

## IMPORTANT NEWS

### SALE OF IMMOVABLE PROPERTY ON INSTALLMENTS: SHOULD THE CONTRACT BE REGISTERED?

The recent Constitutional Court judgment of *Amardien and Others v Registrar of Deeds and Others* [2018] ZACC 47 enunciates the following principles regarding instalment agreements:

- The seller has an obligation to record the agreement with the Registrar of Deeds within the period stipulated by the Act.
- The instalments only become due and payable upon the purchaser gaining knowledge that the agreement has been recorded with the Registrar of Deeds.
- If the agreement has been recorded late by the seller, the seller cannot retroactively claim payment of the instalments.

It is unlawful for the seller to exercise the remedy of cancellation when the purchaser has fallen into arrears under an agreement which was not recorded with the Registrar of Deeds.

*Source: Conveyancing News, Allan West of Tonkin Clacey, April 2019*

### MORE DETAIL ON PLANS FOR REGULATING SHORT-TERM RENTALS

Department of Tourism chief director of communications, Blessing Manale, has provided some insight into the short-term home rental 'thresholds' envisaged by a draft Tourism Amendment Bill gazetted for comment (Fin24). They could limit the number of nights guests ... stay at an establishment', the number of guests accommodated in homes located areas with water restrictions – and 'how much an establishment can earn'. Provincial and local government representatives will be approached for their input on zoning implications and whether short-term home rental establishments should be confined to 'certain areas'.

*Source: Legalbrief Today, 17 April 2019*

### STATUS OF MUNICIPAL SYSTEMS REGULATIONS CLARIFIED

The Constitutional Court last month dismissed Co-operative Governance and Traditional Affairs Minister Zweli Mkhize's application for a 12-month extension to the deadline for replacing the 2011 Local Government: Municipal Systems Amendment Act with legislation correctly tagged and processed by Parliament. According to a media statement confirming this, all regulations issued under the Act became invalid on 9 March. The statement lists enforceable regulations dealing with functions and procedures affected by the ruling, including remuneration and other conditions of service; minimum competency levels; performance evaluation; and several matters specific to senior municipal managers and managers directly accountable to them. A Bill tabled in February to replace the Act will be processed by the next Parliament.

*Source: Legalbrief Today, 16 April 2019*

### RULING URGES TOLERANCE OF EMPLOYEES' RELIGIOUS BELIEFS

A recent Labour Appeal Court ruling amounts to a stark warning to employers to be more tolerant of their employees' religious beliefs. The court ruled in favour of Deidre Beverley Faris, who took her employer, TDF Network Africa, to court over what she deemed was an unfair dismissal over her unavailability to work over the Sabbath. The court agreed that the Seventh Day Adventist, who observes the day for religious reasons and abstains from work from Friday evenings to

Saturday evenings, was dismissed unfairly and awarded her 12 month's compensation, notes a Saturday Star report. Faris told the Labour Appeal Court the company was aware that she observed the Sabbath and that this prohibited her from working during this time. But TDF Network Africa fired her, arguing that it was an inherent requirement for someone her management position to participate in the company's stocktaking. This duty was conducted once a month, on a Saturday. As Faris was unable to attend stocktaking due to her religious obligations, the company then dismissed her for 'incapacity'. The court found that the employee would not have been dismissed had it not been for her religious beliefs, and that the employer had discriminated against her for complying with these beliefs. The court emphasised that a legitimate commercial rationale was not sufficient to demonstrate fair discrimination, and highlighted the need for religious tolerance in the workplace.

*Source: Legalbrief Today, 15 April 2019*

### **CONCOURT RULES FOR METRO OVER R74M CONTRACT**

A long-standing legal wrangle between the Buffalo City Municipality (BCM) and a Western Cape-based construction and engineering company, Asla, over a tender contract has ended with the Constitutional Court ruling the contract was 'unlawful'. A Daily Dispatch report says the Duncan Village Redevelopment Initiative – reportedly worth R1bn and meant to develop 3 000 houses – was rubber-stamped in 2009. Between 2011 and 2014, the council had called for three tenders for engineering services and the construction of 'housing top structures' in Reeston. The metro later sought an order from the Eastern Cape High Court (Makhanda) to review and set aside its own decision to award a tender to Asla. The High Court declared the award of the R74m contract was patently unlawful and set it aside in 2016. Asla then successfully approached the SCA, which overruled the High Court. But the Constitutional Court handed down judgment in BCM's application for leave to appeal against the SCA judgment and order. The apex court granted BCM leave to appeal the SCA judgment and declared the Asla contract unlawful. Five judges of the Constitutional Court slammed the metro for acting 'outrageously and flippantly' in the course of the saga.

