission following a competitive recruitment process. 40
- (2) The Executive Director is the accounting authority who must perform the functions of office in accordance with this Act.
- (3) A person appointed as Executive Director holds office—
- (a) for an agreed term not exceeding five years, but which is renewable for one further period of no longer than five years; and 45
 - (b) on terms and conditions determined by the Minister, which must include salary, allowances, benefits and performance standards after taking into consideration the recommendations of the Minister of Finance.

Mishumo ya Khomishini ya Kilima ya Phresidennde ya zwa

11. (1) Mishumo ya Khomishini ya Kilima ya Phresidennde ndi u—
- (a) eletshedza zwa līga ļa tshanduko ya kilima ļa Riphabuļiki u itela u vhona uri hu vhe na u kumafhadza bono u itela līga ļa tshanduko ya kilima ļine ļa shuma zwavhuđi na tshanduko i pfadzaho ya tshifhinga tshilapfu kha khaboni ya fhasi na tshitshavha na ikonomi ya kilima zwo khwaṭhelaho; 5
 - (b) eletshedza muvhuso kha zwa u fhungudza ṭhuṭhuwedzo dza tshanduko ya kilima, hu tshi katelwa zwa u fhungudza mabvele a gese dza tshikhalani, na vhuḍowedzi kha masiandoitwa a tshanduko ya kilima; na
 - (c) u eletshedza muvhuso kha fhungo ļiñwe na ļiñwe ļi kwamaho tshanduko ine ya pfadza. 10
- (2) Khomishini ya Kilima ya Phresidennde i nga thoma komiti dza u i thusa kha u shuma mishumo yayo nahone i nga hwesa kana ya fha iyo mishumo kha idzo komiti.
- (3) Komiti dzo thomiwaho hu tshi khou tevhedzwa khethekanyo ṭhukhu ya (2) dzi tea u vha na vhathu vho teaho vha re na ndalukano dza ndangamupo, phungudzo ya tshanduko ya kilima, zwa masheleni na mañwe masia o teaho. 15

Kuitele kwa u thola

12. (1) Phandā ha musi hu tshi tholwa khomishinari u ya nga khethekanyo ya 10(4), Phresidennde u tea u—
- (a) ita khuwelelo ya uri vhathu vha ite zwa u ṅanga, izwi zwi itwe nga ndivhadzo kha *Gazete* na gurannḍa dzi si ho fhasi ha mbili dzine dza phaḍaladzwa na lushaka lwoṭhe; na 20
 - (b) kha ndivhadzo yo bulwaho kha pharagirafu ya (a), a ṭaluse tshifhinga tshine zwa u ṅanga zwa tea u ḍiswa kana u ṅetshedzwa nahone a bule na kuitele kune kwa ḍo ṭanganedzwa malugana na u ṅanga. 25
- (2) Kuvhumbele kwa Khomishini ya Kilima ya Phresidennde ku tea u—
- (a) nga vhuphara ku tea u vhonala ku na mirafho na mbeu zwa Riphabuļiki; na
 - (b) u vha na vhathu vha re na ndalukano dzo teaho na vhuḍivhi ho teaho kha zwa ikonomi ya matshilisano, mupo na vhuphara ha zwa sia ļo khwaṭhaho. 30
- (3) Mushumo wa khomishinari ndi u fha nyeletshedzo kha Khomishini ya Kilima ya Phresidennde kha līga ļa tshanduko ya kilima ļa Riphabuļiki, vhuḍowedzi na ṭhuṭhuwedzo zwa phungudzo ya tshanduko ya kilima kha masiandoitwa u itela u swikelela tshanduko i pfadzaho kha zwa khaboni ya fhasi na ikonomi na tshitshavha zwi re na kilima yo khwaṭhelaho.
- (4) A hu na muthu ane a tea u tholwa sa khomishinari nga nnḍa ha musi a mudzulapo wa Afrika Tshipembe. 35
- (5) Khomishinari dzine a dzo ngo tholwa muvhusoni dzi a tea u holelwa.
- (6) Muholo wa khomishinari u tea u tiwa nga Minisiṭa a tshi khou kwamana na Minisiṭa wa zwa masheleni.

U tholwa ha Mulangi wa Khorotshitumbe 40

13. (1) Minisiṭa u tea u thola muthu a re na ndalukano dzo teaho, tshenzhemo yo teaho na vhuḍivhesesi ho teaho sa Mulangi wa Khorotshitumbe ya Khomishini ya Kilima ya Phresidennde, izwi zwi itwe nga murahu ha kuitele kwa u tou ṭaṭisanwa musi hu tshi tholwa.
- (2) Mulangi wa Khorotshitumbe ndi ene maanḍalanga a re na vhuḍifhinduleli ane a tea u shuma mishumo ya ofisi u ya nga uno Mulayo. 45
- (3) Muthu o tholwaho sa Mulangi wa Khorotshitumbe u vha kha ofisi—
- (a) Iwa tshifhinga tsho tendelanwaho tshine a tshi paḍi miñwaha miṭanu, fhedzi tshifhinga itshi tshi a vusuludzwa Iwa tshifhinga tshiñwe tshine tsha sa fhire miñwaha miṭanu; na 50
 - (b) zwo sendeka kha zwine zwa tea u tevhedzwa zwine zwo tiwa nga Minisiṭa, zwine zwa tea u katela muholo, mitendelo, mbuelo na zwilinganyo zwa kushumele nga murahu ha u dzhiela nzhele themendelo dza Minisiṭa wa Masheleni.

Financial administration

- 14.** (1) The Presidential Climate Commission must comply with the provisions of the Public Finance Management Act.
- (2) The Presidential Climate Commission must be funded from moneys—
- (a) appropriated by Parliament for that purpose through its respective departmental vote in terms of the Public Finance Management Act; and 5
 - (b) received by way of grants, donations or inheritance from any of the social partners or any source, whether inside or outside the Republic, in accordance with a fundraising strategy to be adopted by the Presidential Climate Commission from time to time. 10
- (3) Monies appropriated by Parliament for this purpose—
- (a) constitutes earmarked funds on the Minister’s departmental vote; and
 - (b) may not be used by the Presidential Climate Commission for any other purpose without the approval of Parliament.
- (4) The fundraising strategy contemplated in subsection (2)(b) shall provide that such funding, amongst others— 15
- (a) must be unconditional other than that it will be used towards the fulfilment of the functions of the Presidential Climate Commission;
 - (b) will not result in a conflict of interests for the Presidential Climate Commission or any commissioner; and 20
 - (c) must be disclosed in full in accordance with this Act and any other applicable legislation.
- (5) All grants, donations and inheritances must be disclosed in the annual report of the Presidential Climate Commission and all material grants, donations and inheritance must be itemised. 25

Reporting to government

- 15.** (1) The Presidential Climate Commission must submit its reports, studies, strategies, recommendations and related information to the National Assembly and to the Ministers whose Portfolios may be affected, for information purposes, within 30 days of the finalisation thereof. 30
- (2) The Presidential Climate Commission must furnish the National Assembly with such additional information and particulars as the National Assembly may from time to time require in writing in connection with the activities or functions of the Presidential Climate Commission.
- (3) The National Assembly may require the Presidential Climate Commission to provide a report on any advice and guidance it has provided to government in terms of section 11. 35
- (4) The reports of the Presidential Climate Commission must be made available to the public by publication on the Presidential Climate Commission’s website.
- (5) The Executive Director of the Presidential Climate Commission must submit to the Minister— 40
- (a) at the end of every quarter, a report on the Presidential Climate Commission’s activities, the performance of its functions and expenditure, including the implementation of its approved strategic plan; and
 - (b) annually, within six months after the end of each financial year, the Presidential Climate Commission’s financial statements and the audit report on such financial statements. 45
- (6) The Minister must table, in the National Assembly, the reports and financial statements submitted in terms of subsection (3)— 50
- (a) within 15 business days after receiving the reports and financial statements from the Executive Director of the Presidential Climate Commission; or
 - (b) if the National Assembly is not then sitting, within 15 business days after the commencement of the next sitting.

Ndaulo ya masheleni

- 14.** (1) Khomishini ya Kilima ya Phresidennde i tea u tevhedza mbetsshelo dza Mulayo wa Ndango ya Masheleni a Tshitshavha.
- (2) Khomishini ya Kilima ya Phresidennde i tea u newa masheleni a bvaho kha—
- (a) nyavhelo nga Phalamennde u itela iyo ndivho nga kha vouthu ya muhasho wo teaho hu tshi khou tevhedzwa Mulayo wa Ndango ya Masheleni a Muvhuso; na 5
- (b) a tangedzwaho nga ndila ya magavhelo, ndambedzo kana vhujaifa u bva kha thama dza matshilisano kana tshiko tshinwe na tshinwe, hu nga vha ngomu kana nga nnda ha Riphabuiki, u ya nga ndila ya nyalusatshikwama ine ya do tangedzwa nga Khomishini ya Kilima ya Phresidennde misi yothe. 10
- (3) Masheleni a avhelwaho nga Phalamennde hu tshi itelwa ino ndivho a—
- (a) vhumba masheleni o gadziwaho kha vouthu ya Minisiya wa muhasho; na
- (b) nga si shumiswe nga Khomishini ya Kilima ya Phresidennde kha ndivho inwe na inwe hu si na thendelo ya Phalamennde. 15
- (4) Ndila ya nyalusatshikwama yo elekanywaho kha khethekanyo thukhu ya (2)(b) i tea u vhetshela uri ayo masheleni, vhukati ha zwinwe—
- (a) a tea u sa vha na phungudzelo kana zwine zwa tea u tevhedzwa nga nnda ha uri a do shumiswa kha u fusha mishumo ya Khomishini ya Kilima ya Phresidennde; 20
- (b) a i nga do fhedza i tshi vha na khudano ya madzangalelo kha Khomishini ya Kilima ya Phresidennde kana kha khomishinari muwe na muwe; na
- (c) i tea u bvukululwa nga vhudalo u ya nga uno Mulayo na muwe mulayosiwa muwe na muwe wo teaho. 25
- (5) Magavhelo othe, ndambedzo na vhujaifa zwi tea u bvukululwa kha muvhigo wa nwaha wa Khomishini ya Kilima ya Phresidennde na magavhelo othe, ndambedzo dothe na vhujaifa hothe zwi tou itwa zwiwe.

U vhiga kha muvhuso

- 15.** (1) Khomishini ya Kilima ya Phresidennde i tea u isa mivhigo, dzingudo, zwiitaredzhi, themendelo na mafhungo o teaho kha Buthano la Lushaka na kha Dziminisiya dzine Mishumo yadzo i nga kwamea, u itela ndivho dza mafhungo, hu saathu fhela maduvha a 30 a musi izwi zwo khunyeledzwa. 30
- (2) Khomishini ya Kilima ya Phresidennde i tea u fha Buthano la Lushaka ayo mafhungonyengedzwa na zwidodombedzwa sa musi a tshi nga todiwa nga Buthano la Lushaka misi yothe nga u tou nwala malugana na mishumo kana zwi itwaho nga Khomishini ya Kilima ya Phresidennde. 35
- (3) Buthano la Lushaka li nga toda Khomishini ya Kilima ya Phresidennde i tshi ntschedza muvhigo malugana na nyeletshedzo na tsumbedzelo dze ya fha muvhuso u ya nga khethekanyo ya 11. 40
- (4) Mivhigo ya Khomishini ya Kilima ya Phresidennde i tea u itwa uri i wanwe nga tshitshavha nga u andadzwa kha webusaihi ya Khomishini ya Kilima ya Phresidennde.
- (5) Mulangi wa Khorotshitumbe wa Khomishini ya Kilima ya Phresidennde u fanela u isa kha Minisiya—
- (a) mafheloni a kotara inwe na inwe a ise muvhigo nga ha mishumo ya Khomishini ya Kilima ya Phresidennde, kushumele kha mishumo yayo Khomishini na mashumisele a masheleni, hu tshi katelwa u shumiswa ha pulane ya tshitaredzhi yo tendelwaho; na 45
- (b) nga nwaha hu saathu fhela minwedzi ya rathi nga murahu ha mafhelo a nwaha wa muvhalelano muwe na muwe, a ise zwiitamennde zwa masheleni a Khomishini ya Kilima ya Phresidennde na muvhigo wa tholambalelano nga ha izwo zwiitamennde zwa masheleni. 50
- (6) Minisiya u fanela u ita nzudzanyo dza uri mivhigo na zwiitamennde zwa masheleni zwe zwa diswa khae zwi lavheleswe ngei Buthanoni la Lushaka u ya nga khethekanyo thukhu ya (3)— 55
- (a) hu saathu fhela maduvha a 15 a mishumo nga murahu ha musi o tangedza mivhigo na zwiitamennde zwine zwa bva kha Mulangi wa Khorotshitumbe wa Khomishini ya Kilima ya Phresidennde; kana
- (b) arali Buthano la Lushaka li sa khou dzula, izwi zwi itwe hu saathu fhela maduvha a 15 nga murahu ha dzulo line la khou tevhela. 60

Administrative and secretariat support

16. (1) The Executive Director must appoint the secretariat of the Presidential Climate Commission in consultation with National Treasury.

