

## Legislative Updates May 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 February till 30 April 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



# INDEX

## Legislative Updates May 2023

### Agriculture

- Agricultural Products Standards Act, 1990
- National Water Act, 1998

### Animals

- Veterinary and Para-Veterinary Professions Act, 1982
- Societies for the Prevention of Cruelty to Animals Act, 1993

### Commercial

- Companies Act, 2008
- Competition Act, 1998

### Criminal and Procedure

- Criminal Procedure Act, 1977
- Domestic Violence Act, 1998
- Protection from Harassment Act, 2011
- Superior Courts Act, 2013

### Energy

- Nuclear Energy Act, 1999

## Environmental

- National Environmental Management: Biodiversity Act, 2004
- National Environmental Management Act, 1998

## Government

- Public Audit Act, 2004

## Finance

- Insolvency Act, 1936
- South African Reserve Bank, 1989
- Banks Act, 1990
- Mutual Banks Act, 1993
- Financial Institutions (Protection of Funds) Act, 2001
- Co-operative Banks Act, 2007
- Financial Markets Act, 2012
- Financial Sector Regulation Act, 2017
- Insurance Act, 2017
- Financial Advisory and Intermediary Services Act, 2002
- Short-Term Insurance Act, 1998
- Long-Term Insurance Act, 1998
- Financial Intelligence Centre Act, 2001
- Pensions Funds Act, 1956

## Health and Safety

- National Health Act
- Dental Technicians Act, 1979

## Labour Law

- Basic Conditions of Employment Act, 1997
- Compensation for Occupational Injuries and Diseases Act, 1993
- Employment Equity Act, 1998
- National Minimum Wage Act, 2018

## Land

- Spatial Data Infrastructure Act, 2003

## Mining and Minerals

- Mine Health and Safety Act, 1996

## Professions

- Architectural Profession Act, 2000
- Auditing Profession Act, 2005

## Property

- Deeds Registries Act, 1937
- Sectional Titles Act, 1986

## Security

- Private Security Industry Regulations Act, 2001
- Firearms Control Act, 2000

## Tax and Levies

- Tax Administration Act, 2011

## Telecommunications

- Electronic Communications Act, 2005

## Trade and Industry

- Trust Property Control Act, 1988

## Transport

- National Railway Safety Regulator Act, 2002
- Civil Aviation Act, 2009

# Understanding the Updates

## Exclaim Updates Guide

Exclaim provides a guide on how to access and navigate the updates on the Exclaim Software, making it extremely easy to manage compliance in respect of the legislative updates set out herein.



## Legislative Updates May 2023

### Agriculture

[View Notices](#)

- **Agricultural Products Standards Act, 1990**

- The Minister of Agriculture, Land Reform and Rural Development promulgated Regulations relating to the protection of geographical indications and designations of origin used on agricultural products intended for sale in the Republic of South Africa, which came into effect on 10 February 2023.

*Incorporated the Regulation document in the Exclaim Library. Contact us for the new checklist.*

- **National Water Act, 1998**

- The Minister of Water and Sanitation issued a Notice requesting all persons who uses water, as set out in Section 21 of the Act, to register their water use within 90 days of 10 March 2023.

*Incorporated the Notice in the Exclaim Library*

### Animals

[View Notices](#)

- **Veterinary and Para-Veterinary Professions Act, 1982**

- The South African Veterinary Council made Rules relating to the practising of para-veterinary profession of veterinary physiotherapist, with effect from 24 February 2023.

*Incorporated the Rules document in the Exclaim Library*

- **Societies for the Prevention of Cruelty to Animals Act, 1993**

- The National Council of Societies for the Prevention of Cruelty to Animals issued a Notice amending Rule 2.15 and 5.4.

*Incorporated the amended Rules in Exclaim Library.*

## Commercial

[View Notices](#)

- **Companies Act, 2008**

The Financial Sector Laws Amendment Act, 2021 amended sections 81, 112, 113, 114, 128.

*These sections have been amended in the Act document and the Exclaim Library has accordingly been updated.*

- **Competition Act, 1998**

- The Financial Sector Laws Amendment Act, 2021 amended section 18.
- The Competition Commission issued Guidelines on the exchange of competitively sensitive information between competitors, with effect from 24 February 2023.