*Source: Legalbrief Today, 17 April 2019*

### **NEW DEFENCE SECTOR B-BBEE CHARTER IN FORCE**

A revised broad-based black economic empowerment (B-BBEE) charter and related codes of good practice for the defence sector were gazetted and became immediately effective, reports Pam Saxby for Legalbrief Policy Watch. Among other things, the new charter notes the importance of optimising 'local intellectual property, research and development, as well as manufacturing capacity' for local and export purposes. In that context, reference is made to the 'acquisition, retention and transfer of critical, technical and scarce skills' and to protecting SA's 'sovereign and strategic capability'. Provision is made for a 'specialised defence sector scorecard for organs of state, public entities and not-for-profit companies'. Other aspects of the codes of good practice unique to the sector include a requirement specific to foreign enterprises. According to section 16.4.4.4, defence industrial participation contracts equivalent to 75% of the total obligation are to be placed with South African B-BBEE-compliant suppliers, with enterprise and supplier development beneficiaries being targeted for 'at least 25% of this value'. This is noting that a B-BBEE-compliant supplier is 'at least 25.1% owned by black people and at least 25.1% controlled by them'. Provision is made for a defence industry enterprise and supplier development fund to be administered by the charter council.

*Source: Legalbrief Today, 15 April 2019*

### **CPI INCREASES TO 4.5% IN MARCH**

SA's annual headline consumer price index (CPI) increased to 4.5% in March from 4.1% in February, according to Stats SA. A Fin24 report notes that this was within the expected range of projections by economists of between 4.2% and 4.8%. Economists from RMB Global Markets Research Mpho Tshebe and Elena Ilkova had predicted inflation to increase to 4.6%, attributing the increase to higher fuel prices. Analysts from NKC Economics, meanwhile, had also expected higher fuel prices to drive up inflation, to 4.7%. According to Stats SA, one of the main contributors to the annual increase in inflation for March was transport costs, which ticked up 6.4% year-on-year. Other contributors include alcoholic beverages and tobacco which increased 6.4% compared to the previous year. Prices for housing and utilities increased 4.5% from March 2018.

*Source: Legalbrief Today, 18 April 2019*

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## RECOMMENDED READING

**Opportunity to regularise pre-Waste Act hazardous waste facilities: But, what are the risks?** Paula-Ann Novotny of Webber Wentzel, [www.polity.org.za](http://www.polity.org.za), April 2019

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## RECENT SUPREME COURT OF APPEAL JUDGMENT

### MPHEPHU v MPHEPHU-RAMABULANA AND OTHERS (948/17) [2019] ZASCA 58 (12 APRIL 2019)

Customary law – traditional leadership – points in limine – whether first respondent was lawfully identified by Royal Family Council and lawfully recognised by the President as the King of Vhavenda community in terms of the provisions of s 9 of Traditional Leadership and Governance Framework Act 41 of 2003 – the President’s decision reviewed and set aside and proceedings referred back to the high court for further hearing on the merits.

*Source: [www.saflii.org.za](http://www.saflii.org.za)*

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## RECENT CONSTITUTIONAL COURT JUDGMENT

### BUFFALO CITY METROPOLITAN MUNICIPALITY v ASLA CONSTRUCTION (PTY) LIMITED (CCT91/17) [2019] ZACC 15 (16 APRIL 2019)

Legality review — unreasonable delay — overlooking delay — section 172 of the Constitution — Gijima

*Source: [www.saflii.org.za](http://www.saflii.org.za)*

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## SOUTH AFRICAN INDUSTRIAL LAW REPORTS – APRIL 2019

### DISCIPLINARY CODE AND PROCEDURE — DELAY IN FINALISING INTERNAL APPEAL

The Constitutional Court, in *Stokwe v Member of the Executive Council, Department of Education, Eastern Cape & others* (at 773), has found that the delay in finalising an internal disciplinary appeal does not per se constitute unfairness, but must be evaluated as an element in determining whether, in all the circumstances, it taints the overall fairness of the disciplinary process. In the matter before it the court found that the respondent department’s excessive delay of several years in finalising the employee’s disciplinary appeal procedure rendered her dismissal procedurally unfair.

