

The Contemporary Gazette

relevant new legislation for your business



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This Update

This newsletter overviews new relevant National laws up to **23rd April 2021**.

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Index



General

1. [Notable one liners](#)



General

1. NOTABLE ONE LINERS

Commissions Act (State capture)

Due date for [inquiry into allegations of state capture, corruption and fraud](#) report 3 months from 31 March.

Competition Act (COVID-19)

[Impact assessment on COVID-19 response](#) notification gazetted, based on [block exemptions](#) and anti-price gouging regulations ([consumer and customer protection and disaster management](#) and [Competition Tribunal rules for COVID-19 excessive pricing complaints](#)).

Competition Act (Online intermediation platforms)

[Market inquiry launched into online intermediation platforms](#) focusing on intermediate transactions between business users and consumers, including the generation of transactions leads.

Note: Defines online intermediation services as including ecommerce marketplaces, software application stores and intermediated services such as accommodation, travel, transport and food delivery.

Further note: Mentions ecommerce marketplaces; online classifieds; travel and accommodation aggregators; short term accommodation intermediation; food delivery; application stores; and 'other platforms identified in the course of the inquiry'.

Competition Act (Passenger transport)

[Land based public passenger transport market inquiry](#) summary and findings gazetted.

Competition Act (Sugar)

The [draft guidelines](#) on local procurement in the implementation of the SA value chain sugarcane master plan to 2030 aim to give guidance on how to collaborate in implementing local procurement commitments without raising competition concerns. Comment deadline 7 June 2021.

Note: Proposals include no sharing of competitively sensitive-information (as defined) or disaggregated information (as defined) among users in the collective discussions on industry local procurement targets.

Further note: The draft guidelines state market participants may approach the commission for guidance if they are uncertain whether collaboration on increasing local procurement may contravene the Act.

Final note: Also keep in mind the [special approach taken to confidential information](#) by this Act.

Customs and Excise Act (Validity of entries)

[Section 40](#) will be amended on 1 June 2021.

Disaster Management Act (COVID-19)

The [COVID-19 vaccine injury no-fault compensation scheme](#) aims to give expeditious and easy access to compensation for harm, loss or damage due to a [regulation 93\(3\)](#) and [\(4\)\(a\)](#) vaccine injury caused by the administration of a [regulation 93\(4\)\(b\)](#) vaccine, at a [regulation 93\(4\)\(c\)](#) facility (Claims).

Note: Details will be determined by later directions covering, for example, manner of reporting injuries; accounting by a service provider performing administrative functions; level of financial oversight; specific vaccines to be covered; types of claims that may be made; and quantum and structure of compensation.

Further note: A person who chooses to submit a claim to the scheme waives and abandons the right to legal proceedings in a court against any party for a Claim; and any decision of the appeal panel is final and binding unless a party seeks to review the decision in terms of the Promotion of Administrative Justice Act.

Further note: Vaccine injuries covered by the scheme are severe injuries resulting in significant injury; serious harm to health; other serious damage or death, as specified in directions to be issued.

Final note: The scheme will only end once the period for claim lodgment expired, and all lodged claims are finalised.

Disaster Management Act (COVID-19)

[Declaration of state of disaster](#) 11th extension to 15 May 2021 "taking into account the need to continue augmenting the existing legislation and contingency arrangements undertaken by organs of state".

Electricity Regulator Act (Exemptions)

Amendments proposed to [schedule 2](#) (exemption from obligation to hold a licence). Comment deadline 30 days from 23 April 2021.

Electricity Regulation Act (Regulator funding)

[Levy on electricity generated for supply by licensed electricity generators](#) (1 April 2021 to 31 March 2022) gazetted.

Electronic Communications Act (Digital sound broadcasting)

The digital sound broadcasting regulations, [amongst others](#), sets standards; and require that a sound broadcasting service licensee must approach the multi-channel distributor with its existing licence for confirmation of availability of capacity, and may not add a channel until authorised on application.

Note: ICASA will issue an invitation to apply for a RF spectrum licence to applicants who hold an ECNS licence and intend to be a multi-channel distributor.

Financial Advisory and Intermediary Services Act (Medical schemes brokers)

FAIS communication 6 of 2021, available from the FSCA, gives guidance to financial services providers, key individuals, representatives and compliance officers regarding the qualification requirements for Council for Medical Schemes accreditation.

Gas Act (Amendment Bill)

The amendment bill will be introduced to Parliament to [overhaul](#) the Act, including allowing the Energy Regulator, subject to [exclusions](#) decided by the Minister, to impose [licences](#) to trade in gas or construct or operate a gas transmission, facility, facility, liquefaction or re-gasification facility or to convert to a facility; any [license condition](#) it feels required to fulfill the [objects](#); and tariffs and [maximum prices](#).

Note: The Bill also proposes [expropriation](#) amendments, [transitional provisions](#), and that all [customers](#) in a distribution area for which a licensee is given [exclusivity](#) (other than eligible customers, reticulators and customers of reticulators), must purchase their gas from the relevant licensee.

Further note: From enactment and commencement of the Bill, a determination or exemption will be required to construct or operate a new transmission or regasification facility, or expand an existing facility.

Final note: The [Promotion of Administrative Justice Act](#) and [Promotion of Access to Information Act](#) appear in the Bill, and a procurer of gas facilities or services may pursuant to a determination request [indicative licence conditions or methodologies](#) that must be applied by the Regulator at the licensing stage.

