

## Legislative Updates August 2023

It is time for the Winter edition of the Exclaim Integrated Legislation Updates!

Despite the winter cold, the number of updates is extensive mainly as a result of the National Environmental Amendment Act which amended numerous acts.

The amended Company Regulations has also been a topic of discussion and we have incorporated all the new requirements as well.

This update includes information pertaining to all legislative updates for the period 1 May up and till 31 July 2023.

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

kindest Regards

The Exclaim Team



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# 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 Product Standards Act, 1990**

- The Minister of Agriculture, Land Reform and Rural Development –
  - repealed the Regulations Regarding Control of the Export of Fresh Cut Flowers and Fresh Ornamental Foliage published in 2014 GN R886 and replaced it with new Regulations with the commencement date being 26 May 2023;
  - repealed the Regulations Regarding Control of the Export of Processed Products published in 2015 GN R423 and replaced it with new Regulations with the commencement date being 2 June 2023;
  - repealed the Regulations Regarding Control of the Export of Animal Products published in 2015 GN R422 and replaced it with new Regulations with the commencement date being 2 June 2023;
  - repealed the Regulations Regarding Control of the Export of Tree Nuts published in 2016 GN R65 and replaced it with new Regulations with the commencement date being 2 June 2023;
  - repealed the Regulations Regarding Control of the Export of Fresh Fruits published in 2014 GN R748 and replaced it with new Regulations with the commencement date being 2 June 2023;
  - repealed the Regulations Regarding Control of the Export of Grains published in 2015 GN R48 and replaced it with new Regulations with the commencement date being 2 June 2023;
  - repealed the Regulations Regarding Control of the Export of Fresh Vegetables published in 2014 GN R1031 and replaced it with new Regulations with the commencement date being 2 June 2023;
  - repealed the Regulations Regarding Control of the Export of Feed Products published in 2014 GN R1030 and replaced it with new Regulations with the commencement date being 9 June 2023; and
  - repealed the Regulations Relating to the Quality, Grading, Packing and Marking of Tomatoes Intended for Sale in the Republic of South Africa published in 2014 GN R750, and replaced it with the new Regulations with the commencement date being 30 June 2023.

*Incorporated the new Regulations in the Exclaim Library. Repealed all previous Government Notices.*

- **Land and Agricultural Development Bank Act, 2002**

- The Financial Matters Amendment Act, 2023 amended sections 1 and 45.

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

## Commercial

[View Notices](#)

- **Companies Act, 2008**

- The Minister of Trade, Industry and Competition published the Companies Amendment Regulations 2023, with the effective date being 24 May 2023, which made the following amendments to the Companies Regulations, 2011:
  - Amendment of regulations 2, 5, 30, 32;
  - Amendment of Table CR1 of Annexure 1; and
  - Insertion of regulations 32A, 32B, 121A.

*Incorporated the amended Regulations in the Exclaim Library and updated the checklist accordingly.*

- **Competition Act, 1998**

- The Minister of Trade, Industry and Competition published the Energy Suppliers Block Exemption Regulations 2023, with effect from 24 May 2023.
- The Minister of Trade, Industry and Competition published the Energy Users Block Exemption Regulations 2023, with effect from 24 May 2023.

*Incorporated the Regulations in the Compliance Library.*

## Constitutional Issues

[View Notices](#)

- **Electoral Act, 1998**

- The President assented to the Electoral Amendment Act, which made the following amendments to the Act, with the effective date being 19 June 2023:
  - Amendment of Sections 1, 20, 27, 28, 30, 39, 57A, 59, 62, 64, 66, 96, 99, 100, 106, 110, Schedule 1, Schedule 2;
  - Insertion of Part 3A; and
  - Substitution of Sections 58, 94, Schedule 1A.

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

- **South African Citizenship Act, 1995**

- The Minister of Home Affairs published the following amendments to the Regulations on the South African Citizenship Act, with the effective date being 7 July 2023:
  - Amendment of Regulations 1, 3; and
  - Insertion of Regulations 3A, 3B, 3C.

*Incorporated amended Regulations in the Exclaim Library.*

## Energy

[View Notices](#)

- **Petroleum Products Act, 1977**

- The Minister of Mineral Resources and Energy published the Regulations Regarding Petroleum Products Specifications and Standards for Implementation, with effect from 1 September 2023.

