

**CAPE TOWN ATTORNEYS ASSOCIATION****LIBRARY CIRCULAR – 2 May 2014****A. NEW ACTS****Electronic Communications Act 1 of 2014 (commencement date to be proclaimed)**

To amend the Electronic Communications Act, 2005, so as to insert, amend or delete certain definitions; to align the Act with broad-based black economic empowerment legislation; to refine provisions relating to licensing; to make further provision towards ensuring effective competition amongst persons licensed under the Act; to remove regulatory bottlenecks; to require the Minister of Communications to establish a council to advise the Minister on broadband policy and implementation; to make further provision for the discounted rate at which Internet services must be provided to schools, educational institutions and public health establishments; to authorise the Minister to require that certain information be submitted to the Minister; to make provision for the fiduciary duties of members of the Board of the Universal Service and Access Agency of South Africa; to provide afresh for the appointment and conditions of appointment of the chief executive officer of the Board; to make further provision for the utilisation of money in the Universal Service and Access Fund; and to provide for matters connected therewith.

**Independent Communications Authority of South Africa Amendment Act 2 of 2014 (commencement date to be proclaimed)**

To amend the Independent Communications Authority of South Africa Act, 2000, so as to insert new, amend existing and repeal obsolete, definitions; to provide for further clarity on the powers and duties of the Authority; to introduce mechanisms to ensure the accountability of the Authority, including that of councillors and committees; and to confirm the use of electronic communications networks and services for the purpose of electronic transactions; and to provide for matters connected therewith.

**Tourism Act 3 of 2014 (commencement date to be proclaimed)**

To provide for the development and promotion of sustainable tourism for the benefit of the Republic, its residents and its visitors; to provide for the continued existence of the South African Tourism Board; to provide for the establishment of the Tourism Grading Council; to regulate the tourist guide profession; to repeal certain laws; and to provide for matters connected therewith.

**Employment Services Act 4 of 2014 (commencement date to be proclaimed)**

To provide for public employment services; to provide for the establishment of schemes to promote the employment of young work seekers and other vulnerable persons; to provide for schemes to assist employees in distressed companies to retain employment; to facilitate the employment of foreign nationals in a manner that is consistent with the objects of this Act and the Immigration Act, 2002; to provide for the registration and regulation of private employment agencies; to provide for the establishment of the Employment Services Board; to provide for the establishment of Productivity South Africa; to provide for the establishment of Supported Employment Enterprises; to provide for transitional provisions; and to provide for matters connected therewith.

Science and Technology Laws Amendment Act 7 of 2014 (w.e.f. 26.4.2014)

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 the 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 qualification requirements for membership 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; and to provide for the dissolution and reconstitution of the Boards; and to provide for matters connected therewith.

Division of Revenue Act 10 of 2014 (w.e.f. 26.4. 2014)

To provide for the equitable division of revenue raised nationally among the national, provincial and local spheres of government for the 2014/15 financial year, the determination of each province's equitable share and allocations to provinces, local government and municipalities from national government's share and the responsibilities of all three spheres pursuant to such division and allocations; and to provide for matters connected therewith.

**B. DRAFT BILLS**

Draft Remote Gambling Bill PMB2-2014 (published for comment)

To provide for the regulation and licensing of remote gambling in the Republic of South Africa; to provide for uniform norms and standards in respect of remote gambling to be applicable throughout the Republic; to prevent minors and vulnerable persons from being exposed to the negative effects of gambling; to ensure compliance with the Financial Intelligence Centre Act; to protect the public and licensed remote gambling operators from fraud and criminal behaviour, money laundering or financing of terrorist and related activities; and to provide for matters connected therewith.

