

IMPORTANT NEWS

LAST BULLETIN FOR 2014 & OFFICES CLOSED FOR THE HOLIDAYS

This is the final Bulletin for 2014. The Bulletin service will recommence on **9 January 2015**.

Please note that the offices of Phatshoane Henney Attorneys will be closed from 13:00 on **24 December 2014** and will re-open at 08:00 on **5 January 2015**.

From the Knowledge Centre we wish everyone a peaceful and relaxing festive season and a prosperous 2015.

EMPLOYMENT SERVICES ACT IN FORCE SOON

With the aim of improving access to work opportunities by job seekers unable to afford the fees charged by private agencies, the Department of Labour will collaborate with all legitimate, registered agencies once the 2014 Employment Services Act is in force.

Draft regulations could soon be released for comment. Pivotal to the effective implementation of the Act will be the criteria private employment agencies will be required to meet in order to be registered (section 13). Then there provisions in section 5 enabling the Minister to determine which specialised services will not be free and which specified categories of employees will be expected to pay fees for services rendered. Section 8(2) enables the Minister to make regulations to facilitate the employment of foreign nationals in circumstances specified in the amended Immigration Act and related legislation. In terms of section 10, the Minister may choose to make it mandatory for all employers to notify the Department of Labour of: any available vacancies or new positions; any matter necessary to promote efficient matching services; and the employment of any work seeker referred to an employer by a public labour centre.

The Act also includes provisions aimed at facilitating youth employment and avoiding large-scale lay-offs. Section 6 allows the Minister to establish work schemes with the aim of assisting young people and other vulnerable work seekers to enter and remain in employment or to be placed in opportunities for self-employment. In terms of section 7, the Minister will be allowed to establish schemes to minimise the retrenchment of employees. In this regard, reference is made to turn-around strategies, re-training and alternative employment opportunities. Once in effect, the new legislation promises to be a real game-changer for labour market stakeholders; for better or worse remains to be seen.

Source: <http://www.legalbrief.co.za/>

RECOMMENDED READING

Protecting the lifeblood of commerce: a critical assessment of recent judgments of the South African Supreme Court of Appeal relating to demand guarantees, by Hugo, [TSAR](#), 2014 4

Gedingvoering op tjeks en die aanwendingsterrein van die National Credit Act, by Nagel, [TSAR](#), 2014 4

Ondeurdagte wysigings aan Wet op Deeltitels berg onverwagte gevolge, by Sonnekus, [TSAR](#), 2014 4

Aquiliese aanspreeklikheid vir suiwer ekonomiese verlies – die Hoogste Hof van Appèl draai briek aan, by Otto, [TSAR](#), 2014 4

Buitengewone testamentêre bepalings en geykte regsnorme, by Sonnekus, [TSAR](#), 2014 4

Kan partye die Nasionale Kredietwet konsensueel op hulle kredietooreenkoms van toepassing maak indien die wet nie ipso jure geld nie?, by Otto, [TSAR](#), 2014 4

SUMMARY OF RECENT CONSTITUTIONAL COURT JUDGMENTS

NO CONFIRMATION NEEDED IN VULTURE FEET CASE

KHOHLISO v S AND ANOTHER (CCT 12/14) [2014] ZACC 33 (2 DECEMBER 2014)

The Constitutional Court handed down judgment in an application for confirmation of an order by the Eastern Cape Local Division of the High Court, Mthatha declaring sections of the former Republic of Transkei's Decree No. 9 (Environmental Conservation) of 1992 constitutionally invalid.

Ms Khohliso, the applicant, is a traditional healer from Tsolo in the former Transkei (now part of the Eastern Cape Province). She was convicted in the Tsolo Magistrate's Court of possession of two vulture's feet in violation of Decree No. 9. She successfully appealed her conviction in the High Court. The Court found these provisions unconstitutional, because they are inconsistent with the presumption of innocence and the right to equality.

The Constitution provides that the Constitutional Court must confirm any order of invalidity granted by a High Court concerning a provincial Act, Act of Parliament, or conduct of the President, before that order has any force. Ms Khohliso approached this Court to confirm the High Court's ruling, contending that Decree No. 9 constituted a provincial Act which needed to be confirmed. The second respondent, the MEC for Economic Development, Tourism and Environmental Affairs, Eastern Cape, contends that this Court does not have to confirm the declaration of invalidity because Decree No. 9 does not constitute a provincial Act.

