



The Contemporary Gazette

relevant new legislation for your business



Legal Update

Volume 16 Issue 18, 18 October 2021

This Update

This newsletter overviews new relevant National laws up to **15th October 2021**.

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Safety

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Safety

1. PRIVATE SECURITY INDUSTRY REGULATION ACT (AMENDMENT ACT)

Note: The content of the Amendment Act is also noteworthy to companies outside the security sector, as it has become a baseline necessity for many SA companies to have security measures in place.

Related laws: The [Occupational Health and Safety Act](#); the [Performing Animals Protection Act](#); the [Financial Advisory and Intermediary Services Act](#) (code of conduct custody of financial products and funds); the [Consumer Protection Act](#) (supplier accountability to consumers); the [Sectional Titles Schemes Management Act](#); the [Community Schemes Ombud Service Act](#); the [Housing Development Schemes for Retired Persons Act](#); the [Firearms Control Act](#); the [Cybercrimes Act](#) (not commenced); the [Protection of Personal Information Act](#) security safeguard provisions; the [Promotion of Access to Information Act](#) rights of refusal (including mandatory protection of safety of individuals, and protection of property); the [Trespass Act](#); the [Intimidation Act](#); the [Prevention of Public Violence and Intimidation Act](#); the [Riotous Assemblies Act](#); and more...

Once a commencement date has been gazetted, the Amendment Act will, **amongst others**, amend:

- (i) **Key definitions:** See locksmith (including apprentice); security business; security officer; and security services (including handling listed devices or safeguarding cash or goods with a high value);
- (ii) **Registration:** A security business may only use services of person registered to give a security service;
- (iii) **Control:** Exemptions allowed from having every executive and manager registered;
- (iv) **Ownership:** A security business must be 51 percent owned and controlled by SA citizens (or such other percentage as the minister may decide from time to time for a category);

Note: If the ownership requirements are actually commenced, and not simply left uncommenced while the rest of the Act is commenced, then it may be contrary to international arrangements, impractical with regards to shares held on a public exchange, and contrary to the [Constitutional limitation of rights](#).

Final note: Limitations on ownership, especially general vague powers given to the Minister, could be tested against, amongst others, the [Constitutional right to economic activity](#), the [Constitutional right to property](#),

the Constitutional balancing of rights, the Constitutional interpretation of rights and the Constitutional application of rights.

(v) **Exemptions:** Minister may exempt any service, activity, practice, equipment, person or entity from any provision of the law, as long as it does not prejudice the achievement of the objects of this Act;

Note: Looking after the interests of the industry will be removed from the objects of the Authority.

(vi) **Security categories:** 11 categories, with room for additions, for registration of a security business;

(vii) **Registration requirements:** Amending application; renewal; training per category; lapsing; suspension; and withdrawal;

Note: The Promotion of Administrative Justice Act will also apply to conditions or considerations relating to application, renewal and requirements, even if not specifically mentioned in these areas.

(viii) **Private dwellings:** Constitutionally correct principle that an **inspection of private dwellings** may only be carried out when authorised by a warrant issued by a competent court;

(ix) **Regulations:** Prescribing infrastructure and capacity requirements; insignia, emblem, title or symbol guidelines; information when rendering a security service outside SA (also see section 36A); and minimum standards for national key points and for safe transportation of cash or goods with a high value; and

(x) **Table of offences:** Adding the **Prohibition of Mercenary Activities and Regulation of Certain Activities in Country of Armed Conflict Act**; the **Regulation of Interception of Communications and Provision of Communication-related Information Act**; the **Prevention and Combating of Trafficking in Persons Act**; the **Prevention and Combating of Torture of Persons Act**; the **Implementation of the Rome Statute of the International Criminal Court Act**; and the **Explosives Act**.



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General

2. NOTABLE ONE LINERS

[Compensation for Occupational Injuries and Diseases Act \(Withdrawal of notice\)](#)

The notice regarding verification of bank account details before payment of claims and claims related expenses (for medical claims, compensation claims, and compensation pensions), that required impacted parties to update their banking details in line with the notice by 30 September 2021, has been withdrawn.

[Disaster Management Act \(COVID-19\)](#)

[COVID-19 regulations](#) adjusted level 1 amended (attendance of any sporting event by spectators allowed as from 11 October 2021, subject to limitations).

