

IMPORTANT NEWS

NEW MINIMUM WAGES FOR DOMESTIC WORKERS

The minimum wage payable to domestic workers increased in December 2012. The new rates are as follows -

Large Cities:

Domestics working less than 27 hours per week, the minimum wage increased from:

- R9.85 to R10.48 per hour;
- R165.94 to R285.62 per week; and
- R1152.32 to R1237.60 per month.

Domestics working more than 27 hours per week, the minimum wage increased from:

- R8.34 to R8.95 per hour;
- R375.19 to R402.96 per week; and
- R1625.70 to R1746 per month.

Small Towns:

Domestics working less than 27 hours per week, the minimum wage is now:

- R9.03 per hour;
- R243.80 per week; and
- R1056.35 per month.

Domestics working more than 27 hours per week, the minimum wage is now:

- R7.65 per hour;
- R344.30 per week; and
- R1491.86 per month

Contact the Knowledge Centre for more information.

REPRIEVE FOR FARMWORKERS AS TOUGH TIMES BITE

In an endeavour to protect the vulnerable workers in South Africa, Labour Minister Mildred Oliphant has announced a rise in the minimum wage that farmworkers will receive from their employers.

"In terms of Sectoral Determination for farm workers the minimum wages will with effect from 1 March 2012 to 28 February 2013 be adjusted upwards from an hourly rate of R7,04 to R7,71; a weekly rate of R317,51 to R347,10 and monthly minimum wages of R1375,94 to R1503,90, calculated on a 45 ordinary hour week," said Page Boikanyo, Department of Labour spokesperson.

The rates for the successive periods of 1 March 2013 to 28 February 2014 and for the following, the minimum adjustments will be the previous year's minimum wage plus the consumer price index (CPI) + 1,5%, said the Department.

The Minister set the wage increase on the advice of the Employment Conditions Commission following a long consultation process and public hearings taking into consideration the views of various stakeholders. This is flowed by an announcement by the Minister of Labour of wage increases.

Sectoral determination deals with the protection of workers in vulnerable sectors/areas of work. The determination sets minimum working hours, minimum wages, number of leave days and termination rules. The latest adjustment follows that of Domestic Sector which was nudged upward in December 2011.

Contact the Knowledge Centre for more information.

CONVEYANCING FEES

New Conveyancing fees to come into operation for instructions received as from 1 March 2013, for the following:

- Conveyancing Fees – Conventional Deeds
- Conveyancing Fees – Sectional Titles
- Interprovincial Apportionment of Fees – Conventional Deeds
- Interprovincial Apportionment of Fees – Sectional Titles
- ALA Conveyancing Fees and Apportionment of Fees
- Wasted Costs Apportionment

Contact the Knowledge Centre for a copies of above documents.

MASTERS' OFFICE BLOEMFONTEIN – NOTICE 1 & 2 OF 2013

Notice 1 – Contact details of various sections from 1 February 2013.

Notice 2 – Notices published in newspapers in terms of section 40(3)(c) of the Insolvency Act 24 of 1936, read with section 108(2) of the particular Act.

Contact the Knowledge Centre for a copies of above notices.

GENERAL

REMOVAL OF FACEBOOK POSTING

H v W (12/10142) [2013] ZAGPJHC 1

The respondent was the author of certain posting on Facebook which had given rise to this litigation. It was posted on 27 February, 2012 and it read *"I wonder too what happened to the person who I counted as a best friend for 15 years and how this behaviour is justified. Remember I see the broken hearted faces of your girls every day. Should we blame the alcohol, the drugs, the church, or are there more reasons to not have to take responsibility for the consequences of your own behaviour? But mostly I wonder whether, when you look in the mirror in your drunken testosterone haze, do you still see a man?"*

Consequently the applicant sought an order against the respondent in the following terms namely, firstly interdicting and restraining the respondent from posting any information pertaining to the applicant on Facebook or any other social media; secondly in the event that the respondent failed to comply to the abovementioned order that the respondent then be placed under arrest for non-compliance for a period of 30 days or a period as determined by the Court; thirdly removing the postings posted by the respondent from Facebook or any other social site it might have been placed on; fourthly if and in the event that the respondent failed, alternatively neglected, alternatively refused to remove such postings from Facebook or any other social media site upon which it might have been posted on that the Sheriff be ordered and authorised to remove the postings.