*Section 18 of this Act has been updated with the Financial Sector Laws Amendment act and included in the Exclaim Library. The Guidelines have been incorporated within the Regulatory Universe and Exclaim Library.*

## Criminal and Procedure

[View Notices](#)

- **Criminal Procedure Act, 1977**

- The Domestic Violence Amendment Act amended Section 40 of this Act, with effect from 14 April 2023.

*Incorporated the amendment document in the Exclaim Library and updated the checklist.*

- **Domestic Violence Act, 1998**

- The Minister of Justice and Correctional Services promulgated the Domestic Violence Regulations, with effect from 14 April 2023.
- The president affixed the commencement date of the Domestic Violence Amendment Act, with the exception of Section 6A, as 14 April 2023. This Act makes the following amendments to the Domestic Violence Act:
  - Inserts Arrangement of Sections in the Act, Sections 2A, 3A, 4A, 5A, 5B, 5C, 6A, 18A, 18B, 19A;
  - Substitutes Sections 1, 3, 4, 5, 6, 9, 15, 16, 19, 20; and
  - Amends Sections 2, 7, 8, 10, 11, 12, 13, 17, 18.

*Incorporated the new Regulations in the Exclaim Library. This act was accordingly updated with the amendment act and included in the Exclaim Library.*

- **Protection from Harassment Act, 2011**

- The Domestic Violence Amendment Act amended Sections 1(2) and 10(5)(a) of this Act, with effect from 14 April 2023.

*This act was accordingly updated with the amendment act and included in the Exclaim Library.*

- **Superior Courts Act, 2013**

- The Domestic Violence Amendment Act amended Section 47(1) of this Act, with effect from 14 April 2023.

*Incorporated the amendment document in the Exclaim Library*

## Energy

[View Notices](#)

- **Nuclear Energy Act, 1999**

- The Minister of Mineral Resources and Energy promulgated the Nuclear Non-Proliferation Regulations, which came into effect on 10 March 2023.
  - Failure to comply with the Regulations can attract penalties of a fine or imprisonment not exceeding 12 months.
- The Minister also amended Schedule 4 of the Notice declaring certain substances, materials and equipment as restricted material, source material, special nuclear material and nuclear related equipment and material, with effect from 14 April 2023.

*Incorporated the Regulations document in the Exclaim Library.*

## Environmental

[View Notices](#)

- **National Environmental Management: Biodiversity Act, 2004**

- The Minister of Forestry, Fisheries and Environment promulgated Regulations pertaining to threatened or protected terrestrial species and freshwater species, which took effect on 1 April 2023.

- Offences in this legislation attract penalties of imprisonment not exceeding 5 years or a fine not exceeding R5 million, or both.

*Incorporated the new Regulations in the Exclaim Library. Repealed the 2007 GN R152 Regulations*

- **National Environmental Management Act, 1998**

- The Minister of Forestry, Fisheries and the Environment, promulgated Regulations to domesticate the requirements of the Rotterdam Convention on the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade, with effect from 120 days from 21 February 2023.

*Incorporated the Regulations in the Exclaim Library.*

## Government

[View Notices](#)

- **Public Audit Act, 2004**

- The Auditor-General issued directives pertaining to audits by the Auditor-General, which is effective for financial periods beginning on or after 1 April 2022.

*Replaced the 2021 GN 1599 with Directive GoN 3018 in Exclaim Library. Updated the checklist accordingly.*

## Finance

[View Notices](#)

- **Insolvency Act, 1936**

The Financial Sector Laws Amendment Act, 2021 -

- Amended Sections 22A, 35A, 83; and
- Inserted Sections 22A and 35A.

*Incorporated the amendment in the Exclaim Library. Checklist has been amended accordingly.*

- **South African Reserve Bank, 1998**

The Financial Sector Laws Amendment Act, 2021 amended section 10.

*Incorporated the amendment in the Exclaim Library. Checklist has been amended accordingly.*

- **Banks Act, 1990**

The Financial Sector Laws Amendment Act, 2021 -

- Amended sections 51, 54, 60, 89A, 91; and
- Repealed sections 68, 69 and 69A.

