

The Contemporary Gazette

relevant new legislation for your business



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This Update

This newsletter overviews new relevant National laws up to **8th April 2022**.

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General

1. NOTABLE ONE LINERS

Agricultural Pests Act: Control measures for regulated pests

[Prohibitions](#) (relating to keeping and moving listed regulated pests; keeping, planting or cultivating listed plants; and removal of listed plants) amended.

Reminder: The measures place notification duties on users of land; and requires destruction of regulated articles in certain instances.

Banks Act: Regulations

Amendments made (credit risk quarterly return; quarterly consolidated return; monthly return concerning capital adequacy and leverage; definitions; and forms 600, 610 and 700) - available from National Treasury.

Disaster Management Act: COVID-19 🇿🇦

Classification of COVID-19 pandemic as a national disaster [revoked](#); COVID-19 declaration ended subject to 30-day [transitional measures](#); and the [OHS code of practice](#) begins when the disaster declaration ends.

Note: The transitional measures references in the [COVID-19 regulations](#) (public places, gatherings, borders, transitional provisions, and COVID-19 vaccine injury no-fault compensation scheme and [directions](#) were also amended.

Further note: The [COVID-19 contact tracing regulation](#) that was terminated with the other COVID-19 regulations stated the info on that database would be de-identified or destroyed, and persons traced by location and movements without their knowledge would be informed, within 6 weeks after the declared disaster ended.

Final note: Related laws include, amongst others, the [National Health Act](#) draft regulations; the OHS [regulations for hazardous biological agents](#); the COIDA [compensation for covid-19 vaccination side-effects](#); the [norms and standards for the tourism sector](#); and the [Disaster Management Tax Relief Administration Act](#).

Electronic Communications Act: Draft advertising, infomercials and programme sponsorships regulations

The draft regulations proposes, [amongst others](#), that a television and sound broadcasting service licensee must comply with the Advertising Standards Authority of SA code of advertising practice. Comment by 1 June 2022.

Note: Proposes that a licensee who transmits a programme competition, branded promotional spot, branded filler material, self-promotion promo or sponsorship element in the form of the on-air depiction of, or referral to, any brand, product or name, must ensure the primary purpose of the broadcast is to promote the licensee or the programme concerned, rather than the commercial interests of the person, product or service referred to in the course of such transmission.

Further note: Proposes infomercial requirements that will not apply to a dedicated infomercial channel.

Final note: Proposes programme sponsorship requirements such as product placement prohibited in news and current affairs; and product placement in other programming to be subordinate to the content of the programme material.

Electronic Communications Act: Call termination regulations

Findings document, on the review of pro-competitive remedies imposed on licensees by the [call termination regulations](#), available from ICASA.

Electronic Communications Act: End-user and subscriber service charter

Amendments proposed to the [charter regulations](#) (voice and SMS; data services; educating end-users on cybersecurity and on protecting personal information; and quality of 3G and 4G services). Comment within 30 working days from 31 March.

Note: Proposals include that unused voice and SMS services or unused data and data services from prepaid or post-paid channels must not expire within 6 months, except for promotional packages.

Further note: Proposals include that ICASA may order consumer alerts from licensees on issues ICASA feels necessary to protect end-users, such as fraudulent SIM swaps or number porting, and state of disaster or emergency notifications.

Final note: Proposals include that a licensee must give ICASA access to collect raw network performance data from the licensee platforms by an appropriate means of monitoring, including but not limited to, software and/or hardware application.

Electronic Communications Act: Equipment authorisation regulations

The [regulations](#), for the authorisation of electronic communications equipment, electronic communications facilities and subscriber equipment (Equipment), will commence on a date to be determined by ICASA.

Note: Table 1 lists equipment categories to be excluded, while table 2 lists equipment that may be exempted.

Further note: Table 3 sets out equipment types and conformity assessments.

Final note: It will be an offence to offer for sale or to possess, with the intention to sell, unauthorised Equipment; and an offence to affix a mark of compliance to any unauthorised Equipment.

Electronic Communications Act: Fees

Fees amended (licence [administrative](#); [radio frequency spectrum](#); [type approval](#)).

Electronic Communications Act: Sound broadcasting

Discussion on optimizing frequency modulation sound broadcasting available from ICASA.

Electronic Communications Act: Television must-carry regulations

[Regulations](#) amended to make public and subscription broadcasting licensees negotiate the imposed carriage of public broadcasting channels; and to regulate the 'negotiation of commercially agreeable terms'.

Note: Existing arrangements between licensees continue to apply until the parties concluded the commercial agreement.

Extradition Act: United Arab Emirates

Extradition treaty with UAE available from the Department of Justice and Correctional Services.

Financial Sector Regulation Act: Levies

The amendment to [chapter 16](#) (fees, levies and finances) and [section 302](#) (levy) has been changed to a date to be determined.

Note: Commencement dates for related amendments in financial laws (that can be found in the financial library on CG) were also changed to a date to be determined.

Hazardous Substances Act: Industrial substances

[Draft updated declaration of Group 1 Category A hazardous substances](#), with paragraph 3 exclusions, that must comply with the [group 1 hazardous substances regulations](#). Comment within 3 months from 25 March 2022.

Note: References certain industrial substances listed in Annexure 3 of the Rotterdam Convention with allowed uses; and certain mercury and mercury compounds for allowed for uses as prescribed in the Minamata Convention.

Further note: Also references certain industrial substances or mixture of substances, products or materials listed as harmonised in the ECHA classification and labelling inventory and classified according to the hazard classification prescribed in the latest version of the UN Globally Harmonized System of Classification and Labelling of Chemicals – GHS Purple Book.

