

The Contemporary Gazette

relevant new legislation for your business



Legal Update Volume 16 Issue 5, 29 March 2021

This Update

This newsletter overviews new relevant National laws up to **26th March 2021**.

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1. NOTABLE ONE LINERS

Academy of Science of South Africa Act (Science and Technology Laws Amendment Act 2020)

The Amendment Act made internal governance amendments to [the Act](#).

Agricultural Pests Act (Fees)

The [general fees payable](#) in terms of the [regulations](#) that regulate the importation of [section 3](#) controlled goods (permits, ports, presentation, and inspections); and [fees payable](#) in terms of the [pathogens, insects and exotic animals control measures](#), were amended 1 April 2021.

Auditing Profession Act (Fees)

[IRBA fees](#), to apply from 1 April 2021, gazetted for registrations, renewals, training and audit development, cancellations and accreditations.

Banks Act (Financial Sector Regulation Act)

The current gazetted dates for amendments to [section 1A](#) (relationship between Act and Financial Sector Regulation Act) and [section 90](#) (regulations) is 1 April 2022.

Collective Investment Schemes Control Act (Financial Sector Regulation Act)

The current gazetted date for amendments to [section 1A](#) (relationship between Act and Financial Sector Regulation Act) and [114](#) (regulations) is 1 April 2021.

Companies Act (AFS based on GRAP)

[Notice gazetted](#) of the mandatory submission of annual financial statements using iXBRL by entities using generally recognized accounting principles, as from 1 October 2021.

Compensation for Occupational Injuries and Diseases Act (Employer assessments and medical aid)

Notice given of an increase of the minimum assessment to R1284 in terms of [section 83\(1\)](#) (assessment of employer); the withdrawal of the implementation of [section 85\(1\)](#) (variation of tariffs of assessment) on reductions with effect from 1 March 2021 until further notice; and the withdrawal of the implementation of [section 78](#) (medical aid provided by employers) with effect from 1 March 2021 until further notice.

Compensation for Occupational Injuries and Diseases Act (Domestic workers)

[Registration of domestic worker employers](#) gazetted.

Note: In the case of an employee who was employed by more than one employer at the time of the accident, the earnings received from all the employers should be submitted to the Compensation Fund.

Compensation for Occupational Injuries and Diseases Act (Forms)

A revised return of earnings prescribed form, and an application for the revision of the assessment form, is available from the Department.

Competition Act (Commission rules)

Amendments proposed to the [Competition Commission Rules](#) relating to access to confidential information submitted to the Commission; participation by the Minister in Commission merger proceedings; and forms used. Comment deadline 30 days from 25 March 2021.

Competition Act (Land based public passenger transport market inquiry)

Reminder that the projected completion date for the [market inquiry](#) was 31 March 2021.

Note: The inquiry focuses on services offered by rail based public passenger transport services (Gautrain and Metrorail), and road based public passenger transport services (commuter buses, long distance buses, app based taxis eg Uber and Taxify, minibus taxis, metered taxis, and localised taxis).

Competition Act (Advisory opinions)

The [draft non-binding advisory opinion regulations](#) propose the process for requesting a non-binding advisory opinion, its legal status, and fees payable. Comment deadline 30 days from 23 March 2021.

Co-operative Banks Act (Financial Sector Regulation Act)

The current gazetted date for amendment to [section 1A](#) (relationship between the Act and Financial Sector Regulation Act) is 1 April 2022.

Credit Rating Services Act (Financial Sector Regulation Act)

The current gazetted dates for amendments to [section 1A](#) (relationship between Act and Financial Sector Regulation Act), [5](#) (registration for application), and [28](#) (fees and penalties) is 1 April 2022.

Cross-border Road Transport Act (COVID-19)

The [COVID-19 health directions](#) requirements for cross-border freight operators have been amended by removing the wording that cross border freight operators must on entry into the country, be subjected to antigen testing at the cost of the employer.

Customary Initiation Bill (Version D)

The Bill proposes [regulating customary initiation practices](#) by, inter alia, considering [interacting Constitutional Rights](#); avoiding one-size-fits-all rigidity (e.g. [section 37](#) Provincial peculiarities); and [requiring consents and stating prohibitions](#) (as age limited voluntary practice).

Note: Considers (see e.g. [sections 2, 3, 15, and 33](#)) related laws, eg Children's Act [section 111, 118 and 140](#); Criminal Law (S Offences and Related Matters) Amendment Act [section 42](#); Criminal Procedure Act; Health Professions Act; Liquor Act; Promotion of Administrative Justice Act; Traditional Health Practitioners Act; and the [Children's Act prohibitions](#) relating to mutilations, circumcisions or testing.