It was common cause that the applicant enjoyed a good party and that he liked his social intercourse to be lubricated with alcoholic beverages. The applicant was an active social networker in that he had both a Facebook and Twitter account on which he often communicated and shared information. The respondent had relied on these facts as grounds of justification for publishing the particular posting in question. The respondent had also refused to remove the posting, despite having been requested so to do by the applicant.

The applicant was an insurance broker who was separated from his wife and the respondent had been a close friend of the applicant. The particular friendship extended back from the time before the applicant married his wife and in terms of a Deed of Trust, the applicant and his wife had jointly appointed the respondent to be the guardian of their three minor children in the event that both the applicant and his wife died or became incapacitated before their children attained their majority. The applicant and his estranged wife were engaged in a divorce action and the applicant's estranged wife was presently residing with the respondent. The applicant paid for the children's medical aid, extra mural classes, stationery and a full time tutor to assist them. The three minor children of the applicant and his estranged wife have been residing

with the applicant for the last few months. The two minor daughters were both “friends” on Facebook with the respondent and the applicant and the respondent were also “friends” on Facebook, but upon the applicant’s wife leaving him and moving into the home of the respondent, the applicant had “defriended” the respondent. The applicant complained that the posting in question published information which portrayed him as a father who did not provide financially for his family; a father who would rather go out drinking than caring for his family; and a person who had a problem with drugs and alcohol. The respondent claimed that she posted the posting not to defame the applicant, but in order for the applicant to reflect on his life and on the road that he had chosen.

South Africa has ancient, common law rights both to privacy and to freedom of expression, which rights have been enshrined in the Constitution. The social media of which Facebook was a component, have created tensions for these rights in ways that could not have been foreseen by the Roman Emperor Justinian’s legal team, the learned Dutch legal writers of the seventeenth century or the founders of our Constitution. It was the duty of the Courts to harmoniously develop the common law in accordance with the principles enshrined in the Constitution. The pace of the march of technological progress had quickened to a extent the social changes that resulted there from which required high levels of skill not only from the Courts, which must respond appropriately, but also from the lawyers who prepared cases such as this for adjudication.

Facebook is a voluntary social network to which members subscribe and submit information. Facebook is distinguished from other online sites such as Twitter or search engines such as Google, in that in order to become a member a subscriber must accede and agree to Facebook’s Data Privacy Policies and Terms. Facebook has created a worldwide forum enabling friends to share information such as thoughts, links and photographs with one another. These personal thoughts and photographs are generally known as “posts”. Facebook states in its policies that, although it makes every effort to protect a user’s information, these privacy settings are however not fool-proof. Although one can control one’s own Facebook profile there is no method within the Facebook system itself, by which one can control what other people place on their profiles about oneself and who can look at that.

The Constitutional Court have held that “*in South African law the right to privacy was recognized as an independent personality right which the Courts had included within the concept of dignitas*”. The Constitutional Court also entrenched in our law the close link between human dignity and privacy. In order “*to determine whether a prima facie invasion of the right to privacy was justified, it appeared that in general the principles formulated in the defences of justification in the law of defamation ought to apply*”. The Supreme Court of Appeal also affirmed the principle that the test for determining whether the words in respect of which there was a complaint had a defamatory meaning was whether a reasonable person of ordinary intelligence might reasonably understood the words concerned to convey a meaning defamatory of the litigant concerned. The words of the posting on Facebook which were in issue in this case indeed contain the defamatory meaning of which the applicant complained.

