

23 - 28 May 2025

Dear Subscribers,

Below are the latest Compliance happenings,

ELECTRONIC COMMUNICATIONS



- ✚ **Electronic Communications Act:** Proposed policy direction to Independent Communications Authority of South Africa on Broad-Based Black Economic Empowerment: Comments invited
- ✚ **Independent Communications Authority of South Africa:** Appointment of the Councillors of Independent Communications of South Africa
- ✚ **State Information Technology Agency Act:** Regulations: Amendments

FINANCE



- ✚ **Tax Administration Act:** Returns to be submitted

HEALTH AND SAFETY



- ✚ **Compensation for Occupational Injuries and Diseases Act:** Letters of Good Standing validity for 2024 return of earnings season: Further extension



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LATEST'S ARTICLES



- ✚ Malatsi clarifies B-BBEE policy direction. You don't have to sell shares, but you do have to buy in
- ✚ Watchdog probes illegal use of Starlink service in South Africa
- ✚ How to ensure the lawful cancellation of credit transactions
- ✚ CalRecycle Reissues Draft SB 54 Regulations Targeting California's Plastic Packaging EPR Program
- ✚ The delay of prescription in claims between close corporations and its members
- ✚ Summary of Health Care Provisions in the "One Big Beautiful Bill Act"
- ✚ CMMI Unveils New Strategic Direction: Preventive Care, Patient Empowerment, and Competition
- ✚ RAF 'deliberately withholding' information from Scopa
- ✚ Gauteng High Court rules against controversial CaseLines tender

Alison and The Legal Team

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COMPETITION

LAW AND TYPE OF NOTICE

Competition Act: Various approved Mergers.

LINK TO FULL NOTICE

[Competition Act: Notification decision to approve merger: 02 Mergers](#)

G 52712 GeN 3220

23 May 2025

[Competition Act: Approves mergers](#)

G 52712 GeN 3221

23 May 2025

[Competition Act: Approved mergers](#)

G 52712 GeN 3222

23 May 2025

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ELECTRONIC COMMUNICATIONS

LAW AND TYPE OF NOTICE

Electronic Communications Act:

Proposed policy direction to Independent Communications Authority of South Africa on Broad-Based Black Economic Empowerment: Comments invited

G. 52712 GeN 3218

- Comment by 22 Jun 2025

APPLIES TO:

1. ICT SECTOR ENTERPRISES

These include:

- **Telecommunications companies**
- **Internet service providers (ISPs)**
- **Broadband infrastructure providers**
- **Digital service platforms**
- **Tech companies operating in South Africa**, especially those requiring licenses under the Electronic Communications Act.

2. MULTINATIONAL CORPORATIONS

- Especially those that operate in South Africa's ICT sector.
- The policy addresses their challenges in meeting **equity ownership requirements** and offers **equity equivalent investment programmes** as an alternative.

3. LICENSE HOLDERS UNDER THE ELECTRONIC COMMUNICATIONS ACT

- Any entity that holds or seeks to obtain a license from **ICASA** (Independent Communications Authority of South Africa) must comply with the B-BBEE requirements as outlined in the **ICT Sector Code**.

4. PUBLIC ENTITIES AND ORGANS OF STATE

- These bodies are required to apply the **B-BBEE Codes of Good Practice** when issuing licenses, concessions, or authorizations related to economic activity.

5. HISTORICALLY DISADVANTAGED GROUPS (HDGS) AND BLACK-OWNED ENTERPRISES

- These groups are indirectly affected as the policy aims to **increase their participation** in the ICT sector through ownership or alternative empowerment mechanisms.

SUMMED UP

Purpose of the Policy Direction

- To align the **ICT sector's regulatory framework** with the **Amended Broad-Based Black Economic Empowerment (B-BBEE) ICT Sector Code**.



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- To **promote investment, enhance competition, and bridge the digital divide** through broadband rollout.
- To provide **clarity on equity equivalent investment programmes**, especially for multinational corporations.

Key Objectives

1. **Encourage investment** in strategic ICT infrastructure.
2. **Promote competition** and innovation in the sector.
3. **Ensure regulatory certainty** and harmonization with national laws.
4. **Expand broadband access**, particularly in underserved areas.
5. Recognize **equity equivalent investment programmes** as valid B-BBEE contributions.

Legal Framework

- **Section 9(2)(b)** of the Electronic Communications Act mandates a minimum of **30% equity ownership** by historically disadvantaged groups (HDGs).
- **Section 4(3)(k)** of the ICASA Act allows the Authority to make regulations promoting B-BBEE.
- The **B-BBEE Act** requires public entities to apply relevant sector codes when issuing licenses or concessions.

Issues Identified

- Current regulations **contradict** the B-BBEE legal framework by focusing solely on equity ownership.
- They **fail to recognize** other forms of compliance under the ICT Sector Code, such as **equity equivalent investment programmes**.

Policy Direction to ICASA

- ICASA is directed to **urgently align** its regulations with the **Amended B-BBEE ICT Sector Code**.
- This includes recognizing **broad-based empowerment measures** beyond just ownership.

FULL TEXT

DETAILS

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DEPARTMENT OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES

NO. 3218

23 May 2025

ELECTRONIC COMMUNICATIONS ACT, 2005
(ACT NO. 36 OF 2005)

PROPOSED POLICY DIRECTION TO THE INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA ON BROAD-BASED BLACK ECONOMIC EMPOWERMENT

- 1.1 The Minister of Communications and Digital Technologies intends to issue the proposed Policy Direction in the Schedule to the Independent Communications Authority of South Africa in terms of section 3 of the Electronic Communications Act, 2005 (Act No. 36 of 2005).
- 1.2 The objectives of this policy direction are to give effect to existing national and sector policy pertaining to the rollout of broadband and the bridging of the digital divide. In addition, the Minister wishes to give effect to the objectives of the Act, including the objectives to: (i) encourage investment, including strategic infrastructure investment, and innovation in the communications sector; (ii) promote competition within the ICT sector and (iii) promote, facilitate and harmonise the achievement of the objects of legislation related to the Act.
- 1.3 To accomplish these objectives, it is necessary for regulatory certainty and consistency to apply to members of the ICT Sector, including the holders of licences under the Act. Consequently, there is a need to harmonise the requirements and provisions of the Act with other legislation that applies to the recognition of ownership of members of the ICT Sector, including the Amended Broad-Based Black Economic Empowerment (B-BBEE) ICT Sector Code.
- 1.4 The achievement of these objectives will require ICASA to implement certain amendments to regulations promulgated by it in order to meet the imperatives of other national laws.
- 1.5 Interested persons are invited to provide written comments on the proposed Policy direction, within 30 working days of the date of publication, addressed to –

The Director-General, Department of Communications and Digital Technologies
For attention: Mr. A Mmoto, Chief Director
First Floor, Block A3, iParioli Office Park, 1166 Park Street, Hatfield, Pretoria
Private Bag X860, Pretoria, 0001
bbbee@dcdt.gov.za; Tel: 012-4278107 Cell: 0829060806

2. An interested person making a written submission is deemed to have consented to its disclosure to a requester, except if otherwise requested by such interested person based on one of the grounds for refusal of access to records as provided in the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

3. Comments received after the closing date may be disregarded.



MR. SOLLY MALATSI, MP
MINISTER OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES
DATE: 21 May 2025

SCHEDULE

PROPOSED POLICY DIRECTION TO THE INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA ON BROAD-BASED BLACK ECONOMIC EMPOWERMENT

1. Background

- 1.1 The purpose of this policy direction is to clarify the Department of Communications and Digital Technologies' position on broad-based black economic empowerment including the recognition of equity equivalent investment programmes.
- 1.2 This is part of an initiative to significantly expand access to broadband connectivity to poor South Africans and people living in remote parts of the country.
- 1.3 World Bank research shows that, on average, every 10% increase in broadband penetration results in 1.21% GDP growth in middle income countries such as South Africa. Broadband access makes it easier for people to start businesses, grow businesses, seek employment, work remotely, and market goods and services. Giving millions of South Africans access to broadband would therefore constitute one of the biggest empowerment programmes the South African government has ever undertaken.
- 1.4 The focus of this policy direction is on lowering regulatory hurdles to investment in reliable broadband and ensuring access to the internet. This is in line with the Broad-Based Black Economic Empowerment Codes of Good Practice which recognise that the global nature of multinational corporations' operations may constrain their ability to comply with equity ownership requirements. Equity equivalent investment programmes, recognised in the Amended Broad-Based Black Economic Empowerment (B-BBEE) ICT



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Sector Code published in Government Notice No. 1387, Government Gazette No. 40407 of 07 November 2016 (ICT Sector Code) and other sector codes, provide an avenue for factoring in alternative ways for multinational companies to make an impact on South Africa's socio-economic development.

1.5 Policy clarity on the recognition of equity equivalent investment programmes has long been sought by multinational operators in the ICT industry. This will provide the certainty necessary to attract increased investment in ICT and accelerate universal internet access.

2. Broad-Based Black Economic Empowerment Framework

2.1 Section 9(2)(b) of the Electronic Communications Act, 2005 (Act No. 36 of 2005) (ECA) provides that individual licences must include the percentage of equity ownership to be held by persons from historically disadvantaged groups, which must not be less than 30%, or such other conditions or higher percentage as may be prescribed under section 4(3)(k) of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000) (ICASA Act).

2.2 Section 4(3)(k) of the ICASA Act provides that the Authority may make regulations on empowerment requirements to promote broad-based black economic empowerment. Broad-based black economic empowerment has the meaning assigned to it in the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003) (B-BBEE Act).

2.3 The Authority has opted to prescribe regulations on empowerment requirements to promote broad based black economic empowerment under section 4(3)(k) of the ICASA Act and published the Regulations in respect of the Limitations of Control and Equity Ownership by Historically Disadvantaged Groups (HDG) and the Application of the ICT Sector Code in General Notice No. 170, Government Gazette No. 44382 of 31 March 2021, as amended.

2.4 The use of the word 'or' in section 9(2)(b) of the ECA is peremptory, and therefore the requirement for equity ownership by historically disadvantaged groups is replaced by the option of adopting regulations prescribed under section 4(3)(k) of the ICASA Act.

2.5 In addition, the B-BBEE Act provides in section 10 that every organ of state and public entity must apply any relevant code of good practice issued in terms of the B-BBEE Act in determining qualification criteria for the issuing of licences, concessions or other authorisations in respect of economic activity in terms of any law. It further provides that an enterprise in a sector in respect of which a sector Code of Good Practice has been issued, may only be measured for compliance with the requirements of broad based black economic empowerment in accordance with that code.

2.6 It follows that enterprises in the ICT sector may only be measured for compliance with the requirements of broad-based black economic empowerment in accordance with the Amended Broad-Based Black Economic Empowerment (B-BBEE) ICT Sector Code.

2.7 The Regulations in respect of the Limitations of Control and Equity Ownership by Historically Disadvantaged Groups (HDG) and the Application of the ICT Sector Code contradict the legal framework for broad-based black economic empowerment by prescribing equity ownership requirements by historically disadvantaged groups and black people and do not recognise compliance with the ICT Sector Code in respects other than ownership.

2.8 The broad-based black economic empowerment status level of an entity is the accepted method to measure overall performance against the ICT Sector Code and promotes broad-based black economic empowerment, including through equity equivalent investment programmes.

3. Policy Direction

3.1 The Authority is hereby directed, in terms of section 3(2) of the Electronic Communications Act, 2005 (Act No. 36 of 2005) to urgently consider alignment of the Regulations in respect of the Limitations of Control and Equity Ownership by Historically Disadvantaged Groups (HDG) and the Application of the ICT Sector Code, with the Amended Broad-Based Black Economic Empowerment (B-BBEE) ICT Sector Code



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LINK TO FULL NOTICE

[Electronic Communications Act: Proposed policy direction to Independent Communications Authority of South Africa on Broad-Based Black Economic Empowerment: Comments invited](#)

G. 52712 GeN 3218
- Comment by 22 Jun 2025

[52712gen3218.pdf](#)

ACTION

Ensure that you submit your comments before **22 June 2025**.



23 - 28 May 2025

LAW AND TYPE OF NOTICE

Independent Communications Authority of South Africa:

Appointment of the Councillors of Independent Communications of South Africa

G 52739 GoN 6223

28 May 2025

FULL TEXT

DETAILS

DEPARTMENT OF COMMUNICATIONS

NO. 6223 28 May 2025

DEPARTMENT OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES

APPOINTMENT OF THE COUNCILLORS OF THE INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

I, Solly Malatsi, MP, the Minister of Communications and Digital Technologies, hereby give notice of the appointment of Dr Charles Lewis, Dr Joshua Tshifhiwa Maumela, Ms Karabo Mohale and Mr Andrew Dibi Matseke as councillors of the Independent Communications Authority of South Africa (ICASA) for a period of four (4) years with effect from the date of their availability in line with section 5(1B)(c) of the Independent Communications Authority of South Africa, 2000 (Act No. 13 of 2000) as amended.

Solly Malatsi, MP
Minister of Communications & Digital Technologies
Date: 22 May 2025

LINK TO FULL NOTICE

[Independent Communications Authority of South Africa: Appointment of the Councillors of Independent Communications of South Africa](#)

G 52739 GoN 6223
28 May 2025

[52739gon6223.pdf](#)



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LAW AND TYPE OF NOTICE

State Information Technology Agency Act:

Regulations: Amendments

G 52720 P 261

23 May 2025

APPLIES TO:

1. All National and Provincial Government Departments

- These departments are designated under the **State Information Technology Agency (SITA) Act** and are typically required to procure IT goods and services through SITA.
- The new regulation allows them more flexibility to bypass SITA under certain conditions, such as cost or speed advantages, provided they follow the proper notification and compliance procedures.

2. State Information Technology Agency (SITA)

- As the central IT procurement and service agency for the government, SITA is directly impacted. It must now respond within **10 working days** to departmental procurement notices and justify its ability to meet the department's needs.
- If it fails to respond or meet expectations, departments may proceed independently.

3. National Treasury and Provincial Treasuries

- These bodies must be notified when a department opts to bypass SITA and procure IT services independently, ensuring oversight and compliance with broader financial regulations.

4. Department of Communications and Digital Technologies (DCDT)

- As the issuing authority of the regulation, DCDT oversees its implementation and ensures alignment with national digital transformation goals.

5. Other Public Sector Entities

- Entities that rely on SITA for IT infrastructure or services—such as the **Department of Home Affairs, Health, Education, and Justice**—are indirectly affected, especially if delays or inefficiencies in SITA's services have previously impacted their operations

SUMMED UP

This proclamation introduces **Regulation 17.8** under Section 23 of the **State Information Technology Agency (SITA) Act, 1998**, focusing on the **efficiency of procurement** of IT goods and services by government departments.