In a unanimous judgment the Constitutional Court held that Decree No. 9 is not a provincial Act or any other type of law that requires confirmation by the Court. The purpose of confirmation is to promote comity between the branches of government. Thus an Act of Parliament, provincial Act or conduct of the President can only be effectively and finally invalidated when this Court determines that it is inconsistent with the Constitution. Law that does not fall into those categories does not require confirmation by the Court.

In determining whether a pre-democratic law (such as Decree No. 9) constitutes a provincial Act, the Court primarily considers how the relevant provincial Legislature has treated it since 1994. If the law has been endorsed by the Legislature, it will have the same status as a provincial Act and any order of invalidity in respect of it will have to be confirmed by the Court. Evidence of endorsement includes amending the law in a way that indicates an intention that it continue to apply in the province, or by incorporating the law by reference into a democratic provincial Act. If there is insufficient evidence that the provincial Legislature has endorsed the law post-1994, the Court will assess whether the origin of the law and its territorial application point to it having the status of a provincial Act.

In this case there was no endorsement of Decree No. 9 by the Eastern Cape Provincial Legislature. The origin of the Decree was also not provincial, as it was passed by a so-called independent republic. It only applies to a portion of the Eastern Cape, namely the former Transkei. There is parallel legislation governing the same subject matter in other parts of the province. Accordingly, Decree No. 9 is not a provincial Act and this Court is not required to confirm the High Court's order. That order, therefore, had immediate effect from the date it was granted by the High Court.

Source: Constitutional Court's Media Summary

WRONGFUL LIFE DAMAGES RULING

H V FETAL ASSESSMENT CENTRE (CCT 74/14) [2014] ZACC 34 (11 DECEMBER 2014)

The Constitutional Court handed down judgment in an application for leave to appeal against the decision of the Western Cape Division of the High Court, Cape Town. The High Court upheld an exception to a child's claim for damages against the Fetal Assessment Centre for allegedly misdiagnosing the child's high risk of Down syndrome, as being bad in law. Our law recognises a claim by the mother for pre natal misdiagnoses, but not by the child.

In the High Court, H brought a claim for damages on behalf of her minor child due to the Centre's alleged negligent conduct. H claimed that she approached the Centre for a nuchal translucency scan of her foetus in order to assess the possible risk of certain congenital conditions. She contended that the Centre failed to interpret the scan correctly and negligently failed to warn her of the high risk of her child being born with Down syndrome. She maintained that, had she been made aware of the high risk, she would have terminated the pregnancy. The child was born with Down syndrome and H claimed special and general damages on his behalf.

The Centre raised a number of exceptions to the claim, primarily that this type of claim by the child, as opposed to the parent, is not recognised in South African law. The High Court upheld this exception and dismissed the claim.

The Constitutional Court granted H leave to appeal and issued an anonymisation order to protect her identity as well as that of her family and child. In a unanimous judgment the Constitutional Court found that the parties' papers do not address the constitutional injunction that a child's best interests are of paramount importance in any matter concerning the child, which is essential to determining whether a child's claim may exist. In addition, the finding that a child's claim may be recognised involves complex factual and legal considerations which this Court is not best placed to evaluate. Accordingly the Court held that it was not appropriate to make a final determination on the question of the child's claim.

After considering the law in other jurisdictions, as well as the implications for the South African law of delict, the Court emphasised that a child's claim in this context may in principle potentially exist. However whether it does and in what form, must be decided by the High Court. The High Court should still determine whether all the elements of a delict, namely harm, wrongfulness, negligence, causation and damages have been established, or whether a claim in another form may have to be developed to remedy any wrong that may have been committed. This decision must accord with constitutional rights and values, and including the best interests of the child. The Court therefore upheld the appeal and replaced the order of the High Court with an order granting H leave to amend her particulars of claim within 14 days.

