



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 March 2024**.

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General

1. NOTABLE ONE LINERS

Agricultural Pests Act: Regulations

Fees for importation, and potential quarantine, of [section 3](#) controlled goods amended 1 April 2024.

Agricultural Pests Act: Pathogens, insects and exotic animals control measures

Fees amended 1 April 2024 for the [control measures](#) that include notification and removal duties, and prohibitions, relating to certain pathogens, insects, plants, and controlled goods.

Basic Conditions of Employment Act: Earnings threshold

From 1 April 2024 all employees [earning above](#) R254 371,67 per annum are excluded from [sections 9](#) (hours of work); [10](#) (overtime); [11](#) (compressed week); [12](#) (averaging hours); [14](#) (meal intervals); [15](#) (rest period); [16](#) (Sunday work); [17\(2\)](#) (night work); and [18\(3\)](#) (public holidays).

Note: The threshold is also relevant to [section 9A](#) (daily wage amount); [73A](#) (claims for failure to pay any amount); and [83A](#) (presumption as to who is an employee) of the Act.

Further note: The threshold is also relevant to [section 10](#) of the Employment Equity Act (disputes concerning the chapter on unfair discrimination).

Final note: The threshold is also relevant to [sections 198A](#) (application of temporary employment services); [198B](#) (fixed-term contracts); [198C](#) (part-time employment); and [198D](#) (provisions applicable to sections 198A to 198C) of the Labour Relations Act.

Collective Investments Schemes Control Act: Hedge fund requirements exemption

Hedge fund requirements exemption (from table 5 paragraph (a), of a manager of a retail hedge fund who intends to establish and administer a retail feeder hedge fund portfolio, available from the FSCA.

[Compensation for Occupational Injuries and Diseases Act: List of occupational diseases](#)

[Schedule 3](#) revision proposed to align the list with the International Labour Organisation listing. The notice invites comments but does not seem to include a comment deadline.

[Compensation for Occupational Injuries and Diseases Act: Schedule 4 compensation calculation](#)

Minimum and maximum [compensation](#) proposed from 1 April 2024. Comment within 60 days from 23 February 2024.

[Copyright Act: Amendment Bill 2017](#)

Version F [published](#) - you may wish to revisit the [past overview](#).

Note: Revisits literary, musical, sound, artistic and audiovisual works while proposing moral rights; licences for orphan works, translations and reproduction; temporary reproduction and adaptation; educational and academic reproduction; and disability, computer program, library, archive, museum and gallery exceptions.

Further note: Proposes a general exception for fair use, and specific exceptions from copyright protection applicable to all works.

Final note: Proposes offences related to technological protection measure circumvention devices; enabling another to circumvent a technological protection measure with intent to incite unlawful circumvention in the RSA; or unauthorised circumvention of a technological protection measure.

[Deeds Registries Act: Fees](#)

[Schedule of fees](#) amended 1 month from 29 February 2024.

[Economic Regulation of Transport Bill](#)

Proposes, [amongst others](#), a regulator that may conduct market inquiries and determine price control, and exercise economic regulation, of transport facilities and services; as well as specific provision for access to rail infrastructure measures.

Note: Related laws may include, amongst others, the [Air Traffic and Navigation Services Company Act](#); the [Airports Company Act](#); the [Competition Act](#); the [Infrastructure Development Act](#); the [National Land Transport Act](#); the [National Ports Act](#); and the [South African National Roads Agency Limited and National Roads Act](#).

Electoral Act: Electoral Matters Amendment Bill

Proposes amending [sections 1](#) (serve); [24A](#) (voting in voting district where not registered); and [33](#) (special votes in election for national assembly).

Electoral Commission Act: Electoral Matters Amendment Bill

Proposes amending [section 1](#) (independent candidate and representative); [5](#) (powers, duties and functions of Commission); and [6](#) (composition of Commission).

Electronic Communications Act: Elections broadcasting regulations

Amended to, [amongst others](#), define independent candidate, political advertisement and party election broadcast; provide slightly more time for broadcasting service licensees to provide reasons; and prohibit a low power broadcasting service licensee from broadcasting a political advertisement.

Note: States that a political party or an independent candidate must direct all communications in respect of party election broadcasts only to the nominated representatives of the broadcasting service licensee.

Electronic Communications Act: Electoral Matters Amendment Bill

Proposes amending [section 1](#) (election broadcast, election period, independent candidate, independent representative, and political advertisement); [52](#) and [56](#) (prohibition on granting licence and on broadcasting); [57](#) (broadcasting of election broadcasts); [58](#) (political advertising), and [59](#) (equitable treatment).

Electronic Communications Act: End-user and subscriber service charter

[Proposed](#) amendment of regulation 8A voice and SMS services; and deletion of regulation 8B data services.
Comment by 15 April 2024.