In our law it was not good enough, as a defence to or a ground of justification for a defamation, that the published words might have been true, it must also be to the public benefit or in the public interest that they be published. A distinction must always be kept between what “was interesting to the public” as opposed to “what was in the public interest to make known”. The Courts did not ponder to prurience and the Court was satisfied that it was neither to the public benefit or in the public interest that the words in respect of which the applicant complained be published, even if it was accepted that they were true. The next defence which needed to be considered was that of “fair comment”. In order to qualify as “fair comment” the comment must be based on facts expressly stated or clearly indicated and admitted or proved to be true. The respondent having raised a defence of fair comment, bared a burden of rebuttal and this burden presented the respondent with an insuperable difficulty in the present case, because the respondent had been unable to justify her posting. Furthermore malice or improper motive by the perpetrator of the comment also acted to defeat the defence of fair comment. The background to the posting, together with the words themselves, indicated that the respondent acted out of malice when she posted the offending comments. Accordingly the posting by the respondent was unlawful. In demarcating the boundary between the lawfulness and unlawfulness in this field (infringement of personal privacy) the Court must have regard to the particular facts of the case and judge them in the light of contemporary boni mores and the general sense of justice of the community as perceived by the Court. Often a decision on the issue of unlawfulness would involve a consideration and weighing of competing interests.

The first two requirements for an interdict had been satisfied in this case, insofar as an interdict was concerned, the applicant had a clear right to his privacy and the protection of his reputation. The applicant had indeed been defamed and the next question was whether there was “a similar protection by any other ordinary remedy”? The respondent had drawn attention to the fact that, previously the applicant via his attorney, threatened to institute an action to claim damages. The respondent suggested that, if it was found that she had defamed the applicant, the proper remedy was damages. It was in respect of the remedy where infringements of privacy that took place in the social media that the common law needed to develop. The social media form a subset of the electronic media, but were not coextensive with it, the social media were all part of the electronic media but not all the electronic media were social media. Not only could items be posted and travel on the electronic media at a click on a computer in a moment, in an instant, at the twinkling of an eye, but they could also, with similar facility, be removed there from, which could be done at minimal cost. The

situation was qualitatively different from the scenario where newspapers had been or were about printed in hardcopy and distributed. The law had to take into account changing realities not only technologically but also socially or else it would lose credibility in the eyes of the people. Without credibility law lost legitimacy and if law lost legitimacy, it lost acceptance. If it lost acceptance, it lost obedience and it was imperative that the Courts respond appropriately to changing times, acting cautiously and with wisdom.

The respondent had contended that the applicant could have approached Facebook, reported the abuse and asked for the posting to be blocked. The respondent's counsel submitted that as a subscriber, the applicant must have known of Facebook's Data Policies and of the fact that he could report the abuse to Facebook. However there was nothing before the Court to assure the Court that Facebook would comply with such a request and in the circumstances of this case, the Court was satisfied that by issuing an interdict that the respondent was to remove the posting, the Court would be providing a remedy for which there was no other, with the same effect.

It seems that the relief which has been sought which related to placing the respondent under arrest, if she failed to comply with the court's order, was ancillary to the making of a continuing order of prohibition on postings in the social media and in any event, the Court should not go so far as making an order, at this stage, that in the event that the respondent failed to comply with the court's order that the respondent then be placed under arrest for non-compliance for a period of 30 days or any other period. At the moment the Court had no way of knowing whether or not the respondent might become incapable in complying with the court's order. Besides it was unseemly for the Courts to wield their authority with a sledgehammer. Everyone knew that life could be made uncomfortable for those who did not comply with a court order. The Court was not sure that it falls within the competence of the Sheriff to remove the postings should the respondent fail to do so and at this stage the Court should make no order in that regard but the applicant was welcome to approach the Court again on this issue should it become necessary. Accordingly the applicant had been substantially successful inasmuch as he came to Court seeking an interdict.

The Court made the following comment *"those who make postings about others on the social media would be well advised to remove such postings immediately upon the request of an offended party. It will seldom be worth contesting one's obligation to do so. After all the social media was about building friendships around the world, rather than offending fellow human beings. Affirming bonds of affinity is what being "social" is all about"*.

