

# *The Contemporary Gazette*

*relevant new legislation for your business*



## Legal Update Volume 17 Issue 8, 25 April 2022

### This Update

This newsletter overviews new relevant National laws up to **22<sup>nd</sup> April 2022**.

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## General

### 1. NOTABLE ONE LINERS

#### Compensation for Occupational Injuries and Diseases Act: Assessment of employer

[Assessment of employers notice](#) gazetted stating maximum earnings on actual earnings is R506 473 (1 March 2021 to 28 February 2022); maximum earnings on provisional statement is R529 264 (1 March 2022 to 28 February 2023); minimum assessment for commercial employers is R1 342; and minimum assessment for private domestic employers is R463.

#### Compensation for Occupational Injuries and Diseases Act: Assessment of employer

Draft notice gazetted prescribing the amount of R529 264.00 per employee per annum as the maximum amount on which an [assessment of an employer](#) shall be calculated on with effect from 1 March 2022.

*Note: Comment within 60 days from 14 April 2022.*

#### Compensation for Occupational Injuries and Diseases Act: Business closure

[Notice](#) given that employers must notify the compensation fund on CF-1C forms where they have ceased to operate a business or no longer have employees to be covered by the fund; and if an employer fails to notify the fund on the status of their business, the fund will assume an employer is still operating and estimate assessments for all outstanding return of earnings.

*Note: The notice states that any notice of assessments issued with such estimates will be legally binding by the employer for payment.*

#### Compensation for Occupational Injuries and Diseases Act: Compensation calculation

Draft amendments gazetted for the [calculation of compensation schedule](#).

*Note: Comment within 60 days from 14 April 2022.*

### Critical Infrastructure Protection Act: Draft interim critical infrastructure protection regulations

The draft regulations propose, [amongst others](#), regulator standards, guidelines and protocols (Steps) for submission that include how infrastructure may be identified, categorised and declared critical infrastructure to supplement any regulations made. Comment within only 14 days from 22 April 2022.

*Note: The draft regulations also propose the Steps may set out the manner in which any physical security assessment of critical infrastructure and potential critical infrastructure is conducted and coordinated.*

*Further note: The draft regulations also propose the Steps may set out the manner in which information which may be relevant to critical infrastructure protection is shared.*

*Final note: Reminder that sections 1 to 6; 7(1)(b), (3), (4) and (5); 8; 9(1) and (2); 12; 14(5) to (7); 16; 27(1), (5), (7) and (8) commences 30 April 2022, while a commencement date must still be gazetted for the remainder of [the Act](#) - also see [past overviews](#).*

### Disaster Management Act: COVID-19

COVID-19 travel directions [amended](#) so that all ports of entry at airports, except at Pilanesberg International Airport, are opened from 21 April 2022; and to dovetail entry and exit with current screening procedures.

*Note: COVID-19 declaration ended subject to 30-day [transitional measures](#), including [COVID-19 regulations](#) amendments (to public places, gatherings, borders, transitional provisions, and the COVID-19 vaccine injury no-fault compensation scheme).*

### Disaster Management Act: Severe weather events

[Severe weather events](#) in KwaZulu-Natal, Eastern Cape and other provinces declared a national disaster so that the Minister of Cooperative Governance and Traditional Affairs may, when required, make regulations and directions and authorise directions concerning the matters listed in [section 27\(2\)](#) of the Act.

*Note: Such regulations and directions are supposed to be made only to the extent that it is necessary for the purpose of assisting and protecting the public; providing relief to the public; protecting property; preventing or combating disruption; or dealing with the destructive nature and other effects of the disaster.*

### Electricity Act: Levy

The Electricity Act [levy on electricity generated for supply by licensed electricity generators](#) (for 1 April 2022 to 31 March 2023) has been gazetted.

### Electricity Regulation Act: New generation capacity determination

The new generation capacity 2022 determination is available from the Department of Mineral Resources and Energy.

### Electronic Communications Act: Limiting control and ownership

[Limitation of control and equity ownership](#) amended to confirm historically disadvantaged groups equity requirements (HDG) do not apply to class licences; to inform class licensees ICASA will at some stage them to comply with the minimum B-BBEE contributor status level requirement in regulation 4(2) based on a [promoting BBBEE discretion](#) even though ICASA is not empowered to impose any equity requirements on class licensees; and to make HDG a condition individual licensees must comply with during the licence period.

*Note: The operation of regulations 4(1), (2) and (3) (application of B-BBEE requirements on licensees) is suspended until a future commencement date to be published by ICASA.*

*Further note: ICASA may invite a person to apply for an individual licence which notice of application may include the 30% or higher prescribed percentage of equity ownership to be held by persons from historically disadvantaged groups.*

*Final note: ICASA may by regulation limit or restrict the ownership or control of an individual licence, to promote ownership and control of electronic communications services by historically disadvantaged groups and to promote B-BBEE.*

### Electronic Communications Act: Signal distribution services

Discussion document on the [market inquiry into signal distribution services](#) available from ICASA. Comment within 45 working days from 22 April 2022.

