

The Contemporary Gazette

relevant new legislation for your business



Legal Update Volume 17 Issue 10, 30 May 2022

This Update

This newsletter overviews new relevant National laws up to **27th May 2022**.

Log-in to www.gazette.co.za, peruse the list and follow the hyperlinks to laws that interest you.

Please note that you can keep up to date, in-between newsletters, by visiting latest updates.

Log-in details for SAICA members

To access www.gazette.co.za please use the following details:

- log-in name **in small letters**: saica + your SAICA membership number (e.g. saica01234567); and
- password : Your SAICA membership number (e.g. 01234567).

Please do not hesitate to contact us should you have any queries or comments.

Index



General

1. Notable one-liners



General

1. NOTABLE ONE LINERS

Civil Aviation Act: Amendment Act 2021

Once a commencement date is gazetted, the Amendment Act will, [amongst others](#), redefine the establishment of an aircraft accident and incident investigation authority; include environmental protection regulation in Authority functions; enhance provisions regarding conflict of interest; clarify inspector powers; and add offences involving the use of aircraft.

Electronic Communications Act: End-users and subscriber service charter

Amendments proposed to the [regulations](#) relating to voice and SMS; data services; educating end-users on cybersecurity and on the protection of personal information; and quality of 3G and 4G services. Comment deadline extended to 17 June 2022.

Note: Proposals include that unused voice and SMS services or unused data and data services obtained through either prepaid or post-paid channels shall not expire before expiry of a period of 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.

Financial Sector Regulation Act: Introductory commissions

Information request 4 of 2022 available from the FSCA (information related to the payment of vehicle and asset finance dealer introductory commissions, requested from all banks, credit providers operating in the vehicle asset finance environment, and motor vehicle dealers by 30 June 2022).

Note: Failure to comply timeously will be an offence.

Insolvency Act: Civil Aviation Amendment Act

Once a commencement date is gazetted, the Amendment Act will amend [preference to certain statutory duties](#), by adding money, fees, charges or levies that an insolvent collected for the Civil Aviation Authority in terms of the Civil Aviation Act.

Long-term Insurance Act: Demarcation regulations

Annual policy benefit escalations published for identified [health policies](#).

Medical Schemes Act: Levies

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

National Environmental Management Act: Financial provision for prospecting, exploration, mining or production operations

The [transitional period](#) has been changed to 19 September 2023.

National Land Transport Act: White paper on national transport policy

The white paper is available from the Department.

Occupational Health and Safety Act: Asbestos abatement regulations

[Asbestos abatement regulations](#) amended to redefine the occupational exposure limited for asbestos; to remove chief inspector deeming who is a competent person; and to remove written acknowledgement of receipt of notification of asbestos work.

Note: The occupational exposure limited, the value of which is set by the Minister, for a stress factor in the workplace, for asbestos is limited of 0,1 regulated asbestos fibres per millilitre of air over a continuous period of four hours measured in accordance with the Health and Safety Guidance 248: Asbestos.

Occupational Health and Safety Act: Commercial diving regulations 2022

The [regulations](#) apply to all commercial diving operations, and to all persons engaged in commercial diving operations in SA or the territorial waters.

Note: Commercial diving operation is defined as from when the first diver who takes part in the operation starts to prepare to dive under the instruction of the supervisor and ends when the last diver who took part in the operation leaves the water, any other liquid or pressurised environment in which the dive took place and has completed any necessary decompression procedures.

Further note: The regulations do not apply to medical personal who have to take part in recompression chamber dives in case of an emergency; or to a person involved in diving operations where no diving apparatus is used; diving operations performed by the SANDF; work as recreational diving instructor or dive master; diving projects where they are not considered employees at work; the care or treatment of patients in an accredited hyperbaric facility in a hospital or other place not under the control of an employer; the commissioning of recompression chambers as part of the manufacturing process; or underwater survival training.

Final note: Reminder that it is an [offence](#) for any person to require or permit a child to work in diving operations covered by the diving regulations, whether or not the child is an employee as defined in the diving regulations.

Public Finance Management Act: Standard Interest Rate

The [standard interest rate](#), to loans granted by the State out of a Revenue Fund and/or to all other debts which must be paid into a Revenue Fund, is 7,75% per annum as from 1 May 2022.

Road Accident Fund Act: Third party claims

The substitution of the RAF 1 Third Party Claim Form, and the [terms and conditions upon which claims for compensation shall be administered](#), will commence 1 June 2022.

Short-term Insurance Act: Demarcation regulations

Annual policy benefit escalations published for identified [accident and health policies](#).

Skills Development Act: Data dissemination standard

The data dissemination standard of the Department of Higher Education and Training 2021 is available from that Department.

South African Postbank Limited Act: Amendment Bill 2022

The Bill proposes, [amongst others](#), internal governance changes; positioning the Postbank as a commercial bank owned by the State to render financial and banking services to the public; and additional oversight by a bank controlling company.

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

Standards Act

New, proposed, amended, and withdrawn [standards](#) gazetted for 20 May 2022.



[Back to index](#)

This SAICA Legal Update is not intended as legal or professional advice and has been prepared as a summary and opinion on general principles of law or other common practice and is published for general information purposes only. Only specific professional advice should be relied upon as what is herein contained may not be appropriate in particular circumstances. This is not a substitute for legal or other professional advice. Note also that the views expressed by the editor of SAICA Legal update might not necessarily be the views of SAICA.