A CLAIM FOR DAMAGES ARISING FROM INJURIES SUSTAINED AS A RESULT OF A FALL

Ascani v Vincent Family Pharmacy CC (EL1830/2011, ECD3564/11) [2013] ZAECCLC 1

This was a claim for damages arising from injuries sustained by the plaintiff as a result of falling whilst at defendant's premises, a pharmacy. It was not in dispute that the plaintiff fell shortly after she had entered the premises. In the summons the plaintiff alleged that she slipped on a wet floor surface, resulting in the fall and consequent injuries. It was the cause of the fall which was in dispute in these proceedings. In the plea the defendant admitted that the plaintiff fell whilst walking in the premises. The defendant however denied that the floor on which the plaintiff fell was wet and that she fell as a result thereof.

Two witnesses gave evidence on behalf of the plaintiff; it was the plaintiff herself and her husband and on the other hand two witnesses also gave evidence on behalf of the defendant and they were both employed by the defendant and were present at the premises when the plaintiff fell. According to the plaintiff's evidence, at about 9:15 in the morning on the day in question she entered the defendant's premises and walked to the centre aisle (the third aisle). She was going to the prescription counter which was located at the back of the premises. When she was about two steps into the aisle, her right heel slipped and she was propelled forward and landed heavily on her right hand side on the floor. As she lay on the floor she could feel with her hand that the floor was "damp". A staff member came to her and whilst trying to assist her, uttered the words "oh dear they have just washed the floors". There was also another member of staff who came to her assistance, offering her a pillow under her head. The ambulance was called and the plaintiff was taken to hospital and the plaintiff's husband was also called. The plaintiff was wearing low heeled boots which were tendered in evidence. The heel of each shoe was 5.1cm high and the surface thereof was 6cm². Both the heel and the sole of the shoes were covered in a serrated "rubber-like" substance. The plaintiff's husband testified that he was indeed, called to the pharmacy where the plaintiff had fallen. On his arrival the paramedics were already on the premises and were "busy with" the plaintiff. The plaintiff was in "the middle aisle", about one third of the way down.

The first witness to give evidence on behalf of the defendant, had been working at the pharmacy for almost three years at the time of the plaintiff's fall. On the day in question the first witness became aware of the fall whilst standing near a stand whereon food supplements on sale were placed, some distance from where the plaintiff fell. Having heard the noise the first witness proceeded to where the plaintiff was lying on the floor and was the first person to reach her. According to the first witness although the floor had been washed or "mopped" about an hour before the plaintiff fell

thereon, it was “completely dry” when she fell. The first witness however decided to feel it with her hand to assess if it was wet. Whilst she was with the plaintiff, the plaintiff told her that her husband would “kill her” as she had just hurt her back when she fell a few days before. The plaintiff also said that it was “not the fault of the pharmacy” that she had fallen; she had not been looking where she was going. The first witness continued sitting next to the plaintiff on the floor, comforting her, until the ambulance arrived, about half an hour to an hour from the time that the plaintiff had fallen and the plaintiff was then taken to hospital. The first witness also gave evidence on the procedure used at the pharmacy when cleaning the floor. Her evidence was that the floor of the pharmacy would be cleaned every morning. The procedure used by staff members in cleaning the floor was always the same. Whilst cleaning the floor, a warning sign would be placed on the floor of the aisle which was being cleaned and would not be removed “until the floor was dry”. The floor would be cleaned with plain water using a “mop”.

On the morning of the plaintiff’s fall the floor had been cleaned by another employee at the pharmacy at the time. Ordinarily it took one to one and a half hours to clean the floor. When the plaintiff fell the particular employee was at “the back” of the premises, throwing away the water after cleaning the floor. The first witness confirmed that indeed the “wet floor” warning sign was not anywhere on the floor of the pharmacy when the plaintiff fell; it had been removed as the floor was dry. According to the first witness the plaintiff never suggested to her that she fell because the floor was either wet or damp.