(2) The secretariat is responsible for the management of the administrative affairs of the Presidential Climate Commission, the preparation of meetings and the running of the day-to-day operations, communications and research of the Presidential Climate Commission. 5

CHAPTER 3**CLIMATE CHANGE RESPONSE: PROVINCES AND MUNICIPALITIES****Climate change response** 10

17. (1) An MEC and a mayor of a metropolitan or district municipality, as the case may be, must—

- (a) at least within one year of the publication of the National Adaptation Strategy and Plan contemplated in section 21, undertake a climate change needs and response assessment for the province, metropolitan or district municipality, as the case may be; 15
 - (b) for the purposes of paragraph (c), assess the extent to which its constitutionally mandated functions are affected by climate change and formulate steps to address these effects in the performance of its functions;
 - (c) review and, to the extent necessary, amend and publish in the *Gazette* the climate change needs and response assessment at least once every five years; 20
 - (d) at least within two years of undertaking the climate change needs and response assessment contemplated in paragraph (a), develop, implement and publish in the *Gazette* a climate change response implementation plan as a component of, and in conjunction with, provincial, metropolitan or district municipal planning instruments, policies and programmes; and 25
 - (e) review and, to the extent necessary, amend and publish in the *Gazette* the climate change response implementation plan at least once every five years.
- (2) The climate change needs and response assessment, contemplated in subsection (1)(a), must— 30
- (a) identify climate change response considerations and options;
 - (b) analyse the nature and characteristics of the province or metropolitan or district municipality, as the case may be, and the particular and unique climate change needs and risks that arise as a result of such nature and characteristics;
 - (c) identify and spatially map, within the sphere of operations of the province, district or metropolitan municipality, as the case may be, risks, vulnerabilities, areas, ecosystems and communities that will arise, or that are vulnerable to the impacts of climate change; 35
 - (d) be based on the best available science, evidence and information; and
 - (e) identify and determine measures and mechanisms to manage and implement the required climate change response. 40
- (3) A climate change response implementation plan, contemplated in subsection (1)(d), must—
- (a) be informed by the climate change needs and response assessment contemplated in subsection (1)(a); 45
 - (b) include measures or programmes relating to both adaptation and mitigation in line with the constitutional mandate of the province, or the metropolitan or district municipality; and
 - (c) comply with any requirements as may be prescribed by the Minister inclusive of the relevant technical guidelines. 50

Thuso ya ndaulo na vhuñwaleli

16. (1) Mulangi wa Khorotshitumbe u tea u thola vhuñwaleli ha Khomishini ya Kilima ya Phresidennde a tshi khou kwamana na Vhufaragwama ha Lushaka.

(2) Vhuñwaleli vhu na vhuñfihindleli ha ndango ya mafhungo a ndaulo ya Khomishini ya Kilima ya Phresidennde, u dzudzanya miñangano na u tshimbidza mashumele a ñuvha na ñuvha, vhudavhidzani na ðhoðisise ya Khomishini ya Kilima ya Phresidennde.

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NDIMA YA 3**LIGA LA TSHANDUKO YA KILIMA: MAVUNDU NA MIMASIPALA****Liga la tshanduko ya kilima**

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17. (1) Muraðo wa Khorotshitumbe na ñeðorobo wa masipala wa ðorobo khulwane kana masipala wa tshiñiriki, u ya nga hune nyimele ya vha zwone, vha tea—

- (a) uri lu si ho fhasi ha luthihi kha ñwaha musu ho vha na nyanðadzo ya Pułane na Tshiñiratedzhi tsha Vhuðowedzi tsha Lushaka sa zwo elekanywaho kha khethekanyo ya 21, vha tea u ita ðhañhuvho ya ðiga na ðhoðea dza tshanduko ya kilima kha vundu, masipala wa ðorobo khulwane kana masipala wa tshiñiriki, u ya nga hune nyimele ya vha zwone; 15
- (b) vha tshi itela ndivho dza pharagirafu ya (c), vha ðhañhuvhe vuhulu ha mishumo yo hweswaho nga ndayotewa uri iyi mishumo i kwamea hani nga tshanduko ya kilima nahone hu vhe na u ita maga a u tandulula aya masiandoitwa kha u shuma mishumo yayo; 20
- (c) u ðola na, u ya kha vuhulu vhu ðoðeaho, vha khwiñise na u anðadza kha *Gazete* vha tshi anðadza ðhañhuvho ya ðiga na ðhoðea dza tshanduko ya kilima lu si ho fhasi ha luthihi kha miñwaha miñwe na miñwe miñanu; 25
- (d) lu si ho fhasi ha miñwaha miñhili ya u ita ðhañhuvho ya ðiga na ðhoðea dza tshanduko ya kilima sa zwe zwa elekanywa kha pharagirafu ya (a), vha bveledzise, vha shumise na u anðadza kha *Gazete* vha tshi anðadza pułane ya u shumisa ðiga la zwa tshanduko ya kilima sa tshipiða tsha, nahone hu na muñanganelano na mbekanyamaitele na mbekanyamushumo dza vundu, zwishumiswa zwa vhu pułani kha masipala wa ðorobo khulwane kana masipala wa tshiñiriki; na 30
- (e) u ðola nahone u ya kha vuhulu ho teaho, vha khwiñise na u anðadza kha *Gazete* vha tshi anðadza pułane ya u shumisa ðiga la tshanduko ya kilima lu si ho fhasi ha luthihi kha miñwaha miñanu miñwe na miñwe. 35
- (2) ðhañhuvho ya ðiga na ðhoðea zwa tshanduko ya kilima, sa zwe zwa elekanywa kha khethekanyo ðhukhu ya (1)(a), i tea u— 35
- (a) sumba ndavheleso na dzinðila;
- (b) sengulusa vuvha na zwiñalusi zwa vundu kana masipala wa ðorobo khulwane kana masipala wa tshiñiriki, u ya nga hune nyimele ya vha, na khovhakhombo na ðhoðea dza tshanduko ya kilima zwo imaho nga uri kana zwenezwo zwine zwa vhangwa nga uvho vuvha na zwiñaluli; 40
- (c) sumba na u mapa tshikhala, ngomu kha vuhfethu ha mishumo ya vundu, tshiñiriki kana masipala wa ðorobo khulwane, u ya nga hune nyimele ya vha zwone, khovhakhombo, vhusayatsireledzo, vhuipo, dziekhosisiñeme na zwitshavha zwine zwa ðo vha hone, kana zwine zwa vha zwi songo tsireledzea kha masiandoitwa a tshanduko ya kilima; 45
- (d) ðisendeka kha vuhone ha saintsi, vhuñanzi na mafhungo zwa khwiñesa; na
- (e) sumba na u ta maga na nðila dza u langa na u thoma u shumisa ðiga la tshanduko ya Kilima.
- (3) Pułane ya u shumisa zwa ðiga la tshanduko ya kilima, sa zwe zwa elekanywa kha khethekanyo ðhukhu ya 1)(d), i tea u— 50
- (a) ðisendeka nga ðhoðea dza tshanduko ya kilima na ðhañhuvho ya ðiga sa zwe zwa elekanywa kha khethekanyo ðhukhu ya (1)(a);
- (b) katela maga kana mbekanyamushumo dzi kwamaho vhuðowedzi na phungudzo hu tshi khou tevhelwa mushumohweswa wa vundu, kana wa ðoroboni khulu kana kha tshiñiriki tsha masipala; na 55
- (c) tevhedzela ðhoðea dziñwe na dziñwe sa zwine zwa nga randelwa nga Minisiñu hu tshi khou katelwa tsumbanðila dza thekhenikha ðo teaho.

(4) A provincial climate change response implementation plan, contemplated in subsection (1)(d), must form a component of the province's environmental implementation plan developed in terms of section 11(1) of the National Environmental Management Act.

(5) A metropolitan or district municipal climate change response implementation plan, contemplated in subsection (1)(d), must form a component of the relevant municipality's integrated development plan adopted in terms of section 25 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000). 5

Finance mechanism

18. The Minister must prescribe a mechanism to support and finance the Republic's climate change response, planning and implementation by national, provincial and local government in consultation with the Minister of Finance. 10

CHAPTER 4

NATIONAL ADAPTATION TO IMPACTS OF CLIMATE CHANGE

Adaptation objectives 15

19. (1) The Minister must, within one year of the coming into operation of this Act, determine by notice in the *Gazette*—

- (a) national adaptation objectives which will guide the Republic's adaptation to climate change impacts, the development of resilience and sustainable development; 20
- (b) indicators for measuring progress towards achieving the national adaptation objectives; and
- (c) a date by which the national adaptation objectives must be incorporated into all relevant national planning instruments, policies and programmes which address, or are affected by, the actual and potential impacts of climate change. 25

(2) The Minister must, periodically, review and amend the national adaptation objectives contemplated in subsection (1)(a).

Adaptation scenarios

20. (1) The Minister must, within one year of the coming into operation of this Act, develop adaptation scenarios which anticipate the likely impacts of climate change in the Republic and associated vulnerabilities over the short, medium and longer term. 30

(2) The adaptation scenarios must—

- (a) be based on best available science, evidence and information;
- (b) include climate monitoring infrastructure for the climate system and early warning systems; 35
- (c) include a consideration of the potential impacts of climate change on the environment of the Republic and associated vulnerabilities; and
- (d) contain available adaptation response options to reduce identified vulnerabilities by building adaptive capacity and resilience, in the context of actual or anticipated social, economic and environmental costs. 40

(3) The Minister must, periodically, review and amend the national adaptation scenarios contemplated in subsection (1).

(4) Pułane ya u shumisa līga Ĵa tshanduko ya kilima ya vundu, yo elekanywaho kha khethekanyo tshukhu ya (1)(d), i tea u vha tshipiđa tsha pułane ya u shumisa ya mupo ya vundu yo bveledziswaho u ya nga khethekanyo ya 11(1) ya Mulayo wa Ndango ya Mupo wa Lushaka.

(5) Pułane ya u shumisa līga Ĵa tshanduko ya kilima ya masipala wa đorobo khulwane kana masipala wa tshiqiriki, sa zwo elekanywaho kha khethekanyo tshukhu ya (1)(d), i tea u vhumba tshipiđa tsha pułane ya mveledziso yo tanganelanaho ya masipala yo tanganedzwaho u ya nga khethekanyo ya 25 ya Muvhuso Wapo: Mulayo wa Sisiteme dza Masipala wa, 2000 (Mulayo wa nomboro ya. 32 wa 2000).

Nđila ya zwa masheleni 10

18. Minisiđa u tea u randela nđila ya u tikedza na u lambedza nga masheleni hu tshi lambedzwa līga Ĵa tshanduko ya kilima Ĵa RiphabuĴiki, vhu pułani ha tshanduko ya kilima na u shumisa izwi nga muhasho wa lushaka, vundu na muvhuso wapo hu na u kwamana na Minisiđa wa Masheleni.

NDIMA YA 4 15

VHUĐOWEDZI HA LUSHAKA KHA TSHUĐHUWEDZO DZA TSHANDUKO YA KILIMA

Zwipikwa zwa vhuđowedzi

19. (1) Minisiđa, kha nđwaha muthihi wa musi uno Mulayo u tshi tou shumiswa, u tea u ta nga nđivhadzo kha *Gazete*— 20

- (a) zwipikwa zwa vhuđowedzi ha lushaka zwine zwa đo sumba nđila ya kuđowedzele kwa RiphabuĴiki kha tshuđhuwedzo dza tshanduko ya kilima, mveledziso ya vhuđowedzi na mveledziso yo khatshaho; 20
- (b) zwine zwa sumbedza u kala kutshimbilele kwa malugana na u swikelela zwipikwa zwa vhuđowedzi ha lushaka; na 25
- (c) datumu ine ngayo zwipikwa zwa vhuđowedzi ha lushaka zwa tea u katelwa kha zwođe zwishumiswa zwa vhu pułani ha lushaka, kha mbekanyamaitele na mbekanyamushumo zwine izwi zwi a tandulula, kana zwi a kwamea nga, tshuđhuwedzo dza vhukuma na khonadzeo ya tshuđhuwedzo dza tshanduko ya kilima. 30

(2) Minisiđa, nga misi, u tea u tola na u khwiđisa zwipikwa zwa vhuđowedzi ha lushaka sa zwe zwa elekanywa kha khethekanyo tshukhu ya (1)(a).

Nyimele dza vhuđowedzi

20. (1) Minisiđa, kha nđwaha muthihi wa musi uno Mulayo u tshi tou thoma u shumiswa, u tea u bveledzisa nyimele dza vhuđowedzi dzine dza lavhelela u vha na tshuđhuwedzo kana u kwama tshanduko ya kilima kha RiphabuĴiki na vhusayatsireledzo nga murahu ha tshifhinga tshipufhi, tsha vhukati na tshifhinga tshilapfu. 35

(2) Nyimele dza vhuđowedzi dzi tea u—

- (a) vha dzo sendeka kha vuhone ha saints, vhuđanzi na mafhungo zwa khwiđisa; 40
- (b) katela themamveledziso ya u lavhelesa kilima ya sisiteme ya kilima na sisiteme dza kharuso nga u tou tshavhanya; 45
- (c) katela ndavheleso ya khonadzeo ya tshuđhuwedzo dza tshanduko ya kilima kha mupo wa RiphabuĴiki na vhusayatsireledzo; na 45
- (d) faredza nđila dza līga Ĵa vhuđowedzi malugana na u fhungudza vhusayatsireledzo ho vhonealaho nga u fhatshu vhukoni vhune ha đowedzele na vhuđowedzi, kha nyimele ya vhukuma kana ine ya khou tou lavhelelwa kha zwa masheleni a zwa matshiliso, zwa ikonomi na mupo. 45

(3) Minisiđa, nga misi, u tea u tola na u khwiđisa nyimele dza vhuđowedzi ha lushaka sa zwe zwa elekanywa kha khethekanyo tshukhu ya (1). 50

National Adaptation Strategy and Plan

21. (1) Climate change adaptation within the Republic must be managed in a coherent and coordinated manner and in accordance with a National Adaptation Strategy and Plan.

(2) The Minister must, in consultation with the Ministers responsible for the functions listed in Schedule 2, develop and publish a National Adaptation Strategy and Plan by notice in the *Gazette* within two years of the coming into operation of this Act. 5

(3) The Minister must review and amend the National Adaptation Strategy and Plan at a five-yearly interval to take into account—

- (a) monitoring and evaluation results; 10
- (b) technological advances;
- (c) the best available science, evidence or information; or
- (d) the Republic's international commitments and obligations.