Financial Management of Parliament and Provincial Legislatures Act: Electoral Matters Amendment Bill

Proposes amending [section 1](#) (independent representative); [34](#) (support for members and political parties); and [65](#) (regulations).

Housing Act: Draft white paper for human settlements

Comment deadline extended to 15 March 2024 - available from the Department of Human Settlements.

Note: Related laws include, amongst others, the [Alienation of Land Act](#); the [Deeds Registries Act](#); the [Housing Consumers Protection Measures Act](#); the [Housing Development Agency Act](#); the [Prevention and Combatting of Corrupt Activities Act](#) (eg section 4 and 6); the [Social Housing Act](#); and the [Special Investigating Units and Special Tribunals Act](#) (investigated [national](#) and [provincial](#) departments).

Immigration Act: Directive 1 of 2024 implementation of the Constitutional Court ZACC 22 order

Directive on arrest and detention of an illegal foreigner available from the Department of Home Affairs.

Income Tax Act: Daily amounts in respect of meals and incidental costs

[New amounts](#) apply from 1 March 2024.

Income Tax Act: Fixing of rate per kilometre for motor vehicles

[New rates](#) apply for years of assessment commencing on or after 1 March 2024.

Income Tax Act: Maximum amount of expenditure in respect of meals and incidental costs

The amount determined for [section 8\(1\)\(a\)\(ii\)\(aa\)](#) is now R169 per day.

Income Tax Act: Taxation Laws Amendment Act 2023

Amendments to [sections 1](#) (pension fund and provident fund definitions); [11F](#) (contributions to retirement funds); [12T](#) (tax free investments); [25B](#) (trusts and beneficiaries); [49D](#) (withholding tax royalties); and [50D](#) (withholding tax interest), as well as the [Second Schedule](#) paragraph 6A, set for 1 March 2024.

Labour Relations Act: National Bargaining Council for Fast Food, Restaurant, Catering and Allied Trades

Council [accredited](#).

Long-term Insurance Act: Requirements relating to receiving premiums

Extension of exemption for independent intermediaries from [regulation 8.2\(2\)](#) until 31 March 2027 available from the FSCA.

Long-term Insurance Act: Microinsurance policy waiting periods

Exemption of microinsurers from policyholder protection [rule 2A.6.1](#) (waiting periods), for a microinsurance policy that carries a contract term of 12 months, available from the FSCA.

Note: A condition is that the microinsurer may not impose a waiting period of more than 6 months in respect of policy benefits payable on the happening of a death, disability or health event resulting from natural causes.

Final note: A further condition is that the microinsurer may not impose a further or additional waiting period in relation to policy benefits under a policy that is subject to this exemption, where the policy was entered into before the date on which this exemption takes effect.

Magistrates Courts Act: Rules

[Rules](#) (service of notice; costs; execution against movable and immovable property; and civil appeals) amended 12 April 2024.

National Environmental Management Air Quality Act: Draft national dust control regulations

[Proposes](#) regulating activities that have the potential to generate dust, including a mining activity; a [listed activity](#); any other activity exceeding 30 days; and storage or stockpiling of materials above 8 000 tons throughout per month that have the potential to generate dust. Comment within 30 days from 8 March 2024.

Note: Mining activity will be defined as an activity which requires a permission, right, permit or consent in terms of the Mineral and Petroleum Resources Development Act, including hydraulic fracturing and reclamation.

Further note: Dustfall will be defined as settleable particulate matter, including any material composed of particles small enough to pass through a 2mm screen but large enough to settle by virtue of their weight into the sampling container from the ambient air.

Final note: Related laws may include, amongst others, the [current dust control regulations](#); the National Building Regulations and Building Standards Act ([control of unreasonable levels of dust and noise](#)); the National Health

Act (*environmental pollution control measures applicable to all premises*); and the Occupational Health and Safety Act (*ventilation*).

National Environmental Management Biodiversity Act: Draft national biodiversity economic strategy

Available from the Department of Forestry, Fisheries and the Environment. Comment within 14 days from 8 March 2024.

National Environmental Management Biodiversity Act: Non-detriment findings

Non-detriment findings for African elephant; African penguin; blue duiker; bontebok; Cape mountain zebra; Cape parrot; cheetah; grey-headed parrot; hippopotamus; leopard; serval; South African giraffe; sungazer; bitter aloe; fan aloe; various cycads and spurge, and for numerous low priority animal and plant species, available from the SA National Biodiversity Institute. Comment with 30 days from 5 March 2024.

National Small Enterprise Act: Draft national business licensing policy 🇷🇵

Lists objectives such as reservation of sectors where a licence may only be granted to SA citizens; smart preferential licensing legislation that drives empowerment; and allocation of licences (also see 'principle of licensing justice') - available from the department of small business development. Comment within 30 days from 1 March 2024.