The second witness testified on behalf of the defendant. She had been working at the pharmacy for 15 years at the time of the plaintiff’s fall. Her evidence was that when she arrived at work, at about 8:20 on the morning in question the particular employee was cleaning the floor in the third aisle of the pharmacy. She then went to stand at the front of the shop between the second and third aisle and assisted customers. She had been standing there for a while when she heard a sound as the plaintiff fell to the floor. She rushed to the spot where the plaintiff had fallen and when she arrived there, the first witness was already with the plaintiff. On reaching the plaintiff the second witness bent down on her knees, with one hand on the floor as she wanted to assist in lifting the plaintiff up, but the plaintiff told them to leave her where she was. Whilst her hand touched the floor, she noted that the floor was dry. She heard the plaintiff tell the first witness that her husband would kill her because “she had just been to the doctor two days before”.

That was the evidence on which the Court had to decide whether the defendant was liable for the plaintiff’s fall. The Court had to decide whether in this case the floor was wet when the plaintiff fell and if so, whether that was the cause of the plaintiff’s fall, the plaintiff testified firmly that it was. In the Court’s view her evidence had a ring of truth in it. The first remark made by the first witness, was that “they (have) just washed the floor”. The fact that the floor had indeed been washed prior to the plaintiff’s arrival lends credence to the plaintiff’s evidence. The Court could find no evidence that the plaintiff could have known that the floor had been washed prior to her arrival at the pharmacy. Her evidence that she felt the floor was wet, was consistent with what a reasonable person would have done on hearing that the floor had been washed prior to her fall. On a whole the plaintiff impressed the Court as an honest and reliable witness. On the other hand the first witness evidence was self contradictory and in the Court’s view the first witness was a particularly poor witness. Apart from the fact that her evidence generally did not accord with the probabilities, she contradicted herself, avoided responding to some questions and at times sought to retract some of her evidence. The second witness’s evidence did not add much value to the defendant’s case. She persisted in her evidence that every inch of the floor was dry when the plaintiff fell because the floor would take 3 to 5 seconds to dry.

For the purposes of liability, culpa arose if a diligens paterfamilias in the position of the defendant, would have foreseen the reasonable possibility of his conduct injuring another in his person or property and causing him patrimonial loss; and would have taken reasonable steps to guard against such occurrences; and if the defendant failed to take such steps. Whether a diligens paterfamilias in the position of the person concerned would have taken any guarding steps at all and if so, what steps would have been reasonable, would always depend upon the particular circumstances of each case.

The Court was satisfied that the defendant should have foreseen that the washing of the floor could result in an injury to customers that came into the pharmacy. The defendant could have taken reasonable and necessary precautionary steps to warn members of the public of possible danger resulting from the washing of the floor. Such measures would be placing the warning sign near the entrance where customers could easily see it and not remove the sign until the floor was dry. The floor could also have been washed at the end of the previous business day. The defendant failed to take these steps and precautions. One obviously expects a higher incidence of vulnerable persons in a pharmacy than, for example, in a supermarket; and therefore the extent of duty of care on the owner of a pharmacy would commensurate. Accordingly the defendant was held liable for such damages as the plaintiff will prove to have suffered as a result of an injury sustained by the plaintiff when she fell at the defendant’s pharmacy.

SEMINARS

CONSUMER PROTECTION ACT – WHAT THE ACT MEANS TO YOU

This seminar (presented by Trudie Broekmann) aims to cover:

- the complexities in interpreting and implementing the Act both from a business and legal perspective;
- the latest developments on the consumer protection front, including discussions on judgments by the National Consumer Tribunal;
- engaging with clients to find practical ways of aligning business practices and relevant agreements with the Act; and
- hints on plain language drafting.

DATES:

- Johannesburg: 19 March 2013
- Pretoria: 11 April 2013
- Cape Town: 18 April 2013
- Durban: 7 May 2013
- Bloemfontein: 09 May 2013
- Port Elizabeth: 16 May 2013

COSTS:

- R990 per practising attorney (R650 if located further than 200km from closest venue)
- 5% Discount for 5 or more delegates from the same firm

For more information please visit www.lssalead.org.za or contact the Knowledge Centre.

PENSION LAW UPDATE 2013

Topics to be included:

- Divorce agreements;
- Administration of estates with particular regard to the distribution of death benefits; and
- Attachment of pension benefits in respect of maintenance

PRESENTER:

Darryl Morris is an admitted attorney at McLarens Attorneys. His focus is on the interpretation of the Pension Funds Act and rules; Section 37 allocation of benefits; attachment of pension benefits in matrimonial actions and distribution of pension benefits on divorce.

