

**CAPE TOWN ATTORNEYS ASSOCIATION**

**LIBRARY CIRCULAR – 21 January 2014**

**A. NEW ACTS**

**Geomatics Professions Act 19 of 2013**

To provide for the transformation of the geomatics profession; to provide for the establishment of the South African Geomatics Council as a juristic person; to provide for the facilitation of accessibility to the geomatics profession; to provide for different categories of registered persons and branches in the geomatics profession; to provide for the identification of areas of work to be performed by the different categories of registered persons; to provide for the recognition of certain voluntary associations by the Council; to provide for measures designed to protect the public from unethical geomatics practices; to provide for measures in order to maintain a high standard of professional conduct and integrity; to provide for the establishment of disciplinary mechanisms; to provide for the establishment of an Appeal Board; and to provide for matters connected therewith.

**Basic Conditions of Employment Amendment Act 20 of 2013**

To amend the Basic Conditions of Employment Act, 1997, so as to substitute certain definitions; to prohibit employers from requiring employees to make payments to secure employment and from requiring employees to purchase goods, services or products; to prohibit anyone from requiring or permitting a child under the age of 15 years to work; to make it an offence for anyone to require or permit a child to perform any work or provide any services that place at risk the child's well-being; to provide for the Minister to publish a sectoral determination for employees and employers who are not covered by any other sectoral determination; to provide for the Director-General to apply to the Labour Court for an employer to comply with a written undertaking by the employer; to provide for a compliance order; to delete certain obsolete provisions; to provide the Labour Court with exclusive jurisdiction in respect of certain matters; to provide for certain offences and penalties; to increase the penalties for certain offences; and to provide for matters connected therewith.

**Africa Institute of South Africa Act Repeal Act 21 of 2013**

To provide for the disestablishment of the Africa Institute of South Africa; to provide for the transfer of the assets, liabilities, rights and obligations of the Institute; to repeal the Africa Institute of South Africa Act, 2001; and to provide for matters connected therewith.

**Banks Amendment Act 22 of 2013 (w.e.f. 10 Dec 2013)**

To amend the Banks Act, 1990, so as to define certain expressions and to amend certain definitions; to bring certain provisions in line with their practical application; to update references to legislation and institutions; to extend the use of the name bank to representative offices; to provide that a contravention of the Financial Intelligence Centre Act, 2001, is a cause for suspension or cancellation of registration as a bank; to align the Banks Act, 1990, with the Companies Act, 2008; and to comply further with the requirements of the Basel Committee of Banking Supervision; and to provide for matters connected therewith.

**Merchant Shipping (International Oil Pollution Compensation Fund) Act 24 of 2013**

To enact the International Maritime Organization Protocol of 1992 to amend the International Convention on the Establishment of an International Fund for

Compensation for Oil Pollution Damage of 18 December 1971 into law; and to provide for matters connected therewith.

Merchant Shipping (Civil Liability Convention) Act 25 of 2013

To enact the International Maritime Organization Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage of 29 November 1969 into law; and to provide for matters connected therewith.

Employment Tax Incentives Act 26 of 2013 (w.e.f. 1.1.14 except for s.10...to be set)

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 herewith.

Adjustments Appropriation Act 27 of 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.

Intellectual Property Amendment Act 28 of 2013 (commencement date to be set)

To provide for the recognition and protection of certain manifestations of indigenous knowledge as a species of intellectual property; to this end to amend certain laws so as to provide for the protection of relevant manifestations of indigenous knowledge as a species of intellectual property, namely the Performers' Protection Act, 1967, to provide for the recognition and protection of performances of traditional works; the Copyright Act, 1978, to provide for the recognition and protection of indigenous works; to provide for the establishment of a National Council in respect of indigenous knowledge; to provide for National Databases for recording indigenous knowledge and to provide for the recording of indigenous works; and to provide for the establishment of a National Trust Fund for Indigenous Knowledge; the Trade Marks Act, 1993, to provide for the recognition of indigenous terms and expressions and for the registration of such terms and expressions as trade marks; to create for this purpose a further part of the trade marks register; to provide for the recording of indigenous terms and expressions; and to provide for further protection of geographical indications; the Designs Act, 1993, to provide for the recognition and registration of indigenous designs; to create for this purpose a further part of the designs register; and to introduce statutory provisions to provide for the establishment of a National Council in respect of indigenous knowledge, a National Database for the recording of indigenous knowledge and a National Trust and Trust Fund for purposes of indigenous knowledge; and to provide for matters incidental thereto.

