

(3) The issuance of a certificate of exemption is subject to an administrative fee.

(4) The Agency shall, by notice, publish the schedule of fees and subsequent revisions.

B. Regulation 24

(1) A consultant shall not charge for work done more than the scale of fees.

(2) The scale of fees for consultants shall consider factors including:

(a) size of the activity which shall be classified as small-scale, medium scale, and large,

(b) the estimated value of the activity, and

(c) the proposed lifecycle of the activity.

(3) The consultant fees for a small-scale activity shall not exceed five percent of the estimated value of the activity.

(4) The consultant fees for a medium-scale activity shall not exceed seven and a half percent of the estimated value of the activity.

(5) The consultant fees for a large-scale activity shall not exceed ten percent of the estimated value of the activity.

Made this 23rd day of January, 2024

MR JIWOH E. ABDULAI

Minister of Environment and Climate Change

FREETOWN,
SIERRA LEONE.

STATUTORY INSTRUMENT

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THE ENVIRONMENT PROTECTION AGENCY ACT, 2022
(ACT No. 15 OF 2022)

THE ENVIRONMENT PROTECTION AGENCY
(AGRICULTURAL AND AGRO-BASED INDUSTRIAL
ACTIVITIES) REGULATIONS, 2024

Short title

In exercise of the powers conferred on it by paragraph (m) of subsection (2) of section 77 of The Environment Protection Agency Act, 2022, the Minister hereby makes the following Regulations-

PART I-PRELIMINARY

Definitions

1. In these Regulations unless the context otherwise requires -

"Act" means Environment Protection Agency Act, 2022 (No. 15 of 2022);

"activity" means an agricultural undertaking under paragraph (a) and (b) of the First Schedule of the Act which activity includes as commercial tree plantation or farming of agricultural crops, commercial livestock breeding and meat processing, poultry, processing of fruits and juice, other forms of agro-processing including value addition and semi-processing of agricultural produce, fertiliser or agro-chemical production or extensive use, sale or use of agrochemicals;

"Agency" means the Environment Protection Agency;
 "applicant" means an individual or body corporate who applies for a licence or a renewal of licence under these Regulations;

"Board" means the Board of Directors of the Environment Protection Agency;

"environmental impact assessment" means environmental, social and health impact assessment;
 "land" includes water bodies such as rivers, lakes and marine waters used for the purposes fishing or aquaculture or water-related agricultural activities;

"licence" means an environmental impact assessment licence granted under these Regulations;

"person" means an individual or a body corporate;

"semi-natural land" means land that has been transformed through human activities but maintains a substantial aspect of its natural attributes;

"significant agricultural component" means an agricultural practice or farming that is not intended for subsistence or an activity intended to produce finished or semi-finished agricultural products on a commercial basis;

"subsistence agriculture" means farming for household use or domestic consumption without a significant surplus for sale;

"sustainable agriculture" includes agricultural practices like organic farming and green agriculture.

Purpose.

2. (1) The purpose of these Regulations is the promotion of business-friendly agriculture and related industries in a sustainable and ecologically sound manner.

(2) These Regulations shall apply to an individual or a body corporate who is required, pursuant to the Act, to apply to the Agency for an environmental impact assessment licence in respect of an agricultural activity or agro-based industrial activity.

(3) Subject to the First Schedule of the Act, these Regulations shall provide for -

- (a) the conduct of environmental, social and health impact assessments;
- (b) the licensing process; and
- (c) renewal of licences for activities involving -
 - (i) substantial changes in environmental resources including the conversion of land to agricultural production, forestry or pastureland, rural development, timber or wood production and processing;
 - (ii) significant changes in farming and fisheries practices including the introduction of new crops or fisheries, large-scale mechanisation or the extensive application of manure, fertilisers, or chemicals in agriculture,
 - (iii) agro-industries which shall include agro-processing and agri-business; and
 - (iv) related agro-based activities.

