

## IMPORTANT NEWS

### COMMENT SOUGHT ON AMENDMENTS TO SECTIONAL TITLES ACT

Comment is sought within 30 days on a draft Sectional Titles Amendment Bill aimed at addressing gaps in the Act and clarifying certain of its provisions. Gazetted on 30 June, the proposed new statute also deals with Sectional Titles Regulation Board governance matters, notes Pam Saxby for Legalbrief Policy Watch.

Against that backdrop, among other things the draft Bill seeks to: regulate how exclusive use areas affected by incorrect sectional plans are handled; further regulate the determination of participation quotas; ensure that a lapsed right is noted in the title deed of a section transferred to a new owner; regulate the cancellation of a mortgaged section, exclusive use area and real right of extension; ensure that draft sectional plans of sub-division or consolidation are approved by the Surveyor-General; further regulate sectional plan extension applications; and address all related title deeds endorsement and registration issues.

Amendments are also proposed with the aim of clarifying existing provisions for: cancelling a sectional plan by court order, where a body corporate is already in place; registering a lease over land forming part of a scheme's common property; the alienation of a portion of common property on which an exclusive use area has been registered; and registering partition transfers.

*Source: Legalbrief, 3 July 2017*

### AMENDED PROPERTY SECTOR CODE IS NOW LEGALLY BINDING

The Amended Property Sector Code, which was gazetted for public commentary towards the end of 2015, is now legally binding to entities and organisations operating in the property sector, says Trade and Industry Minister Rob Davies. It is applicable to commercial activities in the residential and commercial industries of the property sector, as well as the value chain which include property development, property services, property and facility management, broking, valuation, estate agents and other professional services.

In a statement on Monday, the Department of Trade and Industry said the Minister has approved the gazette of the Amended Property Sector Code in terms of Section 9 (1) of the Broad Based Black Economic Empowerment Act 53 of 2003 as amended by Act 46 of 2013. Minister Davies said even though the main focus of the Amended Property Sector Code is not on land reformation in South Africa, it should contribute towards reversing the legacy of the Native Land Act, 27 of 1913, and subsequent discriminatory policy and legislation which denied black people access to productive land and property. Minister Davies said it should also contribute towards development and investment in the marginalised areas of the country.

South Africa's estate agency market is estimated to have 38 000 estate agents of which only 13% are black. This is one of the challenges the amended sector code seeks to address. "To achieve this, the Amended Property Sector Code has introduced a measurement indicator called Economic Development which aims to stimulate property development in under-resourced and marginalised areas, while in the process addressing inequalities and creating wealth amongst the previously disadvantaged groups. The set target is 10% of all annual investment for development or redevelopment," said Minister Davies. To accelerate an increase in ownership of black people in the sector, the Amended Property Sector Code has set a black ownership target of 27% for property owning companies. "This is higher than the 25% black ownership target of the Generic Codes. In addition, and in recognition of the fact that there is a need to make capital available in the sector to enable black owned companies to develop and acquire properties, the Amended sector code has set a target for established companies to financially support those that are at least 51% black owned.

The value of the finance to be made available is up to 2% of the total development/redevelopment spent," added Minister Davies.

*Source: SAnews.gov.za, 3 July 2017*

## LANDMARK RULING SHOOTS DOWN ASPECTS OF GUN LAW

The Gauteng High Court (Pretoria) has declared two sections of the Firearms Control Act unconstitutional. According to a report on the IoL site, the sections deal with procedures that should be in place when surrendering a firearm for which the licence has already lapsed. In her groundbreaking judgment, Judge Ronel Tolmay ordered that all firearms issued in terms of the Act, which are or were due to be renewed, shall be deemed to be valid, until the Constitutional Court had spoken the last word on the subject. The judge also gave Parliament 18 months within which to amend the Act in order to make it compliant with the Constitution.

The judge said as things stand now, there is confusion among gun owners as to the proper procedure of how to go about renewing firearm licences which had lapsed. The judge said there was a clear need to streamline the process, as it is confusing. The order followed an application by the SA Hunters and Game Conservation Association. It expressed its concern at the 'chaotic and dysfunctional' system of licensing and administration of firearms. It said there was a lack of clarity on how to go about to renew firearm licences after it had lapsed.

*Source: Legalbrief, 5 July 2017*

## TIMESHARE INQUIRY UNDER WAY

The inquiry into timeshare investment will get to the bottom of the issues raised by complainants, is the assurance from Consumer Commissioner Ebrahim Mohamed as the National Consumer Commission's (NCC) first round of public hearings into the timeshare industry got under way. The hearings flow from 'thousands of complaints' relating to the points system and contracts in perpetuity which are not governed by the Consumer Protection Act, according to a Fin24 report. At a public information and evidence gathering session, which started on Monday, consumers complained that vacation club companies failed to deliver on their promises. Mohamed reportedly told Fin24 yesterday that the inquiry aims to get a 'holistic view' of the industry in order to resolve the issues which have persisted for years. 'By law, consumers are bound by their contracts, and this is why timeshare companies have been able to get away with this type of conduct for so many years,' he is quoted as saying.

*Source: Legalbrief, 5 July 2017*

## PARLIAMENTARY HEARINGS PLANNED FOR THREE JUSTICE BILLS

The International Arbitration Bill, the Cybercrimes and Cybersecurity Bill, and the Legal Practice Amendment Bill will soon be the focus of parliamentary hearings – in anticipation of which written submissions are sought by the end of this month.