GN 319                      GG 37569                      23.4.2014

**C. FROM THE GOVERNMENT GAZETTES**

**COMMENCEMENT OF STATUTES**

Protection of Personal Information Act (4/2013); s.1, Part A of ch 5, s.112 and 113....with effect from 11 April 2014

This Act promotes the protection of personal information processed by public and private bodies; introduces certain conditions so as to establish minimum requirements for the processing of personal information; provides for the establishment of an Information Regulator to exercise certain powers and to perform certain duties and functions in terms of this Act and the Promotion of Access to Information Act, 2000; provides for the issuing of codes of conduct; provides for the rights of persons regarding unsolicited electronic communications and automated decision making; regulates the flow of personal information across the borders of the Republic; and provides for matters connected therewith.

Proc 25      GG 37544      11.4.2014

National Environmental Management: Waste Act (59/2008), part 8 of ch 4 (ss. 35-41): .....with effect from 2 May 2014

To reform the law regulating waste management in order to protect health and the environment by providing reasonable measures for the prevention of pollution and ecological degradation and for securing ecologically sustainable development; to provide for institutional arrangements and planning matters; to provide for national norms and standards for regulating the management of waste by all spheres of government; to provide for specific waste management measures; to provide for the licensing and control of waste management activities; to provide for the remediation of contaminated land; to provide for the national waste information system; to provide for compliance and enforcement; and to provide for matters connected therewith

Proc 26 GG 37547 11 April 2014

## REGULATIONS AND GOVERNMENT NOTICES

Small Claims Courts Act (61/1974): Establishment of small claims courts for the areas of Wynberg and Mitchells Plain

GN 320 GG 37587 25.4.2014

Road Accident Fund Act (56/1996): Adjustment of statutory limit in respect of claims for loss of income and loss of support : R219 820,00, with effect from 30 April 2014

GN 49 GG 37563 25.4.2014

Rules Board for Courts of Law Act (107/1985): Amendment of High Court Rule 17(4) w.e.f. 2 May 2014

GN 212 GG 37475 28.3.2014

Rules Board for Courts of Law Act (107/1985): Amendment of High Court Rule 46(3)(b) w.e.f. 2 May 2014

GN 213 GG 37475 28.3.2014

Rules Board for Courts of Law Act (107/1985): Amendment of High Court Rule 66 w.e.f. 2 May 2014

GN 214 GG 37475 28.3.2014

Rules Board for Courts of Law Act (107/1985): Amendment of Magistrates' Courts Rule 20 w.e.f. 2 May 2014

GN 215 GG 37475 28.3.2014

Magistrates Courts Act (32/1944): Determination of monetary jurisdiction for causes of action in respect of regional divisions with effect from 1 June 2014

GN 216 GG 37474 28.3.2014

Magistrates Courts Act (32/1944): Determination of monetary jurisdiction for causes of action in respect of courts for districts with effect from 1 June 2014

GN 217 GG 37474 28.3.2014

Social Assistance Act (13/2004): increase in respect of social grants

GN 211 GG 37374 28.3.2014

Value-Added Tax Act (89/1991): Regulations prescribing services for the purpose of the definition of Electronic Services  
GN 221 GG 37489 28.3.2014

Local Government: Municipal Systems Act (32/2000): Upper limit of total remuneration package payable to municipal managers and managers directly accountable to municipal managers published with effect from 1 July 2014  
GN 225 GG 37500 29.3.2014

Liquor Act (59/2003): Suspension of implementation and amendment of [National] Liquor Amendment Regulations, 2013 published in GN R928 in GG 37091 of 3 December 2013 published  
GN R285 GG 37558 11.4.2014

#### **D. FROM THE PROVINCIAL GAZETTES**

Western Cape Land Use Planning Act 3 of 2014 (Date of commencement: to be proclaimed)

To consolidate legislation in the Province pertaining to provincial planning, regional planning and development, urban and rural development, regulation, support and monitoring of municipal planning and regulation of public places and municipal roads arising from subdivisions; to make provision for provincial spatial development frameworks; to provide for minimum standards for, and the efficient coordination of, spatial development frameworks; to provide for minimum norms and standards for effective municipal development management; to regulate provincial development management; to regulate the effect of land development on agriculture; to provide for land use planning principles; to repeal certain old-order laws; and to provide for matters incidental thereto.

PN 99 PG 7250 7.4.2014