*Incorporated the new Regulations in the Exclaim Library and updated the checklist. Repealed the 2006 GN R627 Regulations.*

# Environmental

[View Notices](#)

- **National Environmental Management Act, 1998**

- The Minister of Forestry, Fisheries and the Environment published a notice extending the commencement date of the Regulations to Domesticates the Requirements of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, which will commence 300 days from 6 June 2023.
- The National Environmental Management Laws Amendment Act, 2022 –
  - Amended sections 1, 2, 24, 24C, 24G, 24N, 24O, 24R, 28, 31B, 31BA, 31BB, 31C, 31D, 31E, 31G, 31H, 31I, 31J, 31K, 31L, 31M, 31N, 31O, 31Q, 34G, 42B, 43, 49A, 49B, 50A, Schedule 3;
  - Substituted sections 12, 24P, 31F, 31P, 34E; and
  - Inserted section 24PA, 42C, 42D.

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

- **National Environmental Management: Air Quality Act, 2004**

- The National Environmental Management Laws Amendment Act, 2022 –
  - Amended sections 13, 36, 53; and
  - Substituted sections 22A.

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

- **National Environmental Management: Biodiversity Act 10 of 2004**

- The National Environmental Management Laws Amendment Act, 2022 –
  - Amended sections 1, 2, 3, 13, 73, 75, 97, 99, 100, and 101; and
  - Inserted section 9A.

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

- **National Environmental Management: Integrated Coastal Management Act 24 of 2008**

- The National Environmental Management Laws Amendment Act, 2022 amended section 60.

*This section has been amended in the Act document. Checklist and the Exclaim Library have been updated accordingly.*

- **National Environmental Management: Protected Areas Act, 2003**

- The National Environmental Management Laws Amendment Act, 2022 amended sections 48, 57, and 89.

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

- **National Environmental Management: Waste Act, 2008**

- The Minister of Forestry, Fisheries and the Environment published the Packaging Guideline: Recyclability by Design for packaging and paper in South Africa, with effect from 26 June 2023.
- The National Environmental Management Laws Amendment Act, 2022 –
  - Amended sections 1, 36, 37, 38, 41, 43, 52, 54, 67, 71, 74, 75, 76, 77; and
  - Repealed Schedule 3.

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

- **Water Services Act 108 of 1997**

- The Minister of Water and Sanitation repealed the Regulations for the Erection, Enlargement, Operation and Registration of Water Care Works in terms of the repealed Water Act 54 of 1956, and published the Regulations Relating to Compulsory National Standards for Process Controller and Water Services Works in terms of the Water Services Act 108 of 1997.

*Incorporated the new Regulations in the Exclaim Library. Repealed the 1986 GN R224 Regulations.*

## Health and Safety

[View Notices](#)

- **Medical Schemes Act, 1998**

- The Minister of Health published the following amendments to the Medical Schemes Act Regulations, with the effective date being 23 June 2023:
  - Amendment of Regulation 31; and
  - Substitution of Regulation 32.

*These sections have been amended in the Regulation document. Penalties and the Exclaim Library have been updated accordingly.*

- **Health Professions Act, 1974**

- The Minister of Health published the following amendments to the Regulations Relating to the Conduct of Inquiries into Alleged Unprofessional Conduct under the Health Professions Act, with the effective date being 23 June 2023:
  - Amendment of Regulations 1, 8, 11, 13;
  - Substitution of Regulations 3, 5, 7; and
  - Insertion of Regulation 4A.

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

- **Occupational Health and Safety Act, 1993**

- The Minister of Employment and Labour promulgated the new Major Hazard Installation Regulations of 2022, with retrospective effect from 31 January 2023.

*Incorporated the new Regulations in the Exclaim Library. Repealed the 2001 GN R692 Regulations.*

## Labour Law

[View Notices](#)

- **Skills Development Act, 1998**

- The Minister of Higher Education, Science and Innovation published the Regulations for the Establishment of the National Apprenticeship and Artisan Development Advisory Body, with effect from 5 May 2023.

*Incorporated the Regulations in the Exclaim Library.*

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

- The Minister of Employment and Labour published several regulations relating to Pulmonary Tuberculosis associated with Silica Dust, Upper Limb Disorders, Mesothelioma, Upper Respiratory Tract Disorders, Lung Cancer, Dermatitis, and HIV/AIDS, with effect from 5 May 2023.

*Incorporated the Regulations in the Exclaim Library.*

## Local Government

[View Notices](#)

- **Local Government: Municipal Structure Act, 1998**
  - The Minister of Cooperative Governance and Traditional Affairs published the Code of Conduct for Councillors Regulations 2023, which simultaneously repealed the Local Government: Municipal Systems Regulations of 2001, with effect from 14 June 2023.

*Incorporated the new Regulations in the Exclaim Library. Repealed the 2001 GN R459 Regulations.*

## Professions

[View Notices](#)

- **Legal Practice Act, 2014**
  - The President of the Republic of South Africa published a proclamation to set the commencement date of 26 May 2023 as the date on which the following sections of the Act will come into effect:
    - Sections 37(5)(e)(ii), 40(1)(b)(ii) and (7)(b), and 41.