*Source: Legalbrief, 5 July 2017*

## MORE CONSULTATIONS ON ARTS, CULTURE, HERITAGE WHITE PAPER

Comment is sought on a third draft of the White Paper on arts, culture and heritage – among other things alluding to 'fiscal reforms' that could see the introduction of tax deductions for corporate donations to arts, culture and heritage organisations. Noting 'the persistence of ... (a) perception of arts, culture and heritage as marginal luxuries', the document also envisages a role for the private sector in building stronger partnerships between government and SA's 'cultural and creative industries'.

Read full report

*Source: Legalbrief, 5 July 2017*

## A GUIDE TO THE MINING CHARTER III

On 15 June 2017, the Minister of Mineral Resources published the Broad-Based Socio Economic Empowerment Charter for the South African Mining Industry in the Government Gazette under the auspices of section 100(2)(a) of the Mineral and Petroleum Resources Development Act, 2002 ("MPRDA").

Law Firm Webber Wentzel has prepared a synoptic legal analysis of the implications of the third iteration of the Broad-Based Black Economic Empowerment Charter for the South African Mining and Minerals Industry published in Government Gazette No 40923 on 15 June 2017.

*Source: [www.polity.org.za](http://www.polity.org.za), July 2017 (Contact the Knowledge Centre to view a copy of the Guide prepared by Webber Wentzel)*

## EXHIBIT IS ART, NOT HATE SPEECH - RULING

A controversial exhibition titled 'Fuck White People' has been found by the Equality Court to be an expression of art as opposed to hate speech, notes a TimesLIVE report. Earlier this year there was a furore over the artwork, on display at the Iziko South African National Gallery in Cape Town. Men wearing Cape Party T-shirts covered up the installation with a banner saying 'Love thy Neighbour'. Cape Party leader Jack Miller, whose party is calling for the independence of the Western Cape, denounced the artwork as hate speech and attempted to have artist and University of Cape Town fine arts Master's student Dean Hutton fined R150 000 and forced to apologise. But in his judgment, Chief Magistrate DM Thulare said if there was one thing the work had achieved, it was 'to draw South Africans to a moment of self-reflection'.

In his view, the words, properly contextualised and understood, conveyed the message: 'Reject, confront and dismantle structures, systems, knowledge, skills and attitudes of power that keep white people racist.' Iziko's lawyer, Jeremy Klerck, welcomed the ruling, saying: 'This is a landmark decision. It came to the defence of freedom of speech. And it came to the defence of artistic expression.' Thulare found that the words 'white' and 'people' were not directed at all whites, but rather to a system of oppression inherent in 'white domination', therefore the display could not be seen as discrimination against all white people, he said. Miller said in a statement issued after the ruling: 'It is beyond belief that such a simple and obviously offensive statement could be so misinterpreted and condoned in a court of law.'

Source: *Legalbrief*, 6 July 2017

## TIMEFRAMES FOR THE IMPLEMENTATION OF THE LEGAL PRACTICE ACT ARE AS FOLLOWS:

### 1 August 2017

The NF is to make recommendations to the Minister (s 97(1)(a)).

Agreements between the NF and law societies with regard to transfers must be signed (s 97(2)(a)).

The NF is to issue rules on training and discipline through publication in the Government Gazette for comment (s 109(2)).

### 1 February 2018: Implementation of Chapter 2 in terms of s 120(3)

Minister's proclamation for the establishment of the LPC and provincial councils. (This is subject to the timeous amendment of the LPA in terms of the Legal Practice Amendment Bill, currently before the Justice Portfolio Committee). The LPC and provincial councils will exist without jurisdiction and the provincial law societies will continue to regulate the attorneys' profession for 6 months to ensure a smooth transfer.

The NF is to make all the rules in terms of s 95(1)).

The Minister is to issue the regulations (s 109(1)).

### 1 August 2018: Implementation of the rest of the LPA in terms of s 120(4)

All rules and regulations need to be in place.

The provincial law societies will be abolished and the regulatory functions of advocates' structures will be transferred to the LPC.

The LPC and provincial councils will commence regulating the legal profession.

The NF will be wound up after a final meeting with the LPC in terms of s 105(3).

Source: *LSSA Advisory Notice*: 3 July 2017

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## RECOMMENDED READING

**Ownership and appropriation of funds deposited in a bank account – *Spar Group Ltd v First Rand Bank Ltd*, CJ Nagel & JT Pretorius, THRHR, 80.2, May 2017**

**Aard van die regsverhouding tussen werkgewer en werknemer – Word 'n dienskontrak vereis? *Universal Church of the Kingdom of God v Myeni*, SR van Jaarsveld, THRHR, 80.2, May 2017**

**Section 271A of the Criminal Procedure Act 51 of 1977 (prescription of certain previous convictions) and minimum sentencing legislation – *S v Jacobs*, WP de Villiers, THRHR, 80.2, May 2017**

**The amended B-BBEE Property Sector Code, A Ismail of Webber Wentzel, [www.polity.org.za](http://www.polity.org.za), July 2017**

**Beware the bond clause**, by Jack Crook, DotNews, [www.ghostidgest.co.za](http://www.ghostidgest.co.za), July 2017

**Servitudes - What, how and when?**, by Arinda Truter, SchoemanLaw Inc, [www.polity.org.za](http://www.polity.org.za), July 2017

## RECENT SUPREME COURT OF APPEAL JUDGMENT

### **KLD RESIDENTIAL CC v EMPIRE EARTH INVESTMENTS 17 (PTY) LTD (1135/2016) [2017] ZASCA 98 (6 JULY 2017)**

Where an acknowledgment of indebtedness is made by a debtor to a creditor, even in without prejudice settlement negotiations, the acknowledgment may be admitted in evidence for the sole purpose of interrupting the running of the prescription period in terms of s 14 of the Prescription Act 68 of 1969.