Long-term Insurance Act (Health policies)

Treasury has determined the [annual policy benefit escalation for contracts identified as health policies](#).

Matrimonial Property Act (Change of system)

The Constitutional Court (CCT23/20) found section 21(2)(a) invalid to the extent it perpetuates the section 22(6) of the Black Administration Act 1927 discrimination - maintaining the default position of marriages of black couples under that Act before the 1988 amendment as automatically out of community of property.

Note: Subject to the [conditions of the order](#) all marriages of black persons that are out of community of property and were concluded under section 22(6) of the Black Administration Act before the 1988 amendment are, save for those couples who opt for out of community, declared marriages in community.

Medical Schemes Act (Levies)

[Medical scheme levy](#) 2021/22 gazetted, and will be adjusted once approval is received.

Medical Schemes Act (Undesirable practices)

Certain selection practices involving choosing designated service providers without following a fair procurement process; and certain co-payment practices that are unfair to members or beneficiaries or otherwise not numerically justified, have been [declared undesirable](#).

Note: Guidelines on the declarations will be published within 180 days from 23 April 2021.

National Environmental Management Act (Financial provisioning regulations)

Extension, to 19 June 2022, proposed for the [transitional period](#) for the financial provision for prospecting, exploration, mining or production operations [regulations](#). Comment deadline 30 days from 22 April 2021.

National Road Traffic Act (Professional driving permits)

Draft regulations proposes that the authority provided by a professional driving permit issued in a foreign country shall apply in respect of a vehicle registered in the country that issued any such permit, and that such a permit shall not apply to a vehicle registered in SA. Comment deadline 30 days from 23 April 2021.

Preservation and Development of Agricultural Land Bill

The Bill proposes, amongst others, activities which may not commence on agricultural land without an agro-ecosystem authorisation (Authorisation); agricultural areas in which listed activities may not commence without an authorisation; and activities that must comply with prescribed norms and standards.

Note: Norms and standards must be informed by, amongst others, soil, rangeland and land use surveys; land capability, land suitability and agricultural potential assessments; and impact assessments.

Further note: The Bill also proposes warrantless compliance inspections without reference to legal privilege; contravention directives related to agro-ecosystem authorisations; and data gathering.

Final note: 10 offences are proposed, such as contravening protected agricultural area restrictions; starting a listed activity without authorisation; non-compliance with an authorisation condition or an inspector 'request'; and unlawfully and negligently detrimentally affecting agricultural land.

Promotion of Access to Information Act (Draft regulations)

The Department of Justice and Constitutional Development will make draft regulations, that dovetail with the protection of personal information regulations, available for comment. Comment deadline 17 May.

Protection of Personal Information Act (Codes of conduct)

Draft Credit Bureau Association code of conduct available from the Information Regulator; and proposes how personal information will be processed in the credit sector in compliance with this Act and the National Credit Act. Comment deadline 14 days from 16 April 2021.

Note: The guidelines to develop a code state, inter alia, that a review or revocation may be triggered if the Regulator becomes aware of a change in industry practice, technology or expectations of affected persons that may impact the effective operation of a code; or of the lack of compliance with a code.

Protection of Personal Information Act (Information officers)

Reminder that [regulation 4](#), which adds to the section 55 information officer duties, commences 1 May 2021, while regulation 5 commenced 1 March 2021, and the remainder of the [regulations](#) commence 1 July 2021.

Note: Regulation 4 requires compliance framework and PAIA manual (where relevant) maintenance; prescribed personal information impact assessments; and internal processing and awareness measures.

Short-term Insurance Act (Accident and health policies)

Treasury has determined the [annual policy benefit escalation for contracts identified as accident and health policies](#).

South African Schools Act (COVID-19)

[COVID-19 schools directions](#) regarding sport and extracurricular activities revised 23 April 2021.

Special Investigating Units and Special Tribunals Act (Central Johannesburg College)

Investigation launched into the [activities of the Central Johannesburg Technical and Vocational Education and Training College](#), relating to the administration and disbursement of bursary and allowance funding received from the National Student Financial Aid Scheme and the Wholesale and Retail SETA.

Special Investigating Units and Special Tribunals Act (Gauteng DARD and Ekurhuleni municipality)

Investigation launched into the [activities of the Gauteng Department of Agriculture and Rural Development and the Ekurhuleni Metropolitan Municipality](#), relating to portable three-wheel motorised waste collection.

Note: Also see [past municipality investigations](#).

Subdivision of Agricultural Land Act (Preservation and Development of Agricultural Land Bill)

The Bill proposes amending the [Subdivision of Agricultural Land Repeal Act](#) so that, when that repeal Act commences, a Subdivision of Agricultural Land Act application or process not yet decided or otherwise disposed of, must be finalised under the Subdivision of Agricultural Land Act.

Note: Any consent granted or deemed granted under the Subdivision of Agricultural Land Act, is to remain valid for the specified period or if not specified, for 5 years from enactment and commencement of the Bill.

Unemployment Insurance Act (COVID-19)

[COVID-19 temporary employee/employer relief scheme directions](#) application for benefits revised.

Note: The directions are deemed active 16 October 2020 to 15 March 2021.

Further note: Benefits are delinked from normal benefits and requirements; and are for listed employers and their employees declared as unemployment insurance contributors, and fully paid for as such.



[Back to index](#)

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