Main Provisions of Regulation 17.8:

1. Departmental Autonomy in Procurement:

- If a department believes that SITA cannot meet its needs or that it can procure faster or cheaper under general procurement laws (e.g., PFMA, PPPFA, or the new Public Procurement Act of 2024), it may notify SITA in writing.



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- The notice must include a business case, user requirements, and the required delivery timeline.

2. SITA's Response Obligation:

- SITA must respond within **10 working days** with:
 - Confirmation of capacity to deliver,
 - A procurement schedule,
 - Cost estimates.

3. Departmental Decision-Making:

- If SITA fails to respond, cannot meet the timeline, or the department still believes it can procure more efficiently, it may proceed independently—after notifying SITA and the relevant treasury.

4. Compliance with Standards:

- Departments must still adhere to any applicable IT standards set by SITA.

5. Coordination if SITA is Used:

- If the department chooses to proceed with SITA after receiving a positive response, it must formally notify SITA to begin procurement.

Effective Date: 1 June 2025

FULL TEXT

DETAILS

PROCLAMATION NOTICE 261 OF 2025

REGULATION IN TERMS OF SECTION 23 OF THE STATE INFORMATION TECHNOLOGY AGENCY ACT, 1998, AS AMENDED

I, Solly Malatsi, the Minister of Communications and Digital Technologies, hereby, after consultation with the relevant stakeholders and the Minister of Finance, insert the following in the General Regulations published under section 23 of the State Information Technology Act, 1998, as amended:

17.8 EFFICIENCY OF PROCUREMENT

17.8.1 If a designated department having complied with regulation 8.1.1, is of the opinion that –

(a) the Agency will not be able to satisfy the department's requirements; or

(b) the department, in accordance with –

(i) the Public Finance Management Act and its regulations and instructions, and the Preferential Procurement Policy Framework Act and its regulations; or

(ii) on commencement of the Public Procurement Act, 2024 (Act No. 28 of 2024), that Act and its regulations and instructions, (herein called "the general procurement prescripts"), will be able to do so faster or at a lower cost, the department may give written notice to the Agency.



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The notice must set out the business case and the user requirement specifications, and the period within which the department requires the information technology goods or services.

17.8.2 Following the receipt of a notice to the Agency in terms of regulation 17.8.1 –

(a) the Agency must respond to the department within 10 working days indicating whether it has the capacity to procure the information technology goods or services required by the department within the period specified by the department, and if so the procurement schedule and the costing, envisaged in regulation 8.2.1;

(b) if the Agency –

(i) does not respond within 10 working days referred to in paragraph (a); or

(ii) responds to indicate that it is unable to meet the department's requirements within the period specified by the department; or

(iii) responds that it is able to procure the information technology goods or services required by the department within the period specified by the department and provides the procurement schedule for doing so and cost, but the department, is of the opinion that it can nonetheless procure the required information technology goods or services in accordance with the general procurement prescripts faster, or at a lower cost, the department may proceed to procure the required information technology goods or services in accordance with the general procurement prescripts, after notifying the Agency and the relevant treasury of its decision.

17.8.3

17.8.4

When a department acquires goods or services in terms of regulation 17.8.2 the department must comply with any applicable standards set by the Agency in terms of section 7(6)(a) of the Act and are in force at that time.

If the department receives a notice from the Agency in terms of regulation 17.8.2 that the Agency is able to procure the information technology goods or services required by the department within the period specified by the department and provides the procurement schedule for doing so, and the department does not elect to procure the required information technology goods or services in accordance with the general procurement prescripts, then if the department wishes the Agency to effect the procurement the department must notify the Agency to proceed with the procurement through the Agency, in terms of the applicable provisions of these Regulations. Regulation 17.8 will take effect from 1 June 2025.

MR S MALATSI
MINISTER OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES
DATE: 20 May 2025

LINK TO FULL NOTICE

[State Information Technology Agency Act: Regulations: Amendments](#)

G 52720 P 261

23 May 2025

[52720proc261.pdf](#)

ACTION

1. Review Internal Procurement Policies

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- **Update procurement procedures** to reflect the new option to bypass SITA under certain conditions.

- Ensure alignment with:
 - **Public Finance Management Act (PFMA)**
 - **Preferential Procurement Policy Framework Act (PPPFA)**
 - **Public Procurement Act, 2024** (once in force)

2. Establish Criteria for Bypassing SITA

- Define internal thresholds or conditions under which the department may:
 - Determine SITA cannot meet its needs, or
 - Demonstrate faster or more cost-effective procurement independently.

3. Prepare Standardized Documentation

- Create templates for:
 - **Written notices to SITA** (including business case, user requirements, and timelines)
 - **Procurement schedules and cost comparisons**
 - **Notifications to the relevant treasury**

4. Strengthen Procurement Planning

- Improve forecasting and planning to allow time for:
 - SITA's 10-day response window
 - Internal evaluation of SITA's response
 - Treasury notifications if bypassing SITA

5. Ensure Compliance with SITA Standards

- Maintain awareness of **SITA's technical standards** under Section 7(6)(a) of the Act.
- Ensure all independently procured IT goods/services comply with these standards.

6. Train Procurement and Legal Teams

- Conduct workshops or briefings to:
 - Educate staff on the new regulation
 - Clarify roles and responsibilities
 - Ensure legal compliance and documentation readiness

7. Coordinate with Treasury and DCDT

- Establish communication channels with:
 - **SITA** for procurement coordination
 - **National/Provincial Treasury** for oversight
 - **Department of Communications and Digital Technologies (DCDT)** for policy guidance



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FINANCE

LAW AND TYPE OF NOTICE

Tax Administration Act:

Returns to be submitted (English / Afrikaans)

G 52712 GoN 6217

23 May 2025

APPLIES TO:

ALL ORGANIZATIONS

SUMMED UP

WHO MUST SUBMIT A TAX RETURN?

1. **Companies and Juristic Persons:**

- Residents with gross income, assets, liabilities, or capital gains/losses over R1,000.
- Non-residents with South African source income or capital gains.

2. **Trusts:**

- All resident and certain non-resident trusts.

3. **Natural Persons:**

- Residents or non-residents who carried on a trade (excluding employment only).
- Residents with:
 - Capital gains/losses over R40,000.
 - Foreign assets/funds exceeding R250,000.
 - Foreign income or participation in controlled foreign companies.
 - Gross income exceeding:
 - R95,750 (under 65)
 - R148,217 (65–74)
 - R165,689 (75+)

4. **Deceased Estates:**

- If gross income was earned.

5. **Non-Residents:**

- Earning interest not exempt under section 10(1)(h).

6. **Anyone Requested by SARS.**

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WHO IS EXEMPT FROM FILING?

Natural persons or deceased estates **may be exempt** if:

- Income is solely from:
 - A single employer ($\leq$ R500,000) with PAYE deducted.
 - Interest ($\leq$ R23,800 if under 65; $\leq$ R34,500 if 65+).
 - Tax-free investments or exempt dividends.
 - Lump sum retirement benefits with tax directive.

DEADLINES FOR SUBMISSION

- **Companies:** Within **12 months** of financial year-end.
- **Others (individuals, trusts, etc.):**
 - **20 October 2025** (non-provisional taxpayers).
 - **19 January 2026** (provisional taxpayers and trusts).
 - **6 months** after year-end if accounts are drawn post-28 Feb 2025 but before 30 Sep 2025.

HOW TO SUBMIT

- **Electronically via SARS eFiling** (<https://www.sarsefiling.co.za>).
- **In-person at SARS offices** (for individuals/trusts).
- **By post or delivery** (for institutions, turnover tax returns).

FULL TEXT

DETAILS

SOUTH AFRICAN REVENUE SERVICE

NO. 6217 23 May 2025

RETURNS TO BE SUBMITTED BY A PERSON IN TERMS OF SECTION 25 OF THE TAX ADMINISTRATION ACT, 2011 (ACT NO. 28 OF 2011)

In terms of section 25 of the Tax Administration Act, 2011, I, Edward Christian Kieswetter, Commissioner for the South African Revenue Service, hereby require that the persons specified in the attached Schedule must submit returns for the 2025 year of assessment, as defined in the Schedule, within the periods specified in the Schedule.

E C KIESWETTER
COMMISSIONER: SOUTH AFRICAN REVENUE SERVICE

Schedule

1. General

(1) Any term or expression in this notice to which a meaning has been assigned in a "tax Act" as defined in section 1 of the Tax Administration Act, 2011, has the meaning so assigned, unless the context indicates otherwise and the following terms have the following meaning—

"2025 year of assessment" means—



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- (a) in the case of a company, the financial year of the company ending during the 2025 calendar year; and
- (b) in the case of any other person, the year of assessment ending during the period of 12 months ending on 28 February 2025;

“income tax return” means a return for the assessment of normal tax in respect of the 2025 year of assessment, including a turnover tax return if a person is a registered micro business under the Sixth Schedule to the Income Tax Act; and

“trust” means a trust as defined in section 1 of the Income Tax Act.

(2) Notice is hereby given in terms of section 25 of the Tax Administration Act, read with section 66(1) of the Income Tax Act, that a person specified in terms of paragraph 2 is required to submit an income tax return within the period prescribed in paragraph 4.

2. Persons who must submit an income tax return

The following persons must submit an income tax return:

- (a) Every company or other juristic person, which was a resident during the 2025 year of assessment that—
 - (i) derived gross income of more than R1 000;
 - (ii) held assets with a cost of more than R1 000 or had liabilities of more than R1 000, at any time;
 - (iii) derived any capital gain or capital loss of more than R1 000 from the disposal of an asset to which the Eighth Schedule of the Income Tax Act applies; or
 - (iv) had taxable income, taxable turnover, an assessed loss or an assessed capital loss;
- (b) Every trust that was a resident during the 2025 year of assessment;
- (c) Every company, trust or other juristic person, which was not a resident during the 2025 year of assessment, that—
 - (i) carried on a trade through a permanent establishment in the Republic;
 - (ii) derived income from a source in the Republic; or
 - (iii) derived any capital gain or capital loss from the disposal of an asset to which the Eighth Schedule to the Income Tax Act applies;
- (d) Every company incorporated, established or formed in the Republic, but that was not a resident as a result of the application of any agreement entered into with the Government of any other country for the avoidance of double taxation during the 2025 year of assessment;
- (e) Every natural person who during the 2025 year of assessment—
 - (i) was a resident and carried on any trade (other than solely in his or her capacity as an employee); or
 - (ii) was not a resident and carried on any trade (other than solely in his or her capacity as an employee) in the Republic;
- (f) Every natural person who during the 2025 year of assessment—
 - (i) was a resident and had capital gains or capital losses exceeding R40 000;
 - (ii) was not a resident and had capital gains or capital losses from the disposal of an asset to which the Eighth Schedule to the Income Tax Act applies;



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(iii) was a resident and held any funds in foreign currency or owned any assets outside the Republic, if the total value of those funds and assets exceeded R250 000 at any stage during the 2025 year of assessment;

(iv) was a resident and to whom any income or capital gains from funds in foreign currency or assets outside the Republic was attributed in terms of the Income Tax Act;

(v) was a resident and held any participation rights, as referred to in section 72A of the Income Tax Act, in a controlled foreign company;

(vi) was a resident and had taxable turnover; or

(vii) subject to the provisions of paragraph 3, at the end of the 2025 year of assessment—

(aa) was under the age of 65 and whose gross income exceeded R95 750;

(bb) was 65 years or older (but under the age of 75) and whose gross income exceeded R148 217; or

(cc) was 75 years or older and whose gross income exceeded R165 689;

(g) Subject to the provisions of paragraph 3, every estate of a deceased person that had gross income during the 2025 year of assessment;

(h) Every non-resident whose gross income during the 2025 year of assessment included interest from a source in the Republic to which the provisions of section 10(1)(h) of the Income Tax Act do not apply;

(i) Every person who is requested by the Commissioner in writing to furnish a return, irrespective of the amount of income or nature of receipts or accruals of the person; and

(j) Every representative taxpayer of any person referred to in items (a) to (i) above.

3. Persons not required to submit an income tax return

(1) A natural person or estate of a deceased person is not required to submit an income tax return in terms of paragraph 2(f)(vii) or (2)(g) if the gross income of the person during the 2025 year of assessment consisted solely of gross income described in one or more of the following items:

(a) Remuneration (other than remuneration referred to in item (e)) paid or payable from a single employer, which does not exceed R500 000 and employees' tax has been deducted or withheld in terms of the deduction tables prescribed by the Commissioner;

(b) Interest (other than interest from a tax free investment) from a source in the Republic not exceeding—

(i) R23 800 in the case of a natural person below the age of 65 years at the end of the year of assessment;

(ii) R34 500 in the case of a natural person aged 65 years or older at the end of the year of assessment; or

(iii) R23 800 in the case of the estate of a deceased person;

(c) Dividends that are exempt from normal tax and the natural person was a non-resident throughout the 2025 year of assessment;

(d) Amounts received or accrued from a tax-free investment; and

(e) A single lump sum benefit received from a pension fund, provident fund, pension preservation fund, provident preservation fund or retirement annuity fund, and tax has been deducted or withheld in terms of a directive issued by the Commissioner .

(2) Subparagraph (1) does not apply to a natural person—



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(a) who was paid or granted an allowance or advance as described in section 8(1) (a)(i) of the Income Tax Act other than an amount reimbursed or advanced as described in section 8(1)(a)(ii) or an allowance or advance referred to in section 8(1)(b)(iii) that does not exceed the amount determined by applying the rate per kilometre for the simplified method in the notice fixing the rate per kilometre under section 8(1)(b)(ii) and (iii) to the actual distance travelled;

(b) who was granted a taxable benefit described in paragraph 7 of the Seventh Schedule to the Income Tax Act; or

(c) who received any amount or to whom any amount accrued in respect of services rendered outside the Republic.

(3) A natural person is not required to submit an income tax return in terms of paragraph 2 (f)(vii) if—

(a) the person is notified by the Commissioner in writing that he or she is eligible for automatic assessment; and

(b) the person's gross income, exemptions, deductions and rebates reflected in the records of the Commissioner are complete and correct as at the date of the assessment based on an estimate to give effect to automatic assessment.

4. Periods within which income tax returns must be furnished

Income tax returns must be submitted within the following periods:

(a) In the case of any company, public benefit organisation approved by the Commissioner in terms of section 30(3) of the Income Tax Act, and recreational club approved by the Commissioner in terms of section 30A(2) of the Act, within 12 months from the date on which its financial year ends; or

(b) In the case of all other persons (which include natural persons, trusts and other juristic persons, such as institutions, boards or bodies)—

(i) on or before 20 October 2025;

(ii) on or before 19 January 2026 if the return relates to a provisional taxpayer

(iii) on or before 19 January 2026 if the return relates to a trust; or

(vi) where accounts are accepted by the Commissioner in terms of section 66(13A) of the Income Tax Act in respect of the whole or portion of a taxpayer's income, which are drawn to a date after 28 February 2025 but on or before 30 September 2025, within 6 months from the date to which such accounts are drawn.