Further note: Related laws not specifically referred to by name in the Bill (e.g. the [Promotion of Access to Information Act](#), the [Occupational Health and Safety Act](#), common law kidnapping, or common law culpable homicide etc), may still apply additionally.

Further note: Considers [parents and guardians](#) accountability (initiation school or male circumcision decisions to be made with child, child fitness certification and disclosures, confirming a school is registered and persons within it screened, choosing a care-giver, and ensuring academic education not impeded).

Final note: Considers [parents and guardians](#) rights (to attend to initiate who falls sick; to receive qualified counselling upon death of an initiate; and to remove an initiate if e.g. subjected to abuse, there is a family emergency, or believed the surgeon, practitioner or care-giver no longer meets the fitness requirements).

Disaster Management Act (COVID-19)

[COVID-19 Declaration](#) 10th extension to 15 April 2021 "taking into account the need to continue augmenting the existing legislation and contingency arrangements undertaken by organs of state to address the impact of the disaster".

Electoral Act (Election Laws Amendment Bill)

The Bill proposes, [amongst others](#), refining registered parties and independent candidates access to voters roll; and making it an offence to use information provided by the chief electoral officer as a certified copy of, or extract from, a segment of the voters roll, for a purpose not covered by section 16.

Electoral Commission Act (Election Laws Amendment Bill)

The Bill proposes, [amongst others](#), registration of parties in respect of particular provinces, district and metropolitan municipalities.

Electronic Communications Act (Class licences)

The [terms and conditions](#) for broadcasting class licences, electronic communications service class licences, and electronic communications network service class licences have been amended.

Note: The March 2021 amendments to the [class licenses procedures and exemptions](#) will be incorporated in due course.

Electronic Communications Act (Mobile broadband services)

The [draft mobile broadband services regulations](#) will be incorporated into CG in due course. Comment deadline 30 working days from 26 March 2021.

Electronic Communications Act (Television programme must carry regulations)

The findings and positions document on the review of the [regulations](#) is available from ICASA.

Electronic Communications Act (Use of television white spaces regulations)

Reminder that the gazetted commencement date for the [regulations](#) is 1 April 2021.

Financial Advisory and Intermediary Services Act (Financial Sector Regulation Act)

The current gazetted date for amendments to for [section 1A](#) (relationship between Act and the Financial Sector Regulation Act); [3](#) (general provisions concerning Authority); [part 1](#) (ombud); and [41](#) (fees and penalties) is 1 April 2022.

Financial Sector Regulation Act (Commencement)

The current gazetted date for amendment to [chapter 16](#) (fees, levies and finances) and [section 302](#) (levy) is 1 April 2022.

Financial Services Board Act (Financial Sector Regulation Act)

Dates for [repeal](#) of section 1 (financial institution and trust property), [15A](#) and [16](#) changed to 1 April 2022. Note the [transitional provisions](#).

Friendly Societies Act (Financial Sector Regulation Act)

The current gazetted date for amendment to [section 1A](#) (relationship between Act and Financial Sector Regulation Act) and [47](#) (regulations) is 1 April 2022.

Human Sciences Research Council Act (Science and Technology Laws Amendment Act 2020)

The Amendment Act made internal governance amendments to [the Act](#).

Independent Communications Authority of South Africa (Advertising, infomercial and sponsorship)

The discussion document on the review of the Independent Broadcasting Authority (Advertising, infomercial and programme sponsorship) regulations is available from ICASA. Comment deadline 7 June 2021.

Note: The document explains the difference in ASASA content regulation and ICASA scheduling regulation; acknowledges the rapid evolution of the broadcasting sector; and the need to distinguish sponsorships from normal programming to protect against excessive and surreptitious advertising.

International Convention on Civil Liability for Pollution Damage (Consolidation)

[This Convention](#) is potentially relevant to the invitation gazetted for proposals on a possible contents page for a future consolidated marine pollution environment legislation (even though not specifically mentioned in that notice). Comment deadline 30 April 2021.

International Convention on Establishment of an International Fund for Compensation for Oil Pollution

[This Convention](#) is potentially relevant to the invitation gazetted for proposals on a possible contents page for a future consolidated marine pollution environment legislation (even though not specifically mentioned in that notice). Comment deadline 30 April 2021.