(4) The Agency shall collaborate with relevant ministries, departments, and other agencies in the performance of its duties under these Regulations.

(5) The Board shall exercise control and supervision, including oversight responsibility and financial management over the Agency in accordance with section 9 of the Act.

Application.

3. (1) These Regulations apply to -

- (a) agricultural and agro-related businesses;.
- (b) entities and activities that are specified in subsection (1) of section 24 and subsection (1) of section 25 of the Act and in accordance with the First Schedule.

(2) For the purposes of these Regulations, agricultural and agro-related businesses shall, based on impact, be classified as small-scale, medium-scale, and large-scale activities.

(3) These Regulations shall not apply to subsistence agriculture.

Registration of activity.

4. (1) An applicant who applies to the Agency for a licence under section 25 of the Act shall, at the time of application, submit proof of notification to the Chiefdom Environment Committee or the Ward Environment Committee in accordance with subsection (1) of section 72 of the Act.

(2) Sub-regulation (1) shall apply in the case of renewal of a licence.

PART II-APPLICABILITY OF REGULATIONS

Review and applicability of Regulations.

5. (1) Where an activity is characterised by a significant agricultural component, or where an activity has a wholly or substantially agricultural or agri-business character, an applicant shall submit the activity to the Agency for a review to determine the applicability of these Regulations.

(2) Where an activity is submitted for a review under sub-regulation (1) of this Regulation, the Agency shall, within the specified period in the First Schedule to these Regulations, conduct a review of the activity, and the applicant shall not mobilise to the location nor commence operations until such review is complete, and the Agency issues a licence in respect of the activity.

(3) Where the Agency determines that an activity is of agricultural or agro-business character in accordance with sub-regulation (1) of this Regulation, the Agency shall determine the applicability of the Regulations to the activity.

(4) A review of this Regulation under sub-regulation (3) shall comprise an evaluation of -

- (a) the activity and its potential impacts on the environment and climate change impacts, social circumstances and public health to determine whether the activity complies with applicable laws on environmental protection, sustainability; and
- (b) related health, social standards including the principles on prevention and precaution, proportionality and adaptive environmental management.

(5) The Agency shall provide the applicant with a record of the review and evaluative documents.

(6) The Agency shall specify, in accordance with the First Schedule to these Regulations, the duration of the review as provided for under sub-regulation (2) of this Regulation.

6. (1) Where the Agency makes a finding that the activity is an agricultural undertaking but poses no significant risk to the environment, the Agency shall communicate that fact to the applicant in writing and in accordance with section 26 of the Act. Findings and subsequent action after review.

(2) The written communication under sub-regulation 1 of this Regulation shall be construed as an environmental impact assessment licence and shall be accompanied by a certificate of exemption.

(3) The issuance of a licence in accordance with sub-regulation (2) of this Regulation shall not preclude the Agency from re-examining the exempted activity where the Agency receives new and material information, discovers significantly new facts, or a fundamental change occurs in the natural environment, social and health circumstances connected to the activity.

(4) Where the Agency determines that a material or fundamental change has arisen as described under sub-regulation (3) of this Regulation, the Agency shall direct the applicant to apply for a review of the activity.

(5) In respect of an application under sub-regulation (4) of this Regulation, the outcome of the review of such application by the Agency may be -

- (a) an exemption;
- (b) a screening list for an activity that is designated as low risk;
- (c) an environmental, social and health management plan in respect of an activity that poses moderate risk; or
- (d) an environmental, social and health impact assessment for an activity with high risk.

(6) Where the Agency determines that the activity poses possible significant environmental, social and health impacts as stated in paragraph (d) of sub-regulation (5) of this Regulation, the Agency shall direct the applicant to conduct an environmental, social and health impact assessment.

(7) Where the Agency makes such a determination under sub-regulation (6) of this Regulation, it shall communicate the decision in writing to the applicant.

7. (1) The Agency shall conduct screening of an activity to Screen. categorise the activity and decide whether an environmental, social and health impact assessment shall be required to be undertaken by the applicant.