5. Form of income tax returns to be submitted

The forms prescribed by the Commissioner for the submission of income tax returns are obtainable on request via eFiling at <https://www.sarsefiling.co.za> or downloadable from the SARS website at <https://www.sars.gov.za/find-a-form/>.

6. Manner of submission of income tax returns

(1) Income tax returns must—

(a) in the case of a company, be submitted electronically by using the SARS eFiling platform;

(b) in the case of natural persons or trusts be submitted electronically—

(i) by using the SARS eFiling platform, provided the person is registered for eFiling; or

(ii) through the assistance of a SARS official at an office of SARS;



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(c) in the case of institutions, boards or bodies be—

- (i) submitted electronically by using the SARS eFiling platform, provided the person is registered for eFiling;
- (ii) submitted electronically through the assistance of a SARS official at an office of SARS;
- (iii) forwarded by post to SARS; or
- (iv) delivered to an office of SARS, other than an office which deals solely with matters relating to customs and excise.

(2) Returns for turnover tax must be forwarded by post to SARS or delivered to an office of SARS, other than an office which deals solely with matters relating to customs and excise.

(3) SARS may agree that a person, who is required to submit a return in the manner prescribed in subparagraph (1) or (2), may submit the return in an alternative manner.

LINK TO FULL NOTICE

[Tax Administration Act: Returns to be submitted \(English / Afrikaans\)](#)

G 52712 GoN 6217

23 May 2025

[52712gon6217.pdf](#)

ACTION

Ensure that you submit your tax returns on time.



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HEALTH AND SAFETY

LAW AND TYPE OF NOTICE

Compensation for Occupational Injuries and Diseases Act:

Letters of Good Standing validity for 2024 return of earnings season: Further extension

G 52722 GeN 3227

23 May 2025

APPLIES TO:

All Organizations

FULL TEXT

DETAILS

DEPARTMENT OF EMPLOYMENT AND LABOUR

GOVERNMENT NOTICE

NOTICE 3227 OF 2025

COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT, 1993 (ACT No. 130 OF 1993), AS AMENDED

NOTICE ON FURTHER EXTENSION OF LETTERS OF GOOD STANDING (LOGS) VALIDITY FOR THE 2024 RETURN OF EARNINGS (ROE) SEASON

I, Farzana Fakir, the Acting Commissioner for the Compensation Fund, hereby issue this notice in accordance with Section 6A of the Compensation for Occupational Injuries and Diseases Act (COID Act), 1993 (Act No. 130 of 1993), as amended.

Following the notice published in the Government Gazette regarding the opening of the 2024 ROE filing season on 01 May 2025, the closing date of 31 July 2025, and the initial extension of LOGS to 31 May 2025, the Fund is experiencing high volumes which is affecting the ROE Online system efficiency.

To ensure continuity of service and to support employers, the expiry date of the Letters of Good Standing (LOGs) issued for the 2023 assessment year is now further extended to 30 June 2025.

Employers are advised to submit their ROEs and required supporting documentation timeously to avoid further delays and to maintain their compliance status.

LINK TO FULL NOTICE

[Compensation for Occupational Injuries and Diseases Act: Letters of Good Standing validity for 2024 return of earnings season: Further extension](#)

G 52722 GeN 3227

23 May 2025



23 - 28 May 2025

[52722gen3227.pdf](#)

ACTION

Ensure that you have submitted your Returns before 31 July 2025.

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HERITAGE

LAW AND TYPE OF NOTICE

National Policy on Heritage Memorialisation:

Comments invited

G 52724 GeN 3228

23 May 2025

APPLIES TO:

GOVERNMENT INSTITUTIONS

- **National Departments:** Especially the Department of Sport, Arts and Culture, but also others like Education, Tourism, and Public Works.
- **Provincial and Local Governments:** Responsible for implementing heritage projects at regional and community levels.
- **State-Owned Entities:** Involved in infrastructure, archives, and cultural development.

HERITAGE AND CULTURAL INSTITUTIONS

- **Museums and Galleries**
- **Libraries and Archives**
- **Monuments Councils and Heritage Agencies** (e.g., South African Heritage Resources Agency)
- **Cultural Trusts and Foundations**

PRIVATE SECTOR AND CREATIVE INDUSTRIES

- **Architectural and Design Firms:** Involved in heritage site development.
- **Media and Publishing Houses:** Documenting and promoting heritage narratives.
- **Tourism Operators:** Especially those offering cultural and heritage tourism.

INTERNATIONAL AND MULTILATERAL ORGANIZATIONS

- **UNESCO and other UN bodies**
- **Foreign cultural missions and embassies**
- **International NGOs** involved in heritage and development.

POLICY SUMMED UP

VISION AND PURPOSE

The policy aims to **transform South Africa's heritage landscape** by promoting inclusive, sustainable, and community-driven memorialisation practices. It seeks to:

- Promote **national identity, reconciliation, and social cohesion**.
- Ensure **integration** across government departments, civil society, and communities.
- Align heritage projects with **socio-economic development** goals.

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KEY FOCUS AREAS

The policy outlines **nine focus areas** for heritage memorialisation:

1. **Alternative Forms of Memorialisation** – e.g., oral histories, digital archives, community storytelling.
2. **Museums and Sites** – development and transformation of heritage sites.
3. **Monuments, Statues, and Memorials** – inclusive representation of diverse histories.
4. **Intangible Cultural Heritage** – safeguarding living traditions, languages, and practices.
5. **Geographical Names** – renaming places to reflect democratic values.
6. **National Symbols** – promoting inclusive national identity through symbols.
7. **Library and Information Services** – improving access to heritage knowledge.
8. **National Archives Services** – preserving and digitising historical records.
9. **Repatriation and Restitution** – returning cultural artefacts and human remains.

POLICY OBJECTIVES

- **Coordinate** and **standardise** memorialisation efforts.
- **Empower communities** to participate in heritage projects.
- **Ensure sustainability** and **cost-effectiveness** of legacy projects.
- **Monitor and evaluate** impact using clear indicators.

IMPLEMENTATION STRATEGY

- **Stakeholder engagement:** Government, civil society, traditional leaders, and communities.
- **Resource allocation:** Funding, skills development, and infrastructure.
- **Governance:** Clear roles and responsibilities across institutions.
- **Risk management:** Addressing political, financial, and environmental risks.

MONITORING AND EVALUATION

- Regular **policy reviews** and **impact assessments**.
- Use of **minimum standards** and **sector guidelines**.
- Alignment with the **National Evaluation Policy Framework**.

FULL TEXT

DETAILS

DEPARTMENT OF SPORTS, ARTS AND CULTURE

NOTICE 3228 OF 2025

NOTICE: REQUEST FOR PUBLIC COMMENT: NATIONAL POLICY FRAMEWORK FOR HERITAGE MEMORIALISATION

This serves as a Notice to request comments and input from interested parties on the draft National Policy Framework for Heritage Memorialisation.

Currently, there is no formal official policy on legacy projects or memorialisation of heritage. Mainly, the National Legacy Project focusses only on large scale heritage infrastructure development. This approach has no and/or does not clearly express clear linkages, integration and alignment with other forms of legacy and memorialisation work being done. It also does not consider the potential socioeconomic impact of these projects, their affordability, sustainability, the lifespan of the National Legacy Project and the potential impact of changes in the environment. It further precludes a clear, integrated, coherent and systematic articulation



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of the effectiveness of all legacy and memorialisation work being done, in contributing to social cohesion, nation building, socio-economic development, and other national outcomes aligned with the Government Wide-Monitoring and Evaluation System and National Evaluation Policy Framework.

The Draft Policy Framework therefore aims to continue to transform the heritage landscape through heritage infrastructure development and improvement. This depends on availability of resources, through memorialisation and to better coordinate and articulate the linkages among the existing forms of memorialisation to maximise their impact. The policy also aims to consolidate the past efforts towards memorialisation of South Africa's heritage that recognises and promotes national identity through reconciliation, healing, social cohesion, community involvement and ownership, economic upliftment and education. It seeks to promote integration and coordination of memorialisation programmes across various spheres and sectors by diverse role players and institutions.

The draft National Policy Framework for Heritage Memorialisation is available on the website of the Department of Sport, Arts and Culture, under the following link:
<https://www.dsac.gov.za/DraftNationalPolicyFrameworkforHeritageMemorialization>.

Interested parties are encouraged to provide comments and input into this Policy Framework.

Closing date for comments: 20 June 2025.

For further information and questions, please contact Ms Reinette Stander at reinettes@dsac.gov.za, or Ms Renette Naudé at renetten@dsac.gov.za.

LINK TO FULL NOTICE

[National Policy on Heritage Memorialisation: Comments invited](#)

G 52724 Gen 3228

23 May 2025

[52724gen3228.pdf](#)

ACTION

Click on the link below to view the full Draft National Policy Framework for Heritage Memorialisation:
<https://www.dsac.gov.za/DraftNationalPolicyFrameworkforHeritageMemorialization>

Please ensure that you submit your comments before **20 June 2025**.



23 - 28 May 2025

INTERNATIONAL TRADE

LAW AND TYPE OF NOTICE

International Trade Administration Act:

Expansion of scope of self-initiated investigation for increase in alternate rate of customs duty on various footwear products classifiable under Chapter 64

G 52718 GeN 3225

22 May 2025

APPLIES TO:

DOMESTIC MANUFACTURERS

- **Who:** South African companies producing safety footwear.
- **Impact:** Likely positive, as increased duties on imports could protect them from cheaper foreign competition and help maintain or grow market share.

IMPORTERS AND DISTRIBUTORS

- **Who:** Businesses that import safety footwear from countries like China, India, or Vietnam.
- **Impact:** Negative, as higher duties (especially a fixed R50 per pair) could raise costs, reduce margins, or make their products less competitive.

RETAILERS

- **Who:** Chains and independent stores selling safety footwear (e.g., hardware stores, PPE suppliers).
- **Impact:** May face higher wholesale prices, which could lead to increased retail prices and potentially lower sales volumes.

INDUSTRIAL AND COMMERCIAL BUYERS

- **Who:** Companies in construction, mining, manufacturing, and logistics that purchase safety footwear for employees.
- **Impact:** Could see increased procurement costs, especially if they rely on imported brands.

CUSTOMS BROKERS AND TRADE CONSULTANTS

- **Who:** Professionals who assist with tariff classification, customs clearance, and trade compliance.
- **Impact:** May need to update tariff strategies and advise clients on the implications of the new duty structure.

TRADE ASSOCIATIONS AND INDUSTRY BODIES

- **Who:** Organizations like the South African Footwear and Leather Industries Association (SAFLIA).
- **Impact:** Likely to be involved in advocacy, policy feedback, and industry coordination in response to the proposed changes.

FOREIGN EXPORTERS

- **Who:** Overseas manufacturers and exporters of safety footwear targeting the South African market.
- **Impact:** Could face reduced competitiveness due to higher duties, potentially leading to a decline in exports to South Africa.



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FULL TEXT

DETAILS

Department of Trade, Industry and Competition

NOTICE 3225 OF 2025

INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA EXPANSION OF THE SCOPE OF ITAC'S SELF-INITIATED INVESTIGATION FOR AN INCREASE IN THE ALTERNATE RATE OF CUSTOMS DUTY ON VARIOUS FOOTWEAR PRODUCTS CLASSIFIABLE UNDER CHAPTER 64

The International Trade Administration Commission ('ITAC' or the 'Commission') selfinitiated an investigation for an increase in the alternate rate of customs duty on various footwear products classifiable under Chapter 64 in terms of Section16(1)(d)(ii) of the International Trade Administration Act, 2002, read together with Regulation 17(3) of the Amended Tariff Investigations Regulations. The self-initiated investigation was published in the Government Gazette Publication Notice number 2845 of 2024.

Subsequently, the domestic safety footwear industry noted that only 4 of the 27 tariff lines under review relate to safety footwear. In this regard, the industry requested the inclusion of tariff subheadings 6401.10, 6401.99.10, 6401.99.90, 6403.40 and 6403.99.40 into the current review as well as considering the implementation of a uniform combination duty structure with a specific duty of R50 per pair. The industry stated, amongst others, that the expansion of the scope would ensure effective protection against similarly low-priced imports of safety footwear. Furthermore, the Commission is also requesting comment on instances where there may be the possibility that this proposed level of a specific duty of R50 per pair on the relevant safety footwear tariff subheadings, may exceed the current WTO bound rate of 30% ad valorem.

Entity:

The International Trade Administration Commission (ITAC)
77 Meintjies Street
Sunnyside
Pretoria
0001

Note: Comments must be provided in the format of a questionnaire obtainable on ITAC's website at www.itac.org.za, link: Services - Tariff investigations - Government Gazette Notices – Other publication notices

Ref: 11/2024 Enquiries: Ms Khosi Mzinjana, Email: kmzinjana@itac.org.za; Mrs Amina Varachia, Email: avarachia@itac.org.za, Ms Dolly Ngobeni, Email: dngobeni@itac.org.za, Ms Tshepiso Morale, Email: tmorale@itac.org.za ; Mrs Ayanda Gandi, andou@itac.org.za and Mr Joseph Mawasha, Email: jmawasha@itac.org.za; Mr Scelo Mshengu, Email: smshengu@itac.org.za, and Mr Chris Sako, Email: csako@itac.org.za.

PUBLICATION PERIOD:

Representation should be submitted to the above ITAC officials within two (2) weeks of the date of this notice.

LINK TO FULL NOTICE

[International Trade Administration Act: Expansion of scope of self-initiated investigation for increase in alternate rate of customs duty on various footwear products classifiable under Chapter 64](#)



23 - 28 May 2025

G 52718 GeN 3225
22 May 2025

[52718gen3225.pdf](#)

ACTION

Ensure that you submit your comments.



