

IMPORTANT NEWS

REVISED BBBEE CODES OF GOOD PRACTICE

The revised Broad-Based Black Economic Empowerment (BBBEE) Codes of Good practice have been launched and will be open for public comment for a period of sixty days, according to a statement released by the Trade and Industry Department. It is anticipated that the revised codes will be published in the Government Gazette soon.

The cabinet statement issued at the time listed some of the areas that have been refined and some include:

- 5 elements in generic scorecard
- Ownership points broadened to include designated groups in the main points
- Exempted micro-enterprises and qualifying small enterprises thresholds adjusted
- All companies to comply with five elements
- Revised qualification points for BBBEE recognition
- New priority elements- ownership, skills development and supplier development
- 100% black owned-level 1
- 50% and above black owned-level 2
- BBBEE employment equity elements aligned with Employment Equity Act
- Qualifying small enterprises to comply with all five elements

The full article is available on <http://www.sabinetlaw.co.za/> or contact the Knowledge Centre for a copy of the revised codes.

CONSTITUTIONAL COURT EXTENDS DEADLINE TO FIX RAF DEFECTS

The Constitutional Court has accepted the explanation from government as to why it needed an extension to an earlier Court given deadline in **Mvumvu and others v the Minister of Transport**, to remedy defects in the Road Accident Fund Act.

In April last year, sections of the Road Accident Fund Act were found to be unfairly discriminating against certain victims of road accidents. The Government was given 18 months to remedy the problem, but on the eve of that deadline the Transport Minister rushed to ask for an extension. The sections of the RAF Act, placed a limit on the amount of money that could be claimed by taxi and bus commuters after an accident, this did not apply to private road users in a similar situation. The Constitutional Court said that this served to indirectly discriminate against the poor, who relied the most on public transport.

Parliament immediately began working on a revised Bill to remedy the problem, but time was running out and government realised they wouldn't make the deadline. *"The failure to enact the Bill, presently before Parliament, within the 18 month period was not due to remissness on the part of the Department of Transport, it was merely a consequence of a decision midway through the legislative process to revise the Bill to ensure that it provided greater compensation to road accident fund victims. The relevant stakeholders were aware of the need to expedite the Bill and to give it priority and indeed they are doing so,"* the Transport Department's lawyer Steven Budlender said.

The Constitutional Court granted a six month extension after unanimously accepting the explanation given for the failure to meet the August 16 deadline and Parliament now has until February next year to remedy the defect in the RAF Act.

The full article is available on <http://www.sabc.co.za/news/a/04035e004cdf9f5fa49fb5e47608bb56/Constitutional-Court-accepts-government%E2%80%99s-explanation-20122709>

GENERAL

EXTENDING THE DEPENDANTS' ACTION TO UNMARRIED PARTNERS

Paixão v Road Accident Fund (640/2011) [2012] ZASCA 130

The main issue in this case concerned whether or not the common law should be developed to extend the dependants' action to permanent heterosexual relationships. The appellant Mrs Paixão and her daughter sued the Road Accident Fund under section 17(1) of the Road Accident Fund Act 56 of 1996, for loss of maintenance and support as a result of the death of Mr Gomes, in a motor vehicle collision on 2 January 2008. The appellants contended that Mr Gomes had contractually undertaken to maintain and support them and was legally obliged to do so and would have done so for the remainder of Mrs Paixão's life and until her daughter became self-supporting. The fund however maintained that the appellants did not establish a legally enforceable agreement between the deceased and Mrs Paixão and even if they did, the agreement was not enforceable against a third party such as the fund.