(2) Where the Agency decides an environmental, social and health impact assessment is required, it shall determine the category and appropriate risk level of the activity, as well as its related impacts over the course of estimated lifetime of the activity and in accordance with Part VI of the Act.

(3) The Agency shall, by notice, provide for different classifications of activities comprising-

- (a) no significant impact;
- (b) low impact;
- (c) medium impact; and
- (d) high impact.

(4) The Agency shall classify agricultural activities and agribusiness operations into small-scale, medium-scale or large-scale for the purposes of screening to determine payment of the appropriate fees in accordance with subsection (2) of section 26 of the Act and the Second Schedule.

(5) In the performance of its duties under the Second Schedule of the Act, the Agency shall -

- (a) consider factors including location, size, scale, level of processing, agro-chemical and other input, potential impact, risk posed to ecological, social and health conditions and the proposed mitigation measures in respect of the activity;

- (b) provide a standardised approach for screening, which document shall be publicly available.

Environmental,
social and
health
management
plan.

8. (1) Where the Agency determines that an activity poses low to medium environmental, social and health impact, it shall direct the applicant to provide the Agency with an environmental, social and health management plan.

(2) Where an applicant is required to undertake an environmental impact assessment in the case of an activity that poses high risk, the applicant shall also provide the Agency with an environmental, social and health management plan.

(3) An environmental, social and health management plan shall incorporate continual remedial measures that the applicant shall undertake during the lifetime of the activity.

(4) The Agency shall monitor compliance with the environmental, social and health management plan provided in accordance with sub-regulation (2) of this Regulation and shall intervene where necessary to ensure the applicant complies with the terms of the plan.

Scoping.

9. (1) Where there is likely to be a high impact, the Agency shall direct an applicant to undertake scoping to determine the most significant issues that require study and attention in respect of the conduct of an environmental and social impact assessment.

(2) The Agency shall determine the terms of reference for scoping.

Scoping
report
review.

10. (1) The Agency shall review the scoping report to assess pre-existing environmental conditions and evaluate prospective environmental, social and health impacts.

(2) Subject to sub-regulation (1) of this Regulation, the Agency shall consider scoping for cumulative impact assessment for specific localities where past, present and prospective activities are likely to pose environmental, social and health impacts.

PART III- ISSUANCE OF LICENCE

11. (1) The Agency shall, in accordance with Part VI of the Act and the Third Schedule thereunder, determine whether an environmental impact assessment is required for an agricultural activity. Environmental
Impact
Assessment.

(2) In accordance with the Third Schedule of the Act, the terms of reference in respect of the conduct of an environmental impact assessment shall include -

- (a) description of the activity;
- (b) delineation of the physical area of the activity;
- (c) identification of biological and other ecological resources that will be affected by the activity;
- (d) identification of other physical impacts;
- (e) identification of social impacts;
- (f) identification of human health impacts;
- (g) identification of human rights impacts;
- (h) identification of animal and plant health impacts;
- (i) identification of climate impacts, and adoption of adaptation and mitigation measures;
- (j) determination of socio-economic impacts;
- (k) providing for public comments and consultations;
- (l) constitution of a team of experts;
- (m) habitat loss and biodiversity impacts;

- (n) identification of possible alternative sites for the activity;
- (o) identification of chemical usage and impacts;
- (p) outline of mitigation measures;
- (q) legal and regulatory frameworks applicable in respect of the activity; and
- (r) any additional requirement for the efficient conduct of the assessment.

(3) The Agency shall specify the duration for the conduct of the assessment considering the overall objective of speed, efficiency and accuracy as provided under these Regulations.

Environmental statement.

12. (1) The applicant shall submit to the Agency a report detailing the impact components of the assessment.

(2) The report required under sub-regulation (1) of this Regulation shall include a description of the cumulative impacts of the proposed activity, statement on mitigation measures, and provide for other procedures that the applicant shall undertake prior to the commencement of the activity, during the lifetime of the activity, and after decommissioning of the activity.

