



The Contemporary Gazette

relevant new legislation for your business



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This Update

This newsletter overviews new relevant National laws up to **3rd February 2020**.

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General

1. NOTABLE ONE LINERS

Banks Act

Reminder that the current amendment dates for [section 1A](#) (relationship between Act and Financial Sector Regulation Act) and [section 90](#) (regulations) is now set for 1 April 2020.

Basic Conditions of Employment Act

The [Administrative Regulations](#)' Forms BCEA 1A (Summary to be kept by an employer in terms of section 30), BCEA 9 (Written undertaking), BCEA 12 (Compliance order), BCEA 14A (Certificate of appointment as labour inspector) and BCEA 14B (Inspector card) have been revised.

Constitution of the Republic of South Africa

Parliament has stated it will extend the comment deadline to 29 February 2020, for the draft Constitution Eighteenth Amendment Bill, that proposes [limiting the Constitutional right to property](#) by adding a proviso that where land and any improvements thereon are expropriated for the purposes of land reform, a court may determine that the amount of compensation is nil; and a subsection that national legislation must set out specific circumstances where a court may determine that the amount of compensation is nil.

Note: High regulatory uncertainty will be created by, amongst many others, the open-ended interpretations that may be given to land reform; the perception that once this Constitutional right has been whittled away a precedent is set for diluting [all other Constitutional rights](#) and introducing further future changes to this right; the fact that a far higher vote threshold is required to change a provision of the [Constitution](#), which is supposed to be the [supreme law of the land](#), then applies to amend a national law; the seeming ignorance of the [Constitutional limitation of rights principles](#) (including real consideration of less restrictive means to achieve the purpose); and the inevitable damage to the inherent value given to movable, immovable and intellectual property in SA.

Criminal Law (S Offences and Related Matters) Amendment Act

The Judicial Matters Second Amendment Act 2013, read with the Judicial Matters Amendment Act 2017, reintroduced [s offences courts](#) on 31 January 2020 - also see the related amendments to the [definitions](#) (s offences court), and the [national instructions and directives](#).

Electronic Communications Act

The inquiry into the effectiveness of the must carry regulations is available from ICASA. Comment deadline extended to 31 March 2020.

Employment Tax Incentive Act

Reminder that the Taxation Laws Amendment Act 2019 will further amend [sections 1](#) (clarify interaction with SEZ), and [6](#) (clarify interaction with SEZ), on 1 March 2020.

Foodstuffs, Cosmetics and Disinfectants Act

Reminder that the [reduction in sodium](#) regulations were amended so that [processed meat](#) (classes 1, 4 and 5 where products in category 5 relates to cured as per [Annexure 1](#)) must comply with the corresponding reduced total Sodium levels of 1150mg Na by 30 April 2020; [processed meat](#) (classes 2, 3 and 5 where products in category 5) must comply with the corresponding reduced total Sodium levels of 650mg Na by 30 April 2020; and [raw-processed meat sausages](#) (all types) and similar products must comply with the corresponding reduced total Sodium levels of 600mg NA by 30 April 2020.

Note: New [reduced total sodium levels](#) applied as from 30 June 2019 for bread, all breakfast cereals and porridges, all fat spreads and butter spreads, ready-to-eat savoury snacks, flavoured potato crisps, dry savoury powders, dry gravy powders and savoury sauce powders, and dry savoury powders with dry instant noodles to be mixed with a liquid.

Income Tax Act

Reminder that the Taxation Laws Amendment Act 2019 will, from 1 March 2020, amend [sections 7B](#) (variable remuneration), and [10C](#) (exemption of non-deductible element of qualifying annuities).

Insurance Act

The FSCA notes on insurers data management, claims and complaints are not reproduced by CG, and are available from the FSCA.

Long-term Insurance Act

(i) The Authority has extended the time to comply with [regulation 8.2\(2\)](#) to 1 April 2020.