(4) The purpose of the National Adaptation Strategy and Plan is to—

- (a) achieve a reduction in the vulnerability of society, the economy and the environment to the effects of climate change, strengthen the resilience of the socio-economic and environmental system and enhance the adaptive capacity of society, the environment and economy to the impacts of climate change; 15
- (b) reduce the risk and vulnerabilities from current and future climate scenarios;
- (c) achieve the national adaptation objectives contemplated in section 19; 20
- (d) provide a strategic and policy directive for adaptation to the impacts of climate change; and
- (e) provide an integrated and coordinated approach to the management of adaptation measures in response to the impacts of climate change by organs of state in all spheres of government, and where relevant it must also include non-governmental organisations, the private sector and local communities. 25

(5) The National Adaptation Strategy and Plan must include—

- (a) the national adaptation objectives contemplated in section 19;
- (b) a consideration of the Republic's climate change scenarios as informed by the adaptation scenarios contemplated in section 20; 30
- (c) an assessment of the Republic's vulnerability to climate change and related risks at sectoral, cross-sectoral and geographic levels, including a consideration of relevant disaster risk assessments in terms of the Disaster Management Act;
- (d) available adaptation response options to reduce identified vulnerabilities by building adaptive capacity and resilience, in the context of actual or anticipated social, economic and environmental costs; and 35
- (e) a plan that details the implementation of adaptation responses informed by the objectives and indicators contemplated in section 19.

Sector Adaptation Strategy and Plan 40

22. (1) A Minister responsible for functions listed in Schedule 2 must—

- (a) at least within one year of the publication of the National Adaptation Strategy and Plan, and in alignment with such National Adaptation Strategy and Plan, conduct and publish in the *Gazette* an assessment of the functions under the Minister's operational control which— 45
 - (i) identifies and spatially maps risks and vulnerabilities, areas, ecosystems and communities that will arise and that are vulnerable to the impacts of climate change; and

Puġane na Nġila ya Vhuġowedzi ha Lushaka

21. (1) Vhuġowedzi ha tshanduko ya kilima kha Riphabuġiki vhu tea u langwa nga nġila i re na ndunzhendunzhe nahone yo konanywaho nahone hu tshi khou tevhedzwa Puġane na Nġila ya Vhuġowedzi ha Lushaka.

(2) Minisiġa, a tshi khou kwamana na Dziminisiġa dzi re na vhuġifhinduleli ha mishumo ya mutevhe wa Sheduġu ya 2, u tea u bveledzisa na u anġadza Puġane na Nġila ya Vhuġowedzi ha Lushaka nga nġivhadzo kha *Gazete* kha miŋwaha mivhili ya musi uno Mulayo u tshi tou thoma u shumiswa. 5

(3) Minisiġa u tea u ʒola na u khwiŋisa Puġane na Nġila ya Vhuġowedzi ha Lushaka kha miŋwaha miŋwe na miŋwe miŋanu hu na u dzhiela nzhele— 10

(a) u lavhelesa na u ʒhaġhuvha mvelelo;

(b) zwa khwiŋefhadzo dza thekhinoġodzhi;

(c) vuhuhone ha saintsi, vhuġanzi kana mafhungo zwa khwiŋesa; kana

(d) Mbofho na Vhuġiimiseli kha zwa Mashango a Dzitshakatshaka nga Riphabuġiki. 15

(4) Ndivho ya Puġane na Nġila ya Vhuġowedzi ha Lushaka ndi u—

(a) swikelela phungudzo ya tshayatsireledzo ya tshitshavha, ikonomi na mupo kha masiandoitwa a tshanduko ya kilima, u khwaġhisa vhuġhwaġheli ha zwa ikonomi ya matshilisano na sisiteme ya mupo na u khwaġhisa vhuġkoni ha tshitshavha kha u ʒowela, mupo na ikonomi kha ʒhuġhuwedzo dza tshanduko ya kilima; 20

(b) fhungudza khovhakhombo na vhuŋhayatsireledzo kha nyimele dza kilima zwino na tshifhinga tshi ʒaho;

(c) u swikelela zwipikwa zwa vhuġowedzalushaka zwe zwa elekanywa kha khethekanyo ya 19; 25

(d) u fha ndaela ya tshiratedzhi na mbekanyamaitele kha zwa vhuġowedzi kha ʒhuġhuwedzo dza tshanduko ya kilima; na

(e) u fha nġila yo ʒanganelanaho nahone yo konanywaho kha ndango ya maga a vhuġowedzi kha ġiga ġa ʒhuġhuwedzo dza tshanduko ya kilima nga zwiimiswa zwa muvhuso kha masia oġhe a muvhuso, nahone hune zwa vha zwo tea hu tea u katelwa madzangano ane a sa vhe a muvhuso, sekithara ya phuraivethe na zwitshavha zwapo. 30

(5) Puġane na Nġila ya Vhuġowedzi ha Lushaka i tea u katela—

(a) zwipikwa zwa vhuġowedzi ha lushaka zwo elekanywaho kha khethekanyo ya 19; 35

(b) u dzhiela nzhele nyimele dza tshanduko ya kilima dza Riphabuġiki dzo sendekaho kha nyimele dza vhuġowedzi sa zwo elekanywaho kha khethekanyo ya 20;

(c) ʒhaġhuvho ya vhuŋhayatsireledzo ha Riphabuġiki kha tshanduko ya kilima na khovhakhombo dzo teaho kha sekithara, tshumisano ya dzisekithara na kha ġevheġe dza mivhuduni, hu tshi katelwa u dzhiela nzhele ʒhaġhuvho dza khovhakhombo dza zwiwo zwo teaho hu tshi khou tevhedzwa Mulayo wa Ndango ya Zwiwo; 40

(d) nġila dza ġiga ġa vhuġowedzi dzi re hone dza u fhungudza vhuŋhayatsireledzo ho sumbedzwaho nga u fhaġa vhuġkoni ha vhuġowedzi na vhuġhwaġheli, kha nyimele ya vhuġkuma kana ine ya khou tou lavhelelwa kha zwa masheleni a zwa matshilisano, zwa ikonomi na zwa mupo; na 45

(e) puġane ine ya dodombedza u shumiswa ha maga a vhuġowedzi ine ya ʒisendeka nga zwipikwa na tsumbedzelo sa zwo elekanywaho kha khethekanyo ya 19. 50

Puġane na Nġila ya Vhuġowedzi ha Sekithara

22. (1) Minisiġa a re na vhuġifhinduleli ha mishumo i re kha mutevhe wa Sheduġu ya 2 u tea u—

(a) lu si ho fhasi ha ŋwaha muthihi musi ho anġadzwa Puġane na Nġila ya Vhuġowedzi ha Lushaka, nahone zwi tshi ʒa kha u livhanyisa Puġane na Nġila ya Vhuġowedzi ha Lushaka, u tea u ita na u anġadza kha *Gazete*, a anġadze ʒhaġhuvho ya mishumo i re fhasi ha ndango ya kushumele kwa Minisiġa ine— 55

(i) ya sumbedza na u puġana nga ha khovhakhombo na vhuŋhayatsireledzo, vhuŋhethu, dziekhosisiteme na zwitshavha zwine zwa ʒo vha hone na zwine zwa sa vhe na tsireledzo kha u kwamea nga tshanduko ya kilima; na 60

- (ii) determines measures and mechanisms to manage and implement the required adaptation response;
 - (b) at least within two years of the publication of the National Adaptation Strategy and Plan, develop and implement a Sector Adaptation Strategy and Plan which must be informed by the assessment undertaken in terms of paragraph (a)(i) and serve to implement the measures and mechanisms determined in terms of paragraph (a)(ii); and 5
 - (c) at least every five years, review a Sector Adaptation Strategy and Plan and, if required, amend the Sector Adaptation Strategy and Plan to take into account— 10
 - (i) monitoring and evaluation results;
 - (ii) technological advances;
 - (iii) the best available science, evidence or information; and
 - (iv) the Republic's international commitments and obligations.
- (2) A Minister responsible for functions listed in Schedule 2 must, at least within five years of the publication of a Sector Adaptation Strategy and Plan and at five-yearly intervals thereafter, submit reports to the Minister on the progress made in relation to the implementation of the relevant Sector Adaptation Strategy and Plan. 15

Adaptation Information and Synthesis Adaptation Report

23. (1) The Minister may by notice in the *Gazette*, or in writing, require any person to provide, within a reasonable time or on a regular basis, data, information, documents, samples or materials to the Minister that are reasonably required for the purposes of the fulfilment of the objectives of this Act. 20
- (2) A notice under subsection (1) must indicate the manner and time-frames in which the information must be furnished and, if required, how the information must be verified. 25
- (3) The Minister must collate, compile and synthesise information relevant to the achievement of the national adaptation objectives and the objectives of this Act and thereafter publish a Synthesis Adaptation Report for consideration by Cabinet and to be used in the Republic's national and international reporting processes. 30

CHAPTER 5

GREENHOUSE GAS EMISSIONS AND REMOVALS

National greenhouse gas emissions trajectory

24. (1) The Minister must, in consultation with Cabinet, by notice in the *Gazette* determine a national greenhouse gas emissions trajectory for the Republic. 35
- (2) The national greenhouse gas emissions trajectory must—
- (a) specify a national greenhouse gas emissions reduction objective represented by a quantitative description of the total amount of greenhouse gas emissions projected to be emitted during a specified period in the Republic;
 - (b) be informed by relevant evidence-based and latest information regarding the total current and projected amounts of greenhouse gas emissions in the Republic; and 40
 - (c) be consistent with the principles and objectives of this Act and the Republic's international obligations.
- (3) Until such time as the Minister publishes the national greenhouse gas emissions trajectory in terms of subsection (1), the latest updated Nationally Determined Contribution serves as the trajectory. 45
- (4) The Minister, in consultation with Cabinet—
- (a) must review the national greenhouse gas emissions trajectory every five years from the coming into operation of this Act; and 50

- (ii) ta maga na nq̄ila dza u langa na u shumisa liga lo teaho;
- (b) lu si ho fhasi ha luvhili kha n̄waha musi ho anq̄adzwa Pułane na Nq̄ila ya Vhuḏowedzi ha Lushaka, a bveledzise na u shumisa Pułane na Nq̄ila ya Vhuḏowedzi ha Sekithara ine ya tea u vha yo sendeka kha t̄haṭhuvho yo itwaho u ya nga pharagirafu ya (a)(i) na u shumisa maga na nq̄ila dzo tiwaho u ya nga pharagirafu ya (a)(ii); na 5
- (c) lu si ho fhasi ha miṅwaha miṅwe na miṅwe miṭanu, u țola Pułane na Nq̄ila ya Vhuḏowedzi ha Sekithara nahone, arali zwi tshi țoḏea, hu khwiṅiswe Pułane na Nq̄ila ya Vhuḏowedzi ha Sekithara uri i dzhieze nzele— 10
- (i) u lavhelesa na u t̄haṭhuvha mvelelo;
- (ii) u khwiṅefhala ha thekhinoḏodzhi;
- (iii) vuhone ha saintsi, vhuṭanzi kana mafhungo zwa khwiṅesa; na
- (iv) mbofho na vhuḏiimiseli kha zwa Mashango a Dzitshakatshaka nga Riphabuḷiki.
- (2) Minisiṭa a re na vhuḏifhinduleli ha mishumo i re kha mutevhe wa Sheduḷu ya 2 u tea, uri lu si ho fhasi ha miṅwaha miṭanu ya musi ho anq̄adzwa Pułane na Nq̄ila ya Vhuḏowedzi ha Sekithara, na kha miṅwaha miṅwe na miṅwe miṭanu, a ise mivhigo kha Minisiṭa malugana na mvelaphanḏa yo itwaho kha zwa u shumisa Pułane na Nq̄ila ya Vhuḏowedzi ha Sekithara. 15

Mafhungo nga ha Vhuḏowedzi na țhanganyiso ya Muvhigo wa Vhuḏowedzi 20

23. (1) Minisiṭa nga nq̄ivhadzo kha *Gazete*, kana nga u tou n̄wala, a nga țoḏa muthu muṅwe na muṅwe a tshi, nga tshifhinga tshi pfadzaho kana nga misi yoṭhe, a tshi ṅetshedza data, mafhungo, maṅwalo, sambula kana matheriala kha Minisiṭa zwine izwi zwi khou țoḏwa nga nq̄ila i pfadzaho u itela u fusha zwipikwa zwa uno Mulayo. 25
- (2) Nq̄ivhadzo nga fhasi ha khethekanyo țhukhu ya (1) i tea u sumbedza nq̄ila na zwifhinga zwine mafhungo a tea u ṅetshedzwa nahone, arali zwi tshi țoḏea, hu sumbedzwe uri mafhungo a fanela u khwaṭhisedzwa hani. 25
- (3) Minisiṭa u tea u kuvhanganya na u țanganyisa mafhungo o teaho malugana na u swikelela zwipikwa zwa vhuḏowedzi ha lushaka na zwipikwa zwa uno Mulayo nahone nga murahu, a anq̄adze Muvhigo wa Vhuḏowedzi wo țanganyiswaho u itela uri u lavheleswe nga Khabinete nahone une wa ḑo shumiswa nga Riphabuḷiki kha zwa maitele a u vhigela lushaka na kha mashango a dzitshakatshaka. 30