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

## SOUTH AFRICAN LAW REPORTS - JULY 2017

### **MACASSAR LAND CLAIMS COMMITTEE v MACCSAND CC AND ANOTHER 2017 (4) SA 1 (SCA)**

Land - Land reform—Land Claims Court—Jurisdiction—Claimant seeking restitution of commonage over land—Mining right over land granted to third party under Mineral and Petroleum Resources Development Act 28 of 2002—Whether Land Claims Court can order expropriation and expungement of mining right—LCC may only order acquisition or expropriation of particular land, or particular right in land, where that land, or right in land, also subject of claim for restitution—LCC may not grant expropriation of mining right—Restitution of Land Rights Act 22 of 1994, s 35(1)(a).

Land - Land reform—Expropriation—Claimant seeking restitution of commonage over certain land—In respect of land, mining right having been granted to third party in terms of Mineral and Petroleum Resources Development Act 28 of 2002—Claimant also seeking expropriation and expungement of mining right—Claimant cannot demand that right be free from impact of MPRDA and free from rights properly granted under it—Court dismissing ex propriation claim in respect of mining rights.

Land - Land reform—Restitution—Claim for restitution of right in land—Power of Land Claims Court to 'adjust the nature of right previously held by the claimant'—LCC may not, when restitution was sought of particular right in land, adjust right so as to alter its essential nature and restore something different from that which was taken away—Claim for restitution arising from dispossession of right in land other than ownership, not giving rise to claim for restitution of land—Restitution of Land Rights Act 22 of 1994, s 35(4).

### **PENTREE LTD v NELSON MANDELA BAY MUNICIPALITY 2017 (4) SA 32 (ECP)**

Expropriation - Compensation—Calculation—Expert valuation—Approach of court—Valuer may adduce evidence of information provided by third parties—Not hearsay—Court to decide what weight to attach to evidence—Expropriation Act 63 of 1975, s 12(1); Constitution, s 23(5).

Expropriation - Compensation—Calculation—Market value still at heart of enquiry—Constitution providing additional factors that may justify adjustment to market-based compensation—Constitution, s 23(5).

### **BOOYSEN v JONKHEER BOEREWYNMAKERY (PTY) LTD AND ANOTHER 2017 (4) SA 51 (WCC)**

Company - Business rescue—Moratorium on legal proceedings against company—Leave to institute proceedings—Whether to be obtained by way of formal and substantive application, instituted separately from and prior to main proceedings instituted against company—Or whether leave might be sought as part of main proceedings—Answer depending on particular facts of matter—Court to exercise judicial discretion—Companies Act 71 of 2008, s 133(1)(b).

Company - Business rescue—Moratorium on legal proceedings against company—Whether 'general moratorium' provisions applicable to legal proceedings with regard to business rescue plan adopted by company— Companies Act 71 of 2008, s 133(1).

Company - Business rescue—Business rescue plan—Whether business rescue practitioners may reserve for themselves right to amend business rescue plan unilaterally, after it had been adopted—Such conduct prohibited by business rescue provisions of Companies Act 71 of 2008, in terms of which control over rescue proceedings exercised by democratic majority vote of creditors and affected parties.

**DA CRUZ AND ANOTHER v CAPE TOWN CITY AND ANOTHER 2017 (4) SA 107 (WCC)**

Local authority - Buildings—Building plans—Approval—Duties of decisionmaker—Must consider, in addition to building's compliance with technical and regulatory restrictions and prescriptions, contextual effect of finished product—Must consider effect on existing and future development of neighbouring properties—National Building Regulations and Building Standards Act 103 of 1977, s 7(1)(b)(ii).

Local authority - Buildings—Building plans—Approval—Building plan's compliance with zoning scheme and building regulations not excluding existence of disqualifying factors set out in s 7(1)(b)(ii) of Building Act—Question of presence of disqualifying factors a substantial enquiry, discrete from enquiry into compliance with applicable planning and building laws under s 7(1)(a)—National Building Regulations and Building Standards Act 103 of 1977, s 7(1)(b)(ii).

**NASH AND ANOTHER v MOSTERT AND OTHERS 2017 (4) SA 80 (GP)**

Attorney - Fees—Contingency fees—Contingency fee agreement—In respect of non-litigious matters—Common law—For same reasons contingency fee agreements in respect of litigious matters prohibited by common law, so too are those in respect of non-litigious matters—Agreements contrary to public policy and invalid.

**KAKNIS v ABSA BANK LTD AND ANOTHER 2017 (4) SA 17 (SCA)**

Credit agreement- Consumer credit agreement—Section 126B(1)(b) of National Credit Act 34 of 2005, inserted by National Credit Amendment Act 19 of 2014—Retrospectivity—Section having no retrospective application.