Financial Sector and Deposit Insurance Levies (Administration) and Deposit Insurance Premiums Act, 2022 amended sections 35 and 90.

*Incorporated the amendment in the Exclaim Library. Checklist and penalties have been amended accordingly.*

- **Mutual Banks Act, 1993**

The Financial Sector Laws Amendment Act, 2021 -

- Amended sections 4, 29 and 92.
- Repealed sections 73, 74, 75, 76, 77, 80 and 81.
- Inserted section 78A.

Financial Sector and Deposit Insurance Levies (Administration) and Deposit Insurance Premiums Act, 2022 amended section 31 and 91.

*Incorporated the amendment in the Exclaim Library. Checklist has been amended accordingly.*

- **Financial Institutions (Protection of Funds) Act, 2001**

The Financial Sector Laws Amendment Act, 2021 amended Section 9B.

*Incorporated the amendment in the act document in the Exclaim Library*

- **Co-operative Banks Act, 2007**

The Financial Sector Laws Amendment Act, 2021

- Amended sections 1, 55 and 80.
- Repealed sections 24, 25, 26 and 30.
- Inserted section 30A.

*Incorporated the amendment in the Exclaim Library. Checklist has been amended accordingly.*

- **Financial Markets Act, 2012**

- The Financial Sector Laws Amendment Act, 2021
- Amended sections 3, 60 and 64.

*Incorporated the amendment in the Exclaim Library. Checklist has been amended accordingly.*

- **Financial Sector Regulation Act, 2017**

The Financial Sector Laws Amendment Act, 2021 -

- Amended sections 1, 7, 9, 26, 27, 28, 30, 91, 105, 109, 129, 134, 241, 248, 250, 265, 267, 285, Schedule 2 and Schedule 3.
- Repealed section 31.
- Inserted sections 28A, 29B, 135A and Chapter12A.

Financial Sector and Deposit Insurance Levies (Administration) and Deposit Insurance Premiums Act, 2022 –

- Amended sections 1, 58, 166BG, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 288 and 301.
- Inserted Schedule 5.

*Incorporated the amendment in the Exclaim Library. Checklist has been amended accordingly.*

- **Insurance Act, 2017**

The Financial Sector Laws Amendment Act, 2021 amended section 52.

*Incorporated the amendment in the Exclaim Library.*

- **Financial Advisory and Intermediary Services Act, 2002**

Financial Sector and Deposit Insurance Levies (Administration) and Deposit Insurance Premiums Act, 2022 amended section 22 and section 41.

*Incorporated the amendment in the Exclaim Library. Checklist has been amended accordingly.*

- **Short-Term Insurance Act, 1998**

- The Financial Sector Conduct Authority (FSCA) issued a determination in respect of the penalty amount for failure to furnish the FSCA with returns in terms of Section 66(1) of the Act, with effect from 24 February 2023.

*The penalties section has accordingly been updated.*

- **Long-Term Insurance Act, 1998**

- The Financial Sector Conduct Authority (FSCA) issued a determination in respect of the penalty amount for failure to furnish the FSCA with returns in terms of Section 68(1) of the Act, with effect from 24 February 2023.

*Amended the penalties.*

- **Financial Intelligence Centre Act, 2001**

**Directive 6**

- The Financial Intelligence Centre issued a Directive in terms of Section 43A(3)(a) in relation to the submission of a risk and compliance return to the Financial Intelligence Centre by specified accountable institutions that are designated non-financial businesses and professions, with effect from 31 March 2023.
- Non-compliance may result in an administrative sanction in accordance with Section 62E read with Section 43A(3) of the Act

**Directive 7**

- The Financial Intelligence Centre issued a Directive in terms of Section 43A(3)(a) in relation to the submission of a risk and compliance return to the Financial Intelligence Centre by specified accountable institutions, with effect from 31 March 2023.
- Non-compliance may result in an administrative sanction in accordance with Section 62E read with Section 43A(3) of the Act.

**Directive 8**

- The Financial Intelligence Centre issued a Directive in terms of Section 43A(1) in relation to the screening of employees for competence and integrity and scrutinising of employee information against applicable targeted financial sanctions lists as a money laundering, terrorist financing and proliferation financing control measure, with effect from 31 March 2023.