NDIMA YA 5

VHUBVISAGESE YA TSHIKHALANI NA U BVISWA

Nq̄ila ya vhubvisagese ya tshikhalani ya Lushaka 35

24. (1) Minisiṭa, a tshi khou kwamana na Khabinete, nga kha nq̄ivhadzo kha *Gazete* u fanela u ta nq̄ila ya vhubvisagese ya tshikhalani kha lushaka nahone kha Riphabuḷiki.
- (2) Nq̄ila ya vhubvisagese ya tshikhalani kha lushaka i fanela u—
- (a) t̄aluswa tshipikwa tsha phungudzo ya vhubvisagese ya tshikhalani ya lushaka tsho imelwaho nga nyolo ya tshivhalo ya gumofulu la vhubvisagese ya tshikhalani ho anganyelwaho u bviswa musini wa tshifhinga tsho țaluswaho kha Riphabuḷiki; 40
- (b) ḑisendeka kha vhuṭanzi ho teaho na mafhungo a zwino-zwino malugana na gumofulu la zwino na țhanganyelo dzi anganywaho dza vhubvisagese ya tshikhalani kha Riphabuḷiki; na 45
- (c) vha ine ya anana na ndayo na zwipikwa zwa uno Mulayo na Mbofho dza mashango a dzitshakatshaka dza Riphabuḷiki.
- (3) U swika itsho tshifhinga sa zwine Minisiṭa a nga anq̄adza nq̄ila ya vhubvisagese ya tshikhalani ya lushaka u ya nga khethekanyo țhukhu ya (1), vhubvisagese Vhushelamulenzhe ho Tiwaho kha Lushaka vhu shuma sa yone nq̄ila. 50
- (4) Minisiṭa, a tshi khou kwamana na Khabinete—
- (a) u tea u țola nq̄ila ya vhubvisagese ya tshikhalani ya lushaka kha miṅwaha miṭanu miṅwe na miṅwe u bva musi uno Mulayo u tshi tou thoma u shumiswa; na 55

- (b) may periodically review the national greenhouse gas emissions trajectory when national circumstances require such a review, including when such requirement is demonstrated by—
- (i) monitoring and evaluation results;
 - (ii) technological advances; 5
 - (iii) the best available science, evidence or information;
 - (iv) the Republic's international commitments and obligations; or
 - (v) constraints and opportunities to implementation of policies and measures.
- Sectoral emissions targets** 10
- 25.** (1) (a) The Minister must, within one year of the coming into operation of this Act, by notice in the *Gazette*, list the greenhouse gas emitting sectors and sub-sectors that are subject to sectoral emissions targets.
- (b) The list contemplated in paragraph (a) must appropriately reflect the national greenhouse gas emissions profile. 15
- (2) The Minister may vary the list of sectors and sub-sectors that are subject to sectoral emissions targets guided by the national greenhouse gas emissions profile.
- (3) The Minister must, in consultation with the Ministers responsible for each sector and sub-sector listed in terms of subsections (1) and (2), determine by notice in the *Gazette* the prescribed framework and the sectoral emissions targets for sectors and sub-sectors. 20
- (4) Sectoral emissions targets must—
- (a) be implemented by the Ministers responsible for the administration of sectors or sub-sectors listed in terms of subsections (1) and (2) through the relevant planning instruments, policies and programmes; 25
 - (b) be aligned with the national greenhouse gas emissions trajectory, noting that the cumulative amount of greenhouse gas emission reductions which the sectoral emissions targets represent, ensures that the national greenhouse gas emissions profile is kept within the national greenhouse gas emissions trajectory; and 30
 - (c) include quantitative and qualitative greenhouse gas emission reduction goals for the first five years, the subsequent five to 10 years and for a 10 to 15 year period thereafter. 30
- (5) When determining the sectoral emissions targets, the Minister must take all relevant considerations into account, including, amongst others— 35
- (a) the socio-economic impacts of introducing the sectoral emissions targets; and
 - (b) the best available science, evidence and information.
- (6) The Minister responsible for each sector or sub-sector for which sectoral emissions targets have been determined, in accordance with subsection (3), must adopt policies and measures towards the achievement of the sectoral emissions targets. 40
- (7) The Minister, in consultation with the Ministers responsible for each sector and sub-sector listed in terms of subsections (1) and (2), must, every five years, review the sectoral emissions targets and, when the outcome of the review or national circumstances require it, revise and amend the sectoral emissions targets, including when the need for such revision and amendment is demonstrated by— 45
- (a) monitoring and evaluation results;
 - (b) technological advances;
 - (c) the best available science, evidence or information;
 - (d) the Republic's international commitments and obligations;
 - (e) the strategic importance of the sector or sub-sector as a catalyst for growth and job creation in the economy; or 50
 - (f) the agreed approach to the just transition.

- (b) nga tsho lo yo d̄isendekaho kha tshifhinga a nga t̄ola n̄dila ya vhubvisagese ya tshikhalani kha lushaka musi nyimele dza lushaka dzi tshi t̄oḁa uri hu itwe iyo t̄holo, hu tshi katelwa musi une iyo t̄hoḁea ya sumbedzwa nga—
- (i) u lavhelesa na u t̄hat̄huvha mvelelo;
 - (ii) u khwiṇefhala ha thekhinoḁodzhi; 5
 - (iii) vuhone ha saintsi, vhuṭanzi kana mafhungo zwa khwiṇesa;
 - (iv) Mbofho na vhuḁiimiseli kha zwa mashango a dzitshakatshaka nga Riphabuḁiki; kana
 - (v) vhuḁiimiseli na zwikhala zwa u shumisa mbekanyamaitele na maga.

Zwipikwa zwa vhubvisagese kha sekithara 10

25. (1) (a) Minisiṭa, hu saathu fhela n̄waha muthihi musi uno Mulayo wo thoma u shumiswa, nga n̄divhadzo kha *Gazete*, u tea u ita mutevhe wa dzisekithara na dzisekithara t̄hukhu dza vhubvisagese ya tshikhalani dzine dza tea u tevhedza zwipikwa zwa vhubvisagese kha sekithara.

(b) Mutevhe wo elekanywaho kha pharagirafu ya (a), nga n̄dila yo teaho u tea u 15 sumbedza mbonalo ya vhubvisagese ya tshikhalani kha lushaka.

(2) Minisiṭa a nga shandukisa mutevhe wa dzisekithara na dzisekithara t̄hukhu dzine dza tea u tevhedza zwipikwa zwa vhubvisagese kha sekithara a tshi khou sumbiwa n̄dila nga mbonalo ya vhubvisagese dza tshikhalani ya lushaka.

(3) Minisiṭa, a tshi khou kwamana na Minisiṭa dzi re na vhuḁifhinduleli ha sekithara 20 na sekithara t̄hukhu dzi re kha mutevhe u ya nga khethekanyo t̄hukhu dza (1) na (2), nga n̄divhadzo kha *Gazete*, u fanela u ta mutheo wo randelwaho na zwipikwa zwa vhubvisagese kha sekithara zwa dzisekithara na dzisekithara t̄hukhu.

(4) Zwipikwa zwa vhubvisagese kha sekithara zwi fanela u—

(a) shumiswa nga Minisiṭa dzi re na vhuḁifhinduleli kha zwa ndaulo ya 25 dzisekithara kana dzisekithara dzo dzheniswaho kha mutevhe hu tshi khou tevhedzwa khethekanyo t̄hukhu dza (1) na (2) nga kha zwishumiswa zwa vhuḁulani zwo teaho, mbekanyamaitele na mbekanyamushumo;

(b) livhanyiswa na n̄dila ya vhubvisagese ya tshikhalani kha lushaka, hu tshi 30 dzihelwa nzhele gumofulu la t̄hanganyelo dza phungudzo dza vhubvisagese dza tshikhalani dzine dza imelwa nga zwipikwa zwa vhubvisagese kha sekithara, u vhona uri mbonalo ya vhubvisagese dza tshikhalani kha lushaka i dzula i ngomu ha n̄dila ya vhubvisagese ya tshikhalani kha lushaka; na

(c) katela zwipikwa zwa phungudzo ya vhubvisagese ya tshikhalani ya 35 khwanthithethivi na ya khwaḁithethivi kha miṇwaha miṭanu ya u thoma, miṇwaha ine ya tevhelela ya 10 na miṇwaha ya tshifhinga tsha 10 u ya kha 15 nga murahu.

(5) Musi hu tshi tiwa zwipikwa zwa vhubvisagese ha sekithara, Minisiṭa u tea u dzihela nzhele zwoṭhe zwo teaho, hu tshi katelwa, zwi sa gumi kha—

(a) t̄huḁuwedzo kana u kwamea ha ikonomi ya zwa matshilisano malugana na 40 u thoma zwipikwa zwa vhubvisagese dza sekithara; na

(b) vuhone ha saintsi, vhuṭanzi na mafhungo zwa khwiṇesa.

(6) Minisiṭa a re na vhuḁifhinduleli ha sekithara kana sekithara t̄hukhu in̄we na in̄we hune zwipikwa zwa vhubvisagese kha sekithara zwo tiwa, hu tshi khou tevhedzwa khethekanyo t̄hukhu ya (3), u tea u khwaḁisedza mbekanyamaitele na maga malugana 45 na u swikelela zwipikwa zwa vhubvisagese ha sekithara.

(7) Minisiṭa, a tshi khou kwamana na Minisiṭa dzi re na vhuḁifhinduleli ha zwa in̄we na in̄we sekithara na sekithara t̄hukhu dzo dzheniswaho kha mutevhe u ya nga khethekanyo t̄hukhu dza (1) na (2), kha miṇwaha miṇwe na miṇwe miṭanu, u tea u t̄ola 50 zwipikwa zwa vhubvisagese kha sekithara na uri, musi mvelelo dza u t̄ola kana nyimele dza lushaka dzi tshi zwi t̄oḁa, a shandukise na u khwiṇisa zwipikwa zwa vhubvisagese kha sekithara, hu tshi katelwa musi une t̄hoḁea ya uho u shandukisa na u khwiṇisa zwa sumbedziwa nga—

(a) mvelelo dza u lavhelesa na u t̄hat̄huvha;

(b) u khwiṇefhadzea ha thekhinoḁodzhi; 55

(c) vuhone ha saintsi, vhuṭanzi kana mafhungo zwa khwiṇesa;

(d) mbofho na vhuḁiimiseli kha zwa mashango a dzitshakatshaka nga Riphabuḁiki;

(e) ndeme ya n̄dila ya maitele a zwithu kha sekithara kana sekithara t̄hukhu sa 60 tshileludzi tsha nyaluwo na vhusikamishumo kha ikonomi; kana

(f) n̄dila yo tendelanwaho kha tshanduko ine ya pfadza.

(8) An amended sectoral emissions target must contain quantitative and qualitative mitigation targets for the first five years, for the subsequent five to 10 years and for a 10 to 15 year period thereafter.

(9) The Minister responsible for each sector and sub-sector for which sectoral emissions targets have been determined, within one year of the publication of the sectoral emissions targets, must— 5

- (a) develop or amend the relevant sectoral and sub-sectoral policies and measures for which that Minister is responsible in terms of the achievement of the sectoral emissions targets; 10
- (b) publish such amendment in the *Gazette*; 10
- (c) implement the policies and measures within the relevant sectors and sub-sectors; and
- (d) monitor the effectiveness of implementing such policies and measures in achieving the relevant sectoral emissions target. 15

(10) The Minister responsible for each sector and sub-sector for which sectoral emissions targets have been revised and amended in terms of subsection (7) must— 15

- (a) within six months of the publication of the revised and amended sectoral emissions targets and to the extent required by such revision and amendment, revise and amend the policies and measures provided for in subsection (9); 20
- (b) publish such revisions and amendments by notice in the *Gazette*; and 20
- (c) ensure that the duly revised and amended policies and measures are implemented and monitored for effectiveness. 25

(11) The Minister responsible for each sector and sub-sector for which sectoral emissions targets have been determined in terms of subsection (3), or for which revised and amended sectoral emissions targets have been determined in terms of subsection (7), must annually report to the Presidency on progress towards the achievement of the relevant sectoral emissions targets. 25

(12) The Minister must collate, compile and synthesise the reports provided in terms of subsection (11) and submit progress reports on the implementation of the sectoral emissions targets to Cabinet on an annual basis. 30

Listed greenhouse gases and activities

26. (1) The Minister must, by notice in the *Gazette*, publish a list of greenhouse gases which the Minister reasonably believes cause or are likely to cause or exacerbate climate change. 35

(2) The Minister must, by notice in the *Gazette*, publish a list of activities which emit, or has the potential to emit, one or more of the greenhouse gases listed in terms of subsection (1). 35

(3) A notice published in terms of subsection (2)—

- (a) must apply to greenhouse gas emitting activities which have already commenced and new greenhouse gas emitting activities; 40
- (b) must determine quantitative greenhouse gas emission thresholds expressed in carbon dioxide equivalent to identify persons to be assigned a carbon budget, in terms of section 27(1), and who are required, in terms of section 27(4), to submit greenhouse gas mitigation plans to the Minister; 45
- (c) must specify that the notice does not apply to listed activities which emit quantities of greenhouse gases below the quantitative greenhouse gas emission thresholds determined in terms of paragraph (b); 45
- (d) may contain transitional provisions and other special arrangements in respect of the activities contemplated in paragraph (a); and
- (e) must determine the date on which the notice takes effect. 50

(8) Tshipikwa tsho khwiṅiswaho tsha vhubvisagese kha sekithara tshi tea u faredza zwipikwa zwa phungudzo zwa khwanthithethivi na khwalithethivhi kha miṅwaha miṅanu ya u thoma, kha miṅwaha i tevhelaho miṅanu u ya kha ya 10 na kha miṅwaha ya 10 u ya kha ya 15 nga murahu.