(3) The report and the statement shall have annexed to them all other reports required under the Act and these Regulations.

(4) The Agency shall make the report, statements, and its review publicly available.

Issuance of environmental impact assessment licence.

13. (1) Subject to the direction of the Board, the Agency may issue a licence as provided for under these Regulations in accordance with paragraph (a) of subsection (2) of section 29 of the Act.

(2) With respect to the issuance of a licence, the Agency shall review the environmental impact assessment report -

- (a) where it is satisfied, issue the applicant the licence;
- (b) decline the application of the licence and demand a further assessment and submission of a revised report and statement, or
- (c) reject the report and decline to issue the licence where the impacts posed by the activity outweigh its benefits.

(3) Where the Agency issues a licence, the applicant may commence operations subject to the issuance of other permits and licences as required by law.

(4) The issuance of a licence shall be subject to terms and conditions, a breach of which may result in the cancellation, suspension or modification of the licence in accordance with section 32 of the Act.

PART IV-TYPES OF AGRICULTURAL AND AGRO-BUSINESS LANDS

14. (1) In accordance with paragraph (a) of the First Schedule, these Regulations shall apply to lands that are not under cultivation, partly cultivated, fully cultivated or semi-natural lands that have been transformed through agricultural practices and agro-business related activities of substantial agricultural character. ^{Categorisation of lands.}

(2) Without prejudice to any other legislation in respect of the categorisation of lands, the Agency may, by notice in the national Gazette, further designate lands only for the purposes of compliance with and application of these Regulations.

(3) The Agency may, by notice, de-list land as provided under this Regulation where there is a cessation of the activity on the land.

(4) Where an application for a licence relates to an activity which shares a boundary with or is near a conservation zone including a forest reserve, wetland, buffer zone, and marine protected area, the Agency shall apply the highest level of assessment with the overall objective of maintaining ecological integrity of the respective zone or site and in accordance with subsection (2) of section 72 and section 73 of the Act.

(5) Where a proposed activity poses adverse impacts to an ecologically sensitive site that has been designated purposely as conservation zone or biodiversity offset, the Agency shall refuse issuance of a licence in accordance with subsection (4) of section 68 of the Act.

(6) This Regulation shall apply to activities that may cause transboundary environmental, social and health impacts.

(7) For the avoidance of doubt, the duty imposed on the Agency to designate lands under subsection (1) of section 72 of the Act for the application of these Regulations shall not be construed to confer on the Agency any power reserved for a ministry or statutory body responsible for land management.

Fertilisation of lands, use of fertiliser or agro-chemicals, production of fertilisers and agro-chemical usage.

15. (1) Where an application for a licence involves agricultural land that requires extensive application of agro-chemicals, application shall be reviewed to assess the environmental, social and health impacts including the development of an agro-chemical management plan which comprises, but not limited to, fertiliser leaching into groundwater and other water sources in accordance with paragraph (m) of the First Schedule to the Act.

(2) An applicant shall submit to the Agency for review an activity in respect of the extensive application of -

- (a) manure or agricultural compost; and
- (b) pesticides including weedicides, insecticides, rodenticides, fungicides, bactericides, and herbicides.

(3) Where an application for licence under these Regulations relates to the import and production of fertilisers and soil improvers, the applicant shall apply for a permit in accordance with section 42 of the Act and the Fifth Schedule.

(4) The procedures adopted under this Regulation shall equally apply to sustainable agriculture.

PART V-WATER SUPPLY, LAND DRAINAGE, AND IRRIGATION

16. Where an activity involves livestock production or meat processing which is close to groundwater sources or other water bodies, the Agency shall, in accordance with subsection (2) of section 77 of the Act, require a manure or animal waste management and treatment plan prior to approval of the activity to prevent seepage and contamination.

Proximity of manure or animal waste to groundwater.

17. (1) The Agency shall require an applicant to provide a prevention or mitigation plan for agricultural runoffs.

