

CAPE TOWN ATTORNEYS ASSOCIATION

LIBRARY CIRCULAR – 1 November 2013

A. NEW BOOKS

De Stadler, E. Consumer Law Unlocked. Siber Ink, 2013.

Du Plessis, M. Constitutional litigation. Juta, 2013.

Zulman, R H. South African Insolvency through the Cases. LexisNexis, 2013.
(looseleaf)

B. RECENT BILLS (*available on www.jutalaw.co.za*)

Local Government : Municipal Property Rates Amendment Bill B33-2013

To amend the Local Government: Municipal Property Rates Act, 2004, so as to provide for the amendment and insertion of certain definitions; to delete the provisions dealing with district management areas; to provide that a rates policy must determine criteria for not only the increase but also for the decrease of rates; to provide that by-laws giving effect to a rates policy must be published in terms of the Municipal Systems Act; to regulate the categories of property in respect of which rates may be levied; to regulate the timeframe of publication of the resolutions levying rates and what must be contained in the promulgated resolution; to limit the period within which the Minister may be requested to decide whether a rate is unreasonably prejudicing any of the matters listed in section 16(1); to provide for the Minister to make a decision in terms of section 16(2) with the concurrence of the Minister of Finance; to provide for the exclusion from rates of certain categories of public service infrastructure as well as mining rights or mining permits, to provide that infrastructure above the surface in respect of mining property is rateable and the rates are payable by the holder of the mining right or mining permit; to provide that the exclusion from rates in respect of land belonging to a land reform beneficiary is extended to the spouse and dependants; to provide that an exclusion from rates in respect of the seashore lapses if any part thereof is alienated; to provide that a municipality may levy different rates on vacant property; to provide that a municipality may not recover rates in respect of a right of exclusive use registered against a sectional title unit from the body corporate; to provide that a person liable for a rate must furnish the municipality with his or her postal address; to provide that municipalities are not required to value properties excluded from rates; to provide for the period of validity of a valuation roll to be five years; to provide for the MEC for local government to extend the period of validity of valuation rolls by two additional years; to provide that a body corporate is required to provide information to a valuer; to provide that a mining right or a mining permit may not be considered in determining the market value of property; to delete the requirement for the payment of interest in specific instances; to delete the requirement for the establishment of a valuation appeal board in every district municipality; to provide for an appeal board to include a professional associated valuer without restrictions and with a minimum of ten years experience; to amend the quorum of an appeals board to include the valuer member of the Valuation Appeals Board; to amend the dates on which a supplementary valuation takes effect; to provide for the notification of owners of property affected by a supplementary valuation; to limit condonation by the MEC for local government through the framework to municipalities only; to provide for more effective monitoring and reporting by municipalities and provinces on critical areas of the implementation of the Act; to extend the Minister's regulatory powers; to provide

for the phasing in of certain regulations; to provide for the phasing in of the prohibition on the levying of rates on certain types of public service infrastructure; to provide for transitional arrangements in respect of municipalities that have been affected by a redetermination of municipal boundaries; and to provide for matters connected therewith.

Legal Metrology Bill B34-2013

To provide for the administration and maintenance of legal metrology technical regulations in order to promote fair trade and to protect public health and safety and the environment; and to provide for matters connected therewith.

Restitution of Land Rights Amendment Bill B35-2013

To amend the Restitution of Land Rights Act, 1994, so as to amend the cut-off date for lodging a claim for restitution; to further regulate the appointment, tenure of office, remuneration and the terms and conditions of service of judges of the Land Claims Court; to make further provision for the advertisement of claims; to create certain offences; to extend the Minister's powers of delegation; and to provide for matters connected therewith.

Science and Technology Laws Amendment Bill B36-2013

To amend the Scientific Research Council Act, 1988, the National Research Foundation Act, 1998, the Academy of Science of South Africa Act, 2001, the Natural Scientific Professions Act, 2003, the Human Sciences Research Council Act, 2008, the Technology Innovation Agency Act, 2008, and the South African National Space Agency Act, 2008, so as to harmonise the processes for the appointment of the chairpersons of Boards of the entities reporting to the Minister; to streamline the processes for the appointment of members of the Boards and of the chief executive officers of the entities; to provide for the filling of vacancies of members of the Boards; to provide for the requirements for qualification of members of the Boards and the disqualification of members of the Boards; to provide for the extension of the term of office of members of the Boards; to provide for the dissolution and reconstitution of the Boards; and to provide for matters connected therewith.

Adjustments Appropriation Act B37-2013

To effect adjustments to the appropriation of money from the National Revenue Fund for the requirements of the State in respect of the 2013/2014 financial year; and to provide for matters incidental thereto.