The deceased had been living with the first appellant and her children at the time of his death, although he was not formally divorced from his wife to whom he was married according to Portuguese law. The deceased supported the first appellant and her children financially and had formed a strong bond with the children and he had planned to marry the first appellant, but had not yet done so because his divorce was not yet finalised. On her part, Mrs Paixão nursed and supported Mr Gomes when he was unable to work and they were accepted by their relatives, community and friends as a family unit. The deceased also executed a joint will with Mrs Paixão in which they nominated each other "as the sole and universal heirs of our entire estate and effects of the first dying of us". The will went on to say that in the event of their simultaneous deaths their assets were to be consolidated and Mrs Paixão three daughters, referred to in the will as "our daughters" were to inherit in equal shares. The deceased and Mrs Paixão had planned to be married in Portugal on 12 April 2008.

The South Gauteng High Court found that the deceased had supported the appellants out of "gratitude, sympathy and kindness" in return for their assistance during his illness rather than from any legal duty and also that it "would be an affront to the fabric of our society and seriously erode the institution of marriage" if the dependants' action were to be extended to the appellants and consequently the High Court dismissed the appellants' claims against the fund.

A claim for maintenance and loss of support suffered as a result of a breadwinner's death is recognised at common law as a "dependant's action". The object of the remedy was to place the dependants of the deceased in the same position, as regards to maintenance, as they would have been had the deceased not been killed. The particular remedy has been described as "anomalous, peculiar and sui generis" because the dependant derived their right not through the deceased or his estate, but from the fact that they have suffered loss by the death of the deceased for which the defendant was liable. However only a dependant to whom the deceased, whilst alive owed a legally enforceable duty to maintain and support may sue in such an action, in other words the dependant must have rights, which was worthy of the law's protection to claim such support. Accordingly if a dependant instituted a claim under the Act, they would be entitled to compensation from the fund for their proven loss if they established the right. The existence of a dependant's right to claim support which was worthy of the law's protection and the breadwinner's correlative duty of support, was determined by the *boni mores* criterion or the legal convictions of the community. This was essentially a judicial determination that a court must make after considering the interplay of several factors such as the hand of history; our ideas of morals and justice; the convenience of administering the rule; and our social ideas of where the loss should fall. In this regard considerations of "equity and decency" have always been important and underpinning all of this were constitutional norms and values and the Court was required to make a policy decision based on the recognition that social changes must be accompanied by legal norms to encourage social responsibility. By making the *boni mores* the decisive factor in this determination, the dependants' action has had the flexibility to adapt to social changes and to modern conditions.

Although the precise scope of the dependants' action was unclear from the old Roman-Dutch jurists, there was a strong suggestion that it was not confined only to those classes of persons to whom the breadwinner had a legal obligation to support, but also towards those whom the deceased "was accustomed to support from a sense of duty". However the old authorities appeared to be anxious to recognise the existence of a dependants' action for the "family" members of the deceased, but it could not be stated conclusively that they intended only relationship by blood or marriage to fall within its ambit and given the *sui generis* character of the remedy there seems to be no proper reason to restrict it only to family or blood relationships when social changes no longer required this. Accordingly extending the remedy to same sex partnerships "would be an incremental step to ensure that the common law accords with the dynamic and evolving fabric of our society as reflected in the Constitution, recent legislations and judicial pronouncements". The Supreme

Court of Appeal recognised that the nuclear family has, for a long time, not been the norm in South Africa and that millions of South Africans live together without entering into formal marriages and that this was so for religious, legal, social, cultural and financial reasons.

The case for the appellants rested on two legs namely, firstly that an express or tacit agreement existed between the appellants and the deceased which created a binding obligation upon the deceased to maintain and support them; and secondly that the nature of the relationship, being akin to a family relationship, was such that it was deserving of the law's protection. In this regard the appellants submitted that their constitutional right to equality and dignity would be violated if a duty of support was not recognised for permanent life partnerships, but was in the case of formal marriages.