**FRIEDRICH AND OTHERS v SMIT NO AND OTHERS 2017 (4) SA 144 (SCA)**

Administration of estates - Accounts—Liquidation and distribution account—Objections—Master refusing to sustain objection—Appeal against his decision—Nature of appeal given by s 35(10)—Administration of Estates Act 66 of 1965, s 35(10).

**WISHART NO AND OTHERS v BHP BILLITON ENERGY COAL SOUTH AFRICA (PTY) LTD AND OTHERS 2017 (4) SA 152 (SCA)**

Company - Winding-up—Claims—Late proof—Part of s 44(1) allowing court or master to give leave for late proving of claim, applying in winding-up—Insolvency Act 24 of 1936, s 44(1).

Company - Winding-up—Claims—Expungement—Whether person may bypass s 407 and approach court directly to expunge claim—Companies Act 61 of 1973, s 407.

**BODY CORPORATE OF EMPIRE GARDENS v SITHOLE AND ANOTHER 2017 (4) SA 161 (SCA)**

Insolvency - Compulsory sequestration—Provisional sequestration—Facta probanda—Advantage to creditors—Application by body corporate of sectional title scheme for compulsory sequestration of members in arrears with levy payments—Body corporate must prove pecuniary benefit to general body of creditors—Insolvency Act 24 of 1936, s 10(c).

**BONDEV MIDRAND (PTY) LTD v MADZHIE AND OTHERS 2017 (4) SA 166 (GP)**

Constitutional law - Human rights—Socioeconomic rights—Right to adequate housing—Whether infringed by contractual repurchase clause entitling developer to claim retransfer of unimproved land if purchaser not building residential dwelling thereon within 18 months—Constitution, s 26(1).

Contract - Legality—Constitutionality—Importation of constitutional principles into law of contract—Fairness—Role of pacta sunt servanda—Public policy tending to protect party against unfair term infringing constitutionally protected interest—If so, enforcing unfair term would be against public policy.

Contract - Legality—Contracts contrary to public policy—Specific instances—Repurchase clause entitling developer to claim retransfer of unimproved land if purchaser not building residential dwelling within 18 months—Public policy tending to protect party against unfair term infringing constitutionally protected interest—Where, as in present case, contractual clause grossly unfair to purchaser intending to build residential home and infringing his or her constitutional right to adequate housing, enforcing it would be against public policy—Constitution, s 26(1).

**LOEST v GENDAC AND ANOTHER 2017 (4) SA 187 (GP)**

Company - Shares and shareholders—Shareholders—Appraisal rights of dissenting shareholders—Demand for payment of fair value for shares—Determination of fair value—Access to information via PAIA, while not specifically precluded, would add unnecessary parallel process to s 164 procedure—Companies Act 71 of 2008, s 164; Promotion of Access to Information Act 2 of 2000, s 50.

Company - Shares and shareholders—Shareholders—Appraisal rights of dissenting shareholders—Exercise of rights, while stripping him of certain rights associated with shares, not depriving him of status as shareholder—Companies Act 71 of 2008, s 164.

**BARON AND OTHERS v CLAYTILE (PTY) LTD AND ANOTHER 2017 (4) SA 180 (LCC)**

Land - Land reform—Eviction—Statutory eviction—Occupiers of cottages on privately owned land—Whether just and equitable to evict under ESTA if state unable to provide alternative accommodation—Extension of Security of Tenure Act 62 of 1997, ss 10(3) and 11(3).

**PREMIER, WESTERN CAPE v KIEWITZ 2017 (4) SA 202 (SCA)**

Damages - Bodily injuries—Future medical expenses—Impermissible to tender services in lieu of monetary award.

**FIDELITY SECURITY SERVICES (PTY) LTD v MOGALE CITY LOCAL MUNICIPALITY AND OTHERS 2017 (4) SA 207 (GJ)**

Appeal - Leave to appeal—Application—Effect—Suspension of decision—Whether competent to institute application for order that decision operate, on mere indication of intention to apply for leave to appeal—Superior Courts Act 10 of 2013, ss 18(1), (3) and (5).

**CAPE TOWN CITY v AURECON SA (PTY) LTD 2017 (4) SA 223 (CC)**

Administrative law - Administrative action—Review—Application—When to be brought—From when 180-day time limit starts running—From date on which reasons for administrative action became known (or ought reasonably to have become known) to applicant—Court rejecting submission that time limit starts running only from date when party seeking review first becoming aware administrative action tainted by irregularity—Promotion of Administrative Justice Act 3 of 2000, s 7(1).

**MOHAMED'S LEISURE HOLDINGS (PTY) LTD v SOUTHERN SUN HOTEL INTERESTS (PTY) LTD 2017 (4) SA 243 (GJ)**

Contract - Enforceability—Whether implementing of lease's cancellation clause would offend constitutional values of ubuntu and fairness, and so be precluded.

**DEMOCRATIC ALLIANCE v PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA 2017 (4) SA 253 (GP)**

Constitutional law - State President—Prerogatives—Appointment and dismissal of ministers—Review—Whether President obliged to furnish record of and reasons for decisions called for under Uniform Rule 53(1)(b)—Constitution, s 91(2).

Review - Procedure—Furnishing of record of and reasons for decision in terms of rule 53(1)(b) of Uniform Rules—Applicable mutatis mutandis to review of executive decisions—Applicant for review of President's decisions to dismiss and replace ministers therefore entitled to utilise rule 53(1)(b) to obtain reasons for and record of such decisions.