### DISCIPLINARY PENALTY — DISHONESTY — BREAKDOWN OF EMPLOYMENT RELATIONSHIP

The SAPS appeals authority overturned the disciplinary chairperson’s finding that the respondent police officer be dismissed for dishonesty after he fraudulently changed the register to indicate that he had been at work when he was in fact absent. The SAPS unsuccessfully approached the Labour Court to review the decision in terms of s 158(1)(h) of the LRA 1995. On appeal, the Labour Appeal Court found that, where an employee in a position of considerable trust commits acts of dishonesty, the employment relationship breaks down irretrievably and dismissal is the only appropriate sanction. It therefore upheld the police officer’s dismissal (*National Commissioner of the SA Police Service & another v Mphalele NO & another* at 806).

### PRESCRIPTION — APPLICABILITY OF PRESCRIPTION ACT 68 OF 1969 TO LABOUR LITIGATION

In *National Union of Metalworkers of SA on behalf of Masana v Gili Pipe Irrigation (Pty) Ltd* (at 813), the Labour Appeal Court accepted, following the Constitutional Court judgment in *Food & Allied Workers Union on behalf of Gaoshubelwe v Pieman’s Pantry (Pty) Ltd* (2018) 39 ILJ 1213 (CC), that the Prescription Act 68 of 1969 applies to all litigation under the aegis of the LRA 1995 and that there is therefore no rational basis to conclude that any aspect or stage of such litigation, including an arbitration award, is not subject to prescription.

### CONTRACT OF EMPLOYMENT — SPECIFIC PERFORMANCE

When the appellant company refused to honour a contractual obligation to pay the respondent employee post-employment commission, the employee brought an application to compel specific performance, which was granted by

the Labour Court. On appeal, the Labour Appeal Court rejected the company's version that the contract was not authentic as implausible and riddled with contradictions and accepted the employee's version that the contract was authentic. It upheld the Labour Court decision that the employee had proved his claim and was entitled to specific performance in terms of the contract (*Workerslife Direct (Pty) Ltd v Maloka* at 841).

### **STRIKE — PICKETING RULES**

The Labour Court considered two applications in terms of s 69(12) of the LRA 1995 for urgent interim relief pending finalisation of picketing rules disputes in terms of s 69(8). In both matters the court considered the purpose of picketing rules and the ambit of the recently introduced s 69(8) and (12). In *Dis-Chem Pharmacies Ltd v Malema & others* (at 855) the court found that the Labour Court was empowered to suspend the right to picket where the conduct of strikers was in violation of the fundamental right to peaceful protest. In *Sibanye Gold Ltd t/a Sibanye Stillwater v Association of Mineworkers & Construction Union & others* (at 898) the court found that it was empowered to vary picketing rules established by the CCMA where the circumstances justified a change.

### **EMPLOYMENT EQUITY ACT 55 OF 1998 — 'ARBITRARY GROUND' — MEANING**

The Labour Court, in *Naidoo & others v Parliament of the Republic of SA* (at 864), considered the correct interpretation of the phrase 'on any other arbitrary ground' as it appears in s 6(1) of the Employment Equity Act 55 of 1998. It accepted and followed the narrow interpretation — in order for an alleged ground of arbitrary discrimination to qualify as such, it must, objectively, constitute a ground based on attributes and characteristics that have the potential to impair the fundamental human dignity of persons as human beings or to affect them adversely in a comparably serious manner to a listed ground.

### **TEMPORARY EMPLOYMENT SERVICE — EMPLOYER**

A CCMA commissioner, relying on the Constitutional Court judgment in *Assign Services (Pty) Ltd v National Union of Metalworkers of SA & others* (Casual Workers Advice Office as Amicus Curiae) (2018) 39 ILJ 1911 (CC) where the court confirmed that after three months of employment, the client of the TES becomes the sole employer of the employees in relation to the LRA 1995, found that the employer/client had been correctly cited as respondent in a claim for unfair discrimination (*African Meat Industry & Allied Trade Union on behalf of Mkhungo & others and Corruseal Group & another* (1) at 911). In further proceedings between the same parties, the applicant union referred a dispute in terms of s 24(8) of the LRA seeking interpretation of a settlement agreement. The CCMA commissioner found that terms of the agreement, entered into by the union, the TES and the client, were clear and were agreed to by all parties. The relief sought by the union was in fact rectification and the setting aside of the agreement, and the CCMA lacked jurisdiction to grant such relief (*African Meat Industry & Allied Trade Union on behalf of Mkhungo & others and Corruseal Group & another* (2) at 919).

