

Legislative Updates March 2023

Compliments of the season and welcome to the first edition of the Exclaim Integrated Legislation Updates for 2023!

This update includes information pertaining to all legislative updates for the period 1 November till 30 January 2023.

We have included a section explaining the whole update process from the newsletter up to seeing the detailed changes in the Exclaim Checklists.

We are also including a list of newly promulgated legislation that is reflected in your Regulatory Universe. Kindly contact us should you wish to add these checklists.

kindest Regards

The Exclaim Team



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16. New Legislation

- **Veterinary and Para-Veterinary Professions Act**

- The Minister of Agriculture, Forestry and Fisheries amended Table 4 of the Regulations relating to veterinary and para-veterinary professions by listing the qualification for registration.
- The Minister of Agriculture, Forestry and Fisheries amended the regulations relating to the registration of veterinary facilities by the deletion of the definition of “veterinary shop” and the deletion of the word “Veterinary shop” from Regulation 2.1 and 2.2.
- The South African Veterinary Council has under section 30(1) of the Veterinary and Para Veterinary Professions Act, 1982 (Act No.19 of 1982) resolved to withdraw and substitute the rules relating to the practising of para-veterinary profession of laboratory animal technologist, veterinary technologist and veterinary nurse. The said substituted rules shall come into operation on the date of publication.

Incorporation of the updated regulation and rule documents included in the Exclaim Library.

Amendment of the rule checklist. Refer the checklist to see detail of changes.

- **Animal Improvement Act**

The Minister of Agriculture, Land Reform and Rural Development has under section 2 of the Animal Improvement Act, 1998 (Act No. 62 of 1998) amended Table 7 of the Animal Improvement Regulations by the addition of kinds of animals.

Schedule 7 of the regulations have accordingly been updated in the Exclaim Library.

- **SPCA Act**

The SPCA Rules 2, 3, 4, 5 and 6 have been amended.

The rules have been amended in the checklist and Rule document in the Exclaim Library.

2. Agriculture

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- **Agricultural Product Standards Act**

The Minister of Agriculture, Land Reform and Rural Development made Regulations relating to Grading, Packing and Marking of Canned and Pickled Vegetables intended for sale in Republic of South Africa G47634 GoN 2826

A New checklist for this regulation has been released. The regulation document has been included in the Exclaim Library.

3. Anti-Corruption

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- **Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004**

This act was amended by the Protection of Constitutional Democracy against Terrorist and Related Activities Amendment Act 23 of 2022 as follows:

- Amendment of Definitions
- Amendment of sections 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 15, 16, 17, 18, 23, 24 and 27.
- Insertion of Section 4A and 24A.
- Repeal of sections 25 and 26.

The checklist for this act has accordingly been updated. The amended act has also been incorporated into the Exclaim Library. Please see the detailed changes on the checklist.

- **The Trust Property Control Act,1988**

This act was amended by the General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Act 22 of 2022 as follows:

- Amendment of sections 1, 6, 8, 10, 11, 19 and 20.
- Inserting section 11A
- Inserting definitions of “accountable institution” and “beneficial owner”.

The checklist for this act has accordingly been updated. The amended act has also been incorporated into the Exclaim Library. Please see the detailed changes on the checklist.

- **The Nonprofit Organisations Act,1997**

This act was amended by the General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Act 22 of 2022 as follows:

- Amendment of sections 2, 5, 12, 13, 18, 21, 24 and 29.
- Inserting Chapter 3A

The checklist for this act has accordingly been updated. The amended act has also been incorporated into the Exclaim Library. Please see the detailed changes on the checklist.

- **The Financial Intelligence Centre Act,2001**

This act was amended by the General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Act 22 of 2022 and the Protection of Constitutional Democracy against Terrorist and Related Activities Amendment Act 23 of 2022 as follows:

- Amendment of sections 1, 3, 4, 5, 21B, 21C, 21D, 21F, 21G, 21H, 26A, 26B, 26C, 27A, 28A, 34, 35, 36, 37, 40, 41A, 42, 49A, 50, 52, 57, 59, 64, 75, 79A, 79B, 79C, Schedule 2 , 3A and 3B.
- Insertion of Schedule 3C.

The checklist for this act has accordingly been updated. The amended act has also been incorporated into the Exclaim Library. Please see the detailed changes on the checklist.

- **The Companies Act, 2008**

This act was amended by the General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Act 22 of 2022 as follows:

- Amendment of sections 1, 33, 50, 56, 69 and 122.