On the facts in this case the Supreme Court of Appeal found that there was at least a tacit agreement creating a binding and legal obligation between Mrs Paixão and her daughter, and Mr Gomes. There was clearly a tacit agreement that the deceased would assume the obligation to support the family before the marriage and that the marriage would change nothing except for the relationship being formally recognised. The most plausible probable inference from the facts in this case was that the deceased undertook to support and maintain the family before formally entering into a marriage contract. Furthermore the Court held that Mrs Paixão and her daughter had established that they had an enforceable agreement with Mr Gomes and that the obligations created by the nature of their relationship was worthy of the law's protection. In coming to this conclusion the Court found that the Road Accident Fund would not have undue practical problems in refuting claims and that not recognising the claim, in deference to the legislator, would be an abdication of judicial responsibility. Thus the Court held where an agreement between parties to a permanent heterosexual life partnership established a reciprocal duty of support it should be afforded the protection of the common law dependants' action as the general sense of justice of the community demanded it and accordingly the appeal was upheld.

WAS THE DOMESTIC VIOLENCE ACT APPLICABLE IN BROTHERS' DISPUTE?

Daffy v Daffy (659/2011) [2012] ZASCA 149

The parties in this case were the Daffy brothers who formerly worked together in business, employed by a company known as Core Mobility of which the respondent was a director and shareholder. On 4 December 2009 after the appellant had been dismissed from his employment with Core Mobility, without giving notice to the appellant, the respondent successfully applied to the Randburg Magistrates' Court under the Domestic Violence Act 116 of 1998, for an interim protection order against the appellant. After hearing the evidence of the respondent and his two witnesses, the Magistrate decided that the respondent had failed to make out a case for the relief sought and set aside the interim order. The respondent proceeded to appeal to the South Gauteng High Court, which on 27 May 2011 upheld the appeal and set aside the order of the magistrate and confirmed the protection order and consequently with leave of the High Court the appellant appealed to the Supreme Court of Appeal, seeking to have the protection order set aside once more.

Both parties were middle-aged businessmen and the appellant was 40 years of age being some five years younger than the respondent and the parties did not share a common household. At the heart of the unpleasantness that arose between the parties was their interest in the particular company. The respondent described himself as being the particular companies' sole director and shareholder and the appellant contended that he held 50 % of the particular company's shares and the appellant had in fact launched High Court proceedings for an order declaring that to be the case, which proceedings were still pending. The respondent relied upon those particular proceedings and the fact that the papers therein were served upon him at his work, to found an allegation that there was a course of conduct by the appellant which together with certain threats and other conduct relevant to the company and their business relationship, justified a protection order being granted in his favour. Whatever the true state of the company's affairs may be, the appellant was employed by the particular company for about 10 years until his employment was terminated after a disciplinary enquiry in November 2009. This was the culmination of a period during which personal relations between the two brothers had soured and it appeared that the respondent suspected the appellant of having committed various financial irregularities in the conduct of the company's affairs and having abused his position by taking unnecessary trips abroad at company expense. This led to friction between them and there was evidence of their having argued at times, during the course of which the appellant raised his voice. On occasions the appellant threatened to assault and financially ruin the respondent, using crude and vulgar language. Eventually, on advice from his attorney, the respondent arranged for the disciplinary enquiry already mentioned to be held and the appellant refused to attend and was dismissed. The appellant contended that the respondent had misconstrued his remedy and that the dispute between them was really of a commercial nature and not a matter of domestic violence that ought to be dealt with under the Act.

Section 4 of the Act provides for a protection order to be applied for by a "complainant", which was defined as "*any person who is or has been in a domestic relationship with the respondent and who is or has been subjected or allegedly subjected to an act of domestic violence, including any child in the care of the complainant*". In turn a "domestic

relationship” is defined as” *a relationship between a complainant and a respondent in any of the following ways, they are or were married to each other, including marriage according to any law, custom or religion; they (whether they are of the same or of the opposite sex) live or lived together in a relationship in the nature of marriage, although they are not, or were not, married to each other, or are not able to be married to each other; they are the parents of a child or are persons who have or had parental responsibility for that child (whether or not at the same time); they are family members related by consanguinity, affinity or adoption; they are or were in an engagement, dating or customary relationship, including an actual or perceived romantic, intimate or sexual relationship of any duration; or they share or recently shared the same residence*”.