23 - 28 May 2025

LABOUR

LAW AND TYPE OF NOTICE

Skills Development Act:

Reopening of the Call for Nominations for Appointment of Chairpersons of Accounting Authorities for 21 Sector Education and Training Authorities: Correction

G 52729 GoN 6222

- Comment by 13 Jun 2025

23 May 2025

FULL TEXT

DETAILS

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 6222 23 May 2025

SKILLS DEVELOPMENT ACT, 1998 (ACT NO. 97 OF 1988) AS AMENDED REOPENING OF THE CALL FOR NOMINATIONS FOR APPOINTMENT OF CHAIRPERSONS OF ACCOUNTING AUTHORITIES FOR 21 SECTOR EDUCATION AND TRAINING AUTHORITIES FOR THE TERM 2025 TO 2030

1, Dr NP Nkabane, Minister of Higher Education and Training, in terms of section 11(1)(b) of the Skills Development Act, (Act No. 97 of 1998) as amended, hereby reopen the process to invite nominations for appointment of Chairpersons of the Accounting Authorities for twenty-one (21) Sector Education and Training Authorities listed hereunder from interested and relevant stakeholders in the respective sectors:

1. Agricultural Sector Education and Training Authority (AGRISETA): Ref. No. AGR2025
2. Banking Sector Education and Training Authority (BANKSETA): Ref. No. BANK2025
3. Culture, Arts, Tourism, Hospitality and Sports Sector Education and Training Authority (CATHSSETA): Ref. No. CATH2025
4. Construction Sector Education and Training Authority (CETA): Ref. No. CET2025
5. Chemical Industries Sector Education and Training Authority (CHIETA): Ref. No. CHIET2025
6. Education, Training and Development Practices Sector Education and Training Authority (ETDPSETA): Ref. No. ETDP2025
7. Energy and Water Sector Education and Training Authority (EWSETA): Ref. No. EW2025
8. Finance and Accounting Services Sector Education and Training Authority (FASSET): Ref. No. FAS2025
9. Food and Beverages Sector Education and Training Authority (FOODBEV): Ref. No. FB2025
10. Fibre Processing and Manufacturing Sector Education and Training (FP&MSETA): Ref. No. FPM2025



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11. Health and Welfare Sector Education and Training Authority (HWSETA): Ref. No. HW2025

12. Insurance Sector Education and Training Authority (INSETA): Ref. No. INS2025

13. Local Government Sector Education and Training Authority (LGSETA): Ref. No. LG2025

14. Manufacturing and Engineering Related Services Sector Education and Training Authority (MERSETA): Ref. No. MERS2025

15. Media, Information and Communication Technology Sector Education and Training Authority (MICTSETA): Ref. No. MICT2025

16. Mining Qualification Authority (MQA): Ref. No. MQA2025

17. Public Services Sector Education and Training Authority (PSETA): Ref. No. PS2025

18. Safety and Security Sector Education and Training Authority (SASSETA): Ref. No. SASS2025

19. Services Sector Education and Training Authority (Services-SETA): Ref. No. SERV2025

20. Transport Sector Education and Training Authority (TETA): Ref. No. TET2025

21. Wholesale and Retail Sector Education and Training Authority (W&RSETA): Ref. No. WR2025

Interested stakeholders in the relevant sectors are invited to nominate suitably qualified candidates, preferably, in possession of NQF level 8 qualification coupled with, amongst others, a blend of knowledge, skills, and experience required for the effective functioning of the SETA and the Skills Development System (preferably competent candidates with intensive wealth of sectoral knowledge, technical experience and leadership capability). Preference will be given to people with disabilities, youth, and women during the nomination within policy and legislative context. The deadline for submission of nominations is 13 June 2025 at 16h30.

Written nominations from nominating stakeholders indicating full names of organisations nominating and quoting the Ref. No. (in the subject line of the email) must contain the following Annexures:

- A - A motivation letter indicating why the nominee must be considered for appointment
- B - The nominee's signed written acceptance of the nomination
- C - The nominee's certified copies of qualifications
- D - The nominee's certified ID copy
- E - The nominee's curriculum vitae
- F - Nominees declaration of interest

Candidates who were nominated in response to the previous Gazette may be renominated if they are still willing to be considered for appointment as SETA Chairpersons. Nominations should be submitted for the attention of:

Mr Mabuza Ngubane: Chief Director: SETA Coordination
E-mail : SETAChairs@dhet.gov.za
Tel. No. : 012 312 5896
Cel. No. : 0793182384

The Chairpersons of Accounting Authorities will assume duty from the date of appointment until 31 March 2030.

DR. NP NKABANE, MP
MINISTER OF HIGHER EDUCATION AND TRAINING
DATE: 23/05/2025



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LINK TO FULL NOTICE

[Skills Development Act: Reopening of the Call for Nominations for Appointment of Chairpersons of Accounting Authorities for 21 Sector Education and Training Authorities: Correction](#)

G 52729 GoN 6222

- Comment by 13 Jun 2025
23 May 2025

[52729gon6222.pdf](#)

[Skills Development Act: Reopening of the Call for Nominations for Appointment of Chairpersons of Accounting Authorities for 21 Sector Education and Training Authorities](#)

G 52719 GoN 6218

- Comment by 12 Jun 2025
22 May 2025

[52719gon6218.pdf](#)

ACTION

Ensure that you submit your nominations before **13 June 2025**



23 - 28 May 2025

LAW AND TYPE OF NOTICE

Employment Equity Act:

2024 Employment Equity Public Register: Correction

G 52727 GoN 6221

23 May 2025

APPLIES TO:

Designated Employers

FULL TEXT

DETAILS

STAATSKOERANT, 23 MEI 2025

No. 52712 27

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. 6215

23 May 2025

List of designated employers who reported for the 2024 reporting cycle

Description of terms:

No: This represents sequential numbering of designated employers & bears no relation to an employer.

(The list consists of 6216 large employers and 23053 small employers).

Business name: This is the name of the designated employer who reported

Status code: 0 means no query.

EE Reference Number: This is the reference number of all employers who reported successfully.

Please click on the links provided below to view the full registers.

LINK TO FULL NOTICE

[Employment Equity Act: 2024 Employment Equity Public Register: Correction](#)

G 52727 GoN 6221

23 May 2025

[52727gon6221.pdf](#)

[Employment Equity Act: 2024 Employment Equity Public Register](#)

G 52712 GoN 6215

23 May 2025

[52712gon6215.pdf](#)



23 - 28 May 2025

LINK TO FULL NOTICE

[Labour Relations Act: National Bargaining Council for the Road Freight and Logistics Industry:
Extension to non-parties of the Main Collective Amending Agreement](#)

G 52740 RG 11836 P 262

28 May 2025

[52740rg11836proc262.pdf](#)



23 - 28 May 2025

MEDICAL

LAW AND TYPE OF NOTICE

Private Hospitals 2025 – 2026:

Amendment for Private Hospitals

G 52741 GeN 3231

28 May 2025

APPLIES TO:

Medical Sector

FULL TEXT

DETAILS

DEPARTMENT OF EMPLOYMENT AND LABOUR

NOTICE 3231 OF 2025

AMENDMENT GAZETTE FOR PRIVATE HOSPITALS 2025-2026



23 - 28 May 2025

AMENDMENT FOR PRIVATE HOSPITALS GAZETTE, NOTICE 3050 PUBLISHED ON 17
MARCH 2025, NO: 52323

PRIVATE HOSPITALS PER DIEM TARIFF OF FEES AS FROM 1 APRIL 2025

Private Hospitals Rules

NOTE: Fees include VAT

Submission of a running account is not allowed:
Hospitals are requested to submit monthly invoices for patients admitted for a prolonged period i.e., exceeding last day of the month.
Services claimed for should not overlap to the following month.

NB! All invoices where a patient was admitted should be accompanied by some kind of hospital record as proof of admission.
The hospital record may take the form of, but not limited to an admission / discharge forms / records submitted and must be on the hospital letterhead.

TARIFF CODE	DESCRIPTION	ACUTE HOSPITAL (PR 57/58)	DAY HOSPITAL (PR 77)
*	Can be claimed by a facility		
-	Cannot be claimed by a facility		
6. Prosthesis			
H286	Internal and External Fixators (surgically implanted)	*	-

LINK TO FULL NOTICE

[Private Hospitals 2025 – 2026: Amendment for Private Hospitals](#)

G 52741 GeN 3231

28 May 2025

[52741gen3231.pdf](#)



23 - 28 May 2025

STANDARDS

LAW AND TYPE OF NOTICE

National Regulator for Compulsory Specifications Act:

Compulsory Specification for Dried Abalone

G 52705 RG 11835 GoN 6211

23 May 2025

APPLIES TO:

LOCAL PRODUCERS AND PROCESSORS

These include:

- Abalone farms and aquaculture facilities
- Processing plants that dry, package, and prepare abalone for sale
- Fishing vessels that handle abalone for commercial purposes

They must:

- Be pre-approved by the NRCS
- Implement HACCP-based food safety systems
- Use licensed raw material sources
- Undergo annual reviews and provide evidence of conformity

TRANSPORTERS AND DISTRIBUTORS

- Companies that transport dried abalone domestically or for export
- Must ensure traceability and compliance with hygiene and safety standards

IMPORTERS

- Entities bringing dried abalone into South Africa
- Must apply for NRCS approval for each consignment
- Provide health guarantee certificates and comply with inspection requirements

EXPORTERS

- Businesses exporting dried abalone from South Africa
- Must obtain export permits and health guarantees
- Ensure products meet destination country requirements

TESTING LABORATORIES

- Microbiological and chemical testing facilities
- Must be accredited to perform tests per referenced methods
- Provide testing services for compliance verification



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REGULATORY AUTHORITIES

- NRCS (National Regulator for Compulsory Specifications): Oversees approvals, inspections, and enforcement
- DFFE (Department of Forestry, Fisheries and the Environment): Issues permits and monitors environmental compliance
- SARS (South African Revenue Service): Involved in customs and import/export documentation

RETAILERS AND WHOLESALERS

- Businesses selling dried abalone in the local market
- Must ensure products are sourced from NRCS-approved facilities and are properly labeled

SUMMED UP

Outlines the compulsory specifications and regulatory requirements for the production, handling, and sale of dried abalone in South Africa.

Compulsory Specification for Dried Abalone

This specification outlines the requirements for the production, handling, and sale of dried abalone in South Africa, ensuring compliance with national standards and regulations. It mandates approval processes for facilities and products to maintain food safety and quality.

- All dried abalone must comply with this Compulsory Specification.
- Facilities must be pre-approved by the NRCS for conformity of production.
- Annual reviews of facility approvals are required.
- Local products can be dispatched without pre-inspection; imported products require NRCS approval.
- Non-compliance must be reported immediately to the NRCS.

Definitions and Key Terms

This section defines critical terms related to the handling and processing of dried abalone, establishing a common understanding for stakeholders. It includes definitions for applicants, approvals, and relevant authorities.

- Applicant refers to handlers, processors, or exporters based in South Africa.
- Approval is confirmation from NRCS that products meet specifications.
- HACCP is a food safety management system based on hazard analysis.
- Relevant national legislation includes several acts governing food safety and environmental management.

Production and Safety Requirements

The production of dried abalone must adhere to specific safety and quality standards, including the latest SANS 2329 guidelines and HACCP principles. Compliance with these standards is essential for maintaining product integrity.

- Harvesting and processing must comply with SANS 2329.
- HACCP principles must be implemented for food safety management.
- Local raw materials must come from legally permitted sources.
- Facilities must comply with updated standards within six months of publication.



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Application and Approval Process

The process for obtaining approval for facilities and products involves detailed applications to the NRCS, including documentation and evidence of compliance. This ensures that all products meet safety and quality standards before reaching the market.

- Applications for facility approval must include facility details and safety management documentation.
- Importers must provide health guarantee certificates and product details for NRCS approval.
- Export applications require specific information about product compliance and export permits.
- Approval documents serve as proof of compliance and must be renewed annually.

Health Guarantees for Export

Health guarantees are issued for exported products to ensure they meet the requirements of the destination country. This includes compliance with handling, processing, and safety standards.

- Health guarantees are provided for products from approved facilities.
- Products must be traceable to their origin and comply with relevant standards.
- Random testing may be conducted to ensure ongoing compliance.
- Guarantees will not be issued for foreign products lacking anatomical integrity.

Documentation and Compliance Verification

Documentation is crucial for verifying compliance with the Compulsory Specification, including health attestations and product traceability. This ensures that all products are safe for consumption and meet regulatory standards.

- Health attestations must include detailed product descriptions and origin information.
- Compliance with CODEX standards and national legislation is mandatory.
- Regular inspections and audits are required to maintain facility approval.
- Non-compliance can lead to withdrawal of approvals and reapplication processes.

FULL TEXT

DETAILS



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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. R. 6211

23 May 2025

NATIONAL REGULATOR FOR COMPULSORY SPECIFICATIONS ACT
(Act 5 of 2008), AS AMENDED THROUGH LEGAL METROLOGY ACT (Act 9
of 2014)

COMPULSORY SPECIFICATION FOR DRIED ABALONE – VC 9108

I, Mr. Mpho Parks Tau, Minister of Trade, Industry and Competition, under Section 13
(1) (a) of the National Regulator for Compulsory Specifications Act (Act 5 of 2008)
hereby declare the Compulsory Specification as set out in the attached schedule, with
effect six (6) months from the date of publication of this notice.


Mr Mpho Parks Tau, MP
Minister of Trade, Industry and Competition

04/05/2025

SCHEDULE

COMPULSORY SPECIFICATION FOR DRIED ABALONE – VC 9108

1. SCOPE

This Compulsory Specification applies to dried abalone.

2. DEFINITIONS

2.1 For the purposes of this Compulsory Specification the definitions in the latest edition of
the SANS (South African National Standard) dried abalone: 2329 are applicable.

2.2 In this Compulsory Specification, any word or expression mentioned to which a meaning
has been assigned in the National Regulator for Compulsory Specifications Act, 2008
(Act No. 5 of 2008), as amended, shall have that meaning unless the context otherwise
indicates. In addition, the following definitions shall apply:

2.2.1 **applicant:** a handler, processor, packer, transporter, importer or exporter
applying for approval of the product and/or factory/ processing
facility/establishment. The handler, processor, packer, transporter, importer or
exporter shall be established within the Republic of South Africa.

2.2.2 **approval:** a confirmation by the NRCS that the product and/or factory/
establishment/ facility satisfies the requirements of this Compulsory
Specification.

2.2.3 **conformity of production:** evidence that the harvest, manufacture, processing,
transport, handling and treatment of dried abalone as in the scope, and products
derived therefrom produced for sale continues to conform to the requirements of
this Compulsory Specification.

2.2.4 **DFPE:** the Department of Forestry, Fisheries and the Environment.

2.2.5 **factory /establishment/ facility:** a South African based premises or fishing
vessels on or in which dried abalone are handled and treated to prepare them
for commercial purposes.

2.2.6 **HACCP (Hazard Analysis Critical Control Point):** a system which identifies,
evaluates, and controls hazards that are significant to food safety.



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2.2.7 NRCS: the National Regulator for Compulsory Specifications as established by the National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008) as amended.

2.2.8 official facility number/code: a unique identification number or code allocated to a factory/ establishment/ facility by the NRCS.

2.2.9 WOA: World Organization for Animal Health.

2.2.10 food safety management system: a food safety management system implemented by a factory based on the principles of HACCP as recommended by the Codex Alimentarius Commission.