Division of Revenue Amendment Bill B38-2013

To amend the Division of Revenue Act, 2013, in accordance with the Money Bills Amendment Procedure and Related Matters Act, 2009 (Act No. 9 of 2009); and to provide for matters connected therewith.

Taxation Laws Amendment Bill B39-2013

To amend the Transfer Duty Act, 1949, so as to amend provisions; amend the Estate Duty Act, 1955, so as to amend a provision; to amend the Income Tax Act, 1962, so as to amend, delete and insert certain definitions; to effect technical corrections; to repeal certain provisions; to amend certain provisions; to make new provision; and to effect textual and consequential amendments; amend the Customs and Excise Act, 1964, so as to amend provisions; and to make provision for continuations; to amend the Value-Added Tax Act, 1991, so as to amend certain provisions; to repeal the Demutualisation Levy Act, 1998; amend the Securities Transfer Tax Act, 2007, so as to amend a provision; amend the Mineral and Petroleum Resources Royalty Act, 2008, so as to amend certain provisions; and to amend Schedules; amend the Taxation Laws Amendment Act, 2011, so as to amend certain provisions; to amend the Taxation Laws

Amendment Act, 2012, so as to amend certain provisions; and to effect technical corrections; to make provision for special zero-rating in respect of goods and services supplied in certain circumstances; and to provide for matters connected therewith.

Tax Administration Laws Amendment Bill B40-2013

To amend the Transfer Duty Act, 1949, so as to effect consequential amendments; amend the Income Tax Act, 1962, so as to effect textual and consequential amendments; to amend provisions; and to effect technical corrections; amend the Customs and Excise Act, 1964, so as to amend a provision; to make a new provision; and to amend provisions; amend the Value-Added Tax Act, 1991, so as to effect technical corrections; amend the Skills Development Levies Act, 1999, so as to make a new provision; and to effect consequential amendments; amend the unemployment Insurance Contributions Act, 2002, so as to make a new provision; and to effect consequential amendments; amend the Securities Transfer Tax Act, 2007, so as to effect consequential amendments; amend the Mineral and Petroleum Resources Royalty Act, 2008, so as to effect consequential amendments; amend the Mineral and Petroleum Resources Royalty (Administration) Act, 2008, so as to effect a technical correction; amend the Tax Administration Act, 2011, so as to amend certain provisions; to effect technical corrections; and to effect textual and consequential amendments; and to provide for matters connected therewith.

Merchant Shipping (International Oil Pollution Compensation Fund) Contributions Bill B41-2013

To provide for the imposition of the International Oil Pollution Compensation Fund Contributions Levy on persons referred to in Article 10 of the 1992 Fund Convention; to provide for the manner in which the levy is determined; to provide that levies and interest due to be paid to the International Oil Pollution Compensation Fund are a direct charge against the National Revenue Fund; and to provide for matters connected therewith.

Merchant Shipping (International Oil Pollution Compensation Fund) Administration Bill B 42-2013

To provide for administrative matters in connection with the levy imposed in terms of the Merchant Shipping (International Oil Pollution Compensation Fund) Contributions Act, 2013; and to provide for matters connected therewith.

Customs Duty Bill B43-2013

To provide for the imposition, assessment, payment and recovery of customs duties on goods imported or exported from the Republic; and for matters incidental thereto.

Customs and Excise Amendment Bill B44-2013

To amend the Customs and Excise Act, 1964, so as to delete all provisions superseded by general provisions of the Customs Control Act applicable to all tax levying Acts; to delete all provisions relating to the customs control of imported goods and goods to be exported; to delete all provisions relating to the imposition, collection and refunding of customs duties and other matters relating to customs duties; to limit the remaining provisions of the Act to excise duties, fuel levies, Road Accident Fund levies, environmental levies, air passenger taxes and matters relating to such duties, levies and taxes; and to change the name of the Act to the Excise Duty Act, 1964; and to provide for matters connected therewith.

Customs Control Bill B45-2013

To provide for customs control of all vessels, aircraft, trains, vehicles, goods and persons entering or leaving the Republic; to facilitate the implementation of certain

laws levying taxes on goods and of other legislation applicable to such goods and persons; and for matters incidental thereto.

Employment Tax Incentive Bill B46-2013

To provide for an employment tax incentive in the form of an amount by which employees' tax may be reduced; to allow for a claim and payment of an amount where employees' tax cannot be reduced; and to provide for matters connected therewith.

National Credit Amendment Bill B47-2013

To amend the National Credit Act, 2005, so as to amend certain definitions; to empower the Chief Executive Officer to delegate certain functions to other officials of the National Credit Regulator; to provide for the registration of payment distribution agents; to tighten measures relating to debt counsellors and the conduct of their practices as debt counsellors; to allow debt counsellors to voluntarily cancel their registration; to empower the Minister to issue notice for the removal of adverse information; to provide for automatic removal of adverse consumer information; to empower the National Credit Tribunal to suspend reckless credit agreements; to provide for the registration and accreditation of Alternative Dispute Resolution Agents; and to provide for matters connected therewith.

