
ENVIRONMENT ACT 2008

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ACT NO. 10 OF 2008

Environment Act 2008

An Act to make provision for the protection and management of the environment and conservation and sustainable utilization of natural resources of Lesotho and for connected matters.

Enacted by the Parliament of Lesotho.

PART I - PRELIMINARY

Short title, commencement and application

1. (1) This Act may be cited as the Environment Act 2008.
- (2) This Act shall come into operation on such date as the Minister may, by notice published in the Gazette appoint and the Minister may appoint different dates for the coming into operation of different Parts of this Act.
- (3) This Act shall bind the State.

Interpretation

2. In this Act, unless the context otherwise requires -
 - “air quality” means the maximum concentration of a human produced pollutant permitted in the atmosphere as prescribed under this Act;
 - “ambient air” means the atmosphere of colourless gases enveloping the earth, but does not include the air within an enclosed structure or within an underground space;
 - “analysis” means an examination or study of a matter, substance or process for the purpose of determining its composition, qualities or its physical, chemical or biological effect on a segment of the environment and includes an examination of emissions or recordings of noise or sub-sonic vibrations to determine the level of the matter or any other characteristics of the matter, noise or sub-sonic vibration or its effect on a segment of the environment;

“analyst” means a person designated under section 91;

“appointed member” means a member of the Council appointed by the Prime Minister;

“beneficial use” means a use of the environment in a sustainable manner or an element or segment of the environment in a sustainable manner;

“biological diversity” means the variability among living organisms from all sources including *inter alia* terrestrial ecosystems and aquatic ecosystems and the ecological habitats of which they are part and includes genetic diversity within species, between species and ecosystems;

“chemical” means a chemical substance in any form whether by itself or in a mixture or preparation whether manufactured or derived from nature and includes industrial chemicals, pesticides and fertilizers;

“Council” means the National Environment Council established under section 5;

“Department” means the Department of Environment;

“developer” means the proponent of a development project or activity that is subject to an environment impact assessment process;

“Director” means the Director of the Department of Environment;

“discharge” includes deposit, emission and leakage;

“District Development Coordinating Committee” means the District Development Coordinating Committee established under the Local Government Act 1997¹;

“effluent” means waste liquid or any other fluid from domestic, agricultural, trade, commercial or industrial sites, treated or untreated and discharged directly or indirectly into the environment or segment of the environment;

“element” means any of the principal constituent parts of the environment including water, atmosphere, soil, vegetation, climate, sound, odour, aesthetics, fish and wildlife;

“environment” means the physical factors of the surroundings of the human beings including land, water, atmosphere, climate, sound, odour, taste, biological factors of animals and plants and the social factors of aesthetics and includes both natural and the built environment;

“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;

“environmental impact assessment” means a systematic examination of a project or activity conducted to determine whether or not that project or activity may have adverse impact on the environment;

“environmental inspector” means a person designated under section 89;

“environmental law” means any law which relates to environmental issues;

“environmental monitoring” means the continuous determination of actual and potential effects of any project, activity or phenomenon on the environment whether short term or long term;

“environmental planning” means both long-term and short-term plan-

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