(9) Minisiṭa a re na vhuḍifhinduleli ha inwe na inwe sekithara na sekithara ṭhukhu ine zwipikwa zwa hone zwa vhubveledzagese kha sekithara zwo tiwa, hu saathu fhela ṅwaha muthihi wa u anḍadzwa ha zwipikwa zwa vhubveledzagese kha sekithara, fanela u— 5

- (a) bveledzisa kana u khwiṅisa maga na mbekanyamaitele zwo teaho zwa sekithara na sekithara ṭhukhu zwine Minisiṭa a vha na vhuḍifhinduleli kha zwo u ya nga tswikelelo ya zwipikwa zwa vhubvisagese kha sekithara; 10
- (b) anḍadza uho u khwiṅisa kha *Gazete*;
- (c) shumisa mbekanyamaitele na maga ngomu ha sekithara na dzisekithara dzo teaho; na
- (d) lavhelesa kushumele kwa u shumisa idzo mbekanyamaitele na ayo maga kha u swikelela tshipikwa tsha vhubvisagese kha sekithara. 15

(10) Minisiṭa a re na vhuḍifhinduleli ha zwa inwe na inwe sekithara na sekithara ṭhukhu dzine zwipikwa zwa hone zwa vhubvisagese kha sekithara zwo shandukiswa na u khwiṅiswa u ya nga khethekanyo ṭhukhu ya (7) u fanela u—

- (a) hu saathu fhela miṅwedzi ya rathi ya u anḍadzwa ha zwipikwa zwa vhubvisagese kha sekithara zwo shandukiswaho na u khwiṅiswa na u ya kha tshikhala tshine tsha ṭoḍwa nga uho u shandukisa na u khwiṅisa, ene Minisiṭa u tea u shandukisa na u khwiṅisa mbekanyamaitele na maga sa zwe zwa vhetshelwa nga khethekanyo ṭhukhu ya (9); 20
- (b) anḍadza uho u shandukisa na u khwiṅisa nga kha nḍivhadzo kha *Gazete*; na 25
- (c) vhona uri zwavhukuma mbekanyamaitele na maga zwo shandukiswaho na u khwiṅiswa zwi a shumiswa na u lavheleswa ha mashumele azwo.

(11) Minisiṭa a re na vhuḍifhinduleli ha sekithara na sekithara ṭhukhu inwe na inwe ine zwipikwa zwa hone zwa vhubvisagese kha sekithara zwo tiwa u ya nga khethekanyo ṭhukhu ya (3), kana zwipikwa zwa vhubvisagese kha sekithara zwo shandukiswa kana u khwiṅiswa zwo tiwa hu tshi khou tevhedzwa khethekanyo ṭhukhu ya (7), nga ṅwaha u tea u vhiga ngei kha Phresidennde malugana na mvelaphanḍa ya u swikelela zwipikwa zwo teaho zwa vhubvisagese kha sekithara. 30

(12) Minisiṭa u tea u dzudzanya, u kuvhanganya na u ṭanganyisa mivhigo yo vhetshelwaho u ya nga khethekanyo ṭhukhu ya (11) na u isa mivhigo nga ṅwaha kha Khabinete ya mvelaphanḍa malugana na u shumiswa ha zwipikwa zwa vhubvisagese kha sekithara. 35

Mishumo na gese dza tshikhalani dzi re kha mutevhe

26. (1) Minisiṭa, nga nḍivhadzo kha *Gazete*, u fanela u anḍadza mutevhe wa gese dza tshikhalani dzine Minisiṭa zwi tshi pfaḍza a tenda uri dzi khou vhangana kana hu na khonadzeo khulu ya uri dzi vhangana kana dzi ṅaṅise tshanduko ya kilima. 40

(2) Minisiṭa, nga nḍivhadzo kha *Gazete*, u fanela u anḍadza mutevhe wa mishumo ine ya bveledza gese, kana ine ya vha na khonadzeo dza u bveledzisa gese, nthihi kana vhezho ha gese dza tshikhalani dzi re kha mutevhe wa u ya nga khethekanyo ṭhukhu ya (1). 45

(3) Nḍivhadzo yo anḍadzwo u ya nga khethekanyo ṭhukhu ya (2)—

- (a) i tea u shumiswa kha mishumo ya vhubvisagese ya tshikhalani ine yo no ḍi thoma na mishumo ya vhubvisagese ya tshikhalani ine ndi miswa;
- (b) i tea u ta mbalo ya phungudzelo dza vhubvisagese dza tshikhalani dzo ambiwaho kha khabonipfuḍi ya ndinganelo u itela u sumba vhatu vhane vha ḍo avhelwa mugaganyagwama wa khaboni, u ya nga khethekanyo ya 27(1), nahone vhane vha ṭoḍwa, nga khethekanyo ya 27(4), uri vha ṅetshedze Minisiṭa puḵane dza u fhungudza gese ya tshikhalani; 50
- (c) i tea u ṭalusa uri nḍivhadzo a i shumiswi kha mishumo i re kha mutevhe une mbalo dza hone dza vhubvisagese ya tshikhalani dzi fhasi ha mbalo ya phungudzelo dza vhubvisagese dza tshikhalani sa zwo tiwaho u ya nga pharagirafu ya (b); 55
- (d) i nga faredza mbetshelo dza tshanduko na dziṅwe nzudzanyo dza tshipentshela malugana na mishumo yo elekanywaho kha pharagirafu ya (a); na 60
- (e) itea u ta datumu ine ngayo nḍivhadzo ya thoma u shumiswa.

- (4) The thresholds contemplated in subsection (3)(b)—
- (a) must be expressed in carbon dioxide equivalents for carbon budgets and greenhouse gas mitigation plans and shall be applicable at company level based on operational control;
 - (b) must be based on the availability of feasible mitigation technology; and 5
 - (c) must take into account any opportunities and constraints to implementation of policies and measures.
- (5) The Minister may review the lists published in terms of subsections (1) and (2) in line with the requirements of national and international mitigation goals for the purposes of determining whether such lists require revision and amendment, including when the need for such review is demonstrated by— 10
- (a) monitoring and evaluation results;
 - (b) technological advances;
 - (c) the best available science, evidence or information;
 - (d) the Republic's international commitments and obligations; or 15
 - (e) opportunities and constraints to implementation of policies and measures.
- (6) In the event that a review undertaken in terms of subsection (5) indicates the need for revision and amendment of one or both of the lists, the Minister may, by notice in the *Gazette*, revise and amend the relevant list, by—
- (a) adding or removing greenhouse gases from the greenhouse gases list; 20
 - (b) adding or removing activities from the activities list; or
 - (c) making other changes to the particulars on the list, such as the applicability of greenhouse gases to certain activities.

Carbon budgets

27. (1) The Minister must allocate a carbon budget to any person that conducts an activity listed in terms of section 26(2). 25
- (2) When allocating carbon budgets, the Minister must take all relevant considerations into account, including but not limited to—
- (a) the socio-economic impacts of imposing the carbon budget;
 - (b) the best available science, evidence and information; 30
 - (c) the best practicable environmental options available and alternatives that could be taken to mitigate the emission of greenhouse gases;
 - (d) national strategic priorities;
 - (e) the alignment of the carbon budgets with the national greenhouse gas emissions trajectory, noting that the cumulative amount of greenhouse gas emissions which the carbon budgets represent are not equivalent thereto; and 35
 - (f) progress on the implementation of the greenhouse gas mitigation plans.
- (3) A carbon budget—
- (a) must have a duration of at least three successive five-year periods; and
 - (b) must specify the maximum amount of greenhouse gas emissions that may be emitted during the first five-year period. 40
- (4) (a) A person to whom a carbon budget has been allocated in terms of subsection (1) must prepare and submit to the Minister, for approval, a greenhouse gas mitigation plan.
- (b) A greenhouse gas mitigation plan must— 45
- (i) describe the mitigation measures that the person, to whom a carbon budget is allocated, proposes to implement in order to remain within the person's allocated carbon budget; and
 - (ii) comply with the content requirements of such plans as may be prescribed by the Minister in terms of section 30, including requirements pertaining to processes, procedures and reporting. 50

- (4) Phungudzelo dzo elekanywaho kha khethekanyo tshukhu ya (3)(b)—
- (a) dzi tea u ambiwa kha nyedano ya khabonipfuḍi kha migaganyagwama ya khaboni na puḵane dza phungudzo dza gese dza tshikhalani nahone dzi tea u vha dzo fanelaho kha levehle ya khamphani zwo sendeka kha ndango ya kushumele; 5
 - (b) dzi tea u vha dzo disendakaho kha vhuhone ha khonadzeo ya thekhinoḵodzhi ya u fhungudza; na
 - (c) dzi tea u dzhiela nzhele zwikhala zwiḵwe na zwiḵwe na vhukonḍi ha u shumisa mbekanyamaitele na maga.
- (5) Minisiḵa a nga ḵola mitevhe yo anḍadzwaho u ya nga khethekanyo tshukhu dza (1) 10
na (2) zwi tshi anana na tshoḵea dza lushaka na mashango a dzitshakatshaka dza zwipikwa zwa u fhungudza kha ndivho dza u ta uri naa iyo mitevhe i tḵoḵa u shandukiswa na u khwiḵiswa, hu tshi katelwa tshoḵea ya uho u tḵola zwo sumbedzwa nga—
- (a) u lavhelesa na u tshathuvha mvelelo; 15
 - (b) u khwiḵefhadzea ha thekhinoḵodzhi;
 - (c) vhuhone ha saints, vhuḵanzi kana mafhungo zwa khwiḵesa;
 - (d) mbofho na vhuḵiimisele kha zwa mashango a dzitshakatshaka nga Riphabuḵiki; kana
 - (e) zwikhala na vhukonḍi ha u shumisa mbekanyamaitele na maga. 20
- (6) Kha nyimele ya uri u tḵola hu itwa hu tshi tevhedzwa khethekanyo tshukhu ya (5) hu sumbedzwa tshoḵea ya tshandukiso na khwiḵiso ya mutevhe muthihi kana vhuvhili ha mitevhe, ine Minisiḵa, nga ndivhadzo kha *Gazete*, a nga shandukisa na u khwiḵisa mutevhe wo teaho nga u—
- (a) engedza kana u bvisa gese dza tshikhalani kha mutevhe wa gese dza tshikhalani; 25
 - (b) engedza kana u bvisa mishumo u bva kha mishumo i re kha mutevhe; kana
 - (c) u ita dziḵwe tshanduko kha zwidodombedzwa zwi re kha mutevhe, u tou fana na u tea ha gese dza tshikhalani kha mishumo yeneyo.

Migaganyagwama ya khaboni 30

27. (1) Minisiḵa u fanela u avhela migaganyagwama wa khaboni kha muthu muḵwe na muḵwe ane a ita mushumo u re kha mutevhe une wa tevhedza khethekanyo ya 26(2).
- (2) Musi hu tshi avhelwa migaganyagwama ya khaboni, Minisiḵa u fanela u dzhiela nzhele ndavheleso dzoḵhe dzo teaho, hu tshi katelwa zwi sa gumihho kha—
- (a) tshuḵuwedzo dza zwa ikonomi ya zwa matshilisano kha u vhea mugaganyagwama wa khaboni; 35
 - (b) vhuhone ha saints, vhuḵanzi na mafhungo zwa khwiḵesa;
 - (c) nḵila dza zwa mupo dzine dza konadzea nahone dzi re hone na dziḵwe-vho nḵila dzine dza nga shumiswa kha u fhungudza u bva ha gese dza tshikhalani;
 - (d) nḵila dza lushaka dza ndemesa; 40
 - (e) ndivhaniso ya migaganyagwama ya khaboni na nḵila dza mabvele a gese ya tshikhalani dza lushaka, hu tshi khou dzhielwa nzhele u engedzea hoḵhe ho kuvhangana ha u bva ha gese ya tshikhalani hune migaganyagwama ya khaboni ya imela a hu lingani; na
 - (f) mvelaphanḍa ya u shumiswa ha puḵane dza phungudzo ya gese ya tshikhalani. 45
- (3) Mugaganyagwama wa khaboni—
- (a) u tea u vha na tshifhinga tshi si ho fhasi ha miḵwaha miḵanu i khou tou tevhekana; na
 - (b) u tea u tḵalusa gumofulu la nḵhesa la u bva ha gese ya tshikhalani ine ya nga bva tshifhingani tsha miḵwaha miḵanu ya u thoma. 50
- (4) (a) Muthu ane migaganyagwama wo avhelwa ene u ya nga khethekanyo tshukhu ya (1) u fanela u dzudzanya na u isa puḵane ya u fhungudza gese ya tshikhalani kha Minisiḵa uri i tendelwe.
- (b) Puḵane ya u fhungudza gese ya tshikhalani i fanela u—
 - (i) tḵalutshedza maga a u fhungudza gese ane muthu ane a khou avhelwa mugaganyagwama wa khaboni a khou dzinginya uri u ḵo u shumisa u itela uri a shumise migaganyagwama we a avhelwa wa khaboni une wa sa fhire wo avhelwaho; na 55
 - (ii) tevhedza tshoḵea dzi re kha idzo puḵane sa zwine zwa nga randelwa nga Minisiḵa u ya nga khethekanyo ya 30, hu tshi khou katelwa tshoḵea malugana na maitele na kuvhigele. 60

(5) At the time when the carbon budget is assigned for the first mandatory carbon budget cycle, all approved pollution prevention plans as contemplated in section 29 of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), and the National Pollution Prevention Plans Regulations, 2017, published under Government Notice No. 712 of 21 July 2017, must be deemed to be greenhouse gas mitigation plans. 5

(6) A person to whom a carbon budget has been allocated must—

- (a) implement the approved greenhouse gas mitigation plan;
- (b) monitor annual implementation of the greenhouse gas mitigation plan in accordance with the prescribed methodology; 10
- (c) evaluate progress on the allocated carbon budget;
- (d) annually report on the progress against the allocated carbon budget to the Minister in the manner prescribed; and
- (e) in the event that such reporting indicates that the person has failed, is failing or will fail to comply with the allocated carbon budget, provide a description of measures the person will implement in order to remain within the allocated carbon budget. 15

(7) (a) The Minister must review a carbon budget allocated to a person in terms of subsection (1) at the end of the five-year carbon budget commitment period, or upon request by a person subject to a carbon budget. 20

(b) A person to whom a carbon budget has been allocated may apply for a revision or cancellation of the carbon budget under circumstances to be prescribed in the regulations contemplated in section 30(2)(a)(i).