The respondent relied upon sub-paragraph (d) of this definition and the common cause fact that he and the appellant were brothers, to allege that there was a “domestic relationship” between them which qualified him as a “complainant” as envisaged by the Act. However the sub-paragraph could hardly have been more broadly formulated as no degree of relationship, consanguineous or otherwise, was mentioned and the concept of “family” was in itself extremely wide. So how was the definition to be interpreted, it was often necessary in interpreting legislation to look at the underlying purpose of the statutory provisions in question to avoid a purely literal interpretation giving rise to absurdity? The concept of domestic violence was commonly understood as being violence within the confines of the family unit, often hidden from view by reason of the helplessness of the victim and the position of power of the abuser. Significantly also the adjective “domestic” has as its common meaning “pertaining to the home, house, or household: pertaining to one's home or family affairs” while the word “family” has as one of its general connotations “the body of persons who live in one house or under one head, including parents, children, servants etc”. Thus the ordinary connotation of a domestic relationship involved persons sharing a common household. Clearly the legislature envisaged the definition to bear a wider meaning than that for purposes of the Act, but the Court did not believe that it intended that a mere blood relationship, even if close, would in itself be sufficient. Consequently to adhere to a definition regardless of subject-matter and context might work the gravest injustice by including cases, which were not intended to be included. In the context of the further provisions of the definition, some association more than mere consanguinity was clearly required for there to be a domestic relationship. The definition was poorly framed and probably incapable of bearing a precise meaning. Although in this case it was unnecessary to attempt to determine precisely what would be required for such a relationship, the respondent relied solely on the fact that he and the appellant were brothers. As indicated above that in itself was insufficient and according to the Court bearing in mind their respective ages and the fact that they had not shared a common household for many years, it would be absurd to conclude that the mere fact that the parties were siblings meant that they shared a domestic relationship as envisaged by the Act, for this reason alone the respondent failed to show that he was a “complainant” entitled to the protection of the Act.

That was not the only reason why the respondent must fail, he was also obliged to show that the appellant had committed, or would commit, an act of domestic violence against him and the act defined “domestic violence” as meaning, “ *physical abuse; sexual abuse; emotional, verbal and psychological abuse; economic abuse; intimidation; harassment; stalking; damage to property; entry into the complainant's residence without consent, where the parties do not share the same residence; or any other controlling or abusive behaviour towards a complainant, where such conduct harms or may cause imminent harm to, the safety, health or wellbeing of the complainant*”. The respondent had to show that his “safety, health or well-being” was threatened by the appellant's conduct. Despite the appellant having threatened the respondent in crude terms as already mentioned and apart from an isolated incident the appellant never actually attempted to do the respondent any physical harm and his crude utterances were clearly nothing more than empty threats made in anger. There was therefore no reason to think that the appellant would resort to violence against the respondent. Certainly there was no room for the magistrate to find either that the institution of those proceedings, or the fact that service of the papers was effected at the company's offices, could constitute “economic abuse” as envisaged in the context of domestic violence envisaged by the Act. The trial court thus correctly discharged the interim protection order and the High Court erred in allowing the appeal. The appeal to this court must therefore succeed and there was no reason for the costs not to follow the event.

DIRTY RUGBY PLAYERS LEGALLY LIABLE

Alex Roux v Ryand Karel Hattingh (636/11) [2012] ZASCA 132

“*Rugby is a contact sport and as a result injuries, some serious, occur during rugby games even when the game is played in accordance with its spirit and within its rules*”. The central issue in this case was whether the conclusion reached by the Western Cape High Court, that the serious neck injuries suffered by the respondent during the course of a game of rugby was deliberately inflicted by the appellant.