2.2.11 relevant national legislation: means the following Acts; Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No 54 of 1972); NRCS Act 2008 (Act No.5 of 2008); Legal Metrology Act, 2014 (Act No. 9 of 2014); National Environmental Management Biodiversity Act, 2004 (Act No 10 of 2004), Marine Living Resources Act 1998 (Act No 18 of 1998), as amended and applicable regulations.

2.2.12 SAMSM&CP: the latest edition of the South African Live Molluscan Shellfish Monitoring and Control Programme administered by DFFE.

3. GENERAL ADMINISTRATIVE REQUIREMENTS

3.1 All dried abalone to be offered for sale shall comply with the requirements of this Compulsory Specification.

3.2 The factory/ establishment/ facility for the production of the product in the Republic of South Africa shall be pre-approved by the NRCS for conformity of production requirements as prescribed in Annex A - A.1. Such approval shall be reviewed annually or more frequently as may be determined by the NRCS.

3.3 A factory/ establishment/ facility that is already pre-approved as per 3.2 for dried abalone, may in the case of locally produced products which are going to be sold in the local market, dispatch the product without the NRCS pre-inspection of each consignments.



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- 3.4 Application for approval of the product(s) shall be made to the NRCS for every consignment of the product covered by this specification which are imported into South Africa in accordance with the requirements of Annex A - A.2.
- 3.5 Application for approval required for export or any other purposes as required by the applicant shall be made in accordance with the requirements of Annex A - A.3.
- 3.6 The factory/ establishment/ facility shall provide the NRCS with evidence of conformity of production on request.
- 3.7 The factory/ establishment/ facility shall inform the NRCS in writing of any change in the process of production affecting any mandatory requirement of this Compulsory Specification. In the event of such change/s the NRCS may, at its discretion, demand the submission of further evidence of conformity or a new application for approval.
- 3.8 The factory/ establishment/ facility shall immediately report to the NRCS in writing any failure, of whatever nature, to conform to the requirements of this Compulsory Specification.
- 3.9 A factory/ establishment/ facility which is suspended must re-apply to the NRCS in writing within three months of the date of suspension for a reassessment; otherwise approval for the establishment to operate in terms of this Compulsory Specification will be withdrawn.
- 3.10 A factory/ establishment/ facility shall notify the NRCS, in writing, when its operation is closing down three (3) months before the effective date.
- 3.11 The testing of dried abalone against the requirements of this Compulsory Specification shall be done by microbiological and chemical test facilities that are accredited to use the referenced test methods or any other accredited method validated against the reference method, and giving results that are better, or at least equal, to the accuracy of the reference method. In the case where there are no test facilities available in the Republic of South Africa that are in compliance with the foregoing, the NRCS shall determine which facilities may be used in terms of its Conformity Assessment Policy.
- 3.12 The NRCS shall issue health guarantee certificates for export purposes, where required, in accordance with the requirements of the country of destination as prescribed in Annex B.
- 3.13 The NRCS may for the purposes of inspection and verification of products, sample products according to the regulatory risk based sampling plans.



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3.14 There will be fees and/or levies applicable as prescribed in the regulation, published under the NRCS Act.

4. SPECIFIC REQUIREMENTS

4.1 The harvest, manufacture, processing, transport, handling and treatment of dried abalone, as well as the requirements for the ingredients, shall comply with the requirements of the latest edition of SANS 2329.

4.2 The principles of HACCP, as recommended by the Codex Alimentarius Commission, shall as a minimum be used for the implementation of a product safety management system.

4.3 All local raw materials for processing shall be obtained from a source that has a valid permit from DAFF to either harvest, grow, process or supply dried abalone and where applicable comply with the SAMSM&CP) and relevant national legislation.

4.4 In the event of an amendment or updating of the SANS standard referenced in 4.1 above, the factory / establishment/ facility shall be in compliance with the amended or updated requirements within six months of publication of the amended or updated standard. If evidence of compliance to such amendments or updates cannot be provided, the approval of the factory / establishment/ facility may be withdrawn.

Note: The required World Trade Organization (WTO) transparency provision will also be considered in this period.

5. MARKINGS

The products covered in this specification shall be marked in accordance with the requirements of the latest edition of SANS 2329 as applicable and as per the labelling requirements promulgated in terms of the Foodstuffs Cosmetics and Disinfectants Act (Act 54 of 1972) as amended or in compliance with the labelling requirements of the country to which it must be exported. In terms of South African produced products the official factory / establishment /facility number issued by the NRCS in accordance with section A 1.4 of this Compulsory Specification shall be included.



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ANNEX A

(Normative)

A1. APPLICATION FOR APPROVAL OF THE FACTORY/ESTABLISHMENT/ FACILITY AND PRODUCT IN THE REPUBLIC OF SOUTH AFRICA

The applicant shall apply in writing to the NRCS for approval of the factory / establishment/ facility. Approval of a factory / establishment/ facility shall be valid for a maximum period of one (1) year. The applicant shall reapply for approval annually. The application shall be accompanied by the following:

- A1.1** Details of the facility for which approval is sought;
- A1.2** Documentation and records in support of an effective product safety management system. For new factory / establishment/ facility, provisional approval may be given for a period of three months in order to generate the required documentation and records;
- A1.3** Information required by the NRCS for the measures taken by the applicant to ensure ongoing conformity with the requirements of this Compulsory Specification; and
- A1.4** The NRCS shall issue an official facility number/code on approval of the factory / establishment/ facility.

A2 APPLICATION FOR APPROVAL OF IMPORTED PRODUCTS

The applicant shall apply to the nearest NRCS regional office as soon as the consignment is available for sampling and inspection and subsequent approval of the (imported) product(s). The applicant shall notify the NRCS at least ten (10) working days prior to the date on which approval is needed. The application shall be accompanied by the following:

- A2.1 A.2.1** Applicants shall supply details of the products per consignment for which approval is sought by providing the following information:
 - a)** The applicable permits as required by DFFE/relevant national legislation;
 - b)** Importers shall supply a health guarantee certificate (Annex C) containing evidence that imported products originate from a facility approved for export in the country of origin per consignment for which approval is sought. The NRCS may also request that specific testing be performed;



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- c) Details of the importer, product, bill of entry (SARS release), quantity, number of product and batch code(s), code list or bill of lading;
- d) The date and place where it will be available for inspection;
- e) Name and contact details of a contact person;
- f) The number(s) of the bill(s) of entry and the date authorized by custom officials; and
- g) The voyage number of the cargo carrier (vessel, aircraft or registration number of vehicle).

A2.2 Any reasonable additional information to clarify the application as requested by the NRCS.

A2.3 The NRCS may for the purposes of inspection and verification of products, sample products according to the regulatory risk based sampling plans.

A3 APPLICATION FOR APPROVAL OF EXPORT OF PRODUCTS

The applicant shall apply to the nearest NRCS regional office for approval of the product(s). The application shall be submitted at least ten (10) working days prior to the date on which it is needed. The application shall be accompanied by the following:

A3.1 Where applicants require official approval for export or any other purposes, applicants shall supply details of products per consignment for which approval is sought by providing information with regards to the type of approval required (e.g. certificate of compliance, health guarantee to a particular country or other specific certification for official purposes).

A3.2 The applicable export permit number issued by DFFE.

A3.3 Details of the markings as required by clause 5 of this Compulsory Specification used on the packed product(s).

A3.4 Where required by the NRCS, guarantees that the product(s) complies with the prescribed testing requirements outlined in the Compulsory Specifications and referenced standards. The NRCS may also request that specific testing required by the importing country be performed.

A3.4 Any reasonable additional information to clarify the application as requested by the NRCS.

A3.5 The NRCS may for the purposes of inspection and verification of products, sample products according to the regulatory risk based sampling plans.

A4. GRANTING OF APPROVAL

A4.1 The NRCS shall issue an approvals document, as is applicable for the facility/ factory / establishment/ facility, imported products or products destined for export, to the applicant when all the requirements of this Compulsory Specification have been met.

A4.2 The NRCS shall assign a unique number to each approvals document.

A4.3 An approvals document shall be the sole proof of approval by the NRCS.

A.5 WITHDRAWAL OF APPROVAL

Any approval granted in respect of the product or the facility/ factory / establishment/ facility pursuant to this Compulsory Specification may be withdrawn, if compliance with the requirements of this Compulsory Specification has not been maintained. Re-applications will be treated as new applications.



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ANNEX B

(Normative)

B1. HEALTH GUARANTEES FOR EXPORT

B1.1 The NRCS may provide health guarantees to authorities in countries to which products are exported at the request of exporters, if products have been handled, prepared, processed, packed, transported, refrigerated, stored, and quality thereof are in accordance with the requirements of this Compulsory Specification and/or the requirements of the country of destination. In terms of requirements, all sections of the handling and processing chain are to be in compliance and, where appropriate, random samples may be taken for inspection and verification purposes.

B1.2 Health guarantees shall only be issued for product from approved facility/ factories / establishments requiring such guarantees.

B1.3 As required, finally prepared product/s shall be monitored on the basis of random testing and surveillance programmes.

B1.4 For the issuing of health guarantees, it is required that for every consignment:

- a) The product originates from facility/ factories / establishments approved by the NRCS in terms of the requirements of this Compulsory Specification;
- b) All products and product codes are reflected in the request for export;
- c) The product covered by such a guarantee is fully traceable to its origin; and
- d) No health guarantees will be issued for foreign product where the anatomical wholeness has not been changed in South Africa.



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ANNEX C

(Normative)

**C.1 HEALTH GUARANTEES FOR IMPORTED FISH AND FISHERY PRODUCTS
REGULATED UNDER THE NRCS**

(ON AUTHORITY'S OFFICIAL LETTERHEAD) Reference no.

Country of dispatch:

.....

Competent Authority:

.....

Inspection Authority:

I. Identification of products

True description of product:

Scientific name:

Presentation of product and type of treatment:

Batch Identification Marks /Code/s Type and Manner of Packaging:

.....

.....

Number of Packages/Units

Net weight Gross weight

Temperature: - Chilled..... Frozen..... Ambient

II. Origin of Products

Name and address of approved factories/establishments/facility:

.....

.....

Approval number:

Place of loading/ dispatch:.....

III. Destination of products:

Country of destination:

Port of entry



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Transport details: Sea Freight / Air freight / Other

Container number / Flight details:

Seal number/ Waybill number:

Consignor name and address:

Consignee name and address:

IV. Health attestation

The official inspector hereby certifies that:

1. The fish and fishery products specified above, have been farmed (where applicable), processed, packed and stored in a facility/ies approved by the Competent Authority.
2. The fish and fishery products comply/ies with the particular CODEX Standard for the specific product/s or where there is no such Standard, with the Compulsory Specifications/Technical Regulations legislated by the Republic of South Africa in terms of The National Regulator for Compulsory Specifications Act (Act No.5 of 2008) and contained and referenced in the Compulsory Specification.
3. The processing plant and where applicable, aquaculture farms specified above, is/are subject to regular inspection/audit by the Competent Authority in that country to ensure that production, processing practices and food safety systems are in compliance with requirements of the most updated versions of the general CODEX Principles for Food Hygiene and HACCP (CAC/RCP- 1969) as well as with CODEX Code of Practice for Fishery Products (CAC/RCP 52-2003) and any animal health requirements to be controlled in terms of OIE Directives.
4. All products imported into the Republic of South Africa in terms of this Regulation shall comply with marking requirements as prescribed by the relevant national legislations.
5. The products above:
 - 5.1. are free from microorganisms or substances originating from microorganisms in amounts as prescribed by relevant national legislation;
 - 5.2. shall not contain any other substances in amounts that may present a hazard to human health in accordance with relevant national legislation.

Signed at: Name and qualifications of official

Inspector:

Signature of official Inspector:

Official Stamp with date:

LINK TO FULL NOTICE

[National Regulator for Compulsory Specifications Act: Compulsory Specification for Dried Abalone](#)

G 52705 RG 11835 GoN 6211

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[52705rg11835gon6211.pdf](#)

ACTION

LOCAL PRODUCERS, PROCESSORS, AND FACTORIES

Actions Required:

1. **Apply for NRCS approval** of the facility (valid for 1 year).
2. **Implement a HACCP-based food safety system.**



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3. **Source raw materials** from licensed suppliers with valid permits.
4. **Maintain documentation and records** to demonstrate conformity.
5. **Report any changes** in production processes to NRCS.
6. **Notify NRCS of non-conformities** or operational shutdowns.
7. **Comply with SANS 2329** and update within 6 months of any revision.
8. **Label products** with the official NRCS facility number and required markings.

IMPORTERS

Actions Required:

1. **Apply to NRCS** for approval of each consignment.
2. Submit:
 - **Health guarantee certificate** from the country of origin.
 - **Import permits** and SARS documentation.
 - **Details of the consignment** (batch codes, quantity, etc.).
3. **Notify NRCS** at least 10 working days before inspection is needed.
4. **Ensure traceability** and compliance with South African standards.

EXPORTERS

Actions Required:

1. **Apply to NRCS** for export approval at least 10 working days in advance.
2. Submit:
 - **Export permit** from DFFE.
 - **Product markings** as per Clause 5.
 - **Health guarantees** and test results if required.
3. Ensure products:
 - Come from **NRCS-approved facilities**.
 - Are **traceable** to their origin.
 - Meet **destination country requirements**.

TRANSPORTERS AND DISTRIBUTORS

Actions Required:

1. **Ensure hygienic handling and transport** of dried abalone.
2. **Maintain traceability** of consignments.
3. **Comply with temperature and packaging requirements**.

TESTING LABORATORIES

Actions Required:

1. Be **accredited** to perform microbiological and chemical tests.
2. Use **validated methods** that meet or exceed reference standards.
3. Provide **test results** for conformity assessments.

REGULATORY AUTHORITIES (NRCS, DFFE, SARS)

Actions Required:

1. **NRCS:**



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- Approve facilities and consignments.
- Conduct inspections and sampling.
- Issue health guarantees and facility codes.

2. **DFFE:**

- Issue permits for harvesting, growing, and exporting.
- Administer the SAMSM&CP program.

3. **SARS:**

Process customs documentation and release.



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B-BBEE ARTICLES

SOUTH AFRICA

Malatsi clarifies B-BBEE policy direction. You don't have to sell shares, but you do have to buy in

Communications Minister Solly Malatsi has clarified the new policy direction with a new filing and full statement.

The statement reveals that it is more nuanced than Daily Maverick [first reported](#).

On paper, it's a "Proposed Policy Direction on Broad-Based Black Economic Empowerment". But dig a little deeper, and it's now clear that Minister Solly Malatsi is trying to get some investment gains in exchange for ruffling some equity feathers.

This isn't about ditching transformation. It's about reinterpreting it, and, in the process, rewiring South Africa's (SA's) digital future.