Agricultural runoff.

(2) The applicant shall provide the plan in sub-regulation (1) of this Regulation to the Agency before approval of the activity.

18. Where an activity involves substantial irrigation or drainage of land for agricultural purposes, the applicant shall submit the activity to the Agency for a review to determine the applicability of these Regulations to the activity.

Irrigation and land drainage.

PART VI-CONSULTANTS

19. (1) A person tasked with or required to perform a function under these Regulations shall possess demonstrable expertise.

Expertise.

(2) The requirements in respect of expertise under sub-regulation (1) of this Regulation applies to staff as well as consultants and experts engaged by the Agency under section 18 of the Act.

(3) The Agency may remove a person from the performance of a function provided under these Regulations where the person fails to discharge the duty in accordance with law and demonstrable expertise.

Registration
of
consultants.

20. (1) Subject to the payment of the appropriate fees, an environmental impact assessment consultant shall register with the Agency prior to providing such services.

(2) The Agency, may by notice, prescribe the terms of reference of the registration of consultants.

(3) An applicant may engage a registered consultant in the performance of the processes required under these Regulations.

(4) The registration of a consultant under sub-regulation (1) of this Regulation shall be renewed annually subject to the payment of the appropriate fees.

(5) The Agency shall maintain a register of consultants which shall be publicly available.

Discipline.

21. (1) The Agency shall exercise disciplinary oversight over a consultant who is registered under these Regulations.

(2) The Board may set up a disciplinary committee in accordance with section 8 of the Act.

(3) The disciplinary process shall include a hearing; and the penalties include a written caution, an administrative monetary penalty, a suspension for a stated duration, or a permanent removal from the register of consultants.

(4) Where a consultant is suspended or removed from the register, that person shall not perform any duties or hold privileges accorded under these Regulations.

(5) Where the Board appoints a committee, that committee shall comprise -

- (a) a member appointed by the Agency who shall preside over the committee;
- (b) a member nominated by the consultants from among the registered consultants as their representative, and
- (c) a member nominated from among environmental non-governmental and civil society organisations.

(6) The Agency may not renew the registration of a consultant who fails to comply with or neglects to undertake remedial measures in respect of non-compliance with the terms of the registration under these Regulations or arising from a disciplinary action.

PART VII-FEES

22. (1) The imposition of fees under these Regulations shall be guided by the general principles of law including fairness, prevention principle, polluter pays principle and sustainable development. Fee principle.

(2) The levying of fees on an applicant is a precondition for the performance of a duty imposed on the Agency under these Regulations.

23. (1) An applicant who lodges an application or submits a request for review under these Regulations shall be liable to pay a fee. Application fees.

(2) The requirements under sub-regulation (1) of this Regulation shall apply in case of an application for expansion of an existing activity.

24. (1) The assessment of fees by the Agency shall be guided by recovery of administrative costs and operational costs incurred while processing an application or conducting an assessment under these Regulations. Assessment of fees.

(2) The assessment of fees in sub-regulation (1) shall take into consideration, factors such as user predictability and the maintenance and protection of a business-friendly process and shall be in accordance with the fee matrix and other guidelines developed by the Agency.

(3) Where the Agency determines that a proposed activity poses no adverse environmental, social and health effects, the Agency shall require the applicant to pay for only the cost of the issuance of a certificate of exemption.

(4) The Agency shall determine the applicable fees payable by the applicant for -

- (a) each stage of the process including scoping and the conduct of environmental, social and health impact assessment;
- (b) a review and certification of an environmental, social and health management plan;
- (c) renewal of licence; and
- (c) public engagements where necessary.

Determination of fees.

25. (1) The Agency shall consider the nature of a proposed activity, estimated impacts, and risks in setting fees payable under sub-regulation (1) of this Regulation.

(2) The determination of fees under this Regulation shall be in accordance with paragraph (b) of subsection (1) of section 69 of the Act.

Consultant fees.