### **CCMA ARBITRATION PROCEEDINGS — COMMISSIONER — HELPING HAND PRINCIPLE**

The Labour Appeal Court confirmed that the purpose of the helping hand principle is to prevent a procedural defect by ensuring that there is a full ventilation of the dispute and a fair trial of the issues. This principle is reflected in clauses 20 and 21 of the CCMA Guidelines on Misconduct Arbitrations, which recognise that a CCMA commissioner is under a duty to lend a helping hand where procedural fairness requires. Failure to do so constitutes a gross irregularity (*Nkomati Joint Venture v Commission for Conciliation, Mediation & Arbitration & others* at 819).

### **CCMA ARBITRATION PROCEEDINGS — JURISDICTIONAL RULING**

The Labour Court has found that, where new facts come to light after a CCMA commissioner has made a ruling declining jurisdiction, the commissioner is duty bound to correct the obvious error in his ruling. This power derives from s 144(b) of the LRA 1995, and the commissioner is not *functus officio* when he makes the new jurisdictional ruling (*Ntombela & others v United National Transport Union & others* at 874).

### **CCMA — JURISDICTION — AUTOMATICALLY UNFAIR DISMISSAL**

Following their dismissal for various acts of misconduct during a protected strike, the employees referred an unfair dismissal dispute to the CCMA. The employer contended that the employees' conduct fell within the ambit of s 187(1)(a) of the LRA 1995 and that the CCMA did not have jurisdiction to determine an automatically unfair dismissal dispute. The commissioner, having noted the approach to be adopted to determine whether dismissals have arisen from participation in a strike, found that, in this matter, the most probable inference was that the employees would have been dismissed even without support for the strike. The strike was therefore not the *sine qua non* for the dismissals. The dismissals were

not automatically unfair, and the CCMA had jurisdiction to arbitrate the dispute (General Industries Workers Union of SA on behalf of Ramolobeng & others and Kharafi Hospitality (Pty) Ltd t/a Sheraton Pretoria Hotel at 924).

In Mkhize and Dube Transport (at 929) the employee was dismissed for incapacity, but averred in unfair dismissal proceedings before the CCMA that the true reason for her dismissal related to her complaints of victimisation, bullying and harassment suffered at the hands of her line manager. The commissioner, in determining the true nature of the dispute, found that on the employee's framing of the dispute, it involved victimisation and fell within the ambit of s 187(1)(d) of the LRA 1995. The CCMA did not have jurisdiction to entertain the dispute.

### **BARGAINING COUNCIL — JURISDICTION**

The applicant was placed as a cleaner at a client of the employer. She was suspected of theft by the client who called the police. The employee was strip searched by the police and arrested. She referred a dispute to the BCCCI seeking compensation 'for disgrace' from the employer. The bargaining council arbitrator found that the employee's real dispute was that she was aggrieved by her treatment by the client and the SAPS and felt that her dignity had been affronted. The employer played no role in the incident, and the bargaining council accordingly had no jurisdiction to entertain the dispute (Sithole and Sanitech Cleaning at 942).

### **DISMISSAL — EXISTENCE OF DISMISSAL**

In Van Noordwyk and Premier Consult (Pty) Ltd (at 936) the CCMA commissioner found that the employee had failed to discharge the onus of proving that she had been dismissed. The commissioner accepted the version of the employer that he required the employee, who had been absent from work due to illness, to submit a medical certificate before resuming work.

### **PRACTICE AND PROCEDURE**

After a bargaining council upheld the employee's dismissal, the union acting on his behalf took the matter on review. The record was filed 20 months after launching the review and the matter was set down almost six years after it was launched. The Labour Court overruled the bargaining council award despite the employer's objection to the delay. On appeal the Labour Appeal Court confirmed that the Labour Court Practice Manual applied to lapsed review applications and, in terms of clause 11.2.7 of the manual, the application ought to have been archived when the necessary papers had not been filed within 12 months of the launch of the application. The court therefore found that, in the absence of a substantive application to reinstate the review application and to condone the undue delay, the court below had been obliged to strike the matter from the roll on the grounds of lack of jurisdiction (Macsteel Trading Wadeville v Van der Merwe NO & others at 798).

The Labour Appeal Court enumerated the factors to be considered in an application to condone the late filing of an appeal record. The court found that a litigant's explanation for the delay based on lack of funds does not automatically result in condonation being granted. In this matter the court refused to grant condonation where the appellant union had not made proper disclosure of its financial status to prove its financial distress (Transport & Allied Workers Union of SA v Algoa Bus Co (Pty) Ltd & others at 827).