The respondent suffered his injuries on 30 July 2005 during a match between the first teams of Laborie High School and Stellenbosch High School. The injuries occurred during the course of a scrum in which the respondent was the hooker for the Laborie team, while the appellant was the hooker for the Stellenbosch team. The evidence established that the

respondent had complained about the appellant's conduct prior to the conduct that resulted in the injuries. As the forwards were forming a scrum the appellant had shouted the word "jack-knife" and had then blocked the channel into which the respondent's head was meant to go, because his channel had been blocked the respondent's head was forced down under the appellant, which resulted in respondent's neck being broken. The hooker who had replaced the respondent had also complained about similar conduct against the appellant, the latter had however denied any wrongdoing on his part. Faced with two conflicting versions, the High Court had accepted the evidence of the respondent and rejected that of the appellant. It had found that the appellant had acted intentionally when he first shouted the word "jack-knife" before blocking the respondent's channel and that the appellant's conduct was wrongful as it was deliberate, extremely dangerous and a serious violation of the rules of the game. Consequently the appellant then appealed to the Supreme Court of Appeal against the order of the High Court.

There were three issues in this case that needed to be determined namely, firstly whether the credibility and other factual findings made by the High court could be assailed. It was a well-known principle of our law that the factual findings of a trial court were presumed to be correct unless a misdirection on the part of the trial judge could be pointed to in order to justify interference with those findings on appeal. The Court found that the findings of the High Court could not be faulted and that its conclusion that the appellant had acted deliberately was unimpeachable and the result was that the appellant's fault in the form of intention, had been established.

Secondly whether Alex's conduct was indeed wrongful, in this regard not every act or omission resulting in harm was actionable. In respect of this issue the Court held that the conduct was wrongful. The Court reasoned that the "jack-knife" manoeuvre executed by the appellant was in contravention of the rules as well as contrary to the spirit and conventions of the game; that because it had a code name, the manoeuvre must have been planned and it was consequently also executed deliberately; that it was extremely dangerous; and that the appellant must have foreseen that the manoeuvre was likely to cause injury to the respondent, but proceeded to execute it nonetheless.

Thirdly whether in the event of the High Court's factual findings being accepted and the conduct being regarded as intentional and wrongful, all of the respondent's injuries were caused by the appellant. The Court came to the conclusion that all the injuries were caused by the appellant and dismissed an expert's suggestion to the contrary as having no factual foundation. The Court then considered the legal principles which would apply to delictual claims arising from injuries sustained during a game such as rugby. The Court concluded that only conduct which constituted a flagrant contravention of the rules of rugby and which was aimed at causing serious injury or which was accompanied by full awareness that serious injury may ensue, would be regarded as wrongful and attract legal liability for the resulting harm. Accordingly the High Court's findings that the appellant intentionally injured the respondent in the manner described by the respondent, which had caused the respondent serious harm and that the appellant's conduct was wrongful were correct and the appeal could not succeed.

SEMINARS

CUSTOMARY LAW 2012 - A 1-day Workshop on Customary Marriage and Succession Laws

The seminar is aimed at legal practitioners who have a particular interest in advising clients on matters involving African customary law. It seeks to provide an update on Customary Law especially as it relates to marriage and succession.

The following topics will be covered:

Marriage:

- Background to recognition of customary marriages
- Preliminaries to concluding a customary marriage
- Types of customary marriages and their requirements
- Consequences of customary marriages
- Registration of customary marriages
- Divorce and consequences in customary marriages.

Succession:

- Background to the customary law of succession
- The Reform of Customary Law of Succession and Regulation of. Related Matters Act 11 of 2009.

Practical exercises will be incorporated as far as possible.

