

**REPORT OF THE COMMITTEE ON SUBSIDIARY LEGISLATION ON THE
ENVIRONMENTAL ASSESSMENT (AMENDMENT) REGULATIONS 2002
L.I.1703**

1.0 INTRODUCTION

The Environmental Assessment (Amendment) Regulations 2002 L.I. 1703 was laid before Parliament on Tuesday 15th October 2002 and subsequently referred to the Committee on Subsidiary Legislation for consideration and report pursuant to Articles 11 (7) and 103 of the Constitution and Standing Order 166 (2) and (3).

2.0 REFERENCE DOCUMENTS

In considering the Regulations, the Committee made reference to the following documents:

- i. The 1992 Constitution of the Republic of Ghana
- ii. The Environmental Protection Agency Act 1994, Act 490.
- iii. Environmental Assessment Regulations 1999 (L.I. 1652) as amended; and
- iv. The Standing Orders of Parliament.

3.0 DELIBERATIONS

In deliberating of the Instrument, the Committee had a total of three sittings.

4.0 ACKNOWLEDGEMENT

The Committee wishes to acknowledge the immense contributions of Officials of the underlisted institutions during its deliberation:

- The Ministry of Environment, Science and Technology.
- The Environmental Protection Agency
- Mines Department of the Ministry of Mines
- The Chamber of mines

5.0 BACKGROUND

By virtue of the provisions of section 28 of the Environmental Protection Agency Act 1994, Act 490, the Minister, may by Legislative Instrument make regulations for the purpose of giving effect to the provisions of the Act;

Such regulations may also provide for;

- (a) Standards and code of practice relating to the protection, development and rehabilitation of the environment;

- (b) The category of undertakings, enterprises, constructions or developments in respect of which environmental impact assessment or environmental management plan is required by the agency
- (c) The type, quantity, conditions or concentration of substances that may be released into the environment;
- (d) The manufacture, importation, use, collection, storage, recycling recovery or disposal of substances which may be hazardous to the environment;
- (e) The disposal of waste generally;
- (f) The protection of any particular species of fauna and flora;
- (g) Matters in respect of which fees are payable and the amount payable; and;
- (h) Matters for which permits are required under this Act.

6.0 OBSERVATIONS

The Committee noted that the L. I. 1703 seeks to amend the Environmental Assessment Regulations 1999, L. I. 1652 by

(a) Revising the fees and charges for environmental permits and certificates; and

(b) Providing for environmental processing charges for small, medium as well as large-scale undertakings.

7.0 SPECIFIC OBSERVATIONS

The Committee observed that the Regulations provide specific processing charges and environmental permit fees for the following sectors:

- (a) Mining;
- (b) Energy and tourism
- (c) Manufacturing, industry and general construction and hotels; and
- (d) Other areas such as agriculture, health; transportation wildlife and forestry

The Committee also realised that the fees and charges have not been revised for sometime now and that the revision is necessary to enable the Environmental Protection Agency operate at full cost recovery.

While noting with satisfaction the reasonable levels of the fees and charges proposed in the Regulations, it is the expectation of the Committee that, the Environmental Protection Agency will improve on its efficiency and ensure a very clean and healthy environment in the country.

8.0 RECOMMENDATION AND CONCLUSION

The Committee has examined the Regulations and is satisfied that they are consistent with the provision of the Constitution and the parent Act. Accordingly, the Committee recommends that this House allows the Environmental Assessment (Amendment) Regulations 2002, L.I. 1703 to be in force from the date of their publication.

Respectfully Submitted.



Hon. Amos L. Buerter
Chairman
(Committee on Subsidiary Legislation)



Mr. Ebenezer Ahumah Djietror
Clerk
(Committee on Subsidiary Legislation)