REGULATION OF HYDRAULIC FRACTURING IN SOUTH AFRICA:
A PROJECT LIFE-CYCLE APPROACH?

W Du Plessis*

SUMMARY

This note deals with the 2015 regulations pertaining to hydraulic fracturing in South Africa from a project life-cycle approach. A brief history of the fragmentation of the regulation of environmental and mining related matters is provided, followed by a discussion of the application of the 2015 regulations during the project life cycle, ie the pre-commencement phase, the design and authorisation phase, the testing phase, the operational phase and the decommissioning and closure phase.

KEYWORDS: hydraulic fracturing regulation in South Africa; 2015-regulations; GN R44 of 2015; project life-cycle approach.

* Willemien du Plessis. B Jur, LLM, MA, LLD (Potchefstroom University for Christian Higher Education). Professor of Law, North-West University, Potchefstroom. Email: willemien.duplessis@nwu.ac.za. This is a reworked version of a paper delivered at a Research Workshop on “Hydraulic Fracturing: A Comparative Assessment” of the IUCN Academy of Environmental Law, Tarragona, Spain on 1 June 2014. The financial support of the National Research Foundation of South Africa is acknowledged with appreciation. The opinions expressed, however, are those of the author. The research for the note was concluded in mid July 2015. Before the publication of the note the author added new notices published between this date and the end of October 2015.