Source: Constitutional Court's Media Summary

SUMMARY OF RECENT SUPREME COURT OF APPEAL JUDGMENTS

SUPREME COURT OF APPEAL OVERTURNS SCHOOLS CLOSURE RULING

MINISTER OF EDUCATION FOR THE WESTERN CAPE v BEAUVALLON SECONDARY SCHOOL (865/13) [2014] ZASCA 218 (9 DECEMBER 2014)

The Supreme Court of Appeal handed down judgment in an appeal from the Western Cape High Court, Cape Town. The first appellant, the provincial Minister for Education, had taken a decision in the implementation of national education policy to close a number of schools in the province, acting under section 33 of the South African Schools Act 84 of 1996. Initially eighteen of the affected schools and their respective school governing bodies launched an application seeking, inter alia, an order reviewing and setting aside the Minister's decision. The South African Democratic Teachers Union, a trade union representing the interests of certain teachers, also joined the fray as the then thirty seventh applicant.

The applicants alleged inter alia that the decision was procedurally unfair, in that the Minister had not properly informed each school of the full or even sufficient reasons for its impending closure, and the schools were thus not able to make meaningful representations thereon as required by the Act. An attack on the constitutionality of section 33 of the Act accompanied these claims.

The majority of the High Court held that the decisions to close each of the seventeen applicant schools fell to be set aside for failure to comply with the requirements of the Promotion of Administrative Justice Act 3 of 2000. The Court also unanimously rejected the attack on the constitutionality of section 33 of the Act. The High Court granted the Minister and his department leave to appeal the review of the Minister's decision, while the Supreme Court of Appeal granted the respondents leave to conditionally cross-appeal the order on the constitutionality point. However the debate on the latter issue fell away during the course of the hearing before the Supreme Court of Appeal.

The Supreme Court of Appeal, in addressing the question of whether the Minister's decisions fell to be reviewed as administrative action under PAJA, noted that the implementation of policy is generally regarded as being administrative in nature. In any event however, section 33(1) and (2) of the Act adopts a "notice and comment" procedure that echoes that contained in section 4(3) of PAJA. For this reason, the Court found it unnecessary to pronounce on the exact nature of the power exercised by the Minister in closing the affected schools; rather the matter is reviewable under the principle of legality in the sense that any non-compliance with the procedure prescribed in section 33 of the Act renders the decisions liable to be set aside.

Turning to the reasons supplied by the Minister to the schools for their intended closure, the Court noted that the prevailing test for fairness, while dependant on the particular circumstances of the matter before the Court, is whether the affected party was "informed of the gist of the case which he has to answer". As long as the gist of his reasons was conveyed, the Minister was thus not obliged to spell out in great detail why the particular schools were being considered for closure. This does not, however include an explanation for the national education policies on which such decisions were based, but rather the application thereof to the individual affected schools.

On an analysis of the reasons provided by the Minister for the decision to close the affected schools, the Court held that, while terse, in most instances they were sufficient to communicate the “gist of the case” to be answered. In relation to the decision to close those schools, the conclusion of the High Court that there was a failure to meet the requirements of section 33(2) of the Act which justified it interfering with the ultimate decision is unsustainable.

However with regard to Beauvallon Secondary School, the final reasons provided by the Minister for its closure differed from those initially given to the school, on which basis it made its representations and appeared to have been forthcoming from the department itself rather than having emerged during the consultation process. The Court held that, as the final reasons for closure differed materially from those initially provided, and thus the gist of the case to be met was not laid out, the procedure followed in regard to this particular school was fatally flawed for failure to comply with the provisions of the Act. The Minister’s final decision in respect of this school thus offends the principle of legality and the high court correctly set it aside. The appeal in regard to Beauvallon must accordingly fail. In the result, save for the instance of Beauvallon, the high court’s decision to review and set aside the Minister’s decision to close the remaining schools cannot stand and the appeal succeeds.

Source: Supreme Court of Appeal’s Media Summary

BAMBA v S (20089/14) [2014] ZASCA 219 (11 DECEMBER 2014)

Criminal law and procedure – circumstantial evidence – failure by the State to prove factual link between exhibits allegedly collected at scene and tested at ballistics laboratory – utmost care required of police in recovering, storing, recording and conveying exhibits – duty on prosecution to prove these elements.