Here's what's really going on behind the policy jargon, and why it matters whether your internet comes from a cellphone tower or a low-earth-orbit satellite:

Jumping off the edge

The "Proposed Policy Direction on Broad-Based Black Economic Empowerment", gazetted today on Friday, 23 May 2025, instructs the Independent Communications Authority of South Africa (Icasa) to align its licensing regulations with Equity Equivalent Investment Programmes (EEIPs).

Currently, companies seeking individual licences under the Electronic Communications Act must ensure that historically disadvantaged groups hold at least 30% equity ownership.

Think of EEIPs as the "transformation debit card" for multinationals. Instead of giving up equity, companies can invest in South African economic empowerment through skills development, digital infrastructure, local SMME funding, or rural connectivity projects.

Ministerial backflips

"These regulations do not currently allow companies (to) contribute to South Africa's transformation goals in ways other than traditional ownership to qualify for individual licences," Malatsi said in his official announcement accompanying the updated policy direction.

"Transformation is non-negotiable." But, he adds, transformation doesn't have to mean shareholding alone. "All players must contribute meaningfully to equity, skills development and economic inclusion," he says.

In other words...

If you can't meet the 30% ownership rule, show us the money – and show us how it empowers people. The policy direction doesn't mention Starlink by name. But it's the not-so-invisible satellite in the room.

Earlier the regulatory debate around Icasa's proposed satellite licensing framework saw major pushback from the likes of MTN, Telkom, Vodacom and Sentech (who still marshal the digital highways). Their main worry? That satellite-based newcomers (Vodacom is also a player, but can leverage its existing licenses) could bypass the hurdles they've had to jump over for years.

"Regulatory parity" was the rallying cry — if you're providing the same service, you must follow the same rules. No free rides from orbit.



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By creating a legally sound, EEIP-based path to compliance, Malatsi's policy direction answers a key criticism: multinational satellite operators won't be *exempted* but they will be *included*, provided they invest where it counts.

"Even if companies are not rolling out large-scale infrastructure, they will be required to make commitments that are substantive and clearly aligned with South Africa's socio-economic development goals," the minister clarified.

Building a bridge, not a bypass

The B-BBEE policy direction is not part of Icasa's satellite framework inquiry, but it speaks directly to one of the most contentious issues in that space: equity ownership.

Telkom, Sentech and others previously argued that SA didn't need a new legal framework for satellites; it just needed to use the ECA and existing rules properly. The new direction leans into this, instructing Icasa to use existing sector codes — like the B-BBEE ICT Sector Code — and recognise EEIPs as part of the licensing process.

In other words ...

This move is less about rewriting the rulebook and, to Malatsi's credit, more about finally reading the whole thing.

Where to from here?

This policy direction isn't final yet. Public comments are open for 30 working days. But once enacted, it gives Icasa the political and legal backing to update its ownership regulations and explicitly allow EEIP-based compliance.

That's the signal global tech giants have been waiting for.

Will Starlink come knocking? That's now less a matter of law and more a matter of willingness — and dependent on investment. The new message from the government is clear: You don't have to sell shares, but you do have to buy in.

By Lindsey Schutters
Daily Maverick

Watchdog probes illegal use of Starlink service in South Africa

'Should the investigation yield any breach with regulatory and legislative frameworks, the authority will explore the applicable enforcement actions within its disposal,' Icasa Chairperson Mothibi Ramusi said.

A South African regulator started a probe into allegations that Elon Musk-led SpaceX's Starlink internet-satellite service was operating in the country illegally.

The Independent Communications Authority of South Africa has formally engaged with SpaceX and is awaiting a response, it said in a statement Wednesday.

"Should the investigation yield any breach with regulatory and legislative frameworks, the authority will explore the applicable enforcement actions within its disposal," Icasa Chairperson Mothibi Ramusi said. That may include "lodging a formal complaint with the International Telecommunication Union," he said.

Starlink — which has more than 5 million users globally — delivers broadband internet beamed down from a network of roughly 7,500 satellites that SpaceX started deploying in 2019. South Africa is among several nations on the continent that haven't licensed the service.

Pretoria-born Musk has sought approval to operate Starlink in the country, but has objected to legislation that seeks to boost Black participation in the economy, accusing the government of having "openly racist ownership laws."



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South Africa introduced the rules after the end of apartheid, an era in which the majority of people were excluded from the formal economy by the ruling White minority.

Communications and Digital Technologies Minister Solly Malatsi of the Democratic Alliance, the second-largest party in the nation's governing coalition, last week proposed amending rules to allow companies like Starlink to enter South African without sharing ownership, a move that lawmakers challenged in parliament this week.

Meanwhile, South Africans have found ways around the current restrictions by registering the kit and services in other nearby nations that allow the service and then using the roaming option to access it in their home country.

Malatsi issued the directive two days after President Cyril Ramaphosa met US counterpart Donald Trump in Washington to mend strained relations. Flashpoints include Trump's false claims that White Afrikaner farmers face a genocide in South Africa, a statement also made by Musk, who attended last week's gathering in the White House's Oval Office.

Starlink's technology would be a potential game-changer for South African users who've historically faced expensive or unreliable internet options. Only 2.7% of rural households have access to the web, according to a 2024 survey compiled by the local statistics agency.

The regulator reiterated its "uncompromising position against any form of non-compliance within the South African regulatory environment."

By Loni Prinsloo
Bloomberg



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FINANCE ARTICLES

SOUTH AFRICA

How to ensure the lawful cancellation of credit transactions

The Free State Division of the High Court recently handed down judgment in the case of *Mbombi and Another v BMW Financial Services SA (Pty) Ltd*, where it decided upon the applicability of the National Credit Act 34 of 2005 (**"the NCA"**) to a principal debt arising out of a motor vehicle instalment sale agreement as well as a corresponding suretyship obligation.

Background

On 22 September 2021, BMW Financial Services South Africa (Pty) Ltd (**"BMW"**) and Ignite Services CC entered into an instalment sale agreement in terms of which BMW sold a BMW X6 M50i motor vehicle to Ignite Services CC on credit, subject to the repayment of a total principal debt of ZAR2 155 400.56 in 71 monthly instalments and a residue payment of ZAR600 901.90. On the same day, Sifiso Ndiya Mbombi executed a suretyship agreement binding himself to BMW as surety and co-principal debtor together with Ignite Services CC for the due and punctual payment of all debts and obligations owed to BMW in terms of the instalment sale agreement.

On 22 May 2023, BMW issued summons against Mr Mbombi and Ignite Services CC (**"the applicants"**), cancelling the instalment agreement and seeking judgment against the applicants for repossession of the motor vehicle and payment of the arrears due in terms of the instalment agreement. The applicants failed to enter an appearance to defend the action, whereafter BMW made an application for default judgment, which was granted on 23 November 2023, confirming cancellation of the instalment agreement, repossession of the motor vehicle and granting BMW leave to apply for damages.

The applicants thereafter brought a two-part application to court: Part A entailed an urgent application to stay the execution of a warrant to repossess the motor vehicle which was issued pursuant to the grant of default judgment, whilst Part B applied for a rescission of the default judgment granted in favour of BMW.

In the applicants' founding affidavit, they contended that this transaction fell within the scope of the NCA, and therefore, BMW was required to deliver a notice in terms of section 129 prior to issuing a summons. Ignite Services CC did not receive this notice. Furthermore, whilst Ignite Services CC admitted defaulting on its monthly instalments, it denied that its account was in arrears when default judgment was granted, as five further payments had been made by it. As such, the appellants argued that a default judgment had been erroneously granted.

In response, BMW argued that Ignite Services CC had failed to make due and punctual monthly payments since December 2022 and consequently fell into arrears, which was never fully settled. Further, they served the section 129 notices at the applicants' respective *domicilium* addresses and thereafter issued summons lawfully cancelling the instalment sale agreement. The payments made subsequent to this cancellation were irrelevant, as an agreement cannot be revived once cancelled.

Analysis of the relevant law by the High Court

The High Court noted that in order to succeed in the rescission of a judgment under Uniform Rule of Court 42(1)(a), an applicant must show that the judgment was erroneously granted in the absence of any party affected thereby. An order will be erroneously granted if the court was unaware of a fact which existed at the time of its issue, which would have induced the court not to grant judgment if they had been aware of it. Once an applicant establishes that the judgment was erroneously granted, it is not necessary to show a *bona fide* defence or show good cause for the rescission.

The High Court thereafter examined the provisions of the NCA and noted the following:



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- Section 4(1)(a) provides that the NCA does not apply to a credit agreement if the consumer is a juristic person whose asset value or annual turnover, at the time the agreement is made, equals or exceeds the current threshold value of ZAR1 million.
- Section 4(1)(b) provides that the NCA does not apply to a 'large agreement', as described in section 9(4) read with section 7(1)(b), which includes credit agreements wherein the principal debt equals or exceeds ZAR250,000.
- Section 8(5) provides that an agreement, irrespective of its form, constitutes a credit agreement if a person undertakes to satisfy upon demand any obligation of another consumer in terms of a credit facility or credit transaction to which the NCA applies. This would accordingly include suretyship agreements provided the principal debt arose from a credit agreement subject to the NCA.

The High Court also made reference to the judgment in *Firststrand Bank Ltd v Carl Beck Estates (Pty) Ltd and Another* where it was held that even if the asset value or annual turnover of the principal debtor is below the threshold value of ZAR1 million, the credit agreement giving rise to the principal debt will be exempted from the NCA in terms of section 4(1)(b) if the principal debt arose from a 'large agreement'. In this regard, the High Court highlighted that the motor vehicle instalment sale agreement in this matter was for an amount of ZAR2 155 400.56, and therefore constituted a large agreement, which falls outside the scope of the NCA. Since the NCA was not applicable to the credit agreement which gave rise to the principal debt, the suretyship agreement concluded by Mr Mbombi also did not constitute a credit agreement under the NCA.

The High Court concluded that BMW were therefore not obliged to give notice to the applicants in terms of section 129 of the NCA. Further, BMW had lawfully cancelled the instalment sale agreement by the issuing of the summons on the applicants' respective *domicilium* addresses. As of the date of service of the summons, the applicants had defaulted and were in arrears. The further payments made by the applicants were inconsequential as "*the legal nexus of lawful possession had been terminated and default judgment was correctly granted for the repossession of the motor vehicle*". The High Court accordingly dismissed the applicants' application with costs.

Aslam Moosajee and Laurence Mort
ENSafrica



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FOODSTUFFS ARTICLES

UNITED STATES OF AMERICA

CalRecycle Reissues Draft SB 54 Regulations Targeting California's Plastic Packaging EPR Program

Key Takeaways

- **What Is Happening?** On March 7, 2025, Governor Newsom declined to adopt CalRecycle's initial draft regulations under California's Plastic Pollution Prevention and Packaging Producer Responsibility Act (SB 54), citing concerns that the proposed rules would impose excessive costs on businesses and consumers. In response, CalRecycle reopened the rulemaking process, convening its SB 54 Advisory Board on March 21, 2025, to discuss Governor Newsom's directive and plan the development of a revised regulatory package. CalRecycle published its [Report to the Legislature](#) in May 2025, detailing SB 54's implementation status, and reissued the [proposed SB 54 regulations](#) on May 16, 2025.
- **Who Is Impacted?** All producers of "Covered Materials," which includes single-use packaging and plastic single-use food service ware distributed in California, are directly affected by the revised rulemaking process. In particular, brand owners must closely monitor the process as they are likely to be considered the producer of the covered material and will be responsible for compliance under the EPR program. In certain cases, retailers and distributors may also be considered producers, depending on the covered material and the company's relationship to the material when it is sold, distributed, or otherwise used in California.
- **What Should I do?** Producers that offer for sale, sell, distribute, or import covered materials into California should consider submitting written public comments by the **June 3, 2025**, deadline and attending the hybrid public workshop hosted by CalRecycle on **May 27, 2025**.

Background

Enacted in 2022, [SB 54](#), California's Plastic Pollution Prevention and Packaging Producer Responsibility Act, transfers the cost of collecting, processing, and recycling covered material from local governments to producers (see B&D news alert, [here](#)). The law targets single-use packaging and plastic food service ware (covered material), with the goal by 2032 of ensuring that 100% of single-use packaging and plastic food service ware is either recyclable or eligible to be labeled as compostable.

SB 54 required CalRecycle to adopt implementing regulations by March 8, 2025, following a public consultation process. CalRecycle issued a [first draft of implementing regulations](#) in March 2024 and received extensive public comment. CalRecycle substantially revised the draft regulations twice in response to public comment.

California's Governor Newsom sent the regulations back for revision, citing excessive costs and burdens on businesses. The regulations were expected to cost approximately \$36 billion to implement, resulting in an extra \$300 annually in expenses for each Californian household. CalRecycle initiated a new rulemaking process, proposing updated draft regulations on May 16, 2025.

Key Regulatory Provisions

1. Covered Materials

The proposed regulations would add a new definition of "covered material" which includes plastic single-use food service ware and single-use packaging.

Plastic Single-use Food Service Ware



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“Plastic single-use food service ware” is defined as including, but not limited to, “plastic-coated paper or plastic-coated paperboard, paper or paperboard with plastic intentionally added during the manufacturing process, and multilayer flexible material.” Examples of “single-use food service ware” include trays, plates, bowls, clamshells, lids, cups, utensils, stirrers, hinged or lidded containers, straws, as well as wraps or wrappers, and bags marketed, designed, or intended for use by food service establishments. With respect to food service ware, “single-use” is “an individual item [that] is disposed of after one use if it is discarded after serving one or more of the purposes... without being subsequently washed and used again.”

Single-use Packaging

“Packaging” is defined as including “any separable and distinct material component used for the containment, protection, handling, delivery, or presentation of goods by the producer for the user or consumer”. Examples of “packaging” include sales packaging, transport packaging, and ancillary elements directly attached to or hung onto a product and that performs a packaging function. SB 54 encourages reusable and refillable packaging and provides an exemption to incentivize this use so long as the reuse or refill is associated with the original product. Reuse with a different product does not qualify for the exemption.

For detailed categorization, the regulations reference the Department’s Covered Material Category List, which is available [here](#). The list identifies six broad material classes for packaging – (1) glass, (2) ceramic, (3) metal, (4) paper and fiber, (5) plastic, and (6) wood and other organics.

2. Who is the Producer

Like the statute, the regulations have a hierarchical definition of obligated “producers” in terms of the type of covered material and the company’s relationship to the material when sold, distributed, or otherwise used. Most notably, compared to the December 2024 draft, the proposed changes now clearly differentiate between food service ware and other covered materials with distinct identification hierarchies for each category.

Similar to enacted EPR laws in other states, the producer is primarily the California-based manufacturer that either owns the brand/trademark or has an exclusive license to manufacture under that brand in the state. If the manufacturer is not located in California, the hierarchy shifts to the California-based brand owner of the product sold in product packaging or food serviceware. If neither is present in California, the in-state licensee with exclusive rights to the brand takes responsibility. If there is no brand owner or licensee in the state, the person who first sells or distributes the goods in the state is the producer of all covered material items. If a wholesaler or retailer in the state subsequently obtains the good and uses additional items of covered material packaging, the wholesaler or retailer is considered the producer of such additional items only.