**PHEPENG AND ANOTHER v ESTATE COMBRINCK AND OTHERS 2017 (4) SA 266 (FB)**

Land - Sale—Contract—Conditions—Suspensive condition that purchasers obtain loan offer together with quotation and pre-agreement—Whether fulfilled where purchasers obtained and accepted loan offer but quotation and pre-agreement not obtained—Wording of clause not requiring purchasers to furnish seller with such documents—In discretion of purchasers, for whose protection suspensive condition included, to regard it as fulfilled or not—Purchasers effectively waived further documents from bank as condition precedent—Suspensive condition fulfilled.

**NELSON MANDELA BAY MUNICIPALITY v AMBER MOUNTAIN INVESTMENTS 3 (PTY) LTD 2017 (4) SA 272 (SCA)**

Local authority - Municipal service charges—When payable—Meaning of 'rates payable as from start of . . . financial year' in Local Government: Municipal Property Rates Act 6 of 2004, s 13(1)(a).

Local authority - Municipal service charges—When due and payable—Payable at start of financial year in sense that obligation to pay fixed then but only due when municipality advising payee by way of written account what portion thereof due—Local Government: Municipal Property Rates Act 6 of 2004, ss 12, 13(1)(a) and 26–28.

Local authority - Rates—Municipal clearance certificate—Only applying to rates due for two years preceding application—Local authority not entitled to withhold rates-clearance certificate until payment of rates for remainder of financial year after application for such certificate—Local Government: Municipal Systems Act 32 of 2000, s 118(1).

**UNIVERSITY OF THE FREE STATE v AFRIFORUM AND ANOTHER 2017 (4) SA 283 (SCA)**

Education - University—Language policy—Decision to adopt policy that English primary language of instruction—Whether decision administrative action—Whether decision infringing principle of legality—Constitution, 1996, s 29(2); Higher Education Act 101 of 1997, s 27(2).

**PRINCE v MINISTER OF JUSTICE AND OTHERS 2017 (4) SA 299 (WCC)**

Criminal law - Drug offences—Dagga—Possession, purchase or cultivation for personal consumption by adult in private dwelling—Statutory prohibition of such conduct constituting unjustified limitation of right to privacy—Impugned provisions declared unconstitutional and invalid—Declaration suspended to give Parliament opportunity to correct defect—Prosecutions, falling within provisions declared unconstitutional, stayed—Constitution, ss 14 and 36(1); Drugs and Drug Trafficking Act 140 of 1992, ss 4(b) and 5(b) read with part III of sch 2; Medicines and Related Substances Control Act 101 of 1965, s 22A(9)(a)(i) read with sch 7.

Source: <https://juta.co.za/newsletter/newsletter/law-reports-advance-notification-07-july-2017>

**ACT**

CRIMINAL PROCEDURE AMENDMENT ACT 4 OF 2017	Date of commencement: 29 June 2017  Amends: ss. 77, 78 and 79 of the Criminal Procedure Act 51 of 1977	GG 40946 (29.06.17)
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**BILLS**

DEFENCE AMENDMENT BILL, 2017		B18-2017
DRAFT SECTIONAL TITLES AMENDMENT BILL, 2017 AND EXPLANATORY MEMORANDUM	Published for comment	GG 40951 (30.06.17)

## PROCLAMATIONS AND NOTICES

DEPARTMENT OF ARTS AND CULTURE	Approval of official geographical names published	GG 40953 (30.06.17)
DEPARTMENT OF ENVIRONMENTAL AFFAIR	Notice of publication of Draft Third National Communication (TNC) Report to the United Nations Framework Convention on Climate Change (UNFCCC) for public comment	GG 40949 (30.06.17)
DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT	Notice of publication of the Afrikaans and Setswana translations of the Legal Practice Act 28 of 2014 published	GG 40937 (27.06.17)
STATISTICS SOUTH AFRICA	Consumer Price Index, Rate (Base Dec 2012 = 100):May 2017: 5,4 published	GG 40945 (30.06.17)
FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT 54 OF 1972	Authorisation of enforcement by local authorities published	GG 40940 (28.06.17)
LIQUOR PRODUCTS ACT 60 OF 1989	Wine of Origin Scheme:  Production area of Darling defined and BN 11 in GG 33982 of 4 February 2011 repealed  Production area of Stettyn defined	GG 40945 (30.06.17)
NATIONAL FORESTS ACT 84 OF 1998	Proposed list of particular trees and particular groups of trees to be declared 'Champion Trees' published for comment	GG 40945 (30.06.17)
NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998	Proposed Regulation to Phase-out the use of Persistent Organic Pollutants, 2017 published for comment	GG 40954 (30.06.17)
PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000	Description submitted in terms of s. 15 (1) by the Swellendam Municipality published	GG 40945 (30.06.17)
INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA ACT 13 OF 2000	Independent Communications Authority of South Africa (ICASA):  Amendment of the Regulations on the Constitution of the Consumer Advisory Panel: Reasons for decision published  Number Portability Public Inquiry Findings Report published  Notice of public hearings on Regulatory Framework for Community Broadcasting Services published for comment in GenN 170 in GG 40660 of 3 March 2017 published	GG 40936 (26.06.17)  GG 40945 (30.06.17)  GG 40945 (30.06.17)