[Disaster Management Act \(COVID-19\)](#)

[COVID-19 state of disaster declaration](#) 16th extension to 15 November 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".

[Electricity Regulation Act \(Exemption from licence obligation\)](#)

[Schedule 2](#) substituted to include parts inadvertently left out in a previous correction notice.

[Electronic Communications Act \(Municipal party election broadcasts\)](#)

The principles regarding party election broadcasts, within the [municipal party elections broadcasts and political advertisements regulations](#), have been amended and corrected.

[Financial Sector Regulation Act \(Financial institution profiles\)](#)

Information request 2 of 2021 (request for information related to profiles of licensed financial institutions, to be provided before 15 December 2021), available from the FSCA.

Reminder: The Act defines licence as including a written licence, registration, approval, recognition, permission, consent or any other authorisation in terms of a financial sector law, however it is described in that law, to provide a financial product, financial service or a market infrastructure.

Local Government Municipal Structures Act (Municipal Structures Amendment Act 2021)

The Amendment Act 2021 will, from 1 November 2021, [enhance](#) municipal elections, Act implementation, and governance by, amongst others, introducing a [Code of Conduct for Councillors](#), and a [Municipal Public Accounts Committee](#).

Local Government Municipal Systems Act (Municipal Structures Amendment Act 2021)

The Municipal Structures Amendment Act 2021 repealed [public notice of meetings of municipal councils](#); the [code of conduct for councillors](#) section; and the [code of conduct for councillors](#) schedule from 1 November 2021.

Draft National Council on Gender Based Violence and Femicide Bill (Establishment of a council)

The [Draft Bill](#) proposes, amongst others, a council to develop an action plan, ensure resources are equitably distributed, develop education and training, encourage co-ordination, facilitate strategic partnerships, source and administer funds, and manage a national fund. No provision is made for comments in the draft bill.

Note: Related laws to consider may include, amongst others, the [Children's Act](#); the [Commission for Gender Equality Act](#); the [Criminal Law \(S Offences and Related Matters\) Amendment Act](#); the [Criminal Procedure Act](#); the [Domestic Violence Act](#); the [Employment Equity Act](#); the [Films and Publications Act](#); the [Health Professions Act](#); the [Mental Health Care Act](#); the [Occupational Health and Safety Act](#); the [Older Persons Act](#); the [Prevention and Combatting of Trafficking in Persons Act](#); the [Prevention and Combatting of Torture of Persons Act](#); the [Promotion of Equality and Prevention of Unfair Discrimination Act](#); the [Social Service Professions Act](#); the [South African Human Rights Commission Act](#); and the [S Offences Act](#).

National Environmental Management Biodiversity Act (Black rhino, elephant, and leopard)

Draft hunting/export quota for elephant, black rhinoceros and leopard hunting for 2021 calendar year available from the Department. Comment deadline 30 days from 8 October 2021.

[National Environmental Management Waste Act \(Packaging guidelines\)](#)

Draft packaging guideline (recyclability by design for packaging and paper in South Africa) available from the Department. Comment deadline 30 days from 6 October 2021.

[Non-profit Organisations Act \(Draft Amendment Bill 2021\)](#)

The Draft Amendment Bill 2021 proposes, [amongst others](#), reference updates; facilitating voluntary registration of nonprofit organisations and compulsory registration for foreign organisations operating within SA; and prescribing accounting records and reports.

Note: Despite the above facilitation statement an incomplete proposed amendment in section 12 (requirements for registration) reads that "any nonprofit organisation, including foreign nonprofit organisations that intend to operate business within the Republic must be registered in terms of this Act before operate and shall be subjected to the provisions of this Act and any other laws of..."

[Safety at Sports and Recreational Events Act \(COVID-19\)](#)

[COVID-19 activities and events directions](#) amended to reflect the current adjusted alert level 1 regulations.

[Social Assistance Act \(COVID-19\)](#)

[COVID-19 social relief of distress grant, centres and older persons residence directions](#) amended.

[Value-added Tax Act \(Valuable metals\)](#)

The [draft regulations on domestic reverse charge relating to valuable metals](#) propose, amongst others, additional invoice, note and reporting requirements; re-validation of VAT registration status; and 1 month grace to become compliant for affected vendors (from the planned 1 January 2022 commencement date). Comment deadline 6 November 2021.



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