The checklist for this act has accordingly been updated. The amended act has also been incorporated into the Exclaim Library. Please see the detailed changes on the checklist.

- **The Financial Sector Regulation Act,2017**

This act was amended by the General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Act 22 of 2022 as follows:

- Amendment of section 159
- Insertion of Chapter 11A.

The checklist for this act has accordingly been updated. The amended act has also been incorporated into the Exclaim Library. Please see the detailed changes on the checklist.

4. Criminal and Procedural Law

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- **Drugs and Drug Trafficking Act, 1992**

This act was amended by the Drugs and Drug Trafficking Amendment Act 14 of 2022 as follows:

- By amending Schedule 1 and Schedule 2; and
- Repealing of section 63.

The checklist for this act has accordingly been updated. The amended act has also been incorporated into the Exclaim Library. Please see the detailed changes on the checklist.

5. Energy

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- **National Energy Act**

The Minister of Energy and Resources amended Regulation 3 of the Mandatory display and submission of energy performance certificates for buildings.

The checklist for this act has accordingly been updated. The amended act has also been incorporated into the Exclaim Library. Please see the detailed changes on the checklist.

6. Environment

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- **Marine Living Resources Act**

The Minister of Forestry, Fisheries and the environment amended the regulations in terms of this act by amending regulation 51 and Annexure 2.

The checklist for this act has accordingly been updated. The amended act has also been incorporated into the Exclaim Library. Please see the detailed changes on the checklist.

7. Finance

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- **Banks Act**

The Minister of Finance has amended the Banking Regulations by-

- Substitution of form BA 330
- Amendment of regulation 30, 39 and 67.

The checklist for this act has accordingly been updated. The amended act has also been incorporated into the Exclaim Library. Please see the detailed changes on the checklist.

- **Financial Intelligence Centre Act**

The Minister of Finance has amended the Money laundering and terrorist financing control regulations by-

- Amendment of regulation 1, 24 and 29.
- Insertion of regulations 23D and 23E.
- The Minister of Finance has also amended Schedules 1, 2 and 3.

The checklist for this regulation has accordingly been updated. The amended regulation has also been incorporated into the Exclaim Library. Please see the detailed changes on the checklist.

- **Financial Advisory and Intermediary Services Act**

- The Commissioner promulgated amendments to sections 7, 10 and 13 of the General Code of Conduct for Authorised Financial Services Providers and Representatives.
- The Commissioner announced the amendment of paragraph 1, 7 and Schedule 2 to the Notice of Qualifications, Experiences and Criteria for the approval as Compliance Officer, 2010.

The checklists for the Code and regulation have accordingly been updated. The amended documents have also been incorporated into the Exclaim Library. Please see the detailed changes on the checklist.

- **The Customs and Excise Act, 1964,**

This act was amended by the Rates and Monetary Amounts and Amendment of Revenue Laws Act 19 of 2022, the Taxation Laws Amendment Act 20 of 2022 and the Tax Administration Laws Amendment Act 16 of 2022 as follows:

- Amendment of sections 1, 4, 38, 39, 40, 41, 47, 48, 49, 65, 71, 79, 84, 86, 107 and 120, and Schedule 1 and 6
- Insertion of Chapter IXA.

- **Employment Tax Incentive Act, 2013**

This act was amended by the Rates and Monetary Amounts and Amendment of Revenue Laws Act 19 of 2022, the Taxation Laws Amendment Act 20 of 2022 and the Tax Administration Laws Amendment Act 16 of 2022 as follows:

- Amendment of sections 7, 10.

- **The Carbon Tax Act, 2019**

This act was amended by the Rates and Monetary Amounts and Amendment of Revenue Laws Act 19 of 2022, the Taxation Laws Amendment Act 20 of 2022 and the Tax Administration Laws Amendment Act 16 of 2022 as follows:

- Amendment of sections 5, 6 by amending a rate of tax.

- **The Value Added Tax Act, 1991**

This act was amended by the Tax Administration Laws Amendment Act 16 of 2022 and the Tax Administration Laws Amendment Act 16 of 2022 as follows:

- Amendment of sections 1, 9, 13, 16, 18D, 20, 23 and 52 and Schedule 1.

- **The Transfer Duty Act, 1949,**

This act was amended by the Tax Administration Laws Amendment Act 16 of 2022 by amending definitions in section 1.