National Environmental Management Laws Second Amendment Act 30 of 2013

To amend the National Environmental Management Act, 1998, so as to amend certain definitions; to adjust the timeframes for the preparation of environmental implementation plans and environmental management plans; to provide for the process and procedure for submitting environment outlook reports; to promote or facilitate the mainstreaming of integrated, environmentally sustainable and sound management considerations into business processes, practices, technology and decision-making across the economy; to enable, as appropriate, the use of spatial tools, norms and standards and environmental management instruments in decision-making as an alternative to environmental authorisation procedures; to empower the Minister to restrict or prohibit development in specified geographical areas; to empower the Minister or MEC to develop norms and standards for activities, sectors and geographical areas; to clarify when the Minister is the competent authority; to identify the Minister as the competent authority where the MEC is usually the competent authority and a Cabinet decision stipulates that the Minister must be the

competent authority for activities related to a matter declared as a national priority or matters related to such national priority; to empower the Minister to take a decision in the place of the MEC under certain circumstances; to allow for the transfer of rights and obligations relating to an environmental authorisation; to provide legal clarity on the applicability of section 24G to the unlawful commencement, undertaking or conducting of a waste management activity under the National Environmental Management: Waste Act, 2008; to provide legal clarity on the options available to the competent authority in processing a section 24G application, to increase the administrative fine and to provide for criminal investigation and prosecution in certain circumstances; to further provide for exemptions under certain circumstances and to clarify that there will be no exemptions provided from obtaining an environmental authorisation; to provide for the consideration of adopted environmental management instruments when considering an environmental authorisation application; to provide for emergency situations and to distinguish between an "incident" and an "emergency situation"; to provide for the power and the circumstances under which an environmental management inspector may, without a warrant, seize any mechanism of transport; to insert provisions to regulate products which have a detrimental effect on the environment; to provide for all regulations to be tabled in Parliament before promulgation; to add provisions regarding the delivery of documents; to consolidate all offences and penalties under the Act; and to correct or delete certain obsolete provisions; and to provide for matters connected therewith.

Taxation Laws Amendment Act 31 of 2013 (w.e.f. 12.12.13 unless otherwise indicated)

To amend the Transfer Duty Act, 1949, so as to amend provisions; to amend the Estate Duty Act, 1955, so as to amend a provision; 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; 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; to 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; make provision for special zero-rating in respect of goods and services supplied in certain circumstances; and to provide for matters connected therewith.

Lotteries Amendment Act 32 of 2013

To amend the Lotteries Act, 1997, so as to amend certain definitions; to provide for the establishment of a National Lotteries Commission; to provide for the extension of the powers of the board; to provide for the licensing of an organ of state to conduct the National Lottery; to provide for a clear accountability process for the distributing agency; to provide for the professionalisation of the distributing agency; to eliminate overlapping of functions between the Minister and the board; to provide for the removal of the reconstruction and development programme as a category entitled to be allocated money of the fund; and to provide for matters connected therewith.

Sectional Titles Amendment Act 33 of 2013 (w.e.f. 18.12.2013)

To amend the Sectional Titles Act, 1986, so as to amend certain definitions; to further regulate notification of the intended establishment of schemes and the sale of units to lessees; to provide for the cancellation of registered sectional plans in a prescribed manner; to regulate the issuing of a certificate of registered sectional title in respect of a fraction of an undivided share in a section; to provide for the deletion of an obsolete

reference; to provide for the registration of a transfer of a part of the common property with the consent of the owners of the sections and the holders of registered real rights; to provide for the endorsing of title deeds to reflect amended participation quota schedules; to regulate the alienation of a portion of land over which a real right of extension or part thereof is registered; to provide for the consent of holders of registered real rights over exclusive use areas to the alienation of common property; to provide for the cession of a mortgage real right of extension and a mortgage real right of exclusive use area; to provide for the cancellation of part of a section pursuant to an expropriation; to further provide for the consent of bondholders with the registration of a sectional plan of extension; to provide for the issuing of more than one certificate of real right of extension and more than one certificate of real right of exclusive use area; and to provide for matters connected therewith.

Deeds Registries Amendment Act 34 of 2013 (w.e.f. 18.12.2013)

To amend the Deeds Registries Act, 1937, so as to provide discretion in respect of the rectification of errors in the name of a person or the description of property mentioned in deeds and other documents; to provide for the issuing of certificates of registered title taking the place of deeds that have become incomplete or unserviceable; to substitute an obsolete reference; to substitute an outdated heading; to delete reference to the repealed Agricultural Credit Act, 1966; to further regulate the updating of deeds in respect of the change of names of companies, close corporations and the surnames of persons; to amend a definition; and to provide for matters connected therewith.

Merchant Shipping (International Oil Pollution Compensation Fund) Administration Act 35 of 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.

Merchant Shipping (International Oil Pollution Compensation Fund) Contributions Act 36 of 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.