- Failure to comply with this Directive may result in the imposition of an administrative sanction in accordance with Section 45C of the Act.

*Incorporated Directives in the Exclaim Library. Checklist has been updated accordingly.*

- **Pensions Funds Act, 1956**

Financial Sector and Deposit Insurance Levies (Administration) and Deposit Insurance Premiums Act, 2022 amended section 30R.

*Incorporated the amendment in the Exclaim Library*

## Health and Safety

[View Notices](#)

- **National Health Act, 2003**

- The Minister of Health amended the Regulations relating to the surveillance and the control of notifiable medical conditions, declaring monkey pox to be a notifiable medical condition under Annexure A, with effect from 20 November 2022.

*Incorporated the amended Regulations in the Exclaim Library.*

- **Dental Technicians Act, 1997**

- The Minister of Health made the following amendments to the Regulations relating to the registration of dental laboratories and related matters, with effect from 17 March 2023:
  - Definitions, regulations 11, and 12.

*Incorporated the amended Regulations in the Exclaim Library.*

## Labour Law

[View Notices](#)

- **Basic Conditions of Employment Act, 2007**

- The Minister of Employment and Labour issued a determination GoN 3067 amending the employee earnings threshold in terms of Section 6 of the Act, with effect from 1 March 2023.

*The Checklist has been updated accordingly.*

- **Compensation for Occupational Injuries and Diseases Act, 1993**

- The Director General of Employment and Labour issued a Notice in respect of maximum earnings thresholds and minimum assessments in terms of Section 82 and 83, with effect from 17 February 2023.
- The President also assented to the Compensation for Occupational Injuries and Diseases Amendment Act, which will make the following amendments to the principal Act, with the effective date still to be determined:
  - Amends Sections 1, 4, 11, 12, 16, 17, 18, 20, 22, 23, 25, 26, 30, 32, 36, 39, 40, 41, 42, 43, 45, 46, 47, 48, 49, 54, 56, 57, 59, 65, 69, 70, 72, 73, 74, 75, 76, 78, 80, 83, 85, 87, 88, 90, 91, 97;
  - Substitutes Sections 13, 44, 64, 67, 79, 81, 86, 89, 99, heading of Chapter VI, certain expressions;
  - Inserts Sections 13A, 13B, 13C, 49A, Chapter VIIA, Chapter XA; and
  - Repeals Sections 14.

*Incorporated the Notice in terms of the maximum earnings threshold in the checklist.*

- **Employment Equity Act 1998**

- The President assented to the Employment Equity Amendment Act, which will make the following amendments to the Employment Equity Act, with effective date still to be determined:
  - Amends Sections 1, 8, 16, 20, 21, 27, 36, 37, 42, 53;
  - Repeals Sections 14, 64A, Schedule 4;
  - Inserts Section 15A; and
  - Deletes footnote 4 and 7.

*To be incorporated on effectiveness date.*

- **National Minimum Wage Act, 2018**

- The Minister of Employment and Labour amended the national minimum wages contained in Schedule 1 and Schedule 2, with effect from 1 March 2023.

*Incorporated the amendments in the Exclaim Library. Checklist have been updated accordingly.*

## Land

[View Notices](#)

- **Spatial Data Infrastructure Act, 2003**

- The Minister of Agriculture, Land Reform and Rural Development determined standards to facilitate the sharing and integration of spatial information, which came into effect on 10 April 2023.

*Incorporated the Standards in the Exclaim Library.*

## Mining and Minerals

[View Notices](#)

- **Mine Health and Safety Act, 1996**

- The Minister of Mineral Resources and Energy made the following amendments to the Mine Health and Safety Regulations (Minerals Act) relating to certificates of competency, with effect from 30 March 2023:
  - Regulations 28.1.3, 28.10, and 28.12.

*Incorporated amendment to Regulation in the Exclaim Library.*

## Professions

[View Notices](#)

- **Architectural Profession Act, 2000**

- The South African Council for the Architectural Profession made the Rules published under Board Notice 43 of 2017 pertaining to continuing professional development (Section 13(K) of the Act) and in relation to renewal of registration (Section 22(2) of the Act), which came into effect on 10 February 2023.
- Rules published under Board Notice 186 of 2019 are repealed.