In Centlec (SOC) Ltd v SA Municipal Workers Union & others (at 846) the Labour Court restated the principles applicable to mootness. It found that, in this matter, where the striking employees' demands were still live despite the fact that they had agreed to return to work, the case was not moot and that the applicant employer was entitled to a declaratory order that the strike embarked on by the employees was unlawful and unprotected.

Source: [www.legalbrief.co.za](http://www.legalbrief.co.za)

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## **BUTTERWORTHS LABOUR LAW REPORTS – APRIL 2019**

### **SOUTH AFRICAN COMMERCIAL, CATERING AND ALLIED WORKERS UNION AND OTHERS v WOOLWORTHS (PTY) LTD [2019] 4 BLLR 323 (CC)**

Dismissal – Operational requirements – Alternatives – Employees dismissed for refusing to accept change from full-time to flexi-time status and employer not considering alternatives like attrition, wage-freeze or conversion on terms proposed by union – Dismissal unfair.

Dismissal – Operational requirements – Reason – Employees retrenched for refusing to accept conversion from full-time to flexi-time status after union had suggested they would be willing to do so on terms different to those proposed by employer – Dismissal unfair.

Dismissal – Operational requirements – Substantive fairness – Employees retrenched as part of employer's policy of converting full-time employees to flexi-timers, but employer failing to prove that retrenchment operationally justified – Dismissals unfair.

Dismissal – Remedies – Reinstatement – Employees whose retrenchment found unjustified entitled to primary remedy of reinstatement because resumption of employment relationship not impracticable.

Words and phrases – “Impracticable” (section 193(2)(c) of LRA) – “Impracticable meaning operationally impossible.

**ASSOCIATION OF MINEWORKERS AND CONSTRUCTION UNION AND ANOTHER v KPMM ROAD AND EARTHWORKS (PTY) LTD [2019] 4 BLLR 340 (LAC)**

Contempt of court – Requirements – Employees held in contempt for defying order to desist from violence during strike on basis of doctrine of common purpose – Common purpose not basis for finding of contempt because employees not identified as present when violence occurred and no evidence that they associated with it.

Contempt of court – Trade union – Union held liable for defying order to “take all reasonable steps within its power to persuade [employees] not to engage in unlawful action associated with strike” – Order too vague to infer that union required to do anything more than inform strikers of interim order, which it had done – Contempt not proved.

Practice and procedure – Contempt applications – Order requiring trade union to “take all reasonable steps within its power to persuade [employees] not to engage in unlawful action associated with strike” too vague to hold trade union liable for contempt – Such orders to spell out clearly what obligations respondent is required to discharge.

**MEMBER OF THE EXECUTIVE COUNCIL FOR ECONOMIC DEVELOPMENT, ENVIRONMENT AND TOURISM v MOGAHLANE [2019] 4 BLLR 347 (LAC)**

Practice and procedure – Reviews – Reviews under section 158(1)(h) to be brought within reasonable time but no formal condonation application for condonation required unless respondent raises point – Review by employer filed six months late unreasonably delayed.

Reviews – In terms of section 158(h) of LRA – Reviews under this section to be brought within reasonable time but no formal condonation application for condonation required unless respondent raises point – Review by employer filed six months late unreasonably delayed.

**NATIONAL COMMISSIONER OF THE SOUTH AFRICAN POLICE SERVICE AND ANOTHER v MPHALELE NO AND ANOTHER [2019] 4 BLLR 357 (LAC)**

Disciplinary proceedings – Review of – Appeal tribunal ignoring aggravating factors when upholding appeal by police officer who was guilty of fraud – Appeal finding set aside.

Dismissal – Misconduct – Fraud – Police officer fraudulently completing attendance register to indicate that he worked on days on which he had been absent without leave – Dismissal justified.

**PLSMIDTH BUFFALO (PTY) LTD v HLAKOLA [2019] 4 BLLR 363 (LAC)**

Arbitration award – Enforcement – Employee launching enforcement application nine months after employer's review application failed – Delay in circumstances not unreasonable and no basis for not making award order of court.

Practice and procedure – Enforcement of award – Employee launching enforcement application nine months after employer's review application failed – Delay in circumstances not unreasonable and no reason for not making award order of court.