Source: http://www.justice.gov.za/sca/judgments/judgem_sca.htm

SUMMARY OF RECENT HIGH COURT JUDGMENT

WOMAN ORDERED TO RETURN ENGAGEMENT RING

K v P (2233/2014) [2014] ZAECPEHC 67 (8 OCTOBER 2014)

The applicant brought an urgent application ex parte, for the return of certain movable items (television and furniture) and an engagement ring, which were currently in the possession the respondent. The applicant and the respondent formed a romantic relationship towards the end of 2012 and became engaged to be married some time thereafter. It was a stormy relationship and ended shortly before the present application was brought. The respondent was still married to her current husband, but was in the process of divorcing him.

The applicant during the course of the relationship placed furniture and the other items, in the applicant’s home and gave her an engagement ring. At least on one occasion (the applicant alleged it was on three occasions), the applicant after a quarrel had broken out between them, removed all the furniture items from the respondent’s home by loading them onto a truck. When they made up again, he took the items back to her home. It was common cause that at least on one occasion the applicant removed the items at the behest of the respondent. The respondent admitted that she and the applicant broke up and made up twice and that she, on one occasion told the applicant to fetch the items in question from her home after one of their quarrels. She explained that she resented the applicant having said that if it were not for him, she would not have had any of the said items. She denied that the applicant removed his possessions from her home every time they broke up.

After their final break-up, the applicant wanted to fetch his furniture from the respondent’s home and the respondent’s response was an SMS in which she indicated that she would not return the applicant’s “stuff” because she needed them to pay her rent. She held the applicant responsible for losing her employment. She also indicated that she regarded the items as gifts. At issue between the parties was (a) whether the ownership of the movable items vests in the applicant, or whether they had become gifts to the respondent and (b) whether the applicant was entitled to return of the engagement ring.

The applicant’s case was that he never intended to transfer ownership of these items to the respondent, as the items were placed in the respondent’s home for his own use and convenience whilst staying over in the respondent’s home from time to time. The applicant feared that the respondent would start alienating his goods to pay off her debts. Hence he brought the application on an urgent and ex parte basis.

A true donation is an agreement whereby the donor, motivated by pure liberality, undertakes to give to a donee a gift without receiving any advantage in return for it, in other words, unconditionally. The onus is on the party alleging a donation to prove that the motive of the donor to the agreement was one of “pure liberality”. The defendant maintains that the items in question were gifts donated to her by the applicant. She however does not specify how and in which circumstances they became gifts. A donation is never presumed but must be proved by the person alleging it. The person alleging ownership has an overall onus to establish his claim without the assistance of the party alleging that it was a donation being obliged to prove that it was a donation. The presumption of ownership is a rebuttable presumption of fact or an inference which may be drawn in the circumstances of the case.

The impression gained from those facts which were common cause in this case, was that the furniture belonged to the applicant and was brought onto the respondent’s premises for the combined use of the applicant, the respondent and her children, for as long as the applicant visited them at the house and stayed over. The respondent did not deny that the applicant was at least initially the owner of the items. However she proffered no details as to how they later became donations to her. It was common cause that the applicant had taken back his items at least on one occasion. If the respondent was indeed the true owner of the items she would have insisted on keeping them on that occasion and she did not. The items in question were not even on the premises for two months after they were brought back after the last quarrel, when the present application was brought. The respondent was unable to discharge the onus of proving that they were gifts made to her.

The respondent maintained that because she was still married to her current husband when they became engaged to each other, the applicant was not entitled to the return of the engagement ring. The respondent, relying on the rule “in pari delicto potior est conditio defendentis”, submitted that both parties were at fault because their engagement was contra bonis mores and therefore unenforceable. Accordingly the par delictum rule which is concerned with the moral guilt of the parties, entitled her to retain the ring. In this regard the respondent relied on the decision in **Pietzch v Thompson**, where the plaintiff alleged that the defendant had repudiated her promise to marry him and sued for the return of a ring, a watch and sums of money. He alleged that the goods were given in contemplation of the marriage which was to take place after the defendant had obtained her divorce from her husband. Because of the defendant’s marriage to someone else at the time of the engagement, the Court held that the plaintiff was barred by the par delictum rule to claim the return of any donations made by him to the defendant.