- **The Estate Duty Act, 1955,**

This act was by amended by the Tax Administration Laws Amendment Act 16 of 2022 by amending section 5.

- **The Tax Administration Act, 2011**

This act was by amended by the Tax Administration Laws Amendment Act 16 of 2022 as follows:

- Amendment of sections 221, 222, 240A and 256.

- **Pension Funds Act 1956**

The Minister of Finance has, in terms of section 36 of the Pension Funds Act, 1956 (Act No. 24 of 1956) and with effect from 20 February 2023, repealed regulation 33 of the regulations published under Government Notice No. R.98 of 26 January 1962, as amended.

The checklists for these acts have accordingly been updated. The amended documents have also been incorporated into the Exclaim Library. Please see the detailed changes on the checklists.

8. Government

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- **Preferential Procurement Policy Framework Act**

The Minister of Finance has, in terms of the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000), and with effect from 16 January 2023, promulgated the new Preferential Procurement Regulations, and repealed the 2017 regulations.

The checklist has been amended to include the new regulations and repeal the old regulations. The new regulations have also been incorporated into the Exclaim Library. Please see the detailed changes on the checklist.

- **Public Administration Management Act**

The Acting Minister of Public Service and Administration has promulgated the Office of Standards and Compliance Regulations.

A new checklist has been compiled. The new regulations have also been incorporated into the Exclaim Library.

9. Health and Safety

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- **Health Professions Act**

The Health Professions Council of South Africa amended Annexure 8 of the Ethical Rules of Conduct for Practitioners Registered under the Act.

- **Medicines and Related Substances Act**

The Minister of Health amended Regulations 1 and 3 of the general regulations.

- **National Health Act**

The Minister of Health has made the regulations relating standards for emergency medical services which will come into operation within 12 months after the date of promulgation.

- **Pharmacy Act**

The South African Pharmacy Council published the Rules relating to the services for which a pharmacist may levy a fee and guidelines for levying such fee or fees, which rules replace the existing Rules relating to the services for which a pharmacist may levy a fee and guidelines for levying such fee or fees, as published under Board Notice 193 on 20 December 2010. These rules must be read in conjunction with the Rules relating to Good Pharmacy Practice (GPP) as published by the South African Pharmacy Council.

The checklists for these regulations and rules have accordingly been updated. The amended documents have also been incorporated into the Exclaim Library. Please see the detailed changes on the checklists.

10. Mining and Minerals

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- **Mine Health and Safety Act**

The Minister of Mineral Resources and Energy has determined that 21 December 2022 is the date that sub-sections 8.10.1.2(b) and 8.10.2.1(b) of the Trackless mobile machinery regulations come into operation.

The Minister has also amended the Chapter 21 reporting forms in terms of Regulation 9.2(7).

The forms have been updated accordingly.

11. Persons and Family

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- **The Children's Act, 2005**

This act has been amended by the Children's Amendment Act 17 of 2022 as follows:

- The insertion of certain definitions.
- Amendment of sections 24, 45, 105, 142, 150 155, 157, 159, 160, 183, 185 and 186.

These amendments will come into operation on a date determined by the President by proclamation in the Gazette.

12. Property

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- **Sectional Titles Act, 1986**

- This act has been amended by the Sectional Titles Amendment Act 2022 as follows:

- Amendment of certain definitions and sections 24, 25, 26, 27, 32, 54, and 55.

The checklist for this act has been updated. The amended document has also been incorporated into the Exclaim Library. Please see the detailed changes on the checklist.

13. Security

[View Notices](#)

- **Private Security Industry Regulation Act**

Amendment of the regulations made under the security officers act, 1987 (act 92 of 1987) by amending regulation 7, 9 and fee schedules.

The amended document has been incorporated into the Exclaim Library. Please see the detailed changes on the checklist.

14. Telecommunications

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- **Post Office Act**

The Minister of Communications and Digital Technologies, acting in terms of section 10 of the Post Office Act, No. 44 of 1958, amended, the Rules of the Post Office Retirement Rules of the Post Office Retirement Fund.

15. Transport

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- **Merchant Shipping Act**

The Minister of Transport has amended the Annex to the regulations: Collision and distress signals.

16. New Legislation

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The following new legislation have been promulgated-

- Act No. 12 of 2022: Financial Sector and Deposit Insurance Levies (Administration) and Deposit Insurance Premiums Act, 2022
- Act No. 11 of 2022: Financial Sector and Deposit Insurance Levies Act, 2022