

## CHAPTER 153

### THE NATIONAL ENVIRONMENT ACT.

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## CHAPTER 153

### THE NATIONAL ENVIRONMENT ACT.

*Commencement:* 19 May, 1995.

**An Act to provide for sustainable management of the environment; to establish an authority as a coordinating, monitoring and supervisory body for that purpose; and for other matters incidental to or connected with the foregoing.**

#### PART I—INTERPRETATION.

##### 1. Interpretation.

In this Act, unless the context otherwise requires—

- (a) “air quality” means the concentration prescribed under this Act of a pollutant in the atmosphere at the point of measurement;
- (b) “ambient air” means the atmosphere surrounding the earth but does not include the atmosphere within a structure or within any underground space;
- (c) “analysis” means the testing or examination of any matter, substance or process for the purpose of determining its composition or qualities or its effect (whether physical, chemical or biological) on any segment of the environment or examination of emissions or recording of noise or subsonic vibrations to determine the level or other characteristics of the noise or subsonic vibration or its effect on any segments of the environment;
- (d) “analyst” means an analyst designated under section 83;
- (e) “authority” means the National Environment Management Authority established under section 4;
- (f) “beneficial use” means a use of the environment or any element or segment of the environment that is conducive to public health, welfare or safety and which requires protection from the effects of wastes, discharges, emissions and deposits;
- (g) “benefited environment” means that environment which has benefited through the imposition of one or more obligations on the burdened land;
- (h) “biological diversity” means the variability among living organisms from all sources, including, *inter alia*, terrestrial

ecosystems and aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems;

- (i) “burdened land” means that land which is in the vicinity of a benefited environment;
- (j) “chemical” means a chemical substance in any form whether by itself or in a mixture or preparation whether manufactured or derived from nature and for the purposes of this Act includes industrial chemicals, pesticides, fertilisers and drugs;
- (k) “developer” means a person who is developing a project which is subject to an environmental impact assessment process;
- (l) “district environment action plan” means the district environment action plan established under section 18;
- (m) “effluent” means waste water or other fluid of domestic agricultural trade or industrial origin, treated or untreated and discharged directly or indirectly into the aquatic environment;
- (n) “element” in relation to the environment means any of the principal constituent parts of the environment, including water, atmosphere, soil, vegetation, climate, sound, odour, aesthetics, fish and wildlife;
- (o) “environment” means the physical factors of the surroundings of human beings, including land, water, atmosphere, climate, sound, odour, taste, the biological factors of animals and plants and the social factor of aesthetics and includes both the natural and the built environment;
- (p) “environmental audit” means the systematic, documented, periodic and objective evaluation of how well environmental organisation, management and equipment are performing in conserving the environment and its resources;
- (q) “environmental education” includes the process of recognising values and clarifying concepts in order to develop skills and attitudes necessary to understand and appreciate the interrelatedness among a person, his or her culture and his or her biophysical surroundings;
- (r) “environmental impact assessment” means a systematic examination conducted to determine whether or not a project will have any adverse impact on the environment;
- (s) “environmental impact statement” means the statement described in section 20;
- (t) “environmental inspector” means any environmental inspector designated under section 79;

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