DRAFT BILLS

The Extension of Security of Tenure Draft Amendment Bill

To amend the Extension of Security of Tenure Act, 1997 so as to amend and insert certain definitions; to substitute the provision of subsidies with tenure grants; to further regulate the rights of occupiers; to further regulate the eviction of occupiers by enforcing alternative resolution mechanisms provided for in the Act; to provide for the establishment and operation of the Land Rights Management Board and Land Rights Management Committees to identify, monitor and settle land rights disputes and to establish and maintain a data base of occupiers, land rights disputes and evictions; and to provide for matters connected therewith.

GN 1035 GG 36942 17.10.13

C. NEW ACTS

Transport Laws and Related Matters Amendment Act 3 of 2013 W.e.f. 9.10.2013

This act amends the Cross-Border Road Transport Act, 1998, to empower the Cross-Border Road Transport Agency to collect toll on behalf of the South African National Roads Agency Limited; and to amend The South African National Roads Agency Limited and National Roads Act, 1998, to insert a definition; to further provide for the differentiation in respect of the amount of toll that may be levied; to provide that the regulations made by the Minister must be published by notice in the Gazette; to provide for the Minister to make regulations relating to specified toll-related matters; to provide for the Minister to publish draft regulations in the Gazette calling for public comment; to provide for certain presumptions relating to the driving, operation and use of vehicles on a toll road and the use of electronic evidence to prove an alleged contravention of the South African National Roads Agency Limited and National Roads Act; to exclude the levying and collection of toll from the ambit of the National Credit Act, 2005; to amend the Contents of the Act; and to provide for matters connected therewith.

Proc 44 GG 36911 9.10.11

D. FROM THE GOVERNMENT GAZETTES

COMMENCEMENT OF STATUTES

Dangerous Weapons Act 5 of 2013w.e.f. 2 Jan 2014

This Act provides for certain prohibitions in respect of the possession of dangerous weapons; repeals the Dangerous Weapons Acts in operation in the areas of the erstwhile South Africa, Transkei, Bophuthatswana, Venda and Ciskei, as those areas were constituted immediately before 27 April 1994; amends the Regulation of Gatherings Act, 1993 (Act No. 205 of 1993), and the Firearms Control Act, 2000 (Act No. 60 of 2000); and provides for matters connected therewith.

Proc 45 GG 36949 21.10.13

REGULATIONS AND GOVERNMENT GAZETTES

Broad-Based Black Economic Empowerment Act (53/2003): Codes of good practice on black economic empowerment published

GN 1019 GG 36928 11.10.2013

Companies Act (71/2008): Proposed amendment of Companies Regulations (regulation 15(3)(b), 2011 published for comment

GN 781 GG 36923 18.10.2013

Consumer Protection Act (68/2008): Categories of goods that are required to have a trade description applied to them in terms of the Consumer Protection Act prescribed with effect from six months after publication in the Government Gazette

GN 825 GG 36968 25.10.2013

Labour Relations Act (66/95): List of bargaining councils accredited by the CCMA for conciliation and/or arbitration and/or pre-dismissal arbitrations for the period 1 October 2013 to 31 October 2014

GN 1041 GG 36950 22.10.13

Labour Relations Act (66/95): List of private agencies accredited by the CCMA for conciliation and/or arbitration and/or pre-dismissal arbitrations for the period 1 October 2013 to 30 November 2014

GN 1049 GG 36963 22.10.13

National Credit Act (34/2005): Proposed removal of adverse credit information project published for comment

GN 966 GG 36889 30.9.13

National Road Traffic Act (93/1996): Various Regulations with regard to e-tolls

R.739-42 GG 36911 9.10.2013

Road Accident Fund Act (56/1996): Adjustment of statutory limit in respect of claims for loss of income and loss of support published with effect from 31 October 2013

BN 209 GG 36951 25.10.2013

Rules Board for Courts of Law Act (107/1985): Amendment of High Court Rules w.e.f. 15 Nov 2013

R759 GG 36913 11.10.2013

Rules Board for Courts of Law Act (107/1985): Amendment of the Magistrates' Courts rules with effect from 15.11.2013
R760 GG 36913 11.10.2013

Small Claims Courts (61/1984): Establishment of Small Claims courts in Sandveld, Bultfontein, Williston, Middelburg etc and withdrawal of others eg Vredendal, Vanrhynsdorp etc.
GN 750-5 GG 36514 11.10.2013