The general rule is that all gifts, other than small tokens of affection, must be returned if the engagement is terminated by mutual consent. In this case, unlike in the **Pietzch** case, the engagement was broken off by mutual agreement. It was not in dispute that the applicant did not know that their engagement was void. It could be assumed therefore that his intention in giving the respondent the ring at the time they got engaged was in contemplation of a future marriage.

The applicant referred to a decision where it was held that an engagement ring was an “impliedly conditional gift” which was only a completed gift upon marriage and if the engagement was terminated for whatever reason, the gift was not capable of being a completed gift and must be returned to the donor. That was with respect, a sensible approach. The engagement ring was given to the respondent in this case in contemplation of a marriage and remained a conditional gift. Since the condition of marriage was not fulfilled, the ring ought to be returned to the donor, because it was no longer capable of becoming a completed gift. This principle, in the Courts view, also applied if the engagement was void ab initio by virtue of it being contra bonis mores.

It strikes the Court as rather unfair in these particular circumstances that the respondent should benefit from the par delictum rule at the expense of the applicant, if both parties were “at fault” and the engagement was terminated by mutual consent. Why should the applicant alone be penalized? It made no sense. At least he was the one party to the engagement who was not married to someone else. Accordingly the applicant should succeed in this application.

Source: <http://www.saflii.org/>

JUDGMENTS IN THE DECEMBER 2014 EDITION OF THE SOUTH AFRICAN LAW REPORTS

MALAN v CITY OF CAPE TOWN 2014 (6) SA 315 (CC)

Termination-Public rental housing-When permissible-On notice alone-On arrears alone-For breach of 'illegal activities' clause-Constitution, section 26.

MOTSWAI v ROAD ACCIDENT FUND 2014 (6) SA 360 (SCA)

Irregular finding-Finding of fraud against attorney-No proper hearing-Inference of fraud made on basis of court papers and after informal discussion in chambers with parties' legal representatives-Procedure improper and inference wrong-Professional reputation of attorney and others involved in case irregularly and unfairly impugned.

ROAD ACCIDENT FUND v COUGHLAN NO 2014 (6) SA 376 (SCA)

Specific forms-Loss of support-Dependant's action-Deductibility of foster child grant-Grant to be deducted from damages for loss of support.

BITTER NO OBO DE PONTES v RONALD BOBROFF & PARTNERS INC AND ANOTHER 2014 (6) SA 384 (GJ)

Fees-Contingency fees-Claim for refund of unlawfully charged contingency fees-Attorney seeking to retain fees as security for attorney and client costs-Would likely be entitled to fraction of sum retained-Ordered to repay entire sum retained and submit itemised bill of costs.

BLIGNAUT v STALCOR (PTY) LTD AND OTHERS 2014 (6) SA 398 (FB)

Business rescue-Business rescue plan-Release of company from debts-Not available to surety of company as defence against principal debtor's claim-Companies Act 71 of 2008, section 154.

PALALA RESOURCES (PTY) LTD v MINISTER OF MINERAL RESOURCES AND ENERGY AND OTHERS 2014 (6) SA 403 (GP)

Mining and prospecting rights-Lapsing upon deregistration of rights-holder-Not revived by subsequent restoration of company's registration-Mineral and Petroleum Resources Development Act 28 of 2002, section 56(c); Companies Act 71 of 2008, section 73(6A).

OOSTHUIZEN v VAN HEERDEN T/A BUSH AFRICA SAFARIS 2014 (6) SA 423 (GP)

Neighbour disputes-Contagion-Plaintiff's cattle infected by disease carried by defendant's game-Plaintiff aware of risk of contagion yet deliberately did nothing to avert it-Risk of contagion low and cost of prevention high-Not reasonable in circumstances to saddle defendant with obligation to act-Not liable for plaintiff's damages.

RH v DE 2014 (6) SA 436 (SCA)

Specific forms-Injuria-Adultery-Delictual action for adultery abolished. Constitutional law-Common law-Development-Delictual action for adultery abolished.