DATES:

- Pietermaritzburg - 7 November 2012
- EMalahleni - 31 October 2012
- Queenstown - 9 November 2012

COSTS:

- Only R 250 per person

For more information please contact seminars@LSSALEAD.org.za or LEAD contact numbers: +27 (0)12 441-4645/4613/4608 or visit the LEAD website at <http://www.lssalead.org.za/>

RECOMMENDED READING

The derivative action provisions in the Companies Act 71 of 2008; Helena H Stoop; South African Law Journal; Vol 129 Part 3 2012

“Can I have two medical aids at the same time? No, because the Government says so”: Shedding some light on the prohibition of concurrent membership of more than one medical scheme; K. D Sunkel; South African Law Journal; Vol 129 Part 3 2012

Circumventing review – When is a question jurisdictional?; Emma Fergus; South African Law Journal; Vol 129 Part 3 2012

ACTS

CRIMINAL PROCEDURE AMENDMENT ACT 9 OF 2012	Date of commencement: 25 September 2012 Substitutes s. 49 of the Criminal Procedure Act 51 of 1977	GG 357125 (25.09.12)
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BILLS

FINANCIAL SERVICES LAWS GENERAL AMENDMENT BILL, 2012		B29-2012
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PROCLAMATIONS AND NOTICES

STATISTICS SOUTH AFRICA	Consumer Price Index, Rate (Base 2 000 = 100), Rate: August 2012: 5,0 published	GG 35706 (28.09.12)
COMMISSIONS ACT 8 OF 1947	Commission of Inquiry into the tragic incidents at or near the area commonly known as the Marikana Mine in Rustenburg in the North West Province, South Africa, on or about 11-16 August 2012: Regulations published	GG 35730 (28.09.12)
MERCHANT SHIPPING	Draft amendment Merchant Shipping Radio Installations Regulations, 2012 published for comment	GG 35707 (28.09.12)

ACT 57 OF 1951		
INCOME TAX ACT 58 OF 1962	Notice of proposed negotiation of an agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income with the Government of the Hong Kong Special Administrative Region of the People's Republic of China published for comment	GG 35704 (01.10.12)
AGRICULTURAL PRODUCT STANDARDS ACT 119 OF 1990	Standards and requirements regarding control of the export of peaches and nectarines, apricots and plums and prunes amended with effect from 7 days after publication	GG 35706 (28.09.12)
NATIONAL WATER ACT 36 OF 1998	Upper Vaal Management Area: Limit and prohibition of the use of water in terms of item 6 of Schedule 3 to the Act for agricultural purposes from the Liebenbergsvlei River published	GG 35721 (28.09.12)
	Proposed allocation schedule for the Jan Dissels River Catchment published for comment	GG 35722 (28.09.12)
NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998	Proposed amendments to the Environmental Impact Assessment Regulations Listing Notices 1 and 2 of 2010 published for comment	GG 35717 & GG 35716 (28.09.12)
PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000	Department of Social Development: Section 14 manual published	GG 35724 (01.10.12)
MEAT SAFETY ACT 40 OF 2000	Proposed game meat scheme for limited throughput game slaughter facilities and harvesting processes published for comment	GG 35706 (28.09.12)
DIPLOMATIC IMMUNITIES AND PRIVILEGES ACT 37 OF 2001	Host agreement between the Secretariat of the United Nations Framework Convention on Climate Change and its Kyoto Protocol and the Government of the Republic of South Africa on the second long-term workshop on finance and the second meeting of the Standing Committee in Cape Town, South Africa, 1 to 6 October 2012 published	GG 35735 (01.10.12)2
UNEMPLOYMENT INSURANCE CONTRIBUTIONS ACT 4 OF 2002	Limit on amount of remuneration for purposes of determination of contribution in terms of s. 6 determined with effect from 1 October 2012	GG 35715 (26.09.12)
FINANCIAL ADVISORY AND INTERMEDIARY SERVICES ACT 37 OF 2002	Notice on Particular Exemption from Fees Payable to Registrar 5 of 2012	GG 35725 (01.10.12)
	Exemption of Particular Persons from Qualification Requirements 6 of 2012	GG 35725 (01.10.12)
	Exemption of Particular Persons from the Level 1 Regulatory Examination 2 of 2012	GG 35725 (01.10.12)
	Notice on Lifting of Suspension of Authorisation 9 of 2012 published	GG 35726 (01.10.12)
	Notice on Reinstatement of Withdrawn Licences 9 of 2012 published	GG 35726 (01.10.12)
	Notice on Suspension of Authorisation 9 of 2012 published	GG 35726 (01.10.12)
	Notice on Withdrawal of Authorisation 9 of 2012 published	