DATES:

- Johannesburg: 22 April 2013
- Pretoria: 23 April 2013
- Cape Town: 29 April 2013
- Port Elizabeth: 6 May 2013
- East London: 7 May 2013
- Durban: 13 May 2013
- Bloemfontein: 17 May 2013

COSTS:

- R990 per practising attorney (R650 if located further than 200km from closest venue)
- 5% Discount for 5 or more delegates from the same firm

For more information please visit www.lssalead.org.za or contact the Knowledge Centre.

THE NEW TAX ADMINISTRATION ACT – AN OVERVIEW FOR ATTORNEYS

On 4 July 2012, the much anticipated New Tax Administration Act was published in the Government Gazette after being promulgated into law.

This is an important piece of legislation for all attorneys to be aware of, not only for their own practices, but also for identifying possible problematic areas for their clients. Knowing the provisions of the new Act is not enough and, therefore, these workshops deal with its constitutional context, value and importance.

Programme content:

Key definitions

- General administration provisions - conflicts of interest by SARS, Tax Ombudsman
- Single registration number
- Returns and records
- Information gathering - audits, relevant material, letters of findings, criminal investigations
- Confidentiality of information - secrecy
- Advance rulings
- Assessments - NEW rules on onus of proof
- Dispute resolution - when can you approach the High Court directly, burden of proof
- Tax liability and payment - personal liability, installment payment agreements
- Recovery of tax - liability of shareholders for tax debts
- Interest and penalties
- Refunds - set-off and deferral
- Writing off or compromising tax debts
- Voluntary disclosure programme
- Criminal offences - 'double jeopardy', R v Jarvis principles

PRESENTER:

Prof. Daniel N. Erasmus

Daniel is an admitted attorney and holds a BProc degree, BA (Politics & Law), a Higher Diploma in Tax Law and a LLM in taxation. He is an Adjunct Professor in International Tax Planning and Tax Risk Management at the Thomas Jefferson School of Law, San Diego, California.

Daniel is a leader in knowledge in this area of taxation, having taught the principles of tax risk management, and how to implement these principles in MNEs to thousands of delegates.

DATES:

- Cape Town 11 March 2013
- George 12 March 2013
- Port Elizabeth 13 March 2013
- Durban 14 March 2013
- Johannesburg 15 March 2013
- Pretoria 18 March 2013

COSTS:

- (Vat inclusive) per person
 - Practising attorneys: R 990
 - Candidate attorneys/support staff: R 870
 - Practising attorneys from firms located further than 200 km from the closest venue: R 650
 - Non-practising attorneys/Others: R 1980
- 5% discount is offered for 5 or more delegates from the same firm/organisation.

The registration fee includes full workshop material and refreshments.
A certificate will be issued on full attendance of the workshop.

For more information please visit www.lssalead.org.za or contact the Knowledge Centre.

RECOMMENDED READING

Bowman Gilfillan - **Social media create unforeseen tension in balancing constitutional rights**, *Polity*; February 2013

Adams & Adams - **The 'notional consumer' for prescription medications**; P. Haupt, *Polity*; February 2013