FLORENCE v GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA 2014 (6) SA 456 (CC)

Land reform-Restitution-Compensation-Equitable redress in form of financial compensation-Change in value of money over time-Focus of enquiry change in monetary value of loss from immediately after dispossession-Consumer Price Index appropriate measure to calculate such loss-Restitution of Land Rights Act 22 of 1994, section 33(eC).

DLADLA AND OTHERS v CITY OF JOHANNESBURG AND ANOTHER 2014 (6) SA 516 (GJ)

Powers and duties-To shelter evicted persons-Shelter rules and policies-Prohibition on spouses residing together-Requirement that residents leave during day-Constitutionality-Constitution, section 10, 12 and 14.

SIBISI NO v MAITIN 2014 (6) SA 533 (SCA)

Defences-Consent-Medical procedure's risks-Informed consent-Test for.

EX PARTE NELL AND OTHERS NNO 2014 (6) SA 545 (GP)

Business rescue-Termination-Court setting aside resolution to begin rescue and putting company into liquidation-Business rescue practitioner and company applying for leave to appeal order-Effect-Application not suspending operation of order-Companies Act 71 of 2008, section 5(4) and 132(2)(a)(i); Superior Courts Act 10 of 2013, section 18(1).

GOVERNING BODY, HOËRSKOOL FOCHVILLE AND OTHERS v CENTRE FOR CHILD LAW 2014 (6) SA 561 (GJ)

Production of documents-Notice to produce documents-Ambit-Confidential documents referred to in affidavit-Not necessary to produce documents if privileged, but confidentiality not ground for refusal-Uniform Rules of Court, rule 35(12).

TURNBULL-JACKSON v HIBISCUS COAST MUNICIPALITY AND OTHERS 2014 (6) SA 592 (CC)

Buildings-Building plans-Approval-Duties of decisionmaker-Level of compliance required in exercising powers in terms of provision-SCA declining to follow standard set out by CC on grounds clearly wrong and obiter-SCA erring in not following CC-Dictum part of ratio decidendi, not obiter-Even if wrong, as part of ratio decidendi still binding on SCA-National Building Regulations and Building Standards Act 103 of 1977, section 7(1)(b)(ii).

Source: <http://www.legalbrief.co.za/>

BILLS

BANKS AMENDMENT BILL, 2014		B17-2014
DRAFT AIRPORTS COMPANY AMENDMENT BILL, 2014	Published for comment	GG 38279 (02.12.14)
DRAFT AIR TRAFFIC AND NAVIGATION SERVICES COMPANY AMENDMENT BILL, 2014	Published for comment	GG 38279 (02.12.14)

PROCLAMATIONS AND NOTICES

HEALTH PROFESSIONS ACT 56 OF 1974	Regulations defining the Scope of the Profession of Environmental Health Officers amended	GG 38289 (03.12.14)
PETROLEUM PRODUCTS ACT 120 OF 1977	Regulations in respect of the single maximum national retail price for illuminating paraffin published with effect from 3 December 2014	GG 38264 (02.12.14)
	Amendment of regulations in respect of petroleum products published with effect from 3 December 2014	GG 38264 (02.12.14)
	Regulations in respect of the maximum retail price of Liquefied Petroleum Gas supplied to residential customers published with effect from 3 December 2014	GG 38264 (02.12.14)
CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996	Transfer of administration and powers and functions entrusted by legislation to certain cabinet members published	GG 38280 (02.12.14)
NATIONAL ROAD TRAFFIC ACT 93 OF 1996	Dangerous Goods Training Bodies published in terms of regulation 280 (1) of the National Road Traffic Regulations, 2000	GG 38297 (05.12.14)
COMPETITION ACT 89 OF 1998	South African Airways (SOC) Limited ('SAA') and Etihad Airways PJSC ('Etihad'): Grant of conditional exemption published	GG 38263 (05.12.14)

NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998	Environmental Impact Assessment Regulations, 2014 published and Environmental Impact Assessment Regulations, 2010 published in GN R543 in GG 33306 of 18 June 2010 repealed with the exception of Chapters 5 and 7 with effect from 8 December 2014	GG 38282 (04.12.14)
	Environmental Impact Assessment Regulations Listing Notice 1 of 2014 published and Listing Notice 1 of 2010 published in GN R544 in GG 33306 of 18 June 2010 repealed with effect from 8 December 2014	
	Environmental Impact Assessment Regulations Listing Notice 2 of 2014 published and Listing Notice 2 of 2010 published in GN R545 in GG 33306 of 18 June 2010 repealed with effect from 8 December 2014	
	Environmental Impact Assessment Regulations Listing Notice 3 of 2014 published and Listing Notice 3 of 2010 published in GN R546 in GG 33306 of 18 June 2010 repealed with effect from 8 December 2014	
PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000	Description submitted in terms of s. 15 (1) by the Gauteng Provincial Government: Department of Social Development published	GG 38263 (05.12.14)
PROJECT AND CONSTRUCTION MANAGEMENT PROFESSIONS ACT 48 OF 2000	South African Council for the Project and Construction Management Professions (SACPCMP):	GG 38295 (04.12.14)
	Rules relating to the payment of annual fees for registered persons published with effect from 1 January 2015	
	Registration Policy and Procedures published	GG 38263 (05.12.14)
	Date of commencement of Amended Rules and Requirements for the Recognition of Voluntary Associations: 1 December 2014 published	
COUNCIL FOR MEDICAL SCHEMES LEVIES ACT 58 OF 2000	Proposed levies on medical schemes issued in terms of s. 3 (a) published for comment	GG 38258 (01.12.14)
FINANCIAL ADVISORY AND INTERMEDIARY SERVICES ACT 37 OF 2002	General Code of Conduct for Authorised Financial Services Providers and Representatives Amendment Notice, 2014 published	GG 38278 (04.12.14)
BROAD-BASED BLACK ECONOMIC EMPOWERMENT ACT 53 OF 2003	Extension of the date for submission of comments on the alignment of the Tourism Broad-Based Black Economic Empowerment codes to the Amended Generic Codes of Good Practice published	GG 38298 (05.12.14)
NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT 57 OF 2003	Declaration of land to be part of the Tankwa-Karoo National Park published in GN 1181 in GG 31563 of 7 November 2008 corrected	GG 38281 (05.12.14)
	Declaration of land to be part of the Table Mountain National Park published in GN 401 in GG 32094 of 9 April 2009 corrected	

Declaration of land to be part of the Mokala National Park published in GN 812 in GG 32471 of 3 August 2009 corrected

Declaration of land to be part of the Marakele National Park published in GN 1058 in GG 31461 of 3 October 2008 corrected

Declaration of land to be part of the Agulhas National Park published in GN 1055 in GG 31461 of 3 October 2008 and GN 400 in GG 32094 of 9 April 2009 corrected

Declaration of land to be part of the Addo Elephant National Park published in GN 399 in GG 32094 of 9 April 2009 corrected

Intention to declare certain land situated in the Western Cape Province as part of the West Coast National Park published for comment

Intention to declare certain land situated in the Western Cape Province and Northern Cape Province as part of the Tankwa Karoo National Park published for comment

Intention to declare certain land situated in the Western Cape Province as part of the Table Mountain National Park published for comment

Intention to declare certain land situated in the Northern Cape Province as part of the Richtersveld National Park published for comment

Intention to declare certain land situated in the Northern Cape Province as part of the Namaqua National Park published for comment

Intention to declare certain land situated in the Eastern Cape Province as part of Mountain Zebra National Park published for comment

Intention to declare certain land situated in the Limpopo Province as part of Marakele National Park published for comment

Proposed Mountain Zebra Camdeboo Protected Environment Regulations, 2014 published for comment

Intention to declare certain land situated in the Cradock, Graaff-Reinet, Middelburg, Aberdeen, Pearston, Somerset (Eastern Cape Province) and Murraysburg (Western Cape) Registration Division as a Mountain Zebra-Camdeboo Protected Environment published for comment

PROTECTION OF
CONSTITUTIONAL
DEMOCRACY AGAINST
TERRORIST AND
RELATED ACTIVITIES ACT
33 OF 2004

Entities identified by the United Nations Security Council published

GG 38286 (05.12.14)
GG 38287 (05.12.14)
GG 38288 (05.12.14)

AUDITING PROFESSION
ACT 26 OF 2005

Adoption of international quality control, auditing, review, other assurance and related services pronouncements published