When multiple brands appear on a product, priority is given to the manufacturer's brand or trademark, then to the “most prominently” displayed brand or trademark, with the option of allowing brand owners to “agree among themselves to designate one of the brands or trademarks” as responsible.

3. Exemptions

Producer specific -

- Small volume producers with less than \$1,000,000 in gross sales in the state may apply for exemptions that, if approved, would be valid for two years (extended from the previous one-year period) and could be renewed for an additional two years from the original expiration date.

Material specific -

- Empty packaging materials: A person who manufactures, sells, offers for sale, or distributes empty or unused packaging materials would not be considered a producer. This exemption was newly introduced in the March 2025 draft regulations and was not included in the earlier version.
- Packaging required to comply with USDA or FDA standards.
- Reusable or Refillable Packaging: Defined as packaging or food service ware that is designed and marketed for multiple uses of the same product, built durably to maintain functionality over time, and supported by appropriate infrastructure to ensure convenient and safe reuse or refilling

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through multiple cycles. Producers violate the Act if they falsely claim packaging or food service ware is reusable or refillable when it does not meet the defined criteria.

- Packaging for medical devices and prescription drugs.
- Packaging for certain non-prescription medical products.
- Packaging used for the long-term protection or storage of a good having a lifespan of not less than five years.
- De minimis exclusions: A package component may be exempted as de minimis in weight or volume if it is not an independent plastic component and does not affect recyclability or hinder recycling processes. A PRO or Independent Producer may submit a request to CalRecycle for approval of such an exclusion.

4. Producer Obligations

a. Reporting

Each producer will likely be required to report the following information to the PRO: (1) the total weight of material sold, distributed, or imported in or into the state; (2) the total number of plastic components sold, distributed, or imported in or into the state; (3) the total weight of material that is recycled; and (4) the total weight of material disposed of. On January 8, 2024, CalRecycle selected the Circular Action Alliance (CAA) as the state's inaugural, single PRO.

b. Registration

Each producer, including producers of covered material seeking an exemption, must register within 30 days of the effective date of the regulations. According to the Advisory Board's meeting minutes, CalRecycle proposes that all producers become members of the PRO by October 1 and submit their 2023 supply-baseline reports by November 1, 2025.

c. Labeling

A product may only be labeled "compostable" if it meets the ASTM [Standard D6400](#) or [Standard D6868](#) or if the product has an "OK compost HOME certification," which is the certification of conformity with the existing [TUV Austria certification](#). A third-party certification entity approved by CalRecycle must certify that the product meets the ASTM Standard or any other additional standard adopted by CalRecycle.

A product may only be considered "recyclable" if the covered material is of a material type that is (1) collected for recycling by recycling programs that collectively encompass at least 60% of the population of the state and (2) sorted into defined recycling streams by large volume processing facilities that collectively serve at least 60% of the state's recycling programs. To help producers make this determination, CalRecycle will publish a Material Characterization Study that evaluates which material types are actively collected, sorted, and recorded by recycling systems across the state. CalRecycle published the [Preliminary Material Characterization Report](#) on December 28, 2023. The Final Report is still pending.

Products made solely of fiber and containing no plastics or polymers, as defined by law, may be exempt from the certification requirement if the producer or PRO maintains detailed documentation demonstrating plastic-free composition and manufacturing processes. PROs must retain this for three years after the product is sold and made available to CalRecycle upon request.

d. Producer Fees

Before approval of an initial PRO plan and for the two years following that approval, the PRO will charge all participant producers a fee based on the covered material category and quantity of covered material supplied in the state. After the two-year period (or earlier if the PRO has sufficient data), the PRO will begin implementing eco-modulated fees as described in the approved plan. The eco-modulated fees consider the type of material, the cost of managing that material at the end of its life, and any associated environmental mitigation costs. Eco-modulated fees are designed to incentivize producers to opt for materials that are easily recyclable and less harmful to the environment.

5. Enforcement



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Any failure to satisfy reporting, registration, or other obligations under the law would constitute a violation each day such courses of action persist and for each product that uses non-compliant covered material, regardless of the number of units distributed or sold. The Department will issue a written Notice of Violation and determine whether to request a corrective action plan or impose immediate penalties. Under SB 54, CalRecycle may impose an administrative civil penalty of up to \$50,000 per day per violation. Note that while the PRO does not have enforcement authority, it may report non-compliant producers to CalRecycle, which could trigger enforcement actions by the agency.

Opportunities To Participate

CalRecycle is hosting an informal regulatory workshop on Tuesday, May 27, 2025, from 10AM -4 PM(PDT). The purpose of this workshop is to informally consult with the public, the regulated community, and other interested parties to solicit feedback regarding the regulations. More information will be available on the [SB 54 Plastic Pollution Prevention and Packaging Producer Responsibility Act Permanent Regulations rulemaking webpage](#) prior to the meeting. Interested parties can register [here](#).

The Department is currently accepting public comments on the proposed regulations until June 3, 2025.

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LEGAL ARTICLES

SOUTH AFRICA

The delay of prescription in claims between close corporations and its members

The laws of prescription in South Africa are governed by the Prescription Act of 1969 (**“the Prescription Act”**), which delineates various time limits within which legal claims must be pursued and enforced, failing which they will be extinguished and the debtor’s obligation to repay the debt will lapse. The primary purpose of extinctive prescription, as noted by the then Appellate Division in *Leipsig v Bankorp Limited* (1994), is *“to promote certainty in the ordinary affairs of people”*.

The Appellate Division then further elaborated that the Prescription Act also embodies a principle in section 13(1) which is inconsistent with the promotion of certainty, namely that prescription is delayed in circumstances where an ‘impediment’ exists. An ‘impediment’, in this regard, may refer to *“some legal or practical problem which makes its difficult or undesirable for a creditor to institute proceedings for the enforcement of his claim against the debtor – which impediment will delay the running of prescription, and that prescription will only commence running again after the impediment has ceased to exist”*.

Recently, South Africa’s Supreme Court of Appeal (**“the SCA”**) heard an appeal from the North West Division of the High Court in the case of *Steyn and Another v Venter and Others*, which shed guidance on the difference in corporate governance between close corporations and companies. In particular, the issue for determination was whether a close corporation has a ‘governing body’ as contemplated by section 13(1)(e) of the Prescription Act, and if so, whether this subsection delayed the completion of the prescription of several claims against members of a close corporation.

The claims against the appellants

Ockert Jacobus Steyn and Lieze Van Der Merwe (**“the appellants”**) and Wernich Venter (**“first respondent”**) were all members of Hartzer and Steyn Beleggings CC (**“the CC”** or **“second respondent”**). Mr Venter instituted an action against the appellants in terms of section 50 of the Close Corporations Act, 1984 (**“the CC Act”**) based on the appellants’ obligation to repay several loans to the CC, alternatively, on the appellants’ unlawful misappropriation of the CC’s funds.

The first claim related to immovable property, which was purchased by the CC in 1999 and sold for ZAR4 million in March 2009. The respondents submitted that the purchase price was incorrectly paid to the appellants instead of the CC. The appellants argued that this claim had prescribed since more than 11 years had passed before service of the summons.

The second claim related to rental income earned from 2001 to 2008 on a farm owned by the CC and leased to Abathali Boerdery CC. The respondents similarly argued that this rental income had been incorrectly paid to the appellants instead of the CC, whilst the appellants held that each rental payment claim had since prescribed.

The third claim involved alleged payments made to the appellants from funds belonging to the CC, which commenced in January 2005, with the last payment being made in May 2013. Although each impugned transaction was subject to a different date of prescription, more than 3 years had passed prior to service of summons in 2019 and accordingly had prescribed.

The applicability of section 13 of the Prescription Act

In response to the appellants’ plea of prescription to these claims, the respondents argued that since the appellants have at all material times been members of the CC, the completion of prescription had been delayed in terms of section 13(1)(e) of the Prescription Act which provides for such a delay in circumstances where *“the creditor is a juristic person and the debtor is a member of the governing body of such juristic person”*. In such a case, the period of prescription shall not be completed before a year has



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elapsed after the relevant period of prescription would, but for the provisions of this subsection, be completed before or on, or within one year after, the day on which the relevant impediment has ceased to exist.

This argument was disputed by the appellants, who argued that section 13(1)(e) is only applicable to companies since a close corporation does not have a governing body. The appellants noted the judgment of *Northview Shopping Centre (Pty) Ltd v Reveles Properties* (2010), where the SCA held that a "... a close corporation is intended to be a simple entity, akin to a partnership, but with limited liability". Further, "*The complex requirements of company law are not intended to apply to them*" and "*it is partnership principles rather than company law principles that govern the relationship between members*".

The appellants contended that, unlike the existence of shareholders and a board of directors in a company, there is no distinction in a close corporation between the persons with a financial interest in its affairs and those permitted to take part in its operational decisions. Section 46 of the CC Act entitles, but does not oblige, members of a close corporation to participate in the carrying on of the business. Thus, members of a close corporation do not have to act together to bind the corporation as per section 54 of the CC Act. Accordingly, a close corporation by its very nature does not have a 'governing body' but is rather governed by each individual member, akin to a partnership.

The views of the SCA

The SCA noted that the applicability of section 13(1)(e) is not limited to companies as it refers to all juristic entities. The SCA agreed with the respondents that section 13 covers a wide range of 'impediments', including a situation where, such as in the case of a close corporation and its members, mutual trust is the "*lifeblood of the relationship between a creditor and a debtor*". Further, the appellants had failed to differentiate between the 'internal management' of a close corporation governed by section 46 of the CC Act, and the powers of a member to bind a close corporation 'externally' as per section 54 of the CC Act. The effect of section 46, as submitted by the respondents, makes every member of a close corporation *ipso facto* a member of its governing body.

The SCA noted, with reference to the judgment in *Jaquire and Another v Oberholzer and Others* (2020), that the fundamental nature of a close corporation is entrenched in the relationship between its members who owe their fiduciary duties to the corporation as a separate legal persona and not to each other, as is the case with partners. Accordingly, the purpose of section 13(1)(e) is to protect the close corporation from the actions of its own members and to enhance the trust relationship between them.

The SCA also referred to the judgment in *Van Deventer and Another v Nedbank Ltd* (2016) where the High Court had held that "*if close corporations had existed when the Prescription Act was enacted, there would have been no conceivable reason to treat them differently from sole proprietorships, partnerships, trusts and companies*". The High Court also held that if section 13(1)(e) and 13(1)(d) of the Prescription Act delay prescription in relation to a company and a partnership, respectively, there is no reason why a close corporation should not have the same protection. Thus, section 13(1)(e) must apply equally to a close corporation.

The SCA concluded that although the CC Act does not expressly use the term 'governing body', section 46 of the Act outlines the collective responsibilities and obligations of members of a close corporation typically associated with governance. It can therefore be concluded that members of a close corporation comprise its governing body in terms of section 13(1)(e) of the Prescription Act. As a result, the SCA held that the High Court had correctly dismissed the appellants' pleas of prescription.

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MEDICAL ARTICLES

UNITED STATES OF AMERICA

Summary of Health Care Provisions in the “One Big Beautiful Bill Act”

On May 22, the U.S. House of Representatives passed the One Big Beautiful Bill Act ([H.R. 1](#)), an extensive budget reconciliation package that advances President Trump’s plan to enact his economic agenda. After a series of ongoing negotiations with various factions within the Republican party, the bill passed narrowly by a 215-214-1 vote, with only Reps. Thomas Massie (R-KY) and Warren Davidson (R-OH) joining Democrats in opposition to the bill, and Rep. Andy Harris (R-MD) voting present.

Included in the highly anticipated bill was the House Energy and Commerce Committee’s title containing controversial health care-related provisions. The committee held a lengthy markup session on May 13 and 14. After nearly 27 hours of debate and consideration of dozens of amendments, the committee ultimately voted 30–24 along party lines to approve the package, including the [health subtitle](#).

Among many other provisions, the health subtitle would impose work and community engagement requirements on Medicaid expansion populations, introduce copays at \$35 for certain enrollees and reduce retroactive Medicaid and Children’s Health Insurance Program (CHIP) coverage from 90 days to 30 days. The bill would also enact limits on new provider taxes and state directed payments (SDPs), as well as a ban on Medicaid funding for gender transition therapies. It also includes notable reforms for pharmacy benefit managers (PBMs) and expands and clarifies the exclusion for orphan drugs under the drug price negotiation program.

The markup process revealed deep partisan divisions, particularly over proposed changes to Medicaid. Republicans, led by Chairman Brett Guthrie (R-KY), emphasized the need to rein in spending and prevent fraud by introducing work requirements, limiting retroactive coverage and restricting provider taxes. Republicans argued the reforms are necessary to protect Medicaid’s long-term viability and ensure resources reach the most vulnerable populations, pointing to protections and exceptions included in the bill’s work requirements provision. Democrats, led by Ranking Member Frank Pallone (D-NJ), denounced the legislation as a direct attack on low-income Americans. Democrats cited a [report](#) issued by the Congressional Budget Office (CBO) projecting that up to 13.7 million people could lose Medicaid coverage by 2034, warning of increased uncompensated care and strain on rural hospitals. Ultimately, Republicans rejected all amendments offered by Democrats.

The House Ways and Means Committee also [adopted](#) its section of the budget reconciliation bill on May 14 by a 26-19 vote. This section includes several significant health care provisions, featuring sweeping changes related to Health Reimbursement Arrangements (HRAs), Health Savings Accounts (HSAs), Medicare and Affordable Care Act (ACA) premium tax credits. The package also introduces structural reforms to Medicare and the ACA exchange. It expands eligibility for closed rural hospitals to reopen under the Rural Emergency Hospital (REH) designation and provides \$25 million for the Department of Health and Human Services (HHS) to use artificial intelligence (AI) in identifying and recouping improper Medicare payments. Immigration-related restrictions are central to the bill’s health care provisions, eliminating Medicare and premium tax credit eligibility for undocumented immigrants and individuals with temporary immigration status. It also tightens ACA tax credit rules by requiring annual verification, eliminating special enrollment period access based on projected income, and removing caps on repayment of excess tax credits. Collectively, these provisions reflect a Republican strategy focused on limiting federal health spending, enforcing eligibility requirements and shifting coverage options toward market-based solutions.

During the markup, 38 Democratic-supported amendments were offered, but none were adopted. Notably, Rep. Steven Horsford (D-NV) offered an amendment to extend the enhanced Advanced Premium Tax Credits (eAPTCs) permanently, though the amendment failed. Reps. Terri Sewell (D-AL) and Lloyd Doggett (D-TX) also offered amendments to preserve the eAPTCs, though they too did not get approved.