*Incorporated the new Rules under BN 390 in the Exclaim Library.*

- **Auditing Profession Act, 2005**

- The Independent Regulatory Board for Auditors (IRBA) adopted, issued, and prescribed new handbooks of International Quality Control, Auditing, Review, Other Assurance, and Related Services Pronouncements, and supplements thereto, with effect from 10 February 2023.

*Incorporated the Notice in the Exclaim Library. Checklist line 45 has been updated accordingly.*

## Property

[View Notices](#)

- **Deeds Registries Act, 1937**

- The Minister of Agriculture, Land reform and Rural Development amended regulation 68 of the Deeds Registries Regulations, with effect from 1 May 2023.

*Incorporated the Regulation in the Exclaim Library.*

- **Sectional Titles Act, 1986**

- The Sectional Titles Amendment Act made the following amendments to Sectional Titles Act, with effect from 5 January 2023:
  - Amended Sections 1, 4, 14, 15B, 17, 21, 22, 23, 24, 25, 26, 27, 32, 54, 55; and
  - Substituted Section 18.

*Incorporated the amendment document in the Exclaim Library and updated the checklist accordingly.*

## Security

[View Notices](#)

- **Private Security Industry Regulations Act, 2001**

- The Private Security Industry Regulatory Authority made the following amendments to the Regulations, with effect from 1 April 2023:
  - Definitions, regulations 1, 7, and 9.

*Incorporated the amended regulations in the regulation document in the Exclaim Library.*

- **Firearms Control Act, 2000**

- The Domestic Violence Amendment Act amended Schedule 2 of this Act, with effect from 14 April 2023.

*Incorporated the amendment document in the Exclaim Library.*

## Tax and Levies

[View Notices](#)

- **Tax Administration Act, 2011**
  - The Minister of Finance promulgated Regulations in respect of paragraph (a) of the definition of “international tax standard” in section 1 of the Act, with effect from 1 March 2024.

*Checklist line 75 has been updated accordingly.*

## Telecommunications

[View Notices](#)

- **Electronic Communications Act, 2005**
  - The Independent Communications Authority of South Africa made the following amendments to the End-User and Subscriber Service Charter Fourth Amendment Regulations, with effect from 28 March 2023:
    - Regulations 1, 8C, 9, 10, and 11.

*Incorporated the amended Regulations in the Exclaim Library.*

## Trade and Industry

[View Notices](#)

- **Trust Property Control Act, 1988**
  - The Minister of Justice and Correctional Services inserted the following Regulations, with effect from 1 April 2023:
    - Insertion of 3A, 3B, 3C, 3D and 3E.

*Incorporated the Regulations in the Exclaim Library.*

## Transport

[View Notices](#)

- **National Railway Safety Regulator Act, 2009**
  - The Minister of Transport amended the Regulations by replacing in its entirety Appendix A: Railway Occurrences, Table 1: Operational Occurrences, with effect from 17 February 2023.

- The Chief Executive of the Railway Safety Regulator published the standard for Verbal Safety-Critical Communication, with effect from 24 March 2023.

*Amendment of Regulations document in Exclaim Library. Incorporated the Standard in the Exclaim Library.*

- **Civil Aviation Act, 2009**

- The Minister of Transport made amendments to the Twenty-Fifth Amendment of the Civil Aviation Regulations, which came into effect on 17 March 2023:
  - Regulations 1.0.1.1, 1.01.2; and
  - Parts 12, 21, 34, 36, 91, 93, 121, 135, 139, 140, 172.
- The Minister of Transport made the following amendments to the Twenty-Sixth Amendment of the Civil Aviation Regulations, which came into effect on 17 March 2023:
  - Regulations 1.0.1.1, 1.0.2.1, 43.04.2, 67.00.2, 91.10.19, 93.08.1; and
  - Parts 12, 48, 61, 66, 71, 72, 91, 92, 101, 111, 121, 127, 135, 139, 140, 141, 172, 174, 178.

*Incorporated the amended Regulations in the Exclaim Library.*



# Understanding the Updates

## Exclaim Updates Guide

The legislative updates within Exclaim Integrated are comprehensive and therefore requires a quick highlight of the functionality.