26. (1) The Agency shall -

- (a) provide a scale of fees under these Regulations in accordance with paragraph (c) of subsection (2) of section 77 of the Act;

(b) in consultation with registered consultants, provide guidelines for the determination of fees chargeable by the consultants in respect of the performance of a service or a process under these Regulations;

(c) by notice, publish a scale of fees for consultants and subsequent reviews of such fees shall be publicly available.

PART VIII-MISCELLANEOUS PROVISIONS

27. (1) Where the Agency determines that an existing activity, as of the date of the coming into force of these Regulations, has or is likely to have adverse environmental, social and health impacts, the Agency may conduct an environmental, social and health audit or a strategic environmental, social and health assessment. Existing agricultural activity.

(2) Where an activity -

- (a) prior to the issuance of licence, or
- (b) after the issuance of a licence undergoes changes including changes in management, the applicant shall inform the Agency in accordance with section 33 of the Act.

28. (1) The Agency shall direct an applicant to conduct public consultations in accordance with section 28 of the Act. Public comments and consultations.

(2) The requirement of public consultations and comments shall take into account the objective of these Regulations to mitigate environmental, social and health risks and impacts of the proposed activity as well as the business interests of the applicant.

(3) The requirement of public consultations shall, as much as possible, consider the participation of relevant local communities and indigenes residing near the proposed activity.

(4) Where a duty is imposed on a person under these Regulations other than the Agency, the person shall undertake public consultations, proof of which shall be on that person.

Renewal of
licence.

29. (1) The Agency shall, in accordance with section 30 of the Act, specify the duration and other requirements for renewing of a licence.

(2) An applicant shall apply for renewal of the licence within a reasonable time but no later than 3 months prior to the expiration of the existing licence.

(3) In the application for renewal of a licence, the applicant shall state variations or changes that have occurred in its operations relative to the environment, including a comprehensive report on mitigating or remedial measures that the applicant has adopted in respect of the activity.

(4) The Agency shall review an application for renewal of licence, taking into consideration -

- (a) the compliance history of the applicant, and the environmental, social and health conditions of the place of activity since the issuance of the licence; and
- (b) where there are no significant changes, the Agency may renew the licence for a specified duration not exceeding the term of the original licence under section 30 of the Act and subject to a licence renewal fee.

(5) Where an application for renewal of licence is rejected, the aggrieved applicant may apply to the court for a review in accordance with section 31 of the Act.

(6) The Agency shall not withhold the renewal of a licence without cause.

(7) Where the applicant intends to expand an existing activity on or before the date of renewal of licence, the Agency shall treat the application for renewal as a new application for licence and subject the application to the Act and these Regulations.

30. The Agency shall not revise guidelines for the conduct of assessments, reviews and other processes required under these Regulations without prior consultation with relevant stakeholders including the agricultural sector and agri-business community; environmental, social and health impact assessment consultants' local councils; ministries; departments; and agencies, local communities, and environmental advocacy and civil society organisations.

No changes
in procedures
without prior
consultation.

31. (1) The Agency shall undertake periodic monitoring to ensure the operation of a licensed activity complies with the terms of the licence in accordance with section 34 of the Act.

Monitoring

(2) notwithstanding sub-regulation (1), the Agency may, in accordance with subsection (1) of section 35 of the Act, conduct an unannounced visit to inspect or monitor an activity where the Agency receives credible information that there has been noncompliance or there is an ongoing violation of the terms of the licence including obstruction of an officer of the Agency in contravention of subsection (1) of section 48 of the Act.

(3) Where the Agency conducts an unannounced visit in accordance with sub-regulation (2), the Agency may communicate the fact of the visit to the local council, Chiefdom Environment Committee or the Ward Environment Committee, other statutory agency or ministry within a week of such occurrence.

(4) Where the Agency decides to conduct a spontaneous visit which is likely to pose security risks, it may inform the police for security arrangements.

(5) A person shall not obstruct the Agency from conducting a search under subsections (2) and (3) of section 34 of the Act.