Labour Relations Act (Correctional services and courts)

[Correctional services essential designation](#) amended to exclude several services (eg finance and supply chain); and [courts essential designation](#) amended to exclude several services (eg cleaners).

Labour Relations Act (Nuclear services and optometry private health)

Notice gazetted on [possible variation of essential designations](#) relating to certain nuclear services, and to optometry private health.

Liquor Act (COVID-19)

[COVID-19 public transport directions](#) amended to confirm the transportation of liquor is allowed under adjusted level 1.

Local Government Municipal Electoral Act (Election Laws Amendment Bill)

The Bill proposes, [amongst others](#), providing that a mistake in the certified segment of the voters' roll or a final list of candidates does not invalidate that segment of the roll or list; and making the Electoral Code of Conduct binding on every party contesting an election and every candidate.

Long-term Insurance Act (Financial Sector Regulation Act)

The current gazetted date for the amendment to [section 1A](#) (relationship between Act and Financial Sector Regulation Act) is 1 April 2022.

Draft Marine Oil Pollution (Preparedness, Response and Cooperation) Bill (Consolidation)

Invitation gazetted for proposals on a possible contents page for a future consolidated marine pollution environment legislation, that will include consolidating this Draft Bill. Comment deadline 30 April 2021.

Note: The Draft Bill proposes, [amongst others](#), reducing and controlling the pollution of the marine environment by oil from ships, offshore installations, seaports and oil handling facilities.

Marine Pollution (Control and Civil Liability) Act (Consolidation)

Invitation gazetted for proposals on a possible contents page for a future consolidated marine pollution environment legislation, that will include consolidating [this Act](#). Comment deadline 30 April 2021.

Marine Pollution (Intervention) Act (Consolidation)

Invitation gazetted for proposals on a possible contents page for a future consolidated marine pollution environment legislation, that will include consolidating [this Act](#). Comment deadline 30 April 2021.

Marine Pollution (Prevention of Pollution from Ships Act (Consolidation)

Invitation gazetted for proposals on a possible contents page for a future consolidated marine pollution environment legislation, that will include consolidating [this Act](#). Comment deadline 30 April 2021.

Medical Schemes Act (Fees)

The [regulation 28](#) amount threshold for payments by medical schemes to brokers, for introduction and ongoing service or advice, is R101.91 plus VAT as from 1 January 2021.

Medicines and Related Substances Act (Dispensing fees)

The [dispensing fee](#) for persons licensed to compound and dispense medicines has been amended.

Merchandise Marks Act (Prohibited marks)

Draft [prohibition](#) gazetted for [2021 British and Irish Lions Rugby Tour logos and figures](#). Comment deadline 30 calendar days from 23 March 2021.

Merchant Shipping (Civil Liability Convention) Act (Consolidation)

Invitation gazetted for proposals on a possible contents page for a future consolidated marine pollution environment legislation, that will include consolidating [this Act](#). Comment deadline 30 April 2021.

Merchant Shipping (International Oil Pollution Compensation Fund) Act (Consolidation)

[This Act](#) is potentially relevant to the invitation gazetted for proposals on a possible contents page for a future consolidated marine pollution environment legislation (even though not specifically mentioned in that notice). Comment deadline 30 April 2021.

Merchant Shipping (International Oil Pollution Compensation Fund) Administration Act (Consolidation)

Invitation gazetted for proposals on a possible contents page for a future consolidated marine pollution environment legislation, that will include consolidating [this Act](#). Comment deadline 30 April 2021.

Merchant Shipping International Oil Pollution Compensation Fund Contributions Act (Consolidation)

[This Act](#) is potentially relevant to the invitation gazetted for proposals on a possible contents page for a future consolidated marine pollution environment legislation (even though not specifically mentioned in that notice). Comment deadline 30 April 2021.

Mutual Banks Act (Financial Sector Regulation Act)

The current gazetted date for amendments to [section 1A](#) (relationship between the Act and the Financial Sector Regulation Act), and [91](#) (regulations) is 1 April 2022.

National Environmental Management Biodiversity Act (COVID-19)

The COVID-19 directions ([for live biodiversity auctions](#)) amended to require that the number of persons who attend a live biodiversity auction may not exceed the maximum number of persons prescribed in the COVID-19 regulations as amended from time to time.

Note: Also see the COVID-19 directions ([for livestock auctions](#)).

