



The Contemporary Gazette

relevant new legislation for your business



Legal Update

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This Update

This newsletter overviews new relevant National laws up to **6th September 2024**.

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

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General

1. NOTABLE ONE LINERS

Draft Aeronautical and Maritime Search and Rescue Bill

The [draft bill](#) proposes revised regulation of the coordination and effective provision of aeronautical and maritime search and rescue services within SA search and rescue regions. Comment within 30 days from 6 September 2024.

Climate Change Act (Not commenced): UN framework convention on climate change

Draft 4th national communication for SA, under the convention, available from the Department of Forestry, Fisheries and the Environment.

Electricity Regulation Act

[Act](#) transferred to the Department of Electricity and Energy.

Electricity Regulation Act: Withdrawal of new nuclear energy generation capacity determination

Withdrawal of determination on procurement of 2500MW new nuclear energy generation capacity (with the department of mineral resources and energy being procurer and determining the procurement process), available from the department of electricity and energy.

Eskom Conversion Act

[Act](#) transferred to the Department of Electricity and Energy.

Gas Act

[Act](#) transferred to the Department of Electricity and Energy.

Gas Regulator Levies Act

[Act](#) transferred to Department of Electricity and Energy.

Government Employees Pension Law: Pension Funds Amendment Act

Amongst others, provides that the Act applies above the Divorce Act in case of conflict between the laws; aligns definitions with tax law; and amends withdrawals and deductions.

Hazardous Substances Act: Leaded paint 🚩

Declaration of lead paint or coating material as a Group 2 hazardous substance revisited, to replace the declaration of leaded paint as a Group 1 hazardous substance one year from 6 September 2024.

Labour Relations Act: Motor Industry and Grain Industry Bargaining Councils

Accredited.

Legal Succession to the South African Transport Services Act

Act transferred to the Department of Transport.

Management of State Forests Act

Act transferred to the Department of Forestry, Fisheries and the Environment.

Medicines and Related Substances Act: Patient information leaflet

Proposal made that patient leaflet information must (currently may) also be provided in electronic format accessible in any of the other official languages and in any other format to enable its accessibility for persons living with disabilities. Comment within 3 months from 6 September 2024

National Energy Act

Act transferred to the Department of Electricity and Energy.

National Energy Regulator Act

Act transferred to the Department of Electricity and Energy.

National Environmental Management Act: National environmental consultative and advisory forum

Extension available from the Department of Forestry, Fisheries and the Environment.

National Environmental Management Air Quality Act: Enforcing priority area air quality management plans

Apply to any person conducting a listed activity; any person operating a controlled emitter; any holder of a right or permit related to a prospecting operation, exploration operation, mining operation, or production operation; any person conducting reclamation.

Note: Also applies to any department of state or administration in the national, provincial or local sphere of government.

National Radioactive Waste Disposal Institute Act

Act transferred to the Department of Electricity and Energy.

National Youth Development Agency Act: Amendment Act

Once a commencement date is gazetted the Amendment Act will, **amongst others**, change the Agency objects, functions and governance; changing board committees; and make a meeting null and void if there was a failure to disclose a section 11 interest during that meeting.

Note: The Agency is referred to as a national public entity, but it is not listed in the PFMA schedule.

Further note: The Act also makes an open-ended provision that the Agency must perform any other function as determined by the Minister.

Final note: Failure to disclose a section 11 interest may, in addition to the potential disqualification of a member for failing to disclose several times, also potentially be an offence in terms of other laws, including the corrupt agent offence and/or corrupt public officer offence.

Nuclear Energy Act 1993

Act transferred to the Department of Electricity and Energy.

Nuclear Energy Act 1999

Act was transferred to the Department of Electricity and Energy.

Pension Funds Act: Amendment Act

From 1 September 2024 [applies](#) the Act above the Divorce Act if there is a conflict; aligns [definitions](#); and amends [sections 14B](#) (determination of member's individual account, minimum individual reserve and minimum pension increase), [19](#) (investments), [37A](#) (pension benefits not reducible, transferable or executable), and [37D](#) (fund may make certain deductions from pension benefits).

Post and Telecommunication-related Matters Act: Pension Funds Amendment Act

[Amongst others](#), provides that the Act applies above the Divorce Act in case of conflict between the laws.

Public Finance Management Act: Powers and functions of the Minister of Public Enterprises

Transferred to the Minister in the Presidency responsible for Planning, Monitoring and Evaluation.

Public Service Act: Powers and functions of the Minister of Public Enterprises

Transferred to the Minister in the Presidency responsible for Planning, Monitoring and Evaluation.

South African Airways Act

[Act](#) transferred to the Department of Transport.

South African Express Act

[Act](#) transferred to the Department of Transport.

South African Maritime and Aeronautical Search and Rescue Act: Draft Aeronautical and Maritime Search and Rescue Bill

The draft bill proposes repealing [this Act](#).

South African National Water Resource Infrastructure Agency SOC Limited Act

Once a commencement date is gazetted the Act will add an agency that will, [amongst others](#), collect water use charges; secure funding and refinancing, and ensure sustainable, equitable and reliable development, of the national water resource infrastructure (Infrastructure); and will perform the treaty and non-treaty functions of the Trans-Caledon Tunnel Authority.

Note: Plans recovery of improper profits in addition to the laying of criminal charges if a board member contravenes the disclosure of interest requirement - other remedies under other laws should theoretically still apply for other forms of wrongdoing by board members.

Further note: Will allow the Minister may gazette which government waterworks are deemed to be national water resources infrastructure and to be vested in the Agency; and infrastructure may not be transferred or disposed of by the Agency without approval if its value exceeds a determined amount.

Final note: Will also allow expropriation and intervention by the Minister; and for the Minister to task the Agency with projects not budgeted for, with projects outside South Africa - also see the offences to be added in this regard.

Special Investigating Units and Special Tribunals Act: Department of Rural Development and land Reform

The [third investigation](#) into the Department has been amended to extend the duration under scrutiny and add further questionable acquisitions of properties and shares by the Department and beneficiaries.

Note: Also see past and current [investigated national departments](#).

Special Investigating Units and Special Tribunals Act: Eskom

Third investigation launched into [Eskom](#) - this time relating to procurement of coal; various information technology services; capital scrubbing services; security services; forensic investigation services; and prepayments.

Note: Also see past [investigated entities](#).

Standards Act

New, proposed, amended, and withdrawn [standards](#) gazetted for 6 September 2024.

Transnet Pension Fund Act

[Act](#) transferred to the Department of Transport.

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