Note: A draft exemption notice for independent intermediaries from [regulation 8.2\(2\)](#) is available from the FSCA.

(ii) The FSCA notes on microinsurers product standards (in terms of policyholder protection [rule 2A](#)) and its notes microinsurers distribution channels and intermediation arrangements are available from the FSCA.

Medical Schemes Act

The amount that is [payable by medical schemes to brokers](#) with effect from 1 January 2020, is R98,85 plus VAT.

National Environmental Management Act

A proposal has been gazetted that [regulation 14](#) of the [registration authority regulations](#) (requirement to register as environmental assessment practitioner) take effect on 8 February 2022. Comment deadline 30 days from 24 January 2020.

National Regulator for Compulsory Specifications Act

Reminder that the compulsory specification for the [manufacture, production, processing and treatment of hermetically sealed \(canned\) meat products](#) (VC8019) commences 6 months from 6 September 2019 (ie around 6 March 2020).

Natural Scientific Professions Act

The [regulated fields of practice](#) were amended on 24 January 2020 to include Measurement Science (and a note that it can be included as a sub-field of practice under any appropriate field of practice in natural Science).

Note: A person must [register](#) as professional, candidate or certificated natural scientist, and [meet the relevant requirements of the Act](#), if they fall within the listed fields of practice and wish to practise in a consulting capacity.

Short-term Insurance Act

(i) The Authority has extended the time to comply with [regulation 4.2\(3\)](#) to 1 April 2020.

Note: A draft exemption notice for independent intermediaries from [regulation 4.2\(3\)](#) is available from the FSCA.

(ii) The FSCA notes on microinsurers product standards (in terms of policyholder protection [rule 2A](#)) and its notes on microinsurers' distribution channels and intermediation arrangements are available from the FSCA.

Spatial Planning and Land Use Management Act

The draft section 13 framework is not reproduced by CG, and is available from the Department of Rural development and Land Reform. Comment deadline 60 days from 20 January 2020

Special Investigating Units and Special Tribunals Act

Note: You may also wish to revisit the collections of investigated [education and training authorities](#), [entities](#), [municipalities](#), [provincial departments](#), [national departments](#), and [SETAs](#).

(i) The special investigation into [Eskom and Transnet actions](#) has been extended from 1 January 2010 to 31 January 2020, and now includes certain cloud computing services, software licenses and support services, and engineering and project management consulting services.

Note: The investigation focuses on, amongst others, the appointment of McKinsey, Trillian and Regiment Capital to render services to Eskom and Transnet and payments made; the Medupi Power Station Project, Kusile Power Station Project, Ingula Pumped Storage Scheme, associated high voltage transmission projects; and the contracting for or procurement of coal, coal transportation services, or diesel.

Further Note: There is another [past Eskom investigation \(1 January 2006 to 7 February 2012\)](#).

(ii) Special investigation launched into the [activities of the SAA 1 January 2002 to 31 January 2020](#) relating to, amongst others, procurement or contracting for airbus aircraft, maintenance, repair and operations services, legal services, and SAA Turn Around Plan service providers; travel rebate benefits; and a SMME jet fuel procurement policy.

(iii) Special investigation launched into the [affairs of the National Treasury 1 January 2016 to 31 January 2020](#) relating to the procurement of, or contracting for, the integrated financial management system.

Unemployment Insurance Act

Reminder that, from 1 April 2020, [regulation 5B](#) (application for commissioning parental benefit) will be inserted into the UIF regulations, and [regulation 6](#) (adoption benefits) will be amended.

Value-added Tax Act

Reminder that [sections 1](#) (definitions of enterprise, foreign donor funded project, implementing agency, person), [2](#) (financial services include transfer of reinsurance relating to long-term policies), [8](#) (regarding foreign donor projects, and VAT corporate reorganisation rules), and [50](#) (regarding foreign donor funded projects), will be amended on 1 April 2020.



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