(6) The Agency shall consider the cost of monitoring in determining fees under these Regulations.

Environmental
report.

32. (1) In accordance with paragraph (b) of subsection (1) of section 35 of the Act, a person in charge of a licensed activity shall furnish the Agency with a report stating the nature of its operations, environmental, social and health changes, operational incidents, and mitigating measures the person has taken in the year under consideration.

(2) A report required under sub-regulation (1) shall be submitted annually.

(3) Without prejudice to sub-regulation (2), the Agency may request additional reporting if it considers it necessary.

Offences and
penalties.

33. (1) A person or entity that -

- (a) fails to register an activity with the Agency and a designated body under the Act;
- (b) commences an activity without having obtained a licence or received an exemption for the activity;
- (c) fails to conduct an environmental impact assessment for an activity that requires such an assessment before commencement of the activity;
- (d) knowingly or wilfully submits or provides the Agency with information required under these Regulations which the person knows or ought to know to be false; or
- (e) engages in an activity other than the activity for which the issuance of a licence was made or fails to comply with the terms of such licence,

commits an offence and is liable on conviction to the penalty imposed under subsections (2) and (3) of section 24 of the Act.

(2) The offences listed under sub-regulation (1) relate to breaches of subsection (1) of section 24 of the Act in respect of the conduct of an environmental impact assessment.

(3) A person contravenes -

- (a) subsection (1) of section 24 of the Act and sub-regulation (1);
- (b) subsection (1) of section 33 of the Act,
- (c) section 34 of the Act,
- (d) section 35 of the Act, or
- (e) any other offence under the Act for which no penalty has been specifically provided for in the Act,

commits an offence and is liable upon conviction to the penalty imposed under section 76 of the Act in respect of general offences.

(5) A person who fails to keep records as required under section subsection (1) of 53 of the Act, commits an offence and is liable upon conviction, to the penalty provided under subsection (3) section 53(3) of the Act.

(6) A person who -

- (a) fails to comply with decommissioning under the Act or these Regulations;
- (b) fails to comply with a directive of the Agency under the Act or these Regulations; or
- (c) contravenes any other provision of these Regulations,

commits an offence and is liable upon conviction, to the penalty provided under section 76 of the Act.

(7) Without prejudice to the penalties provided under the Act, excluding offences under section 24 of the Act, the Agency may issue warnings and final notices to an offending person.

(8) In accordance with section 32 of the Act, the Agency may, in addition to a fine and a term of imprisonment, suspend the activity for a specified period, order a cessation of the activity for an unspecified period subject to proof of corrective measures, or terminate the activity by revoking the licence or certificate of exemption.

Publication
and
of notices.

34. (1) The Agency shall, in accordance with sections 49, 50 subsection (2) of section 69 of the Act, publish notices required under these Regulations, Guidelines, fee matrices or other public information with respect to matters required under these Regulations in -

- (a) the Gazette, and
- (b) at least, one leading national news outlet.

SCHEDULES

FIRST SCHEDULE

Timelines for activities under Regulations

General Requirement

The Agency shall apply the timelines stipulated in the Act relative to the respective processes in these Regulations.

Regulation 7

In accordance with section 26(1) of the Act, where the Agency is required to decide whether a licence is required, the Agency shall make its decision within fourteen (14) days.

Regulation 28

In accordance with section 28(2) of the Act, where the public is required to provide comments in respect of an environmental impact assessment, the comments shall be provided within fourteen (14) days.

Regulation 13

In accordance with sections 29(2) and (3), where an applicant is required to provide additional information, the applicant shall provide the information within twenty (21) days.

SECOND SCHEDULE

Fees

Determination of Fees for Processing, Permitting and other Certification under Part VII of the Regulations

A. Regulation 13

(1) A fee levied under these Regulations shall be calculated based on factors including scale, size, and impact of activity.

(2) The determination of fees shall be on a graduated basis with higher risk and impact attracting a higher fee.