ACTS

CONSTITUTION SEVENTEENTH AMENDMENT ACT OF 2012	Date of commencement: to be proclaimed Amends ss. 165, 166, 167, 168, 172 & 178 and substitutes ss. 169, 170, 173 & 175 of the Constitution of the Republic of South Africa, 1996	GG 36128 (01.02.13)
FINANCIAL MARKETS ACT 19 OF 2012	Date of commencement: to be proclaimed Repeals the Securities Services Act 36 of 2004; amends s. 45 (1) of the Financial Advisory and Intermediary Services Act 37 of 2002; substitutes s. 5 of the Collective Investment Schemes Control Act 45 of 2002; amends s. 18 of the Competition Act 89 of 1998; deletes s. 8, amends ss. 6A & 6D & substitutes s. 6H of the Financial Institutions (Protection of Funds) Act 28 of 2001; amends ss. 1, 5, 69 & 116 of the Companies Act 71 of 2008; substitutes s. 35A of the Insolvency Act 24 of 1936 and amends s. 8 of the National Payment System Act 78 of 1998	GG 36121 (01.02.13)
TAXATION LAWS AMENDMENT ACT 22 OF 2012	Date of commencement: 1 February 2013, unless otherwise indicated Amends s. 9 of the Transfer Duty Act 40 of 1949; amends ss. 1, 6quat, 6quin, 6A, 8, 8E, 9C, 9D, 9H, 9I, 10, 10B, 11, 12B, 12C, 12E, 12H, 12I, 12M, 12N, 12O, 13quat, 18, 20, 20C, 22, 22B, 23, 23B, 23D, 23I, 23H, 23K, 24B, 24I, 24J, 24JA, 25BA, 26B, 28, 29A, 31, 37B, 41, 42, 44, 45, 46, 47, 64B, 64C, 64E, 64EA, 64F, 64FA, 64G, 64H & 64J, the heading to Part III, paras. 1, 2, 3, 3A, 4, 5 & 6 of the Second Schedule, paras. 2 & 7 of the Seventh Schedule and paras. 1, 3, 8, 10, 11, 12, 13, 19, 20, 23, 32, 38, 40, 42, 43, 43A, 56, 61, 64A, 64B, 65, 66, 67A, 67B, 74, 75, 76, 76A, 76B & 78 of the Eighth Schedule to Act 58 of 1962, repeals ss. 6sex, 9E, 12G, 23E, 23J, 35 & 37H, Part IA of Chapter II, para. 2B of the Second Schedule, paras. 67A, 67AB & 78 of the Eighth Schedule, inserts ss. 6B, 7B, 8EA, 10C, 12P, 19, 23L, 24BA, 24JB, 24O, 25BB, 29B, 40CA, 43 & 64EB, Parts IA & IVA in Chapter II and para. 12A in the Eighth Schedule, substitutes ss. 8E, 9H, 12L, 20C & 40C, para. 2A of the Second Schedule, para. 64B of the Eighth Schedule and paras. 2, 3 & 6 of the Tenth Schedule and adds the Eleventh Schedule to the Income Tax Act 58 of 1962; amends ss. 47B & 116 of the Customs and Excise Act 91 of 1964; amends s. 10 of the Income Tax Act 101 of 1990; amends ss. 1, 8, 12, 16, 18 & 21 and inserts s. 40C in the Value-Added Tax Act 89 of 1991; amends s. 4 of the Unemployment Insurance Contributions Act 4 of 2002; amends ss. 1, 2 & 8 of the Securities Transfer Tax Act 25 of 2007; amends s. 13 of the Revenue Laws Amendment Act 60 of 2008; amends s. 13 of the Taxation Laws Amendment Act 17 of 2009; amends ss. 2, 48, 121 & 128 and repeals s. 111 of the Taxation Laws Amendment Act 7 of 2010; and amends ss. 3, 7, 28, 29, 32, 43, 49, 50, 54, 70, 72, 116, 119, 121, 129, 132 & 149 and repeals s. 21 of the Taxation Laws Amendment Act 24 of 2011	GG 36122 (01.02.13)