(c) The factors listed in subsection (2) must be taken into consideration when a carbon budget is reviewed. 25

(8) The Minister must, within a reasonable time of the review provided for in subsection (7), revise a carbon budget—

- (a) to ensure that it always has a duration of at least three successive five-year periods; and
- (b) if the National Greenhouse Gas Inventory demonstrates an increase in national greenhouse gas emissions above the national and international climate change mitigation commitments and obligations. 30

(9) An allocated carbon budget may be amended if the activity for which the carbon budget has been issued is transferred or acquired in part or fully and the affected person must request a reallocation of a carbon budget from the Minister in the prescribed manner. 35

Phase-down and phase-out of synthetic greenhouse gas emissions and declaration

28. (1) The Minister, in consultation with the Ministers responsible for the greenhouse gas emitting sectors and sub-sectors contemplated in section 25, must by notice in the *Gazette*— 40

- (a) declare certain greenhouse gases to be synthetic greenhouse gases;
- (b) specify, in respect of each of the gases listed in the declaration contemplated in paragraph (a), whether such gases are required to be phased out or phased down;
- (c) prescribe thresholds for the use of synthetic greenhouse gases in terms of section 26(3)(b); and 45
- (d) contain timeframes for the phase-down or phase-out of synthetic greenhouse gases.

(2) The Minister, in consultation with the Ministers responsible for the greenhouse gas emitting sectors and sub-sectors contemplated in section 25, and any affected party, in the prescribed manner, must— 50

- (a) develop a plan to phase down or phase out synthetic greenhouse gases declared in terms of subsection (1); and

(5) Kha tshifhinga tsha musi mugaganyagwama wa khaboni u tshi avhelwa lwa mutevhehanḁu wa mugaganyagwama wa khaboni une wa tou vhoḁha wa mathomo, puḁane dzoḁhe dzo tendelwaho dza u thivhela tshikafhadzo sa zwo elekanywaho kha khethekanyo ya 29 ya Ndango ya Mupo wa Lushaka; Mulayo wa Vhuḁi ha Muya wa, 2004 (Mulayo wa nomboro ya. 39 wa 2004), na Ndangulo dza Puḁane dza u Thivhela Tshikafhadzo dza Lushaka dza, 2017, dzo anḁadzwaho nga fhasi ha Nḁivhadzo ya Muvhuso ya nomboro ya. 712 ya 21 Fulwana 2017, dzi fanela u dzhiiwa hu puḁane dza phungudzo ya gese ya tshikhalani. 5

(6) Muthu ane ndi ene o avhelwaho mugaganyagwama wa khaboni u fanela u—

(a) shumisa puḁane yo tendelwaho ya phungudzo ya gese ya tshikhalani; 10

(b) lavhelesa nga nḁwaha kwa puḁane ya phungudzo ya gese ya tshikhalani u ya nga ngona yo randelwaho;

(c) ḁhaḁhuvha mvelaphanḁa kha mugaganyagwama wa khaboni wo avhelwaho;

(d) vhiga nga nḁwaha kha Minisiḁa malugana na mvelaphanḁa a tshi i vhambedza na mugaganyagwama wa khaboni wo avhelwaho nahone u vhiga zwi itwe nga nḁila yo randelwaho; na 15

(e) kha nyimele ya uri uho u vhiga hu sumbedza uri muthu o kundelwa, u khou kundelwa kana u ḁo kundelwa u anana na mugaganyagwama wa khaboni wo avhelwaho, u tea u ḁalutshedza maga ane ene a ḁo a shumisa u itela uri a sa fhirise mugaganyagwama wa khaboni wo avhelwaho. 20

(7) (a) Minisiḁa u tea u ḁola mugaganyagwama wa khaboni wo avhelwaho kha muthu u ya nga khethekanyo ḁhukhu ya (1) mafheloni a tshifhinga tsha miḁwaha miḁanu tsha tshifhinga tsha vhuḁiimiseli tsha mugaganyagwama wa khaboni, kana musi ho vha na khumbelo nga muthu hu tshi tevhezwa mugaganyagwama wa khaboni. 25

(b) Muthu ane mugaganyagwama wa khaboni wo avhelwa ene a nga ita khumbelo ya khwiḁiso kana ya u fhelisa mugaganyagwama wa khaboni nga fhasi ha nyimele dzine dza ḁo randelwa kha ndangulo dzo elekanywaho kha khethekanyo ya 30(2)(a)(i).

(c) Zwivhumbi zwi re kha mutevhe wa khethekanyo ḁhukhu ya (2) zwi tea u dzhielwa nzhele musi mugaganyagwama wa khaboni u tshi ḁolwa.

(8) Minisiḁa, hu saathu fhela tshifhinga tshine tsha pfaḁza tsha ḁholo ya mbetshelo ya khethekanyo ḁhukhu ya (7), u tea u shandukisa mugaganyagwama wa khaboni— 30

(a) u itela u vhona uri u dzula u na tshifhinga tsha zwifhinga zwa miḁwaha miḁanu ine ya khou tou tevhekana i tshi vhalwa luraru; na

(b) arali Mutevhe wa Gese ya Tshikhalani wa Lushaka u tshi sumbedza u engedzea ha Mabvele a gese ya tshikhalani kha lushaka nahone zwi nḁha ha mbofho na vhuḁiimiseli ha zwa phungudzo ya tshanduko ya kilima kha lushaka na mashango a dzitshakatshaka. 35

(9) Mugaganyagwama wa khaboni wo avhelwaho u nga khwiḁiswa arali mushumo une mugaganyagwama wa khaboni wo nḁetshedzwaho wa vha uri wo rathiswa kana u wanwa u tshipiḁa kana wo fhelela nahone muthu a kwameaho u fanela u humbela nyavhelo hafhu ya mugaganyagwama wa khaboni kha Minisiḁa nga kha nḁila yo randelwaho. 40

U fhungudza na u fhelisa vhubvisageseitwa ya tshikhalani na u ḁivhadza

28. (1) Minisiḁa, a tshi khou kwamana na Dziminisiḁa dzi re na vhuḁifhinduleli kha dzisekithara na dzisekithara ḁhukhu dza vhubvisagese ya tshikhalani sa zwo elekanywaho kha khethekanyo ya 25, nga nḁivhadzo kha *Gazete* u fanela u— 45

(a) ḁivhadza dzenedzo gese dza tshikhalani dzine dza vha geseitwa dza tshikhalani;

(b) ḁalusa, malugana na gese dziḁwe na dziḁwe dzi re kha mutevhe wa nḁivhadzo sa zwe zwa elekanywa kha pharagirafu ya (a), hu nga idzo gese dzi tshi tea u fheliswa kana u tou fhungudzwa; 50

(c) randela phungudzelo dza tshumiso ya geseitwa dza tshikhalani u ya nga khethekanyo ya 26(3)(b); na

(d) faredza zwifhingakalwa zwa u fhungudza kana u fhelisa geseitwa dza tshikhalani. 55

(2) Minisiḁa, a tshi khou kwamana na Dziminisiḁa dzi re na vhuḁifhinduleli ha dzisekithara na dzisekithara ḁhukhu dza zwa vhubvisagese ya tshikhalani sa zwo elekanywaho kha khethekanyo ya 25, na muḁwe na muḁwe a kwameaho, nga nḁila yo randelwaho, u tea u—

(a) bveledzisa puḁane ya u fhungudza kana u fhelisa geseitwa dza tshikhalani dzo bulwaho u ya nga khethekanyo ḁhukhu ya (1); na 60

- (b) review and update the plan provided for in paragraph (a) every five years.
- (3) A plan developed in accordance with subsection (2)(a) must—
- (a) address how importers and exporters of synthetic greenhouse gases must account for their emissions of synthetic greenhouse gases;
 - (b) contain measures that facilitate the phase-down or phase-out of synthetic greenhouse gases; and 5
 - (c) be consistent with the Republic's international obligations.
- (4) The Minister may allocate a carbon budget to persons undertaking activities that give rise to emissions of the synthetic greenhouse gases declared pursuant to subsection (1), in which event the Minister must follow the process for the allocation of carbon budgets provided for in section 27. 10

National Greenhouse Gas Inventory

29. (1) The Minister must establish an institutional arrangement to facilitate a national system of data collection for the creation of a National Greenhouse Gas Inventory and the annual compilation of the National Greenhouse Gas Inventory Report. 15
- (2) The National Greenhouse Gas Inventory Report contemplated in subsection (1) must—
- (a) set out and analyse emissions trends, including detailed reports on changes in the greenhouse gas emissions intensity in the economy; and
 - (b) compare actual greenhouse gas emissions against the national greenhouse gas emissions trajectory and national and international climate change mitigation commitments and obligations. 20
- (3) The Minister may by notice in the *Gazette* identify a list of activities and thresholds for which measurements or estimations of greenhouse gas emissions and carbon sinks from stationary, mobile, fugitive, process, agriculture, land use and waste sources must be carried out. 25
- (4) The thresholds stipulated in subsection (3) must be expressed as a function of activity for greenhouse gas emissions reporting and may be different for different activities, taking into account the significance of the contribution of these activities to total national greenhouse gas emissions as well as its completeness. 30
- (5) A notice under subsection (3) must indicate the manner in which the information must be furnished and, if required, how the information must be verified.

CHAPTER 6

GENERAL MATTERS AND TRANSITIONAL ARRANGEMENTS

Regulations 35

30. (1) The Minister may make regulations—
- (a) in relation to any matter necessary to give effect to the Republic's international climate change commitments and obligations;
 - (b) in relation to the management of climate change response including incentives and disincentives to encourage a change in behaviour towards the generation of greenhouse gases amongst all sectors of society; 40
 - (c) that will promote effective monitoring, evaluation and the assessment of national progress in relation to climate change mitigation and adaptation matters, including—

- (b) ɽola na u kwakwanyisa pułane yo vhetshelwaho kha pharagirafu ya (a) kha miñwaha miñanu miñwe na miñwe.
- (3) Pułane yo bveledziswaho u ya nga khethekanyo ɽhukhu ya (2)(a) i tea u—
- (a) amba uri vharengamashangoɽavha na vharengiselamashangoɽavha vha dzigeseitwa dza tshikhalani vha tea u vhiga malugana na u bveledza havho geseitwa dza tshikhalani; 5
- (b) faredza maga ane a leludza u fhungudza kana u fhelisa geseitwa dza tshikhalani; na
- (c) anana kana u tevhedza mbofho dza mashango a dzitshakatshaka dza Riphabułiki. 10
- (4) Minisița a nga avhela mugaganyagwama wa khaboni kha vhatu vhane vha khoushuma mishumo ine ya engedza vhubvisageze ya geseitwa dza tshikhalani dzo ɽivhadzwaho hu tshi tevhelwa khethekanyo ɽhukhu ya (1), hune Minisița a tea u tevhela kuitele kwa u avhela migaganyagwama ya khaboni sa zwo vhetshelwaho kha khethekanyo ya 27. 15

Mutevhe wa Gese ya Tshikhalani wa Lushaka

29. (1) Minisița u tea u thoma nzudzanyo ya tshiofisi ya u leludza sisiteme ya lushaka ya u kuvhanganya data kana mafhungo u itela u sikwa ha Mutevhe wa Gese ya Tshikhalani ya Lushaka na u dzudzanya Muvhigo wa Mutevhe wa Gese ya Tshikhalani wa Lushaka. 20
- (2) Muvhigo wa Mutevhe wa Gese ya Tshikhalani wa Lushaka wo elekanywaho kha khethekanyo ɽhukhu ya (1) u fanela u—
- (a) sumbedza na u saukanya vhubvisageze ha tshenetsho tshifhinga, hu tshi katelwa mivhigo yo dodombedzwaho nga ha tshanduko kha u engedzea ha vhubvageze ya tshikhalani kha ikonomi; na 25
- (b) vhambedza vhubvageze dza tshikhalani zwavhukuma zwi tshi vhambedzwa na nđila ya vhubvageze dza tshikhalani dza lushaka na mbofho na vhuđiimiseli kha zwa phungudzo ya tshanduko ya kilima nga mashango a dzitshakatshaka na lushaka.
- (3) Minisița nga nđivhadzo kha *Gazete* a nga sumbedza mutevhe wa mishumo na phungudzelo dzine ngadzo dziphimo kana nyanganyelo dza vhubvisageze dza tshikhalani na mitswonzwo ya khaboni u bva kha tshiđitshi, tsudzuluwo, tshikomvisageze tshi sa langwi nga tshishumiswandangatshikafhadzo ya muya, , kuitele, vhumivhufuwi, kushumisele kwa mavu na zwiko zwa malaɽwa zwa tea u shuiwa. 30
- (4) Phungudzelo dzo bulwaho kha khethekanyo ɽhukhu ya (3) dzi tea u bulwa sa mushumo wa nyito ya u vhiga nga ha vhubvageze ya tshikhalani nahone zwi nga fhambana kha nyito kana mishumo yo fhambanaho, hu tshi dzhielwa nzhele ndeme ya u dzhenela kha idzi nyito kha gumofulu ła vhubvisageze ya tshikhalani kha lushaka kathihi na u fhelela ha hone. 40
- (5) Nđivhadzo nga fhasi ha khethekanyo ɽhukhu ya (3) i tea u sumbedza nđila ine ngayo mafhungo a tea u ɽetshedzwa nahone, arali zwi tshi ɽođea, i sumbedze-vho na uri mafhungo a nga khwałhisedzwa hani.