National Environmental Management Waste Act (Extended producer responsibility)

Amendments proposed to the [extended producer responsibility](#) read with the schemes [for the electrical and electronic equipment sector](#); [for the lighting sector](#); and [for the paper and packaging sector \(and some single products\)](#), all set to commence 5 May 2021. Comment deadline 30 days from 19 March 2021.

Note: Existing producers of identified products will be required to register within 6 months from 5 May 2021, while producers of identified products established after 5 May 2021 have 3 months to register from establishment.

Further note: Producers of identified products will be required to take numerous measures, such as paying the extended producer responsibility fee to fund the scheme, conduct a life cycle assessment, collaborate on a transformation charter, and reporting to the SA waste information system.

Final note: Failure to comply is generally an offence punishable by a fine, imprisonment of up to 15 years, registration revocation and/or forced scheme participation - in some instances one may have to rely on the court to consider the principle that the punishment should be proportionate to the transgression.

National Health Act (COVID-19)

[COVID-19 health directions](#) regarding mortuaries, funeral undertakers, funerals, burials and cremation amended 19 March 2021.

National Health Act (Draft assisted conception of persons regulations)

The [draft regulations](#) propose regulating donated gametes from and for use in all in vitro fertilisation procedures on living persons performed in an in vitro fertilisation clinic. Comment deadline 3 months from 25 March 2021.

National Land Transport Act (Integrated land fare systems regulations)

The draft amendments to the regulations propose, [amongst others](#), revising the requirements for automated fare collection system implementation in public transport. Comment deadline 30 days from 12 March 2021.

National Nuclear Regulator Act (Long-term operations)

Regulations gazetted on the [long-term operations of nuclear installations](#) beyond an established timeframe defined in the respective nuclear installation licence or current licensing basis.

National Railway Safety Regulator Act (Railway Safety Bill)

The Bill proposes repealing [this Act](#).

National Regulator for Compulsory Specifications Act (Cement)

The [draft compulsory specification for cement](#) proposes requirements for the manufacture, marking, properties and performance of cement, intended for construction use, irrespective of whether distributed in bulk or bagged form. Comment deadline 2 months from 15 March 2021.

Occupational Diseases in Mines Act (Benefits and levies)

The [section 80 benefits](#) and [levies payable by controlled mines and works](#) were amended as from 1 April 2021.

Pension Funds Act (Financial Sector Regulation Act)

The current gazetted date for amendments to [section 1A](#) (relationship between Act and Financial Sector Regulation Act) and [chapter 5A](#) (consideration and adjudication of complaints) is 1 April 2022.

Petroleum Products Act (Mandatory blending of biofuels with petrol and diesel)

The draft amendments to the mandatory blending of biofuels with petrol and diesel [propose](#) redefining bio-ethanol and biodiesel. Comment deadline 60 calendar days from 12 March 2021.

Petroleum Products Act (Standards and specifications)

A [proposed revision of the specifications and standards](#) regulations has been gazetted. Comment deadline 60 calendar days from 12 March 2021.

Political Party Funding Act (Commencement)

Reminder that [the Act](#) (including prohibited donations, disclosure of donations and information, accounting, payment suspension, recovery of irregular amounts, and schedule 2 regulations) and [regulations](#) (including request not to disclose, accounting officer duties and offence amounts) commence 1 April 2021.

Note: Prohibited donations provisions will spell out that a political party may not accept a donation that it knows or ought reasonably to have known, or suspected, originates from the proceeds of crime and must report that

knowledge or suspicion to the Commission, even though the prohibition is already an expectation in terms of several common law and statutory laws.

Postal Services Act (Price cap regulations)

The March 2021 draft amendments to the [price cap regulations for reserved postal services](#) will be incorporated into CG in due course.

Promotion of Equality and Prevention of Unfair Discrimination Act (Draft Amendment Bill)

Notice given of draft amendments to [the Act](#) but the link provided in the notice does not show the draft amendment bill yet - the bill will be incorporated once available. Comment deadline 30 working days from 26 March 2021.

Railway Safety Bill

The Bill proposes, [amongst others](#), monitoring and enforcement of safety in railway and railway operations, including safe transport of dangerous goods, through measures such as guidelines, safety permits (subject to conditions), safety critical grade licences, registration of training institutions, and railway safety standards.

Note: Provision will be made for protection of information in an application for a safety permit, for routine compliance inspections (with a duty to assist a railway safety inspector), and for vicarious liability of employers and liability for failure by directors to take reasonable steps to prevent a company offence.