		GG 35726 (01.10.12)
PROTECTION OF CONSTITUTIONAL DEMOCRACY AGAINST TERRORIST AND RELATED ACTIVITIES ACT 33 OF 2004	Entities identified by the United Nations Security Council published	GG 35713 (26.09.12)
ELECTRONIC COMMUNICATIONS ACT 36 OF 2005	Extension of the closing date for submissions and timetable for public hearings of comments regarding the Draft Frequency Migration Regulation and Radio Frequency Migration Plan published for comment in GenN 606 in GG 35598 of 17 August 2012 published	GG 35723 (28.09.12)
NATIONAL REGULATOR FOR COMPULSORY SPECIFICATIONS ACT 5 OF 2008	Proposed compulsory specification for hot water storage tanks for domestic use (VC 9006) published for comment	GG 35706 (28.09.12)
	Proposed compulsory specification for integral and close-coupled domestic solar water heaters, and thermal collectors for domestic solar water heating systems (VC 9004) published for comment	GG 35706 (28.09.12)
	Proposed amendment of compulsory specification for non-pressure paraffin stoves and heaters (VC 9089) published for comment	GG 35707 (28.09.12)
	Proposed amendment of compulsory specification for plastic carrier bags and flat bags (VC 8087) published for comment	GG 35707 (28.09.12)
NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT 59 OF 2008	Proposed list of waste management activities that have, or are likely to have, a detrimental effect on the environment published for comment	GG 35718 (28.09.12)
CIVIL AVIATION ACT 13 OF 2009	Afrikaans version of Civil Aviation Regulations, 2011 (Burgerlugvaart-Regulasies, 2011) published	GG 35712 (28.09.12)

PROVINCIAL LEGISLATION

Free State

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000	Tswelopele Local Municipality: Adoption of Standard By-laws: Building Regulations and Building Standard By-law, 2011 as published under PN 173 in PG 79 of 9 December 2011; Credit Control and Debt Collection By-laws, 2011 as published under PN 180 in PG 80 of 9 December 2011; Indigent Support By-laws, 2011 and Municipal Informal Settlements By-law, 2011 as published under PNs 193 & 194 in PG 82 of 9 December 2011; Tariff Policy By-law, 2011 as published under PN 206 in PG 83 of 9 December 2011 and Building Regulations and Building Standard By-law, 2011; Tariff Policy By-law, 2011 and Credit Control and Debt Collection By-laws, 2011 amended	PG 43 (28.09.12)
Remuneration of Public Office Bearers Act 20 of	Determination of salaries and allowances of Members of the Executive Council and Members of the Provincial	PG 44 (28.09.12)

1998
Legislature, excluding the Premier, as published under Proc 56 in GG 35700 of 18 September 2012 published with effect from 1 April 2012 and PN 116 in PG 53 of 26 September 2011 repealed

Kwazulu-Natal

Local Government:
Municipal Structures Act
117 of 1998
uMgungundlovu District Municipality: Proposed designation of the Chairperson of the Municipal Public Accounts Committee as fulltime councillor published for comment
PG 826 (27.09.12)

Limpopo

Limpopo Traditional
Leadership and
Institutions Act 6 of 2005
Recognition of Senior Traditional Leader published
PG 2122 (26.09.12)

National Road Traffic Act
93 of 1996
Registration of Nebo as Grade "B" Driving Licence Testing Centre published
PG 2123 (28.09.12)