**AUTO INDUSTRIAL GROUP (PTY) LTD AND OTHERS v COMMISSION FOR CONCILIATION, MEDIATION AND ARBITRATION AND OTHERS; MOTOR INDUSTRY BARGAINING COUNCIL v COMMISSION FOR CONCILIATION, MEDIATION AND ARBITRATION AND OTHERS [2019] 4 BLLR 371 (LC)**

Bargaining Councils – Demarcation – Motor component manufacturers falling within scope of MIBCO, although they have for years fallen within scope of MEIBC.

Commission for Conciliation, Mediation and Arbitration – Arbitration awards – Review – Demarcation awards subject to review on grounds of unreasonableness – Material error of law rendering outcome unreasonable – Award set aside.

Review – Demarcation awards – Demarcation awards subject to review on grounds of unreasonableness – Material error of law rendering outcome unreasonable – Award set aside.

**CALGAN LOUNGE (PTY) LTD v NATIONAL UNION OF FURNITURE AND ALLIED WORKERS UNION OF SOUTH AFRICA AND OTHERS [2019] 4 BLLR 393 (LC)**

Strike – Unlawful – Illegitimate demands – Workers striking in support of demands compiled by political party – Demands impermissible.

Strike – Unlawful – Third party intervention – Political party instigating workers to strike and calling for ejection of recognised union – Strike unlawful and party responsible for strikers' dismissal.

**SCHENKER SA (PTY) LTD v ROBINEAU AND OTHERS [2019] 4 BLLR 409 (LC)**

Commission for Conciliation, Mediation and Arbitration – Jurisdiction – Commission lacking jurisdiction to arbitrate dispute where employment contract stipulating that dispute be decided by foreign law.

Commission for Conciliation, Mediation and Arbitration – Jurisdiction – Commission lacking jurisdiction to determine dispute after deciding that it lacked jurisdiction and referring matter to bargaining council, even though council returned dispute to CCMA.

Practice and procedure – Commission for Conciliation, Mediation and Arbitration – Dispute resolution – Commission deciding that it lacked jurisdiction and referring matter to bargaining council in terms of section 147 of LRA – Commission functus officio when dispute referred back by council in terms of section 51(4).

*Source: mylexisnexis.co.za, April 2019 Preview*

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**BILLS**

DRAFT TOURISM AMENDMENT BILL, 2019	Published for comment	GG 42391 (12.04.19)
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**PROCLAMATIONS AND NOTICES**

ACCOUNTING STANDARDS BOARD	Notice of publication for comment of Exposure Draft of the proposed Directive on The Application of Standards of GRAP by Public Entities that Apply IFRS® Standards (ED 174) published	GG 42391 (12.04.19)
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DEPARTMENT OF TELECOMMUNICATIONS AND POSTAL SERVICES	Terms of Reference of Presidential Commission on the Fourth Industrial Revolution published	GG 42388 (09.04.19)
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PHARMACY ACT 53 OF 1974	South African Pharmacy Council: Additional fees payable to the Council for 2019 published	GG 42391 (12.04.19)
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PUBLIC SERVICE ACT, 1994 (PROCLAMATION 103 OF 1994)	Public Service Regulations, 2016 amended	GG 42394 (11.04.19)
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CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996	Rules for the election of President of the Republic of South Africa; Speaker and Deputy Speaker of the National Assembly; Chairperson and Deputy Chairpersons of the National Council of Provinces; Premier of a Province, and Speaker and Deputy Speaker of a Provincial Legislature published	GG 42395 (11.04.19)
MARKETING OF AGRICULTURAL PRODUCTS ACT 47 OF 1996	Establishment of statutory measure: Registration of certain persons in respect of pome fruit, stone fruit, grapes and citrus fruit published	GG 42392 (12.04.19)
	Establishment of statutory measure: Records and returns in respect of pome fruit, stone fruit, grapes and citrus fruit published	
	National Agricultural Marketing Council (NAMC): Request for the continuation and extension of statutory measures (levies, records and returns and registration) on pome fruit (apples and pears) and stone fruit (plums/prunes, peaches/nectarines and apricots) published for comment from directly affected groups	GG 42391 (12.04.19)
PUBLIC FUNDING OF REPRESENTED POLITICAL PARTIES ACT 103 OF 1997	Public Funding of Represented Political Parties Regulations, 1998: Notice of amount of funding available for allocation for the period 1 April 2019 until 31 March 2020 from the Represented Political Parties' Fund published	GG 42400 (12.04.19)
NATIONAL FORESTS ACT 84 OF 1998	Notice of intention to declare certain State Forests as Forest Nature Reserves under s. 8 (1) of the Act published for comment	GG 42391 (12.04.19)
COMPETITION ACT 89 OF 1998	Competition Commission: South African Petroleum Industry Association conditional exemption extended until 30 June 2019	GG 42391 (12.04.19)
COMPETITION TRIBUNAL	Notification of decisions to approve mergers published	GG 42391 (12.04.19)
	Notification of complaint referral published	
DEBT COLLECTORS ACT 114 OF 1998	Council for Debt Collectors: Notice in terms of s. 12 (5) of the Act published	GG 42391 (12.04.19)
CULTURAL INSTITUTIONS ACT 119 OF 1998	Renaming of National English Literary Museum to Amazwi South African Museum of Literature published	GG 42391 (12.04.19)
PUBLIC FINANCE MANAGEMENT ACT 1 OF 1999	Exemption of South African National Road Agency Soc Ltd (SANRAL) from s. 55 (1) (b) of the Act and regulations made in terms thereof for the financial years 2018/2019 to 2020/21 inclusive published	GG 42397 (12.04.19)
	Exemption of Trans-Caledon Tunnel Authority (TCTA) from s. 55 (1) (b) of the Act and regulations made in terms thereof for the financial years 2018/2019 to 2022/23 inclusive published	GG 42398 (12.04.19)
ENGINEERING	Engineering Council of South Africa (ECSA): Rules	GG 42391 (12.04.19)