GG 38263 (05.12.14)

ELECTRONIC COMMUNICATIONS ACT 36 OF 2005	Applications for transfer of an Individual Electronic Communications Network Service and Individual Electronic Communications Service Licences from Tig Telecom CC to Itakane Trading 50 (Pty) Ltd published for comment	GG 38276 (02.12.14)
	Applications for transfer of an Individual Electronic Communications Network Service and Individual Electronic Communications Service Licences from Rigel Services CC t/a Compu Doc to Global Platinum Solutions (Pty) Ltd published for comment	GG 38277 (02.12.14)
CONTINUING EDUCATION AND TRAINING ACT 16 OF 2006[Provisional approval of the offering of higher education qualifications by public Technical and Vocational Education and Training Colleges under the authority of higher education institutions published and GN 1179 in GG 33856 of 10 December 2010 repealed	GG 38299 (04.12.14)
SOCIAL HOUSING ACT 16 OF 2008	Rules in respect of the Transfer of Social Housing Stock or Rights and the Disposal of Social Housing Stock, 2014 published	GG 38283 (03.12.14)
NATIONAL QUALIFICATIONS FRAMEWORK ACT 67 OF 2008	Policy for Credit Accumulation and Transfer within the National Qualifications Framework published in GN 946 in GG 38245 of 28 November 2014 withdrawn and replaced	GG 38275 (02.12.14)
CIVIL AVIATION ACT 13 OF 2009	Notice of proposed amendment to the Civil Aviation Regulations, 2011 published for comment	GG 38296 (05.12.14)
FINANCIAL MARKETS ACT 19 OF 2012	Notice of proposed amendments to the JSE Interest Rate and Currency Rules published for comment	GG 38263 (05.12.14)

PROVINCIAL LEGISLATION

Gauteng

National Land Transport Act 5 of 2009	Intention to promulgate regulations to declare Extraordinary Measures to normalize transport services in various areas affected by violence, unrest, or instability published for comment	PG 360 (04.12.14)
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Kwazulu-Natal

KwaZulu-Natal Traditional Leadership and Governance Act 5 of 2005	Recognition of Balungile Salgracial Radebe as <i>iBambabukhosi</i> for the AmaHlubi Traditional Community in the Amajuba District published with effect from 8 October 2014	PG 1276 (01.12.14)
	Recognition of Mbuso Praisegod Ngcobo as <i>iNkosi</i> for the AmaNyuswa Traditional Community in the Ugu District published with effect from 10 September 2014	PG 1277 (01.12.14)
KwaZulu-Natal Second Adjustments Appropriation Act 1 of 2014	Date of commencement: 1 December 2014	PG 1278 (01.12.14)
KwaZulu-Natal Land	Date of commencement: 1 December 2014	PG 1278 (01.12.14)

Administration and Immovable Asset Management Act 2 of 2014	Repeals: KwaZulu-Natal Land Administration Act 3 of 2003	
KwaZulu-Natal Unauthorised Expenditure Authorisation Act 4 of 2014	Date of commencement: 1 December 2014	PG 1278 (01.12.14)
Local Government: Municipal Property Rates Act 6 of 2004	Ezinqoleni Municipality: Rates By-law published with effect from 1 July 2014	PG 1280 (04.12.14)
Local Government: Municipal Systems Act 32 of 2000	Municipality: Notice of adoption of the Cemetery By-laws; By-law relating to Fire Safety; Keeping of Birds and Animals By-laws; By-law relating to the Control of Public Nuisances; Parking By-laws; Pollution Control By-laws; Pound By-laws; Property Encroachment By-laws; Public Amenities By-laws; Public Roads By-laws; and Stormwater Management By-laws published with effect from 1 December 2014	PG 1281 (03.12.14)
Mpumalanga		
Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000	Mbombela Local Municipality: Street Trading By-law published and previous by-laws repealed	PG 2393 (04.12.14)
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Western Cape		
National Heritage Resources Act 25 of 1999	Declaration of Heritage Resources as Provincial Heritage Sites: Hawthornden House, Herschel Walk, Wynberg, Cape Town published	PG 7336 (28.11.14)

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