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All recommendations from the relevant House committees were ultimately combined and [approved](#) by the House Budget Committee after a weekend of continued negotiations. In a late night vote on Sunday, May 18, the committee voted 17-16 to advance the package, after four Republican holdouts—Reps. Ralph Norman (R-SC), Chip Roy (R-TX), Andrew Clyde (R-GA) and Josh Brecheen (R-OK)—who tanked the first vote on Friday, ultimately voted present.

The legislation then [passed](#) out of the House Rules Committee by an 8-4 vote on May 21 after more than 24 hours of debate. Several health care-related amendments impacting the House Energy and Commerce Committee subtitle were added. Notably, the committee approved: (1) moving the implementation date for biannual redeterminations of coverage for adults covered by Medicaid; (2) limiting retroactive coverage in Medicaid; and (3) requiring states to establish Medicaid work requirements by Dec. 31, 2026. The revised bill also moved to eliminate the discretion of future administrations to waive work requirements for various populations and ensure federal Medicaid does not fund gender transition therapies or procedures for minors or adults. Furthermore, it adjusted the limits on new SDPs, providing non-Medicaid expansion states with a cap of 110% of the Medicare rate for a given health care service, grandfathering in any existing SDPs above that rate in such states. Lastly, it inserted a new section to appropriate cost-sharing reduction payments (CSRs) for low-income beneficiaries in the individual market.

The Senate has yet to announce a formal schedule but is expected to take up the House-passed version in June. Final reconciliation between the House and Senate versions is anticipated later this summer, setting the stage for high-stakes negotiations, especially over Medicaid policy and federal spending priorities.

A full breakdown of the House-passed health care provisions under the jurisdictions of the Energy and Commerce and Ways and Means committees is linked [here](#).

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CMMI Unveils New Strategic Direction: Preventive Care, Patient Empowerment, and Competition

The Center for Medicare and Medicaid Innovation (CMMI) recently announced a new strategic direction during a public [webinar](#) and accompanying [white paper](#), outlining its evolving priorities under the current administration. During the May 13, 2025 webinar, Abe Sutton, Director of CMMI and Deputy Administrator for the Centers for Medicare & Medicaid Services (CMS), emphasized CMMI's continued mission to improve the U.S. health care system and to build on its 15 years of testing alternative payment models. As described in more detail below, however, CMMI's new strategic direction reflects a shift in focus from CMMI's approach under the Biden administration even while certain longstanding goals remain the same.

CMMI Under the Trump Administration: Prevention, Patient Empowerment, and Competition

CMMI's new strategy emphasizes evidence-based prevention, personal agency, and market competition as central pillars to improving health outcomes and reducing costs. This three-pillar approach is structured around the following strategies:

1. **Promote Evidence-Based Prevention.** While CMMI has arguably been focused on preventive care for some time (e.g., the PC Flex Model, which focused on incentivizing primary care and preventive services), in his comments Sutton highlighted a renewed emphasis on prevention to avoid disease occurrence, promote early disease detection, and manage chronic diseases. Specifically, CMMI will include preventive care measures in all of its models, which may include working with community-based organizations to assist with nutrition and lifestyle counseling or offering access to evidence-based alternative medicine. Other examples offered by CMMI include (i) waivers for accountable care entities to assume global risk to provide durable medical equipment (DME) if the DME supports patients' ability to transition or remain in their homes, (ii) reduced cost-sharing for preventive services, and (iii) payments to caregivers to support individuals with cognitive decline.
2. **Empower People to Achieve Their Health Goals.** Under CMMI's new strategy, CMMI will aim to give individuals more control over their health care decisions by increasing access to usable data aimed at supporting individuals' understanding of their health status. For example, CMMI may use models to test how mobile device applications, shared decision-making tools, and health education materials empower people to manage their chronic conditions and improve their health.



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CMMI may also explore opportunities to support individuals' decision-making by publishing data about providers and services, including costs and quality performance. Lastly, CMMI indicates that it is considering waivers to support predictable cost-sharing for certain health care items, specifically prescription drugs or medical devices.

3. **Drive Choice and Competition.** The third strategic pillar focuses on supporting a competitive health care marketplace where providers are incentivized to deliver high-quality, cost-effective care. CMMI discusses designing models intended to incentivize participation by independent physician practices and providers that are not part of a larger health system or owned by a health plan. It is worth noting that CMMI has endeavored to incentivize these types of entities' participation in value-based care for several years as demonstrated by its ACO REACH and PC Flex Models, both of which included incentives for smaller organizations that had not previously participated in a CMMI model. The new CMMI strategy also addresses potential changes to Medicare Advantage models, which, for example, could include requirements for site-neutral payments across care settings to incentivize the use of outpatient and community-based care.

CMMI's white paper also states that these strategic pillars are underpinned by a foundational commitment to protecting federal taxpayer dollars. Under its new approach, CMMI states that it will focus on models that are fiscally responsible and scalable, aligning with its statutory mandate to reduce program expenditures while preserving or enhancing quality of care.

CMMI Under the Biden Administration: Emphasizing Health Equity and Aligning with Stakeholders to Achieve System Transformation

While there are similarities between CMMI's new strategic approach and CMMI's previous strategic approach, introduced in 2021, they differ in focus and implementation. The previous strategic approach emphasized health equity, multi-payer alignment, and person-centered care as opposed to an emphasis on market-based competition and patient choice. The prior strategic direction was around five key objectives:

1. **Drive Accountable Care.** CMMI aimed to expand the number of beneficiaries in care relationships accountable for quality and total cost, aiming for universal Medicare fee-for-service participation by 2030. The new strategic direction appears to reiterate that goal by stating that new model designs could require a growing proportion of beneficiaries in global downside risk arrangements.
2. **Advance Health Equity.** Previously, CMMI endeavored to integrate equity into every model by collecting demographic data, addressing social determinants of health, and ensuring underserved populations were represented. This objective is notably absent from the new strategic direction, which instead focuses on patient empowerment.
3. **Support Care Innovations.** One of CMMI's previous objectives was to use data, technology, and payment flexibilities to enable integrated, person-centered care, including behavioral health and home-based services. While the new CMMI strategy also focuses on using data and technology to improve health care, the focus is on empowering patients with more data to help them take control of their health care.
4. **Improve Access by Addressing Affordability.** Under its prior strategic direction, CMMI emphasized reducing health care prices, particularly with respect to drug prices, and using models that waive cost-sharing. CMMI's new strategic direction echoes these goals. One distinction, however, is that the prior strategy included a goal of setting targets to reduce the percentage of Medicare beneficiaries who forgo care due to cost – a goal that is not specifically mentioned in the new strategic direction.
5. **Partner to Achieve System Transformation.** Previously, CMMI had a goal to align priorities across CMS and engage stakeholders, including payers, purchasers, states, patient advocates, and patients, to improve quality, outcomes, and reduce costs, targeting multi-payer alignment in all new models by 2030. In contrast, the new CMMI direction calls for increasing financial risk for providers and discontinuing models that fail to meet cost-saving criteria.

Looking Ahead

These contrasting strategies illustrate the impact of administrative philosophies on health care policy and the direction of innovation within Medicare and Medicaid services. As CMMI continues to develop and then implements its updated strategy, stakeholders can expect a sustained emphasis on value-based care, with evolving priorities that reflect the current administration's policy framework. The coming years will likely



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bring new models and initiatives aimed at improving outcomes, enhancing patient engagement, and ensuring fiscal responsibility in Medicare and Medicaid services.

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PUBLIC SECTOR ARTICLES

SOUTH AFRICA

RAF 'deliberately withholding' information from Scopa

The SIU tells us that one law firm has received an incredibly disproportionate portion of the work allocated by the RAF – Scopa chair.

The Road Accident Fund (RAF) has been accused of deliberately withholding information from Parliament's Standing Committee on Public Accounts (Scopa) about the top 10 law firms to receive briefs and payments from the fund.

Scopa chair Songeza Zibi said on Wednesday he has asked for this information twice, the first time on 6 November 2024. He now believes "this information is being deliberately withheld from the committee for improper reasons".

"In the intervening period, the SIU [Special Investigating Unit] came to brief the committee and one of the things that they told us is that one of the law firms has received an incredibly disproportionate portion of the work allocated by the RAF.

"We do not know who that law firm is but you can see why that information is pertinent."

He said he cannot understand "why it is easy to provide the plaintiff information but it seems impossible to provide the corporate legal services information" when the committee has asked for it in writing and in the sitting.

Zibi said one of the things he is concerned about is that there are names of law firms that appear on both the lists.

What does the RAF chair say?

RAF chair Lorraine Francois apologised for the information not being provided and assured the committee it will be provided.

Zibi said his difficulty is that Francois was in the meeting and knew Scopa asked for this information, which has not been provided.

Zibi said it would not be unfair to hold Francois responsible for the failure to provide this information because the board is the accounting authority.

Francois said the RAF board secretary takes note of Scopa's requirements but they always assume that it is the responsibility of the RAF CEO and executive to put this information together.

Controversial RAF CEO Collins Letsoalo was placed on special leave with full pay and benefits by the board on Tuesday as a precautionary measure, but it was stated that this did not constitute disciplinary action.

Francois said most of the time, the information requested gets submitted directly to Scopa.



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"We are a non-executive board so we don't review everything that comes here directly.

"That is the responsibility of the executive. Now I take full accountability and will ensure this happens. But to respect the request of this committee, I will now get to that level to make sure we will provide this information," she said.

Scopa member Mark Burke of the DA took issue with her answer and asked her what her annual compensation is. Francois said it is about R1.2 million.

"You get paid R1.2 million, which is the equivalent of a parliamentary salary and in your mind it's too operational for you to respond to the [request] for information," said Burke.

"That [it] is beyond the scope of your work. Does that seem reasonable to you?"

Zibi said he would answer this question.

"You [Francois] didn't think it was important enough because I have raised it twice and you simply didn't bother to check.

"We are not asking you to be operational. I am asking you to ensure that the needs of the committee are met by way of information," he said.

'Terminate the board immediately'

Scopa member Alan Beesley of ActionSA followed up by stating that he found Francois's response dumbfounding.

"I saw the list that [Zibi] asked for. It's not an extensive list," said Beesley.

He requested that Deputy Minister of Transport Mkhuleko Hlengwa write letters of termination immediately to the RAF board because it is acting with immunity at the moment and treating parliament with disrespect, which is totally unacceptable.

Acting RAF CEO Phathutshedzo Lukhwareni said a panel of 43 law firms was appointed by the RAF in December 2023, but only 19 were briefed and paid during the 2023 and 2024 financial years "at the time of preparing the report".

Lukhwareni said a total R6 million was paid to these law firms in 2023, and around R104 million in 2024.

He said it is a panel (of law firms) and obviously the selection takes place depending on the complexity of the matter.

No state security clearance

Scopa was also told that not a single member of the RAF's board or senior executive has a security clearance from the State Security Agency (SSA).

Lukhwareni said all the forms have been submitted to the SSA for the vetting process and interviews have been held with some of the executives but "from here on it's beyond our control from a RAF perspective and SSA is responsible".

Zibi said something does not match because on 16 October 2024 he had an exchange with Francois about the vetting of officials and one official, Letsoalo, was said to be vetted.

Zibi pointed out that Letsoalo said in March 2025 that he had been vetted – and the difference between what he said then and the state of affairs now "means for the second time he lied to the committee".

"I asked him about the treasurer at the RAF and he [also] lied about that."



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Scopa member Patrick Atkinson of the DA said Letsoalo – who was initially acting CEO of the RAF and has now been CEO for five years – has been without a security clearance for seven years.

Atkinson said the problem with that is that (without clearance) Letsoalo has not been legally appointed to that position and the question then is how would he have the authority to take the legal action he has against the Auditor-General (AG).

The RAF unsuccessfully applied to review and set aside the AG's disclaimer of the fund's 2020/2021 annual financial results and to declare the disclaimer invalid and unlawful.

The AG issued the disclaimer because the RAF used an accounting standard it was [not permitted to use](#).

"I understand the court might give him six months to get his security clearance but not seven years," Atkinson said.

"If he has been operating for seven years without a security clearance, it raises a massive legal issue about a whole variety [of issues] about the accounting principles, not paying out medical aids and foreigners and a whole variety of board minutes which are illegal."

Zibi said he would have to take legal advice on that and would not hold the Department of Transport or RAF responsible for the tardiness of the SSA.

He said Scopa will take that up with the responsible minister, but the committee needs to work out if Scopa was misled when the CEO told the committee that he had been vetted.

By Roy Cokayne
Moneyweb

Gauteng High Court rules against controversial CaseLines tender

The Gauteng High Court, Pretoria, has overturned the tender awarded by the Office of the Chief Justice regarding the procurement of the online CaseLines project, following the subcontract which was earlier awarded to three senior OCJ officials who had, meanwhile, resigned.

The matter involved the award of a departmental tender to a company, Thomson Reuters (Professional) UK Ltd (TR), which had subcontracted to a local company whose shareholders were the three senior OCJ officials.

The OCJ lodged the self-review application after it emerged that some OCJ officials who were involved in various stages of the procurement process that led to the appointment of TR as the preferred supplier of CaseLines, stood to benefit from the contract as subcontractors to TR.

Meanwhile, the court this week declared the tender to be inconsistent with the Constitution, unlawful, and invalid.

The interim contract between the OCJ and TR, made by an order of court in August 2023, remains effective, pending the conclusion and coming into effect of a new contract for the provision of CaseLines between OCJ and TR.

The OCJ's procurement of the CaseLines software, licences, resources, support, and maintenance from TR for the implementation of the Court Online solution was, meanwhile, declared to be a sole-source service provision.

In a statement issued by the OCJ, it welcomed the ruling and said the order vindicated the justice office's longstanding opposition to the impugned contract and reaffirmed the organisation's zero tolerance of fraud and corruption.

"The department looks forward to putting in place a lawful and valid contract for CaseLines in fulfilment of its mandate to provide support to the judicial system by rendering effective and efficient court administration services," the OCJ said



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The court online system, where all matters before the court are filed electronically, is currently in use in Gauteng, and it is due to be rolled out to other provinces.

A procurement process was initiated in 2021 for the evidence management part of the court online system. Following a sole-source procurement process, the OCJ awarded a contract to Thomson Reuters to provide software, licences, resources, support, and maintenance for 60 months, commencing in April 2022.

The OCJ later noted that the three directors involved in the tender were its employees. By then, the three directors had already submitted their resignation letters to the OCJ and were serving their notice period.

Their subcontract between their company, ZA Square Consulting, and TR has, meanwhile, been cancelled. The three former employees are Nicolaas Coetzer, Nkosikhona Mncube, and Yvonne van Niekerk.

Zelda Venter
IOL

✚ END