PROFESSION ACT 46 OF 2000	regarding the Application, Annual and Appeal Fees applicable from 1 April 2019 published	
LANDSCAPE ARCHITECTURAL PROFESSION ACT 45 OF 2000	South African Council for the Landscape Architectural Profession (SACLAP): Notice of publication of Rates 2019/2020 published and all other rates published in this regard superseded with effect from 1 April 2019	GG 42391 (12.04.19)
COUNCIL FOR MEDICAL SCHEMES LEVIES ACT 58 OF 2000	Levies on medical schemes published with effect from 1 April 2019	GG 42387 (09.04.19)
PRIVATE SECURITY INDUSTRY REGULATION ACT 56 OF 2001 & SECURITY OFFICERS ACT 92 OF 1987	Private Security Industry Regulatory Authority (PSIRA): Regulations regarding fees amended with effect from 1 April 2019 published under GenN 186 in GG 42350 of 29 March 2019 corrected	GG 42391 (12.04.19)
NATIONAL RAILWAY SAFETY REGULATOR ACT 16 OF 2002	Determination of Safety Permit Fees for the 2019/20 financial year published with effect from 1 April 2019	GG 42391 (12.04.19)
NATURAL SCIENTIFIC PROFESSIONS ACT 27 OF 2003	South African Council for Natural Scientific Professions (SACNASP): SACNASP Code of Conduct published with effect from 1 April 2019	GG 42391 (12.04.19)
BROAD-BASED BLACK ECONOMIC EMPOWERMENT ACT 53 OF 2003	Codes of Good Practice on Broad-Based Black Economic Empowerment: Defence Sector Code published and GN 1223 in GG 42021 of 9 November 2018 replaced	GG 42391 (12.04.19)
ELECTRONIC COMMUNICATIONS ACT 36 OF 2005	Independent Communications Authority of South Africa (ICASA): Draft findings document on the 'Inquiry into Subscription Broadcasting Services' published for comment	GG 42391 (12.04.19)
CONTINUING EDUCATION AND TRAINING ACT 16 OF 2006	Notice of publication for comment of draft National Norms and Standards for Funding Community Education and Training Colleges published	GG 42396 (12.04.19)
ASTRONOMY GEOGRAPHIC ADVANTAGE ACT 21 OF 2007	Notice of the Minister's decision regarding the proposed exemption of Radio Frequency Spectrum use within the declared Karoo Central Astronomy Advantages Areas published	GG 42399 (12.04.19)
CHILD JUSTICE ACT 75 OF 2008	Invitation for applications for the accreditation of diversion programmes and diversion service providers published	GG 42391 (12.04.19)
MERCHANT SHIPPING (INTERNATIONAL OIL POLLUTION COMPENSATION FUND) CONTRIBUTIONS ACT 36 OF 2013	Determination of rate of levy for 2017 tax period and payment date published	GG 42391 (12.04.19)