Tax Administration Laws Amendment Act 39 of 2013

To amend the Transfer Duty Act, 1949, so as to effect consequential amendments; to amend the Income Tax Act, 1962, so as to effect textual and consequential amendments; to amend provisions; and to effect technical corrections; to amend the Customs and Excise Act, 1964, so as to amend a provision; to make a new provision; and to amend provisions; to amend the Value-Added Tax Act, 1991, so as to effect technical corrections; to 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; to 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.

### Financial Services Laws General Amendment Act 45 of 2013

To amend and update the Pension Funds Act, 1956, the South African Reserve Bank Act, 1989, the Financial Services Board Act, 1990, the Long-term Insurance Act, 1998, the Short-term Insurance Act, 1998, the Inspection of Financial Institutions Act, 1998, the Financial Institutions (Protection of Funds) Act, 2001, the Financial Advisory and Intermediary Services Act, 2002, the Collective Investment Schemes Control Act, 2002, the Co-operative Banks Act, 2007, and the Financial Services Laws General Amendment Act, 2008, in order to close regulatory gaps, to effect improvements to certain provisions, to provide for increased supervisory capabilities, to rationalise and align the supervisory functions afforded to the Registrar; and to align the aforementioned Acts with the Companies Act, 2008; to amend the National Payment System Act, 1998, the Medical Schemes Act, 1998, and the Co-operatives Act, 2005, to the extent that those laws impact on the stability of the financial services sector and impede on a holistic regulatory approach and effective supervision; and to provide for matters connected therewith.

### Employment Equity Amendment Act 47 of 2013

To amend the Employment Equity Act, 1998, so as to substitute or amend certain definitions; to further regulate the prohibition of unfair discrimination against employees; to further regulate the certification of psychometric testing used to assess employees; to provide for the referral of certain disputes for arbitration to the Commission for Conciliation, Mediation and Arbitration; to make further provision regarding the evidentiary burden of proof in allegations of unfair discrimination; to further regulate the preparation and implementation of employment equity plans and the submission of reports by designated employers to the Director-General; to further regulate undertakings by designated employers to comply with requests by labour inspectors; to further regulate the issuing of compliance orders; to provide afresh for the assessment of compliance by designated employers with employment equity and the failure of those employers to comply with requests and recommendations made by the Director-General; to extend the powers of commissioners in arbitration proceedings; to provide for that fines payable in terms of the Act must be paid into the National Revenue Fund; to extend the Minister's power to issue a code of good practice and to delegate certain powers; to increase and provide for the increase by the Minister of certain fines which may be imposed under the Act; and to amend and to provide for the amendment by the Minister of annual turnover thresholds applicable to designated employers; and to provide for matters connected therewith.

### South African Weather Service Amendment Act 48 of 2013

To amend the South African Weather Service Act, 2001, so as to substitute and insert certain definitions; to provide the Minister with policy determination and supervisory powers; to extend the powers, functions and objectives of the Weather Service so as to provide the Weather Service with a legal mandate to provide ambient air quality services and to act as custodian of the South African Air Quality Information System; to provide for the appointment and removal of the Chief Executive Officer; to align the Act with the Public Finance Management Act, 1999, by providing for the Board to be the accounting authority for the Weather Service; to delete certain obsolete provisions; to provide for the limitation of liability of the Weather Service; to provide for offences and penalties; to amend the Schedules to the Act; and to provide for matters connected therewith.

## B. REGULATIONS AND GOVERNMENT NOTICES

Consumer Protection Act (68/2008): National Consumer Commission (NCC): Notice of intention to recognise as authoritative a registry in which persons may register pre-emptive blocks against direct marketing and request for all interested parties with existing registries/databases to submit proposals published

R.977                      GG 37124                      13.12.13

Liquor Act (59/2003): National Norms and Standards

GN 1194                      GG 37110                      4.12.2013

Labour Relations Act (66/1995): List of Bargaining Councils that have been accredited by the CCMA for conciliation and/or arbitration and/or pre-dismissal arbitrations

GN 1195    GG 37113                      4.12.2013

Local Government: Municipal Systems Act (32/2000): Regulations on Appointment and Conditions of Employment of Senior Managers

GN 21                      GG 37245                      17.1.2014

Income Tax Act (58/1962): Regulations in terms of section 12L of the Income Tax Act, on the allowance for Energy efficiency savings

GN 971    GG 37136                      9.12. 2013

Road Traffic Management Corporation Act (20/1999): Draft National Road Traffic Law Enforcement Code (NRTLEC) published for comment

GN 1                      GG 37149                      10.1.2014

## C. FROM THE PROVINCIAL GAZETTES

City of Cape Town: Informal Trading Amendment By-law, 2013

LAN 56160PG 7208                      6.12.13

Western Cape Monitoring and Support of Municipalities Bill, 2014 together with the Memorandum on the Objects of the Bill published for comment

PN 403    PG 7206                      6.12.13