*Note: The reason given for the inquiry is to assess the state of competition and determine if markets or market segments within the signal distribution services value chain warrant regulation.*

### Electronic Communications and Transactions Act: ZA registry and registrar

The draft .ZA registry and registrar licensing regulations and procedures proposes, [amongst others](#), functions and responsibilities for registries and registrars; and complaint resolution that may include revocation of licence. Comment within 30 days from 22 April 2022.

*Note: Proposes that, subject to any regulations or policy that the Authority may make in relation to privacy or operational stability, and subject to any legislation or any other requirements relating to privacy, the Registry must, free of charge, provide the public with reasonable online access to the Registry Database.*

*Further note: Proposes that, subject to the above and in compliance with any applicable laws, the Registry must keep the personal information of the Registrant and Registrar in the Registry Database confidential except if required to provide access to such information to any third-party by these and other regulations published by the Authority; any other SA law; or by order of a court.*

*Final note: Proposes defining registry data as all data maintained in the Registry Database by a Registry, including without limitation, domain names; registrant name and contact information; registrar name and contact information; zone records; registration and renewal dates; and all other data submitted by the registrars concerning particular domain names, as prescribed in the registrar agreement.*

### Financial Sector Regulation Act: Crypto asset related activities

Information request 3 of 2022 (regarding crypto asset related activities performed by financial services providers, and due by 31 May 2022) is available from the FSCA.

### Genetically Modified Organisms Act: Fees

[Fees payable](#), in terms of the [genetically modified organisms regulations](#), increased from 1 April 2022 - for import and export; contained use; trial release; general release or commodity clearance; appeals; extension permits; registration of facilities; and commodity use permits.

### International Health Regulations: Points of entry

Comment deadline for [draft regulations relating to public health measures in points of entry](#) extended, from '30 days from 15 March 2022', to 24 April 2022.

*Note: The address for comments was changed on 19 April 2022 to include additional places to comment to.*

### **Legal Practice Act: Legal Services Ombud rules**

[Ombud rules](#) gazetted, for submission of complaints; summons; and substituted services.

### **Mineral and Petroleum Resources Development Act: Exploration strategy and plan**

Exploration strategy for the mining industry, and South Africa exploration implementation plan 2022, available from the Department of Mineral Resources and Energy.

### **National Health Act: Notifiable conditions**

Comment deadline for draft [regulations relating to environmental health](#) extended, from '30 days from 15 March 2022', to 24 April 2022.

*Note: The address for comments was changed on 19 April 2022 to include additional places to comment to.*

### **National Health Act: Human remains**

The draft management of human remains regulations propose, [amongst others](#), alternative energy sources for power failures; multiple burials; certificate for road conveyance; appropriate personal protective equipment for workers; and transitional measure for certificates, permits and authorisations. Comment deadline extended, from '30 days from 15 March 2022', to 24 April 2022.

*Note: The address for comments was changed on 19 April 2022 to include additional places to comment to.*

### **National Health Act: Notifiable conditions**

Comment deadline for draft amendments to the [surveillance and the control of notifiable medical conditions](#) extended, from '30 days from 15 March 2022', to 24 April 2022.

*Note: The address for comments was changed on 19 April 2022 to include additional places to comment to.*

### **Pension Funds Act: Accounts**

Notice 5 of 2022 (exemption of funds from prescribed formats for preparing financial statements under [section 15](#)) available from the FSCA.

## Social Assistance Act: COVID-19

The Covid-19 social relief of distress regulations, [amongst others](#), limits the relevant payments to applications made during 1 April 2022 to 31 March 2023, and approved by the Agency.

## South African Post Office Soc Ltd Act: Draft Amendment Bill 2022

The Draft Bill proposes, [amongst others](#), expanding Post Office duties to be a hub for government and other agency services; a logistics partner for e-commerce and other logistics players, including SMMEs and informal traders; a digital hub for businesses and communities; and an authentication authority). Comment within 30 calendar days from 20 April 2022.

*Note: The Bill proposes revising government funding to reflect universal postal services goals and meeting the section 4 mandate.*

*Further note: Universal postal services are defined as those services provided under [section 16](#) and [schedule 1](#) (reserved postal services) and [2](#) (unreserved postal services) of the Postal Services Act.*

*Final note: Related laws, within the busy SA regulatory environment, may include, amongst others, the Broadband Infraco Act ([main objects and powers](#)); the [Competition Act](#) (reserved postal services); the [Cybercrimes Act](#) ([reporting duty by electronic service providers](#)); the [Electronic Communications Act](#) ([licensing](#)); the [Electronic Communications and Transaction Act](#) ([e-government services](#)); the [Promotion of Access to Information Act](#) ([mandatory refusal of access to commercial information of a third party](#)); the [Protection of Personal Information Act](#) ([exemptions from conditions](#)); the [Regulation and Interception of Communications and Provision of Communications Related Information Act](#) ([assistance by postal service provider](#)); the [South African Postbank Limited Act](#); the [Special Investigating Units and Special Tribunals Act](#) ([2004 to 2014 investigation](#)); the [State Information Technology Agency Act](#) ([objects of agency](#)); the [Telegraph Messages Protection Act](#).*

## Standards Act

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



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