## PROVINCIAL LEGISLATION

### Eastern Cape

LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT 32 OF 2000	Local Government: Municipal Finance Management Act 56 of 2003; Local Government: Municipal Property Rates Act 6 of 2004: Senqu Local Municipality: Draft Budget, Draft Revised IDP, Draft SDBIP, Budget Related Policies and Proposed Tariff Structure for the 2019/2020 Financial Year published for comment	PG 4219 (05.04.19)
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### Free State

FREE STATE PROVINCIAL AND LOCAL HOUSES OF TRADITIONAL LEADERS ACT 7 OF 2017	Thabo Mofutsanyane District Municipality: Establishment, determination of the number of members, the procedure to be followed for election of members and determination of date of election of Local House of Traditional Leaders published	PG 2 (05.04.19)
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### Gauteng

LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT 32 OF 2000 AND SPATIAL PLANNING AND LAND USE MANAGEMENT ACT 16 OF 2013	City of Ekurhuleni Metropolitan Municipality: Notice for public participation on the draft Spatial Planning and Land Use Management By-law published	PG 116 (11.04.19)
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### KwaZulu-Natal

SPATIAL PLANNING AND LAND USE MANAGEMENT ACT 16 OF 2013	Inkosi Langalibalele Local Municipality: Appointment of members to the Municipal Planning Tribunal (MPT) published	PG 2066 (11.04.19)
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NATIONAL TRAFFIC ROAD ACT 93 OF 1996, CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996 AND LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT 32 OF 2000	Dannhauser Local Municipality: Public Transport By-laws published	PG 2066 (11.04.19)
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KWAZULU-NATAL SECOND ADJUSTMENTS APPROPRIATION ACT 1 OF 2019	Date of commencement: 11 April 2019	PG 2067 (11.04.19)
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### Northern Cape

NATIONAL ROAD TRAFFIC ACT 93 OF 1996	Notice of appointment of Hadison Park as a registering authority published	PG 2258 (08.04.19)
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### Western Cape

WESTERN CAPE ADDITIONAL ADJUSTMENT APPROPRIATION ACT (2018/19 FINANCIAL YEAR)	Date of commencement: 8 April 2019	PG 8075 (08.04.19)
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WESTERN CAPE COMMISSIONER FOR CHILDREN ACT 2 OF 2019	Date of commencement: to be proclaimed	PG 8076 (08.04.19)
WESTERN CAPE SPECIAL ECONOMIC DEVELOPMENT INFRASTRUCTURE COMPANY ACT 3 OF 2019	Date of commencement: 8 April 2019	PG 8077 (08.04.19)
PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000	West Coast District Municipality: Manual on the Promotion of Access to Information published	PG 8078 (08.04.19)
WESTERN CAPE PROVINCIAL SCHOOL EDUCATION AMENDMENT ACT 4 OF 2018	Date of commencement of ss. 8 & 25: 12 April 2019	PG 8079 (11.04.19)
WESTERN CAPE PROVINCIAL SCHOOL EDUCATION ACT 12 OF 1997	Regulations on the Western Cape Schools Evaluation Authority, 2019 published	PG 8079 (11.04.19)
CORRECTION NOTICE TO WESTERN CAPE SPECIAL ECONOMIC DEVELOPMENT INFRASTRUCTURE COMPANY ACT 3 OF 2019	Published	PG 8080 (12.04.19)

Source: *Juta's Weekly Statutes Bulletin 15 of 2019*

## SEMINARS

	DATES	PRESENTER
LEGAL PRACTICE ACT SEMINAR	Bloemfontein: 23 May 2019 Midrand: 27 May 2019 Durban: 03 June 2019 Port Elizabeth: 06 June 2019 East London: 07 June 2019 Cape Town: 12 June 2019	Jan Stemmett
COMPANY LAW AMENDMENT	Cape Town 05 July 2019 Midrand 08 July 2019 Durban 12 July 2019 East-London 15 July 2019	Ismail Hussain
EVICTION	Midrand 06 May 2019 Durban 14 May 2019 Port Elizabeth 15 May 2019 East London 17 May 2019	Cilna Steyn
WRITE AN OPINION	Cape Town: 06 May 2019	Ismail Hussain

Midrand: 10 June 2019

## DIVORCE MEDIATION

Cape Town: 20-24 May 2019  
 Midrand: 17 – 19 & 22 – 23 July 2019  
 Bloemfontein: 22 – 26 July 2019

For more information, contact the Knowledge Centre or visit [www.lssalead.org.za](http://www.lssalead.org.za)

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Period: 1 February 2013 to 8 February 2013

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