*Incorporated Proclamation in the Exclaim Library.*

- **Auditing Professions Act, 2005**
  - The Financial Matters Amendment Act, 2023 amended section 49.

*This section has been amended in the Act document and the Exclaim Library has been updated accordingly.*

## Security

[View Notices](#)

- **Critical Infrastructure Protection Act, 2019**
  - The Minister of Police published the Interim Critical Infrastructure Protection Regulations, with effect from 5 May 2023.

*Incorporated the Regulation in the Compliance Library.*

## Tax and Levies

[View Notices](#)

- **Tax Administration Act, 2011**

- The Commissioner for the South African Revenue Service published a notice for the Returns of Information to be Submitted by Third Parties in terms of Section 26 of the Tax Administration Act.

*Incorporated the Notice in the Exclaim Library. Repealed the 2018 GN 241 Notice.*

## Telecommunications

[View Notices](#)

- **Independent Communications Authority of South Africa Act, 2000**

- The Independent Communications Authority of South Africa published the new Advertising, Infomercials and Programme Sponsorship Regulations, with effect from 27 December 2023.

*Incorporated the new Regulations in the Exclaim Library. Repealed the 1999 GN R426 Regulations.*

## Trade and Industry

[View Notices](#)

- **Non-Profit Organisations Act, 1997**

- The Minister of the Department of Social Development promulgated the Regulations in Respect of Amendments to the Nonprofit Organisations Act, 1997 as contained in the General Laws Amendment Act, 2022, with the effective date being 8 May 2023.

*Incorporated the Regulations in the Exclaim Library.*

## Transport

[View Notices](#)

- **National Land Transport Act, 2009**

- The Minister of Transport published the National Land Transport Strategic Framework 2023 – 2028, with effect from 30 June 2023.

*Incorporated the new Framework in the Compliance Library.*

## Welfare

[View Notices](#)

- **Associated Institutions Pension Fund Act, 1963**

- The Financial Matters Amendment Act, 2023 amended sections 1, 2, 3bis, 4, and 6A.

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

- **Military Pensions Act, 1976**

- The Financial Matters Amendment Act, 2023 amended section 21.

*This section has been amended in the Act document and the Exclaim Library has been updated accordingly.*

- **Temporary Employees Pension Fund Act, 1979**

- The Financial Matters Amendment Act, 2023 amended sections 1, 5, 7, and 8.

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



# 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.

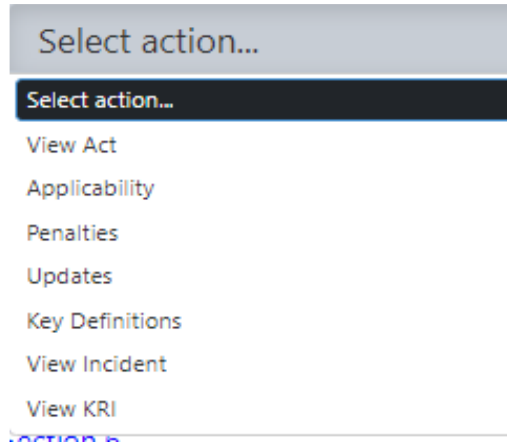
*To view the latest quarterly update newsletter [select here](#)*



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 table structure.

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 compliance checklist interface. At the top, a table lists four items (153-156) under the heading 'GENERAL'. Each item includes a 'Review' button, a 'Not Assessed' status, and a 'Regulation' reference. Below the table is a navigation bar with page numbers 21-30 and a '5 Items per page' dropdown. On the left, there are sections for 'Requirements' and 'Explanatory Notes'. On the right, a 'Review' section is active, showing a table with columns for 'Chapter / Paragraph', 'Date', and 'Asset'. A callout bubble points to the 'Review' button in the table, containing the text: 'Where an assessment is required the review button should be ticked to indicate that a re-assessment was completed.'

	GENERAL					
	153	PENSION FUNDS REGULATIONS: PART VII GENERAL	Asset limits	Regulation 28(3)(f)		Not Assessed
	154	PENSION FUNDS REGULATIONS: PART VII GENERAL	Asset limits	Regulation 28(3)(i)		Not Assessed
	155	PENSION FUNDS REGULATIONS: PART VII GENERAL	Asset limits	Regulation 28(3)(j)		
	156	PENSION FUNDS REGULATIONS: PART VII GENERAL	Look-through	Regulation 28(4)		

Where an assessment is required the review button should be ticked to indicate that a re-assessment was completed.