NATIONAL RAILWAY SAFETY REGULATOR ACT 16 OF 2002	Draft Security Matters Regulations, 2017 published for comment	GG 40945 (30.06.17)
	Draft Regulations regarding infrastructure or activity affecting safe railway operations, 2017 published for comment	GG 40945 (30.06.17)
GAS REGULATOR LEVIES ACT 75 OF 2002	Levy and interest payable on the piped-gas industry for the 2017/18 financial year published	GG 40950 (30.06.17)
BROAD-BASED BLACK ECONOMIC EMPOWERMENT ACT 53 OF 2003	Correction notice to the Amended Property Sector Code published in GN 560 in GG 40910 of 9 June 2017 published	GG 40941 (28.06.17)
NATIONAL HEALTH ACT 61 OF 2003	Proposed Regulations Relating to the Surveillance and the Control of Notifiable Medical Conditions, 2017 published for comment	GG 40945 (30.06.17)
PETROLEUM PIPELINES LEVIES ACT 28 OF 2004	Levy and interest payable on the petroleum pipeline industry for the 2017/18 financial year published	GG 40950 (30.06.17)
ELECTRONIC COMMUNICATIONS ACT 36 OF 2005 & INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA (ICASA) 13 OF 2000	Independent Communications Authority of South Africa (ICASA): Notice of intention to conduct an inquiry to identify priority markets in the electronic communications sector published	GG 40945 (30.06.17)
CIVIL AVIATION ACT 13 OF 2009	Correction notice to the Seventeenth Amendment of the Civil Aviation Regulations, 2017 as published under GN R474 in GG 40870 of 29 May 2017 published	GG 40947 (30.06.17)
FINANCIAL MARKETS ACT 19 OF 2012	Proposed amendments to the JSE Debt Listing Requirements published for comment	GG 40945 (30.06.17)
FINANCIAL INTELLIGENCE CENTRE AMENDMENT ACT 1 OF 2017	Amendment to the commencement of the Act as published under GN 563 in GG 40916 of 13 June 2017 published	GG 40939 (28.06.17)
WYSIGINGSWET OP FINANSIËLE INTELLIGENSIESENTRUM 1 VAN 2017	Afrikaans translation of the Financial Intelligence Centre Amendment Act 1 of 2017: Commencement of Act as published under GN 563 in GG 40916 of 13 June 2017 and amended by GenN 601 in GG 40939 of 28 June 2017 published	GG 40944 (29.06.17)

## PROVINCIAL LEGISLATION

### Eastern Cape

LOCAL GOVERNMENT: MUNICIPAL FINANCE ACT 56 OF 2003	Senqu Local Municipality: Approved 2017/2018 Annual Budget and Integrated Development Plan 2017-2022 published with effect from 1 July 2017	PG 3868 (27.06.17)
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## Gauteng

LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT 32 OF 2000	Emfuleni Local Municipality: Notice of adoption of the Operating and capital budget, tariffs and levies and Integrated Development Plan (IDP) published with effect from 1 July 2017	PG 153 (28.06.17)
	Emfuleni Local Municipality: Credit Control, Debt Collection and Customer Care By-laws published with effect from 1 July 2017	
	Rand West City Local Municipality: Amendment of tariffs: Assessment rates in respect of financial year 1 July 2017 to 30 June 2018, Cemeteries, Issuing of certificates and furnishing of information, Electricity tariffs, Library Services, Land Development Applications, Refuse Removal, Sewer tariffs, Water supply tariffs, Hiring of Sporting facilities, Sundry services, and Hiring of halls as published under LAN 1063 in PG 233 of 29 June 2016 published with effect from 1 July 2017	
LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES ACT 6 OF 2004	Emfuleni Local Municipality: Notice of adoption of the Rates levies, rebates, exemptions, reductions and exclusions published with effect from 1 July 2017	PG 153 (28.06.17)
CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996; LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT 32 OF 2000 AND LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES ACT 6 OF 2004	Emfuleni Local Municipality: Rates By-law published with effect from 1 July 2017	PG 153 (28.06.17)
	City of Johannesburg Metropolitan Municipality: Property Rates By-laws published with effect from 1 July 2017	
LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT 32 OF 2000 AND LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES ACT 6 OF 2004	Emfuleni Local Municipality: Determination of property rates levies for the 2017/2018 financial year published with effect from 1 July 2017	PG 153 (28.06.17)
	City of Tshwane Metropolitan Municipality: Resolution for the determination of property rates and taxes, various fees, charges and tariffs payable published and previous fees, charges, tariffs, property rates and taxes withdrawn with effect from 1 July 2017	
CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996; LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT 32 OF 2000 AND LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT 56 OF 2003	Emfuleni Local Municipality: Tariff By-law published	PG 153 (28.06.17)
CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996; GAUTENG RATIONALISATION OF	City of Tshwane Metropolitan Municipality: Property Rates Policy By-laws and Property Rates Policy published and LAN 1494 of 25 June 2008 repealed with effect from 1 July 2017	PG 153 (28.06.17)

LOCAL GOVERNMENT  
AFFAIRS ACT 10 OF 1998;  
LOCAL GOVERNMENT:  
MUNICIPAL SYSTEMS ACT  
32 OF 2000; AND LOCAL  
GOVERNMENT:  
MUNICIPAL PROPERTY  
RATES ACT 6 OF 2004