NDIMA YA 6

MAFHUNGO NYANGAREDZI NA NZUDZANYO DZA TSHANDUKO 45

Ndangulo

30. (1) Minisița a nga ita ndangulo—
- (a) malugana na mafhungo a u ita uri mbofho na vhuđiimiseli kha zwa mashango a dzitshakatshaka nga Riphabułiki zwi shume;
- (b) malugana na ndango ya łaiga ła tshanduko ya kilima hu tshi katelwa u fha malambaɽhuđuwedzi na u sa fha malambaɽhuđuwedzi u itela u ɽuđuwedza tshanduko ya mikhwa kha u sika gese dza tshikhalani kha sekithara dzołhe dza tshitshavha; 50
- (c) dzine dza ɽo ɽuđuwedza u lavhelesa na u ɽhaɽhuvha mvelaphandą ya lushaka kha zwa mafhungo a vhuđuweli na phungudzo ya tshanduko ya kilima hu tshi katelwa— 55

- (i) in relation to the progress made by national departments, provinces and municipalities with the development and implementation of Sector Adaptation Strategy and Plans, climate change needs and response assessments and climate change response implementation plans;
- (ii) in relation to the performance of the departments responsible for the functions contemplated in Schedule 2, as well as provinces and municipalities, in respect of the national adaptation objectives; and 5
- (iii) in relation to the consequences for the failure of the departments responsible for functions listed in Schedule 2 as well as provinces and municipalities, to report in the prescribed manner; 10
- (d) that will promote the effective monitoring, evaluation and assessment of national progress in relation to climate change matters and climate change data and information, including information necessary to determine climate change vulnerability and to foster resilience; and
- (e) in relation to the administration and operation of the Presidential Climate Commission or any committee established in terms of this Act, to ensure the achievement of its purpose, functions and responsibilities. 15
- (2) The Minister must make regulations—
 - (a) in relation to the management of climate change response, including—
 - (i) the determination, review, revision, compliance with and enforcement of an allocated carbon budget, amendment and cancellation of a carbon budget allocation, the content, implementation and operation of a greenhouse gas mitigation plan, and all matters related thereto; and 20
 - (ii) the phasing down or phasing out of synthetic greenhouse gases, including the development of timeframes, inventories and mechanisms for reporting; 25
 - (b) that will promote the effective monitoring, evaluation and assessment of national progress in relation to climate change matters and climate change data and information, including information relating to direct and indirect greenhouse gas emissions, for the purposes of planning, analysis and monitoring and the compilation of the National Greenhouse Gas Inventory, and that will inform how the Republic may comply with any international obligations; and 30
 - (c) in relation to any other matter which the Minister must prescribe in terms of this Act. 35
- (3) A regulation made in terms of this Act may provide that any person who contravenes or fails to comply with a provision thereof commits an offence and will be liable, upon conviction, to the penalties contemplated in section 49B(2) of the National Environmental Management Act.
- (4) Any regulations made in terms of section 18 must, 30 days prior to the publication of the regulations in the *Gazette*, be tabled in Parliament. 40

Consultation

- 31.** (1) Before exercising a function or power in terms of section 17(1), 19, 20, 21(2), 21(3), 22(1)(b), 22(1)(c), 23(1), 24(1), 24(4), 25(1), 25(2), 25(3), 25(7), 25(9), 25(10), 26(1), 26(2), 26(5), 26(6), 27(1), 27(7), 27(8), 27(9), 28, 29(3) or 30, the Minister, MEC or mayor, as the case may be, must follow such consultative processes as may be appropriate in the circumstances. 45
- (2) When conducting a consultation contemplated in subsection (1), the Minister must—
- (a) consult all Cabinet members whose areas of responsibility will be affected by the exercise of the function or power; and 50
 - (b) in accordance with the principles of cooperative governance as set out in Chapter 3 of the Constitution, consult the MEC in each province that will be affected by the exercise of the power.

- (i) zwine zwa kwama mvelaphandā yo itwaho nga mihasho ya lushaka, mavundu na mimasipala hune ha vha na mveledziso na u shumiswa ha Pułane na Nđila dza Vhuđoweli kha Sekithara, t̄hođea dza tshanduko ya kilima na t̄haṭhuvho dza l̄iga la pułane dza u shumiswa ha l̄iga kha zwa tshanduko ya kilima; 5
- (ii) zwine zwa kwama kushumele kwa mihasho ine ya vha na vhuđifhinduleli kha mishumo yo elekanywaho kha Shedułu ya 2, khathihi na mavundu na mimasipala, malugana na zwipikwa zwa vhuđowedzi ha lushaka; na
- (iii) zwine zwa kwama masiandoitwa a u kundelwa ha mihasho i re na vhuđifhinduleli ha mishumo i re kha mutevhe wa Shedułu ya 2 khathihi na mavundu na mimasipala, kha u vhiga nga nđila yo randelwaho; 10
- (d) dzine dza ḑo t̄uṭuwedza u lavhelesa na u t̄haṭhuvha mvelaphandā malugana na mafhungo a tshanduko ya kilima na data na mafhungo a tshanduko ya kilima, hu tshi katelwa mafhungo o teaho ane a ta tshayatsireledzo kha zwa tshanduko ya kilima na u t̄uṭuwedza vkhukwaṭheli; na 15
- (e) malugana na ndaulo na kushumele kwa Khomishini ya Kilima ya Phresidennde kana komiti iṅwe na iṅwe yo thomiwaho hu tshi khou tevhedzwa uno Mulayo, u itela u vhona uri hu swikelelwe ndivho dzayo, mishumo yayo na vhuđifhinduleli hayo. 20
- (2) Minisiṭa u tea u ita ndangulo—
- (a) malugana na ndango ya l̄iga la tshanduko ya kilima, hu tshi katelwa—
- (i) u ta, t̄ola, khwiṅiwa, tevhedza na u tevhedziswa ha mugaganyagwama wa khaboni wo avhelwaho, khwiṅiso na pheliso ya nyavhelo ya mugaganyagwama wa khaboni, zwi re ngomu na u shumisa na kushumele kwa pułane ya phungudzo ya gese ya tshikhalani, na mafhungo oṭhe a kwamanaho na eneo; na 25
- (ii) u fhungudza kana u fhelisa gese dza tshikhalani dzi si dza mupo, hu tshi katelwa mveledziso ya zwifhinga, mitevhe na nđila dza u vhiga;
- (b) dzine dza ḑo t̄uṭuwedza u lavhelesa, u t̄haṭhuvha mvelaphandā ya lushaka kha zwa mafhungo a tshanduko ya kilima na mafhungo na data nga ha tshanduko ya kilima, hu tshi katelwa mafhungo o livhaho na a songo livhaho a mavele a gese ya tshikhalani, u itela ndivho ya vhuṭuṭani, tsenguluso na ndavheleso na khuvhanganyo ya Mutevhe wa Gese ya Tshikhalani wa Lushaka, nahone izwi zwi ḑo tsivhudza Riphabuḷiki uri i nga tevhedza hani mbofho dza mashango a dzitshakatshaka dziṅwe na dziṅwe; na 30
- (c) malugana na fhungo l̄iṅwe na l̄iṅwe l̄ine Minisiṭa a tea u randela u ya nga uno Mulayo. 35
- (3) Ndangulo yo itwaho hu tshi khou tevhedzwa uno Mulayo i nga ita mbetshelo ya uri muṅwe na muṅwe muthu ane a pfuka kana u kundelwa u tevhedza mbetshelo u vha o ita vhutshinyi nahone u tea u vha na vhuđifhinduleli, musi o wanwa mulandu, u tea u rwiwa nga ndaṭiso dzo elekanywaho kha khethekanyo ya 49B(2) ya Mulayo wa Ndango ya Mupo wa Lushaka. 40
- (4) Dziṅwe na dziṅwe ndangulo dzo itwaho hu tshi khou tevhedzwa khethekanyo ya 18, kha maḑuvha 30 phandā ha u aṅdadza ndangulo kha *Gazete*, dzi tea u itwa uri dzi lavheleswe Phalamenndeni. 45

Vhukwamani

31. (1) Phanḑa ha musi hu tshi shumiwa mushumo kana u shumisa maandā u ya nga khethekanyo ya 17(1), 19, 20, 21(2), 21(3), 22(1)(b), 22(1)(c), 23(1), 24(1), 24(4), 25(1), 25(2), 25(3), 25(7), 25(9), 25(10), 26(1), 26(2), 26(5), 26(6), 27(1), 27(7), 27(8), 27(9), 28, 29(3), kana 30, Minisiṭa, kana ṅeḑorobo, zwi tshi u ya nga zwine nyimele ya vha zwone, u tea u tevhela maitele a vhukwamani u ya nga hune zwa vha zwo tea nyimele. 50

- (2) Musi hu tshi itwa zwa vhukwamani ho elekanywaho kha khethekanyo t̄hukhu ya (1), Minisiṭa u tea— 55
- (a) u kwama miraḑo yoṭhe ya Khabinete ine masia a vhuđifhinduleli hayo a ya kwamea nga u shuma mushumo kana u shumisa maandā; na
- (b) uri a tshi khou tevhedza ndayo dza kuvhusele na tshumisano a sumbedze kha Ndimā ya 3 ya Ndayotewa, a kwame Muraḑo wa Khorotshitumbe (MEC) kha vundu l̄iṅwe na l̄iṅwe l̄ine la kwamea nga u shumiswa ha mannḑa. 60

- (3) When conducting a consultation contemplated in subsection (1), an MEC must—
- (a) consult all members of the Executive Council whose areas of responsibility will be affected by the exercise of the function or power; and
 - (b) in accordance with the principles of cooperative governance as set out in Chapter 3 of the Constitution, consult the Minister and all other national organs of state that will be affected by the exercise of the function or power. 5
- (4) In respect of the carbon budgets issued in terms of section 27, the Minister must follow a fair procedure prior to the issue of the carbon budget including consultation with the person to whom a carbon budget is allocated.
- (5) When conducting a consultation contemplated in subsection (1), a mayor must follow such consultative processes in accordance with the principles of cooperative governance as set out in Chapter 3 of the Constitution. 10

Public participation

- 32.** (1) Before exercising a function or power in terms of section 17(1), 19(1), 19(2), 20(1), 20(3), 21(2), 22(1)(b), 22(1)(c), 23(1), 23(3), 24(1), 24(4), 25(1), 25(2), 25(3), 25(7), 25(9), 25(10), 26(1), 26(2), 26(5), 26(6), 28 or 30, the Minister, MEC or mayor, as the case may be, must give notice of the proposed exercise of the relevant function or power— 15
- (a) in the *Gazette*; and
 - (b) in at least one newspaper distributed nationally or, if the exercise of the function or power will affect only a specific area, in at least one newspaper distributed in that area. 20
- (2) The notice contemplated in subsection (1) must—
- (a) invite members of the public to submit to the Minister, MEC or mayor, as the case may be, within 30 days of publication of the notice in the *Gazette*, written representations on or objections to the proposed exercise of the function or power; and 25
 - (b) contain sufficient information to enable members of the public to submit meaningful representations or objections.
- (3) The Minister, MEC or mayor may in appropriate circumstances allow any interested person or community to present oral representations or objections in terms of subsection (2) to the Minister, MEC or mayor, or to a person designated by the Minister or MEC or mayor. 30
- (4) The Minister, MEC or mayor must give due consideration to all representations and objections received or presented before exercising the function or power concerned. 35

Delegation

- 33.** (1) The Minister may delegate a power or duty vested in him or her in terms of this Act, excluding the power to make regulations in terms of section 30, in accordance with section 42 of the National Environmental Management Act.
- (2) An MEC may delegate a power or duty vested in or delegated to him or her in terms of this Act in accordance with section 42A of the National Environmental Management Act. 40

Access to information

- 34.** Information provided to the Minister or the Department in terms of this Act must be made available by the Minister subject to the provisions of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), and the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). 45

- (3) Musi hu tshi itwa zwa vhukwamani ho elekanywaho kha khethekanyo thukhu ya (1), Muraḁo wa Khorotshitumbe (MEC) u tea—
- (a) u kwama miraḁo yoṁhe ya Khorotshitumbe ine masia ayo a vhuḁifhinduleli a a kwamea nga u shuma mushumo kana u shumisa maanḁa; na
- (b) uri u ya nga ndayo dza kuvhusele na tshumisano sa zwo sumbedzwaho kha Ndima ya 3 ya Ndayotewa, a Kwame Minisiṁa na zwiṁwe zwiimiswa zwoṁhe zwa muvhuso zwine zwa ḁo kwamea nga u shuma mushumo kana u shumisa maanḁa. 5
- (4) Malugana na migaganyagwama ya zwa khaboni yo ṁetshedzwaho u ya nga khethekanyo ya 27, Minisiṁa u fanela u tevhela kuitele ku pfaḁzaho phanḁa ha u ṁetshedza mugaganyagwama wa zwa khaboni hu tshi katelwa vhukwamani na muthu ane mugaganyagwama wa zwa khaboni u khou avhelwa ene. 10
- (5) Musi hu tshi itwa zwa vhukwamani ho elekanywaho kha khethekanyo thukhu ya (1), ṁeḁorobo u tea u tevhela ayo maitele u ya nga ndayo dza kuvhusele na tshumisano sa zwo sumbedzwaho kha Ndima ya 3 ya Ndayotewa. 15