Note: References the [Businesses Act](#); the [Companies Act](#); the [Competition Act](#); the [Constitution](#); the [Immigration Act](#); the [Local Government Municipal Systems Act](#); the [National Small Enterprise Act](#); the [Protection of Investment Act](#); and the [Spatial Planning and Land Use Management Act](#).

Final note: Proposes an integrated electronic business permitting and licensing system and portal.

Occupational Health and Safety Act: Draft lead regulations 🇷🇵

Propose, *amongst others*, a person who may be exposed must obey a lawful instruction; regular documented risk assessments where lead work is conducted followed by air and biological monitoring of lead and control of exposure; workplace cleanliness; an inventory and labelling of all lead and lead containing products; and low maximum penalties. Comment within 90 days from 1 March 2024.

Note: Proposes a manufacturer or importer of lead or lead containing products must, before it is supplied to a workplace, use the compulsory classification according to Annexure A and review the classification should a change in composition be made.

Further note: Proposes an employer or self-employed person must ensure, as far as is reasonably practicable, persons other than employees who may be affected by lead exposure at the workplace are informed, supervised and instructed.

Final note: Related laws may include, amongst others, the [Consumer Protection Act](#); the [National Environmental Management Air Quality Act](#); the [National Environmental Management Waste Act](#); the [National Health Act](#); the [National Water Act](#); the [Spatial Planning and Land Use Management Act](#); the [construction regulations \(demolition\)](#); the [facilities regulations](#); the [hazardous work by children regulations](#); and the [code of good practice on protection of employees during pregnancy and after the birth of a child](#).

Performers Protection Act: Amendment Bill 2016

Proposes, [amongst others](#), prohibiting the removal or modification of copyright management information; prohibiting conduct circumventing technological protection measures; and exceptions to such prohibitions.

Petroleum Products Act: General guidelines for the submission of internal appeals to the Minister

[Guidelines](#) gazetted.

Political Party Funding Act: Electoral Matters Amendment Bill

Proposes, [amongst others](#), also regulating the public and private funding of independent candidates and independent representatives; and prohibiting the Commission from accepting money from any private source the Commission has reason to believe is the proceeds of crime.

Note: Proposes political parties, independent candidates and independent representatives may, for any reason, refuse to accept a donation from any person or an allocation from the Multi-Party Democracy Fund.

Further note: Any person who makes a donation to a member of a political party, instead of the political party concerned or to an independent representative or independent candidate, to circumvent the provisions of Chapter 3, commits an offence.

Final note: Proposes no person or entity may deliver a donation (as defined) to a member of a political party, an independent representative or independent candidate other than for party political purposes - also consider the [Prevention and Combatting of Corrupt Activities Act](#).

Private Security Industry Regulation Act: Draft private security services in the railway sector regulations

Propose, [amongst others](#), the Authority will decide requirements and rules (it is not clear if such determinations will be by regulation); limit carrying of firearms to stipulated contract terms; and reporting of incidents and of security equipment faults.

Note: Proposes that interpretation must be consistent with the [Private Security Industry Regulation Act](#); the [National Railway Safety Regulator Act](#); and any legislation regulating private security service providers in the railway industry.

Final note: Related laws and draft laws may include, amongst others, the common law principles to self-defence; the [Criminal Procedure Act](#) (eg interference with basic service and damage to essential infrastructure); the [Dangerous Weapons Act](#); the [Firearms Control Act](#); the [Railway Safety Bill](#); the [Occupational Health and Safety Act](#); and the [Prevention of Organised Crime Act](#).

Public Service Act: Judicial Inspectorate for Correctional Services

Added as a [national government component](#).

Short-term Insurance Act: Requirements relating to receiving premiums

Extension of exemption for independent intermediaries from [regulation 4.2\(3\)](#) until 31 March 2027, is available from the FSCA.

Standards Act:

New, proposed, amended, and withdrawn [standards](#) gazetted for 1 and 8 March 2024.

Statistics Act: Amendment Bill

Proposes, [amongst others](#), that an officer of Statistics South Africa may enter a private dwelling, land or premises of an individual; organ of state; business; or organisation, and inspect anything therein or thereon.

Note: Proposes that wilfull disclosure of any statistical information contrary to the Act will be an offence; and that regulations will provide for protocols and guidelines on data, access, and confidentiality.

Further note: Also proposes the Cabinet, the Minister or other Ministers, the Forum of South African Directors-General or a cluster of that Forum, may decide that data collected or in the process of being collected by a particular entity within the NSS, must be prioritised for consideration and designated official statistics.

Final note: Also proposes that the Act will prevail where there is a conflict relating to the matters dealt with in this Act between this Act and the provisions of any other law, save for the Constitution or any Act expressly amending this Act.

Superior Courts Act: Rules

Rules (service; costs; superior court appearance fees; taxation and tariff of fees of attorneys) amended 12 April 2024.



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