**Kwazulu - Natal**

LOCAL GOVERNMENT:  
MUNICIPAL PROPERTY  
RATES ACT 6 OF 2004

Alfred Duma Local Municipality: Notice of assessment of general rates for the financial year 2017/2018 and final date of payment published

PG 1842 (29.06.17)

Endumeni Local Municipality: Notice of assessment of general rates for 2017/2018 published

Dannhauser Local Municipality: Notice of resolution levying property rates for the financial year 1 July 2017 to 30 June 2018 published with effect from 1 July 2017

uMdoni Local Municipality: Notice of adoption of Municipal Rates Policy and Rates By-laws published and Municipal Property Rates By-law published with effect from 1 July 2017

uMzumbe Local Municipality: Resolution levying property rates for the financial year 1 July 2017 to 30 June 2018 and Property Rates By-law published with effect from 1 July 2017

PG 1844 (29.06.17)

CONSTITUTION OF THE  
REPUBLIC OF SOUTH  
AFRICA, 1996 AND LOCAL  
GOVERNMENT:  
MUNICIPAL PROPERTY  
RATES ACT 6 OF 2004

Alfred Duma Local Municipality: Property Rates By-law published

PG 1842 (29.06.17)

LOCAL GOVERNMENT:  
MUNICIPAL SYSTEMS ACT  
32 OF 2000

Alfred Duma Local Municipality: Amendment of tariff of charges: 2017/2018 published with effect from 1 July 2017

PG 1842 (29.06.17)

Alfred Duma Local Municipality: Credit Control and Debt Collection By-laws published and previous By-laws repealed

uMdoni Local Municipality: Credit Control and Debt Collection Policy By-law published

uMdoni Local Municipality: Credit Control and Debt Collection Policy By-law published

CONSTITUTION OF THE  
REPUBLIC OF SOUTH  
AFRICA, 1996 AND LOCAL  
GOVERNMENT:  
MUNICIPAL SYSTEMS ACT  
32 OF 2000

Alfred Duma Local Municipality: Standing Rules and Orders, 2017; Cemeteries and Crematoria By-law; Electricity Supply By-law; Outdoor Advertising By-law, 2015; and Storm Water By-law published and previous By-laws repealed

PG 1842 (29.06.17)

Alfred Duma Local Municipality: Nuisances and

Behaviour in Public Places By law and MN 237 in PG 4887 of 10 December 1992 repealed

Alfred Duma Local Municipality: Parking Management By-laws published

Alfred Duma Local Municipality Fire Brigade (Emergency Services) By-law; Landfill Site (Refuse Disposal) By-laws; Pound By-laws, 2016; and Problem Building By-law published and previous By-laws repealed

uMhlabuyalingana Local Municipality: Informal Traders By-laws published

KwaDukuza Local Municipality: Credit Control and Debt Collection By-laws published and previous By-laws repealed with effect from 1 July 2017

DIVISION OF REVENUE BILL, 2017	Notice of transfer of funds to municipalities amended by the replacement of the planned expenditure for accredited municipalities on page 131 of PG 1803 of 23 March 2017 published	PG 1842 (29.06.17)
SPATIAL PLANNING AND LAND USE MANAGEMENT ACT 16 OF 2013	Alfred Duma Local Municipality: Notice of establishment of Municipal Planning Tribunal and appointment of members published	PG 1842 (29.06.17)
CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996 AND NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT 59 OF 2008	Alfred Duma Local Municipality: Waste Management By-law published and previous By-laws repealed	PG 1842 (29.06.17)
UGU DISTRICT MUNICIPALITY	Notice of tariff of charges 2017/2018 published with effect from 1 July 2017	PG 1842 (29.06.17)
CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996 AND BUSINESS ACT 71 OF 1991	uMhlabuyalingana Local Municipality: Business Licensing By-laws published	PG 1842 (29.06.17)
CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996, LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT 32 OF 2000 AND LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES ACT 6 OF 2004	uMhlabuyalingana Local Municipality: Municipal Property Rates By-law and resolution levying property rates for the financial year 1 July 2017 to 30 June 2018 published with effect from 1 July 2017	PG 1842 (29.06.17)
<b>Limpopo</b>		
LIMPOPO ENVIRONMENTAL MANAGEMENT ACT 7 OF 2003	Notice of intention to withdraw the declaration of Part of Private Nature Reserve Boerboomkraal published for comment	PG 2826 (23.06.17)