PROCLAMATIONS AND NOTICES

STATISTICS SOUTH AFRICA	Consumer Price Index, Rate (Base 2 000 = 100), Rate: December 2012: 5,7 published	GG 36102 (01.02.13)
MERCHANDISE MARKS ACT 17 OF 1941	Final prohibition of the use of the Tshwane Metropolitan Police Service emblem and name published	GG 36102 (01.02.13)
MAGISTRATES' COURTS ACT 32 OF 1944	Amounts determined by GN R1411 in GG 19435 of 30 October 1998 for the purposes of certain provisions of the Act amended with effect from 1 February 2013	GG 36111 (30.01.13)
MEDICINES AND RELATED SUBSTANCES ACT 101 OF 1965	Regulations relating to a transparent pricing system for medicines and scheduled substances: Guidelines for pharmacoeconomic submissions published with effect from 1 April 2013	GG 36118 (01.02.13)
PLANT IMPROVEMENT ACT 53 OF 1976	Regulations relating to application of the Act amended	GG 36103 (01.02.13)
CRIMINAL PROCEDURE ACT 51 OF 1977	Amounts for the purposes of certain provisions determined and GN R239 in GG 24393 of 14 February 2003 repealed with effect from 1 February 2013	GG 36111 (30.01.13)
BANKS ACT 94 OF 1990	Designation of ('Ithala Limited' a wholly owned subsidiary of Ithala Development Finance Corporation Limited) as an institution of which the activities do not fall within the meaning of 'the business of a bank' for the period 1 January 2013 to 31 December 2013 and GN 54 in GG 34963 of 27 January 2012 substituted	GG 36103 (01.02.13)
LABOUR RELATIONS ACT 66 OF 1995	MEIBC: Call for submissions by parties affected by the proposed extension in terms of s. 32 (2) read with s. 32 (5) of the Main Collective Re-Enacting and Amending Agreement of the Metal and Engineering Industries Bargaining Council: Labour Court Case (JR 3062/2011) published	GG 36120 (01.02.13)
BASIC CONDITIONS OF EMPLOYMENT ACT 75 OF 1997	Sectoral Determination 6: Private Security Sector, South Africa corrected	GG 36110 (30.01.13)
POSTAL SERVICES ACT 124 OF 1998	Fees and charges for postal services published with effect from 1 April 2013	GG 36109 (29.01.13)
NATIONAL HERITAGE RESOURCES ACT 25 OF 1999	Provisional protection of the Pietermaritzburg shipwreck site near Millers Point as a national heritage resource published	GG 36102 (01.02.13)
FINANCIAL ADVISORY AND INTERMEDIARY SERVICES ACT 37 OF 2002	Amendment Notice of the Exemption of ABSA Insurance and Financial Advisers, 2013 published with effect from 1 January 2013	GG 36113 (31.01.13)
	Notice on Exemption of Associated Compliance (Pty) Ltd from Fees Payable to Registrar, 2013 published	GG 36113 (31.01.13)
	Exemption of Innovation Group (Pty) Ltd, 2013 published	GG 36114 (31.01.13)
NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT 10 OF 2004	Non-detriment findings published for comment	GG 36117 (01.02.13)
FURTHER EDUCATION AND TRAINING COLLEGES ACT 16 OF 2006	Proposed amendments to the Policy and Procedures for Measurement of Research Output of Public Higher Education Institutions, 2003 published for comment	GG 36102 (01.02.13)

PROVINCIAL LEGISLATION

Eastern Cape

Gambling and Betting Act 5 of 1997	White paper on amendments to the Gambling and Betting Act published	PG 2888 (30.01.13)
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Draft Eastern Cape Gambling and Betting Amendment Bill, 2013	Together with Memorandum on the Objects and Principles of the Bill published for comment	PG 2888 (30.01.13)
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Free State

Free State Nature Conservation Ordinance 8 of 1969	Norms and standards for the keeping and management of Bontebok (<i>Damaliscus pygargus pygargus</i>) in the Free State published	PG 75 (01.02.13)
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Free State Nature Conservation Ordinance 8 of 1969	Activities regarding listed large predators by land owners, Foreign clients and the exportation and transportation of such hunting trophies published	PG 75 (01.02.13)
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Free State Nature Conservation Ordinance 8 of 1969	Activities regarding white and black Rhinoceros published	PG 75 (01.02.13)
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Gauteng

Mogale City Local Municipality	By-laws relating to the Management and Control of Informal Settlements published	PG 20 (29.01.13)
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Mpumalanga

Mpumalanga Gambling Act 5 of 1995	Draft amendments to the Mpumalanga Gambling Rules published for comment	PG 2127 (22.01.13)
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Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000	Steve Tshwete Local Municipality: Electricity By-laws published and the Standard Electricity By-laws published under AN 1627 of 11 September 1985 repealed	PG 2131 (30.01.13)
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