Final note: The sale of mercury and mercury compounds for primary mercury mining and for use in artisanal and small-scale gold mining will be prohibited, subject to regulation 3(i) of the group 1 regulations.

Hazardous Substances Act: Pesticides

[Draft updated declaration of Group 1 Category B hazardous substances](#), with paragraph 2(4) exclusions, that must comply with the [group 1 hazardous substances regulations](#). Comment within 3 months from 25 March 2022.

Note: References all pesticides substances listed in Annexure 3 of the Rotterdam Convention; with an importation consent granted by the designated national authority of the Convention and/or with approved registration in terms of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act.

Further note: Also references certain pesticides substances listed in Part 1 Annexure B of the Stockholm Convention.

Final note: Also references all pesticides or agricultural remedies classified and registered under the red hazard colour code and/or as restricted in terms of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act.

Magistrates Act: Draft repeal

The Draft Magistrates Bill 2022 proposes repealing [this Act](#).

Draft Magistrates Bill

The Draft Bill proposes [revisiting](#) magistrates appointment, conditions of service, remuneration, removal, and powers and duties provisions; and Commission size, objects, powers and remuneration provisions. Comment by 29 April 2022

Note: The Draft Bill references laws not currently available (a Lower Courts Bill; a future code of conduct; and future regulation on when a magistrate may be found to be suffering from an incapacity, grossly incompetent, or guilty of gross misconduct).

Further note: The Draft Bill also proposes that a magistrate may not perform paid work outside his or her duties of office; and must disclose all his or her registrable interests and those of his or her immediate family members, as prescribed.

Medical Schemes Act: Levies

[Medical scheme levy](#) gazetted for the 2022/23 levy year.

Merchandise Marks Act: Border Management Authority

The prohibition relating to the BMA logo is available from the Department.

Note: Also see the [list of prohibitions](#).

Mineral and Petroleum Resources Development Act

Mine community resettlement guidelines, and artisanal and small-scale mining policy, available from the Department.

National Environmental Management Waste Act: Extended producer responsibility

Draft extended producer responsibility schemes gazetted for the [lubricant oil](#), [pesticide](#), and [portable battery](#) sectors to be applied with the [extended producer responsibility regulations](#). Comment deadline 30 days from 30 March 2022.

Note: Lubricant oil is defined as virgin and re-refined mineral and synthetically based lubricants, with or without additives used for lubrication within heat transfer, load transfer, insulation or other application (unless excluded by paragraph 4(2)).

Further note: Pesticide is any chemical substance or biological remedy, or mixture or combination of any substance or remedy meant or offered for the destruction, control, repelling, attraction or prevention of undesired microbe, alga, nematode, fungus, insect, plant, vertebrate, invertebrate, or any product thereof; or as plant growth regulator, defoliant, desiccant or legume inoculant, and anything declared an [agricultural remedy](#).

Further note: Pesticide excludes any chemical substance, biological remedy or other remedy in so far as it is regulated by the [Medicines and Related Substances Act](#).

Further note: Portable battery is defined as a battery that is sealed, can be hand-carried, and is not an automotive or industrial battery - paragraph 4 references alkaline/zinc carbon; primary (single use) lithium; nickel metal hydride; silver oxide ; and zinc air/air depolarised batteries.

National Environmental Management Waste Act: Organic waste treatment

The [norms and standards](#) apply, in addition to other laws, to any organic waste treatment facility that can process more than 10 tonnes of organic waste per day, unless an activity is specifically excluded by paragraph 3.

Note: Defines organic waste as waste of biological origin which can be broken down, in a reasonable amount of time, into its base compounds by micro-organisms and other living things; and defines 3 categories of organic waste.

Further note: Amendments relating to organic waste treatment (other than composting) in the [list of waste management activities likely to have a detrimental effect](#), also commenced when the norms and standards commenced.

Final note: A date of commencement must still be gazetted for the [norms and standards for organic waste composting](#) for facilities that can process compostable organic waste above 10 tonnes per day.

National Road Traffic Act: COVID-19

[COVID-19 drivers directions](#) (learner licences, driving licence cards, temporary driving licences and professional driving permits that expire from 26 March 2020 up to and including 31 August 2021 deemed valid until 15 April 2022) amended.

Political Party Funding Act: Regulations

[Regulations](#) amended to require that political parties submit donation disclosures (Donation Disclosures) within 1 calendar month after the end of each quarter; and to update references for false information, declarations or false declarations.

Note: The Commission must now publish the Donation Disclosures received within 1 calendar month of the regulation 7(3) closing date.

Further note: Donors that exceed the threshold must now make disclosure within 1 calendar month after the end of the quarter within which the donation/aggregate donations exceeds the disclosure threshold.

Final note: The accounting officer must inform the Commission within 1 calendar month of any change in respect of any prescribed details.

Public Service Act

[KwaZulu-Natal provincial departments](#) amended 6 April 2022.

Draft Radioactive Waste Management Fund Bill

The Draft Bill proposes, [amongst others](#), applying to high-level radioactive waste; and for a waste generator to contribute funds towards long-term radioactive waste management (with a limited penalty for non-compliance). Comment by 20 May.

Note: The Draft Bill only proposes that a trustee may (not must) be removed for failure to disclose an interest, but also clearly states the relevant proceedings of the board will be null and void.

Further note: The Draft Bill proposes the board must ensure the Fund keeps proper records relating to its administration, including all financial transactions, assets, and liabilities - the Bill probably meant to reference the Auditing Profession Act.

Final note: The Draft Bill proposes the board must ensure receipt of funds payable by waste generators into the Fund's bank account and reconcile the payments against amount due.

Standards Act

New, proposed, amended, and withdrawn [standards](#) gazetted for 8 April 2022.



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