U dzhenela ha tshitshavha

32. (1) Phanḁa ha musu hu tshi shumiwa mushumo kana u shumisa maanḁa hu tshi khou tevhedzwa khethekanyo ya 17(1), 19(1), 19(2), 20(1), 20(3), 21(2), 22(1)(b), 22(1)(c), 23(1), 23(3), 24(1), 24(4), 25(1), 25(2), 25(3), 25(7), 25(9), 25(10), 26(1), 26(2), 26(5), 26(6), 28 kana 30, Minisiṁa, Muraḁo wa Khorotshitumbe kana ṁeḁorobo, zwi tshi ya nga zwine nyimele ya vha zwone, u tea u fha ṁḁivhadzo malugana na u dzinginywa ha u shuma mushumo wo teaho kana u shumisa maanḁa—
- (a) kha *Gazete*; na
- (b) kha gurannḁa dzi si ho fhasi ha nthihi ine ya phaḁaladzwa u mona na lushaka kana, arali u shuma mushumo kana u shumisa maanḁa zwi tshi ḁo kwama vhuḁfethu honoho fhedzi, gurannḁa dzi si ho fhasi ha nthihi dzi phaḁaladzwaho kha honoho vhupo dzi nga shumiswa. 25
- (2) ṁḁivhadzo yo elekanywaho kha khethekanyo thukhu ya (1) i fanela u—
- (a) ramba miraḁo ya tshitshavha uri i ise kha Minisiṁa, Muraḁo wa Khorotshitumbe (MEC) kana ṁeḁorobo, u ya nga hune nyimele ya vha zwone, hu saathu fhela maḁuvha 30 a u anḁadzwa ha ṁḁivhadzo sa zwe zwa elekanywa kha khethekanyo thukhu ya (1) kha *Gazete*, i ise zwine ya khou sumbedza nga ha kana khanedzo malugana na u shumisa maanḁa ho dzinginywaho; na
- (b) vha yo faredza mafhungo o eḁanaho ane a konisa uri miraḁo i kone u isa zwine ya khou amba kana khanedzo zwi vhe zwi pfalesaho. 35
- (3) Minisiṁa, Muraḁo wa Khorotshitumbe (MEC) kana ṁeḁorobo kha nyimele dzo teaho a nga tendela muthu muṁwe na muṁwe a re na dzangalelo kana tshitshavha tshi re na dzangalelo tshi tshi ṁetshedza kana u sumbedza nga u tou amba nga muloma kana u hanedza hu tshi khou tevhedzwa khethekanyo thukhu ya (2) kha Minisiṁa, Muraḁo wa Khorotshitumbe (MEC) kana ṁeḁorobo, kana kha muthu a ṁangwaho nga Minisiṁa kana Muraḁo wa Khorotshitumbe kana ṁeḁorobo. 40
- (4) Minisiṁa, Muraḁo wa Khorotshitumbe (MEC) kana ṁeḁorobo vha tea u lavhelesa zwe zwa sumbedzwa zwoṁhe na khanedzo dzoṁhe dze dza ṁanganedzwa kana u ḁiswa phanḁa ha u shuma mushumo kana u shumisa maanḁa a kwameaho. 45

Vhurumelwa

33. (1) Minisiṁa a nga rumela maanḁa kana mishumo ye a hweswa u ya nga uno Mulayo, hu sa katelwi maanḁa a u ita ndangulo u ya nga khethekanyo ya 30, hu tshi khou tevhedzwa khethekanyo ya 42 ya Mulayo wa Ndango ya Mupo wa Lushaka.
- (2) Muraḁo wa Khorotshitumbe (MEC) a nga rumela maanḁa na mishumo ye a hweswa u ya nga uno Mulayo hu tshi khou tevhedzwa khethekanyo ya 42A ya Mulayo wa Ndango ya Mupo wa Lushaka. 50

U swikelela mafhungo

34. Mafhungo o fhiwaho Minisiṁa kana Muhasho u ya nga uno Mulayo a tea u itwa uri a wanale nga Minisiṁa a tshi khou tevhedza mbetshelo dza Mulayo wa thuthuwedzo ya u Swikelela Mafhungo wa, 2000 (Mulayo wa nomboro ya. 2 wa 2000), na Mulayo wa Tsireledzo ya Mafhungo a Muthu wa, 2013 (Mulayo wa nomboro ya. 4 wa 2013). 55

Offences and penalties

- 35.** (1) A person commits an offence if that person—
- (a) fails to provide data, information, documents, samples or materials to the Minister in terms of section 23(1);
 - (b) provides false and misleading data, information, documents, samples or materials to the Minister in terms of section 23(1); 5
 - (c) fails to prepare and submit a greenhouse gas mitigation plan to the Minister in terms of section 27(4);
 - (d) fails to comply with or contravenes the notice of the Minister in terms of section 28(1); and 10
 - (e) fails to comply with the measures contemplated in section 28(3)(b).
- (2) A person convicted of an offence in terms of subsection (1) is liable to a fine not exceeding R5 million or to imprisonment for a period not exceeding five years, and in the case of a second or subsequent conviction to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years or to both such fine and imprisonment. 15

Appeals

- 36.** (1) Any person may appeal to the Minister against a decision taken by any person acting under a power delegated by the Minister under this Act.
- (2) Any person may appeal to an MEC against a decision taken by any person acting under a power delegated by that MEC under this Act. 20
- (3) An appeal lodged in terms of subsection (1) or (2) must be noted and dealt with in terms of section 43(4) of the National Environmental Management Act.

Savings, transitional provisions and amendment of laws

- 37.** (1) The notice relating to the Declaration of Greenhouse Gases as Priority Air Pollutants, 2017, published under Government Notice No. 710 of 21 July 2017, the National Pollution Prevention Plans Regulations, 2017, published under Government Notice No. 712 of 21 July 2017, and the National Greenhouse Gas Emissions Reporting Regulations, 2016, published under General Notice No. 275 of 3 April 2017, made in terms of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), will serve as regulations and notices published in terms of this Act, as soon as this Act comes into operation and will remain in force and effect until they are amended, replaced or repealed in terms of this Act. 25 30
- (2) The National Environmental Management Act is hereby amended to the extent reflected in Schedule 3.

Short title and commencement

35

- 38.** This Act is called the Climate Change Act, 2024, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

Vhutshinyi na ndaṭiso

35. (1) Muthu u vha o ita vhutshinyi arali uyo muthu a—
- (a) kundelwa u fha Minisiṭa data, mafhungo, mañwalo, sambula na matheriaḷa u ya nga khethekanyo ya 23(1);
 - (b) fha Minisiṭa data, mafhungo, mañwalo, sambula kana matheriaḷa a u zwifha kana zwine zwa xedza u ya nga khethekanyo ya 23(1); 5
 - (c) kundelwa u dzudzanya na u isa puḷane ya u fhungudza gese ya tshikhalani kha Minisiṭa u ya nga khethekanyo ya 27(4);
 - (d) kundelwa u tevhedza kana a pfukekanya ndivhadzo ya Minisiṭa u ya nga khethekanyo ya 28(1); na 10
 - (e) kundelwa u tevhedza maga o elekanywaho kha khethekanyo ya 28(3)(b).
- (2) Muthu ane a wanwa mulandu wa vhutshinyi u ya nga khethekanyo tshukhu ya (1) u tea u badeliswa ndaṭiso i sa paḍi R5 miḷioni kana u tou valelwa dzhele lwa tshifhinga tshi sa paḍi miñwaha miṭanu, na uri kha nyimele ya u wanwa mulandu lwa vhuvhili kana u wanwa mulandu hune ha tevhela u tea u badeliswa ndaṭiso ine ya sa paḍe R10 miḷioni kana u tou valelwa lwa tshifhinga tshi sa paḍi miñwaha ya 10, na uri kha vhuvhili ha izwi hu na izwo zwa u tou badela ndaṭiso na u valelwa dzhele. 15

Dziaphiji

36. (1) Muñwe na muñwe muthu a nga ita aphiji kha Minisiṭa malugana na tsheo yo dzhiwaho nga muthu muñwe na muñwe ane a khou zwi shuma nga fhasi ha maandā e a hweswa nga Minisiṭa nga fhasi ha uno Mulayo. 20
- (2) Muñwe na muñwe muthu a nga ita aphiji kha Muraḍo wa Khorotshitumbe (MEC) malugana na tsheo yo dzhiwaho nga muthu muñwe na muñwe ane a khou zwi ita nga fhasi ha maandā e a hweswa nga Muraḍo wa Khorotshitumbe (MEC) nga fhasi ha uno Mulayo. 25
- (3) Aphiji yo itwaho hu tshi khou tevhedzwa khethekanyo tshukhu ya (1) kana (2) i tea u dzhielwa nzhele nahone i shumiwe u ya nga khethekanyo ya 43(4) ya Mulayo wa Ndango ya Mupo wa Lushaka.

Zwi sa katelwi, mbetshelo dza tshanduko na khwiṅiso ya milayo

37. (1) Ndivhadzo malugana na u Divhadzwa ha Gese dza Tshikhalani sa dzone dza Ndemesa kha Tshikafhadzo ya Muya, 2017, yo anḍadzawo nga fhasi ha Ndivhadzo ya Muvhuso ya nomboro ya. 710 ya 21 Fulwana 2017, Ndangulo dza Lushaka dza Puḷane dza u Thivhela Tshikafhadzo dza, 2017, dzo anḍadzawo nga fhasi ha Ndivhadzo ya Muvhuso ya nomboro ya. 712 ya 21 Fulwana 2017, na Ndangulo dza Lushaka dza u Vhiga nga ha Kubvele kwa Gese dza Tshikhalani dza, 2016, dzo anḍadzawo nga fhasi ha Ndivhadzo ya Muvhuso ya nomboro ya. 275 ya 3 Lambamai 2017, dzo itwaho hu tshi khou tevhedzwa Ndango ya Mupo wa Lushaka: Mulayo wa Vhuḍi ha Muya wa, 2004 (Mulayo wa nomboro ya. 39 wa 2004), izwi zwi ḍo shuma sa ndangulo na ndivhadzo dzo anḍadzawo u ya nga uno Mulayo, nga u ṭavhanya zwenezwi uno Mulayo u tshi tou thoma u shuma nahone dzi ḍo dzula dzi khou shuma u swika dzi tshi khwiṅiswa, u imeliwa kana u fheliswa hu tshi khou tevhedzwa uno Mulayo. 35 40
- (2) Mulayo wa Ndango ya Mupo wa Lushaka u khou khwiṅiswa u ya nga zwe zwa sumbedzwa kha Sheduḷu ya 3.

Dzina lipfufhi na u thoma u shumisa Mulayo

38. Uno Mulayo u vhidzwa u pfi Mulayo wa Tshanduko ya Kilima wa, 2024, nahone u ḍo thoma u shuma nga datumu ine ya ḍo dzudzanywa nga Phresidennde nga Mulevho kha *Gazete*. 45

SCHEDULE 1**Functions relevant to the development of Sectoral Emissions Targets**

Agriculture;
Forestry;
Fisheries;
Cooperative Governance;
Traditional Affairs;
Economic Development;
Energy;
Environment;
Health;
Human Settlements;
International Relations;
Mineral Resources;
National Treasury;
Public Enterprises;
Public Works;
Rural Development;
Land Reform;
Science;
Technology;
Trade;
Industry;
Transport;
Water Affairs; and
Sanitation.

SCHEDULE 2**National Departments and State-Owned Entities responsible for certain functions
required to develop a Sector Adaptation Strategy and Plan**

Agriculture;
Education;
Cooperative Governance;
Forestry;
Fisheries;
Disaster Risk Reduction;
Energy;
Environment;
Health;
Human Settlements;
Manufacturing;
Public Enterprises;
Rural Development;
Land Reform;
Science;
Technology;
Tourism;
Traditional Affairs;
Transport;
Water Affairs; and
Sanitation.

SHEDULU YA 1**Mishumo yo teaho kha mveledziso ya Zwipikwa zwa Vhubvisagese kha Sekithara**

Vhulimivhufuwi;
Maḁaka;
Vhureakhovhe;
Kuvhusele na Tshumisano;
Zwa Sialala;
Mveledziso ya Ikonomi;
Fulufulu;
Mupo;
Mutakalo;
Madzulo a Vhathu;
Vhushaka na Mashango a Dzitshakatshaka;
Zwa Migodi;
Vhufaragwama ha Lushaka;
Mabindu a Tshitshavha;
Mishumo ya Tshitshavha;
Mveledziso ya Mashangohaya;
Mvusuludzo ya Mavu;
Saintsi;
Thekhinoḁodzhi;
Makwevho;
Nḁowetshumo;
Vhuendi;
Zwa Maḁi; na
Vhuthathatshili.

SHEDULU YA 2**Mihasho ya Lushaka na Zwiimiswa zwa Muvhuso zwi re na vhuḁifhinduleli ha mishumo yeneyo ine ya ḁoḁea ya u bveledzisa Puḁane na Nḁila ya Vhuḁowedzi kha Sekithara**

Vhulimivhufuwi;
Pfunzo;
Kuvhuselel na Tshumisano;
Maḁaka;
Vhureakhovhe;
Phungudzo ya Khovhakhombo ya Zwiwo;
Fulufulu;
Mupo;
Mutakalo;
Madzulo a Vhathu;
Vhumagi;
Mabindu a Tshitshavha;
Mveledziso ya Mashangohaya;
Mvusuludzo ya Mavu;
Saintsi;
Thekhinoḁodzhi;
Vhuendelamashango;
Zwa Sialala;
Vhuendi;
Zwa Maḁi; na
Vhuthathatshili.

SCHEDULE 3

Amendment of laws: Section 34

Act no.	Year	Title	Extent of amendment or repeal
107	1998	National Environmental Management Act	<p>1. The amendment of section 1—</p> <p>(a) by the deletion in the definition of “specific environmental management Act” of the word “or” at the end of paragraph (g);</p> <p>(b) by the deletion in the definition of “specific environmental management Act” of the comma at the end of paragraph (h) and the insertion of a semi-colon and the word “or”; and</p> <p>(c) by the addition to the definition of “specific environmental management Act” of the following paragraph: “(i) the <u>Climate Change Act, 2024.</u>”</p>

SHEDULU YA 3

Khwiṅiso ya milayo: Khethekanyo ya 34

Nomboro ya Mulayo	Nwaha	Dzina	Vhuhulu ha khwiṅiso kana pheliso
107	1998	Mulayo wa Ndango ya Mupo wa Lushaka	<p>1. Khwiṅiso ya khethekanyo ya 1—</p> <p>(a) nga u thuthwa kha ṭhalutshedzo ya “Mulayo wa ndango ya mupo wonoyo” ha ipfi “kana” mafheloni a paragirafu ya (g);</p> <p>(b) nga u thuthwa kha ṭhalutshedzo ya “Mulayo wa ndango ya mupo wonoyo” ha khoma mafheloni a pharagirafu ya (h) na u dzheniswa ha semi-khoḽoni na ipfi “kana”; na</p> <p>(c) nga u engedzwa ha ṭhalutshedzo ya “Mulayo wa ndango ya mupo” kha pharagirafu i tevhelaho:</p> <p>“(i) <u>Mulayo wa Tshanduko ya Kilima wa, 2024.</u>”</p>

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