MAKHADO LOCAL MUNICIPALITY	Correction notice: Electricity tariffs as published under LAN 68 in PG 2822 of 16 June 2017 published	PG 2826 (23.06.17)
LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT 32 OF 2000	LIM345 Local Municipality: Proposal to replace the Code name 'LIM345' to Collins Chabane Local Municipality published	PG 2828 (29.06.17)
	Bela-Bela Local Municipality: Property Rates By-law, Credit Control and Debt Collection By-law, and Tariff By-law published and previous by-laws as published in PG 2719 of 17 June 2016 repealed	PG 2829 (30.06.17)
	Musina Local Municipality: Credit Control and Debt Collection By-law, Property Rates By-law, and Tariff By-law published and previous by-laws as published in PG 2474 of 18 February 2015 repealed	
	Thulamela Local Municipality: Control and Debt Collection By-laws published and previous by-laws as published in PG 1035 of 25 August 2004, PG 1070 of 14 January 2005, and PG 2517 of 8 June 2015 repealed	
	Thulamela Local Municipality: Tariff By law published and previous by-laws as published in PG 1070 of 14 January 2005 and PG 2517 of 8 June 2015 repealed	
	Thulamela Local Municipality: Property Rates By-laws published and previous by-laws as published in PG 2036 of 7 February 2012, PG 2181 of 27 March 2013, and PG 2517 of 8 June 2015 repealed	
LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT 117 OF 1998	Musina Local Municipality: Repeal of by-laws of the disestablished Mutale Local Municipality published	PG 2829 (30.06.17)
MAKHADO LOCAL MUNICIPALITY	Correction notice: Electricity – Other charges as published under LAN 68 in PG 2822 of 16 June 2017 published	PG 2829 (30.06.17)
LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES 6 OF 2004	Ephraim Mogale Local Municipality: Resolution on levying property rates for the financial year 1 July 2017 to 30 June 2018 published with effect from 1 July 2017	PG 2829 (30.06.17)
POLOKWANE LOCAL MUNICIPALITY	Erratum: Tariffs as published in PG 2821 of 16 June 2017 published	PG 2829 (30.06.17)
<b>Northern Cape</b>		
LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES ACT 6 OF 2004	Emthanjeni Local Municipality: Tariffs for 2017/2018 financial year and Property Rates By-law, 2017 published with effect from 1 July 2017	PG 2104 (26.06.17)
DIVISION OF REVENUE ACT 3 OF 2016	Planned expenditure from the Human Settlements Development Grant for Level 1 and 2 Accredited Municipalities for the 2017/18 MTEF published	PG 2104 (26.06.17)
	Planned expenditure from the Human Settlements Development Grant to the Housing Development Agency	PG 2105 (26.06.17)

for the 2017/18 MTEF published

### North West

LOCAL GOVERNMENT:  
MUNICIPAL PROPERTY  
RATES ACT 6 OF 2004

Mamusa Local Municipality: Promulgation of Property Rates By-law published with effect from 1 July 2017

PG 7777 (27.06.17)

LOCAL GOVERNMENT:  
MUNICIPAL SYSTEMS ACT  
32 OF 2000 AND LOCAL  
GOVERNMENT:  
MUNICIPAL PROPERTY  
RATES ACT 6 OF 2004

Moretele Local Municipality: Promulgation of resolution levying rates published with effect from 1 July 2017

PG 7777 (27.06.17)

### Western Cape

NATIONAL  
ENVIRONMENTAL  
MANAGEMENT:  
PROTECTED AREAS ACT  
57 OF 2003

Intention to declare Nature Reserves: Jakkalsdans, Vergelegen, Witkliprug, Wildealsvlei, Oudeberg, Franco Three Fountains, Darling Renosterveld, Paarl Mountain, Buffalo Valley Nature Reserves and Sanbona Wildlife Reserve published for comment

PG 7785 (23.06.17)

LOCAL GOVERNMENT:  
MUNICIPAL PROPERTY  
RATES 6 OF 2004

Knysna Local Municipality: Promulgation of resolution for the levying of property rates for the 2017/2018 financial year published with effect from 1 July 2017

PG 7785 (23.06.17)

LOCAL GOVERNMENT:  
MUNICIPAL SYSTEMS ACT  
32 OF 2000 AND LOCAL  
GOVERNMENT:  
MUNICIPAL PROPERTY  
RATES ACT 6 OF 2004

Theewaterskloof Local Municipality: Determination of tariffs for the financial year 1 July 2017 to 30 June 2018 published with effect from 1 July 2017

PG 7785 (23.06.17)

DISASTER MANAGEMENT  
ACT 57 OF 2002

Swartland Local Municipality: Declaration of a local state of disaster as a result of the devastating fire on 18 March 2017 at the Swartland Hospital in Malmesbury published

PG 7785 (23.06.17)

Drakenstein Local Municipality: Declaration of a local state of drought disaster (hydrological and agricultural) published

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### SEMINARS

NAME OF SEMINAR	DATES	PRESENTER
MEDIATION CIVIL	Pretoria: 21 - 25 August 2017 Port Elizabeth: 4 - 8 September 2017 Nelspruit: 11 - 15 September 2017 Bloemfontein: 2 - 6 October 2017	Various Presenters
OPINION WRITING	Cape Town: 2 August 2017	Ismail Hussain SC
WILLS & TESTAMENTARY TRUSTS	Durban: 16 - 18 August 2017 Cape Town: 13 - 15 September 2017 Pretoria: 11 - 13 October 2017 Johannesburg: 15 - 17 November 2017	Ceris Field

CASE MANAGEMENT	Bloemfontein: 17 - 18 July 2017 Pretoria: 20-21 July 2017 East London: 17 - 18 August 2017	Ismail Hussain SC & Ettienne Barnard
ENGINEERING AND CONSTRUCTION	Cape Town: 22 - 23 August 2017 Durban: 3 - 4 October 2017	To be confirmed
NATIONAL CREDIT ACT	Durban: 27 July 2017 Cape Town: 28 July 2017 Port Elizabeth: 31 July 2017 East London: 1 August 2017 Bloemfontein: 3 August 2017 Pretoria: 4 August 2017 Johannesburg: 7 August 2017	Frans Haupt

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