### 1. Legal Alerts

Exclaim Innovations in co-operation with Juta provides a weekly update of all legislative changes. These include new developments, Bills and Notices from Government. The user requires a subscription to this newsletter. On subscription Exclaim will provide the user with a User Name and Password.

To access the Alerts navigate to the Library option on the menu and select the Alerts tab. Then select the Legal Alerts section. This button will provide a hyperlink to the Juta website. Enter your user name and password on this webpage.

**Legal Alerts**

**Juta**  
Legislation Notification

Exclaim Innovations in collaboration with JUTA is providing access to the latest legislative changes.  
*Please select the link here and insert the User Name and Password provided to you at installation.*

Select


### 2. Quarterly Legislative Updates

Exclaim Innovations will provide information on all legislative amendments to statutory legislation and accordingly update the checklists and act or subordinate document relating to these updates.

#### 2.1 Newsletter

A comprehensive newsletter will be compiled documenting all legislative changes for the quarter. This newsletter will be available on the Library/ Alerts option as well.

**Quarterly Legislative Updates**

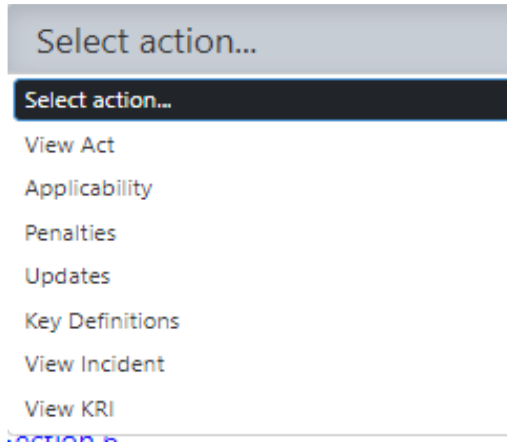


Details pertaining to all legislative amendments and changes to the checklists are recorded in the Compliance Library.  
*To view the latest quarterly update newsletter [select here](#)*

This newsletter along with all the relevant government notices will also be made available on our Exclaim Compliance Library. Click on the “select here” option in the software and the hyperlink to this website will open. This website will also provide access to archives and historic newsletters.

### 3. Checklist Updates

Legislative changes might affect the requirements in the checklist. We will list the changes to the checklists in the newsletter and indicate the detailed changes in the individual checklists. Navigate to the checklist page and then select the checklist that has been amended. Then on the Select action box select the Updates option.



The changes will reflect as follow:

The screenshot shows a window titled "Updates" with a search bar and a table of amendments. A callout box explains the data in the table.

Amended By	Refer To
Pension Funds Act: Regulations: Amendments (GoN 2230 in GG 46649 of 1 July 2022)	Legislative Up

Checklist Reference	Line Number	Update Date	Extend Of Amendment
Regulation 28	233 - 241	November 2022	New Requirements (s)
Regulation 28	153	November 2022	Requires Assessment

The upper section reflects the notice amending the checklist and the bottom section reflects the extend of the amendment e.g. new requirement, require assessment or for notification.

#### 4. Action required on the checklists

The screenshot displays a web-based checklist interface. At the top, a table lists regulatory items:

ID	Regulation	Asset limits	Assessment Status
153	PENSION FUNDS REGULATIONS: PART VII GENERAL	Asset limits	Not Assessed
154	PENSION FUNDS REGULATIONS: PART VII GENERAL	Asset limits	Not Assessed
155	PENSION FUNDS REGULATIONS: PART VII GENERAL	Asset limits	Not Assessed
156	PENSION FUNDS REGULATIONS: PART VII GENERAL	Look-through	Not Assessed

Below the table, there are sections for 'Requirements' and 'Explanatory Notes'. The 'Requirements' section contains the text: "Does the fund ensure that the aggregate exposure to assets specified in sub-section (i) to (vi) does not exceed 45 percent of the aggregate fair value of the total assets of the fund?".

A callout bubble points to the 'Review' button in the interface, stating: "Where an assessment is required the review button should be ticked to indicate that a re-assessment was completed." The 'Review' button is currently unchecked.