Mpumalanga

Remuneration of Public
Office Bearers Act 20 of
1998
Remuneration and allowances of Members of the Executive Council and Members of the Mpumalanga Provincial Legislature published with effect from 1 April 2012 and PremN 7 in PG 1978 of 13 October 2011 repealed
PG 2091 (28.09.12)

Local Government:
Municipal Structures Act
117 of 1998
Victor Khanye Local Municipality: Establishment of Municipalities amended
PG 2095 (28.09.12)

Mpumalanga Gambling
Board
Change of Casino Licensing Policy published
PG 2096 (28.09.12)

Northern Cape

Constitution of the
Republic of South Africa,
1996
Siyancuma Municipality: Keeping of Animals, Poultry and Bees Control By-law 1 of 2012; Keeping of Dogs Control By-law 2 of 2012; Street Trading Control By-law 3 of 2012; Law Enforcement By-law 3 of 2012; Building Control By-law 5 of 2012 and Fireworks By-law 6 of 2012 published and previous By-laws repealed with effect from 1 November 2012
PG 1634 (27.09.12)

North West

Local Government:
Municipal Property Rates
Act 6 of 2004
Ratlou Local Municipality: Notice of levying rates and tariffs for the 2012/2013 financial year
PG 7038 (25.09.12)

Naledi Local Municipality: Property rates published with effect from 1 July 2012 for the year 2012/2013
PG 7038 (25.09.12)

Western Cape

Sea-Shore Act 21 of
1935
Proposals to enter into leases for the proposed legalisation/construction of various structures below the high-water mark published for comment
PG 7031 (07.09.12)

Western Cape Provincial Honours Act 9 of 1999	Warrant amended	PG 7031 (07.09.12)
Local Government: Municipal Systems Act 32 of 2000 and Local Government: Municipal Property Rates Act 6 of 2004	Langeberg Municipality: Determination of tariffs for the financial year 1 July 2012 to 30 June 2013 published with effect from 1 July 2012	PG 7031 (07.09.12)
Local Government: Municipal Property Rates Act 6 of 2004	Witzenberg Municipality: Property tax rates for the 2012/2013 financial year published	PG 7031 (07.09.12)
	Mossel Bay Municipality: Amended Rates Policy published	PG 7031 (07.09.12)
Local Government: Municipal Systems Rates Act 32 of 2000	Mossel Bay Municipality: Customer Care, Indigent, Credit Control and Debt Collection Policy amended	PG 7031 (07.09.12)
	Mossel Bay Municipality: Tariff Policy amended	PG 7031 (07.09.12)
Remuneration of Public Office Bearers Act 20 of 1998	Determination of salaries and allowances of Provincial Ministers and Members of the Provincial Parliament of the Western Cape as determined by Proc 56 in GG 35700 of 18 September 2012 published with effect from 1 April 2012 and PN 255 in PG 6912 of 29 September 2011 repealed	PG 7038 (27.09.12)

Associated Firms

Free State

Breytenbach Mavuso inc.
Cloete & Neveling inc.
Naudes inc.
Neumann van Rooyen inc.
Nostix (Pty) Ltd
Phatshoane Henney inc.

North-West

Kotzé Low Swanepoel
Meyer van Sittert & Kropman

Western Cape

Millers inc.
Mosdell, Pama & Cox inc.
Oosthuizen Marais & Pretorius inc.
Van der Spuy & Partners

Gauteng

Cilliers & Reynders inc.
Erasmus de Klerk inc.
Neil Esterhuysen Attorneys
Van der Merwe du Toit inc.
Wright Rose-Innes inc.

Kwa-Zulu Natal

Barry Botha Breytenbach inc.
Kloppers Durban inc.
Kloppers Empangeni inc.
Kloppers Richards Bay inc.
Knight Turner inc.
Schulz Wiesinger O'Dwyer
Tatham Wilkes inc.

Limpopo

Davel de Klerk Kgatla inc.

Eastern Cape

Greyvensteins inc.

Northern Cape

Lange Carr Wessels inc.
Van de Wall & Partners