Further note: An operator must, as soon as practicable after a railway occurrence, secure the scene, generally prevent movement of rolling stock or infrastructure that has a bearing on the occurrence, record the names and contact details of persons who may provide information, and report the occurrence.

Final note: A person in control of the scene of a railway occurrence that is the subject of an investigation must allow the investigator to remove any pointed out articles or objects, to inspect and copy requested documents, and to receive any requested information under that person's control.

Rental Housing Act (Draft rental housing regulations)

The [draft rental housing regulations](#) propose regulating matters relating to serving and filing of complaints; mediation; dispute hearings (including orders regarding disclosure of relevant documents); rulings; appeals;

conduct of members of tribunal and of appeal adjudicators; and norms and standards. Comment deadline 60 days from 26 March 2021.

Note: The norms and standards (terms and conditions, safety, and basic living conditions) are [based on](#) amendments to be made by the Amendment Act 2014, which Act amendments also reference overcrowding, affordability, amount escalation, and maximum rate of deposits methods - the latter four proposed norms and standards are listed in the draft regulation index but do not appear in the draft regulation text.

Further note: The draft regulations propose, [amongst others](#), that a lease agreement must exclude any provision which imposes a penalty for late payment of rent whether or not the penalty takes the form of an administrative charge or any other form other than interest.

Final note: The draft regulations propose, [amongst others](#), that a tenant must comply with the House Rules (rules in relation to the control, management, administration, use and enjoyment of the rental housing property), which will be enforceable pursuant to these regulations.

Scientific Research Council Act (Science and Technology Laws Amendment Act 2020)

The Amendment Act made internal governance amendments to [the Act](#).

Short-term Insurance Act (Financial Sector Regulation Act)

The current gazetted date for the amendment to [section 1A](#) (relationship between Act and Financial Sector Regulation Act) is 1 April 2022.

Skills Development Act (Artisans)

A [commencement date](#) must still be gazetted for the register of artisans regulations that will require, [amongst others](#), registration of [already qualified artisans](#) within 3 years from the commencement date; and registration of [foreign national artisans](#) before applying for a critical skills visa.

Note: Newly qualified artisans will automatically be registered when their trade test certificate is issued.

Further note: [Listed trades](#) include, inter alia, Chef, Butcher, Hairdresser, Bricklayer, Mason, Carpenter, Joiner, Tiler, Plasterer, Glazier, Plumber, Gas, Panelbeater, Mechanic, Painter, Moulder, Welder, Fitter, Locksmith, Blacksmith, Gunsmith, Goldsmith, Electrician, Technician, Boatbuilder, and Engraver.

Social Assistance Act (Inspectorate)

Chapter 4 (Inspectorate for social assistance) commences on 1 April 2021.

South African National Space Agency Act (Science and Technology Laws Amendment Act 2020)

The Amendment Act made internal governance amendments to [the Act](#).

South African Postbank Limited Act (Draft Amendment Bill 2021)

The Draft Bill proposes, [amongst others](#), internal governance changes and that the Postbank is meant to act as the delivery arm of government to effectively deliver financial and payment services to citizens, and that a bank controlling company will exercise additional oversight over the bank.

Comment deadline 30 calendar days from 12 March 2021.

Note: The operations of the bank controlling company will consist primarily of a compliance, risk management and the governance functions.

Standards Act

New, proposed, amended, and withdrawn [standards](#) have been gazetted for 12 and 19 March 2021.

Technology Innovation Act (Science and Technology Laws Amendment Act 2020)

The Amendment Act made internal governance amendments to [the Act](#).

Traditional and Khoi-San Leadership Act (Commencement)

Reminder that the [Act](#), and its guiding principles will commence 1 April 2021.

Note: The guiding principles include a duty on traditional and Khoi-San leaders to transform and adapt customary law and customs to comply with the relevant principles of the Bill of Rights; to refrain from using allocated resources to promote or prejudice the interest of any political party; and to only use allocated resources for the purposes of the functions, duties and responsibilities created by the Act.

Value-added Tax Act (Taxation Laws Amendment Act 2020)

Reminder that the Amendment Act will on 1 April 2021 amend [section 1](#) (enterprise); [sections 8 and 11](#) (transactions under corporate reorganisation); [10](#) (superannuation); [11](#) (telecommunications services, certain cross-border leases); [15](#) (allow vendors deemed suppliers for foreign electronic services to apply to register for VAT on the payments basis); and [22](#) (clarify VAT treatment of irrecoverable debts).



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