LC GAZETTE WATCH | THE LEGAL TEAM | LC NEWSFLASH

04 -10 September 2025

Dear Subscribers,

Please see this week's Gazette, where we have unpacked the following happenings:

COMPETITION

competition commission south africa

- **Competition Act:** Publication of guidelines on the Commission's handling of confidential information in terms of section 79(1) of Act

FINANCE

- **Financial Sector and Deposit Insurance Levies Act: 2022:** Proposed Amendments: Comments invited

LABOUR

- **Labour Relations Act**: Code of Practice: Dismissal

LIQUOR

- **Liquor Amendment Bill** B21-2025

In the news

- A blueprint for Namibia's green industrialisation
- When will South Africa's NPS Bill come into force? Navigating the road to implementation
- The Draft Central Bank of Kenya (Non-Deposit Taking Credit Providers) Regulations, 2025
- Modernising Workplace Discipline: A Short Guide to the 2025 Dismissal Code

Alison and The Legal Team

04 -10 September 2025

CONTENTS

AGRICULTURE

LAW AND TYPE OF NOTICE

Plant Improvement Act:

Deciduous Fruit Plant Certification Scheme

G 53293 RG 11882 GoN 6575

05 September 2025

APPLIES TO:

1. Agricultural Nurseries and Propagators

- These businesses produce certified plant material (e.g., apple, pear, plum trees).
- They must comply with the updated disease testing and visual inspection standards.
- Likely to invest in plant health diagnostics, laboratory testing, and quality control systems.

2. Commercial Fruit Growers and Orchards

- Farmers who purchase certified plants for fruit production.
- The amendments help ensure disease-free planting stock, reducing crop losses and improving yield.
- May need to update procurement practices to align with certification requirements.

3. Agricultural Exporters

- Exporters of deciduous fruit plants or fruit products.
- Certification ensures compliance with international phytosanitary standards, facilitating trade.
- Helps avoid border rejections due to plant health concerns.

4. Research Institutions and Plant Pathology Labs

- Involved in testing for viruses and pathogens listed in the amendment.
- May see increased demand for diagnostic services and research on disease resistance.

5. Regulatory Bodies and Inspectors

- Government agencies and inspectors responsible for enforcing the Plant Improvement Act.
- Will need to update inspection protocols and train staff on the new requirements.

6. Agricultural Supply Chains and Retailers

- Businesses selling certified plant material to growers.
- Must ensure that their inventory complies with the updated scheme to maintain certification status.

7. Environmental and Biosecurity Agencies

- Interested in preventing the spread of invasive pathogens and maintaining ecosystem health.
- The scheme supports broader biosecurity and sustainability goals.

SUMMED UP

Purpose

To amend Part 3 of Schedule 1 of the Deciduous Fruit Plant Certification Scheme, originally published in 1993 and updated multiple times since.

Key Amendments

1. Viral Disease Testing Requirements

Plant material and plants must test free of the following viruses:

- Prune dwarf virus (PDV)
- Prunus necrotic ringspot virus (PNRSV)
- Apple stem grooving virus (ASGV)
- Apple mosaic virus (ApMV)
- Apple stem pitting virus (ASPV)
- Apple chlorotic leafspot virus (ACLSV)

2. Visual Inspection Requirements

Plants must be visually free of the following pathogens and disorders:

- **Bacterial diseases**:
    - Platycarpa scaly bark
    - Pseudomonas syringae (two pathovars causing bacterial canker)
    - Xanthomonas campestris (bacterial spot)
    - Agrobacterium tumefaciens & rhizogenes (crown gall)

- **Fungal diseases**:
    - Chondrostereum purpureum (silver leaf)
    - Diaporthe spp., Diplodia seriata, Cytospora spp., Eutypa lata (cankers)
    - Schizophyllum commune, Trametes versicolor (wood decay)

- **Root and crown rot organisms**:
    - Armillaria, Cylindrocarpon, Dactylonectria
    - Phytophthora, Pythium, Rhizoctonia, Rosellinia, Verticillium

- **Physiological disorders**:
    - Apple flat limb, leaf pucker, rubbery wood
    - Pear necrotic spot, vein yellows

FULL TEXT

DETAILS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. R. 6575 5 September 2025

PLANT IMPROVEMENT ACT, 1976
(ACT No. 53 OF 1976)

DECIDUOUS FRUIT PLANT CERTIFICATION SCHEME

I, John Steenhuisen, Minister for Agriculture, acting under section 23 of the Plant Improvement Act, 1976 (Act No. 53 of 1976), after consultation with the Minister of Finance, hereby substitute the Schedule for the Deciduous Fruit Plant Certification Scheme published under Government Notice No. R. 1971 of 15 October 1993, as amended.

MR J STEENHUISEN, MP
MINISTER FOR AGRICULTURE
DATE: 25-07-25

SCHEDULE

Definition

1. In this Schedule, "the Scheme" means the Deciduous Fruit Plant Certification Scheme published by Government Notice No. R. 1971 of 15 October 1993, as corrected by Government Notice No. R. 453 of 22 March 1996, and amended by Government Notice Nos. R. 564 of 18 April 1997, R. 1305 of 10 October 1997, R. 262 of 5 March 1999, R. 42 of 28 January 2011 and R. 226 of 19 March 2021.

Amendment of Part 3 of Schedule 1 of the Scheme

2. *Part 3 of Schedule 1 of the Scheme is hereby amended by-*

(a) the substitution for subparagraph 3.1.1.1 with the following subparagraph:

3.1.1.1 Plant material and plants shall test free of the following viral diseases:

Prune dwarf virus (PDV)
Prunus necrotic ringspot virus (PNRSV)
Apple stem grooving virus (ASGV)
Apple mosaic virus (ApMV)
Apple stem pitting virus (ASPV)
Apple chlorotic leafspot (ACLSV)

(b) the substitution for subparagraph 3.1.1.2 with the following subparagraph:

3.1.1.2 Plant material and plants shall be visually free of the following pathogens:

Platycarpa scaly bark (SB)
Pseudomonas syringae pv. syringae (Bacterial canker)
Pseudomonas syringae pv. morsprunorum (Bacterial canker)
Xanthomonas campestris pv. pruni (Bacterial spot)
Agrobacterium tumefaciens (Crown gall)
Agrobacterium rhizogenes (Crown gall)
Chondrostereum purpureum (Silver leaf)
Diaporthe spp., Diplodia seriata, Cytospora spp., Eutypa lata, (Cankers)
Schizophyllum commune, Trametes versicolor (Wood decay)
Armillaria, Cylindrocarpon, Dactylonectria (Root and crown rot organisms)
Phytophthora
Pythium
Rhizoctonia
Rosellinia
Verticillium
Apple flat limb
Apple leaf pucker
Apple rubbery wood
Pear necrotic spot
Pear vein yellows

LINK TO FULL NOTICE

[**Plant Improvement Act: Deciduous Fruit Plant Certification Scheme**]
G 53293 RG 11882 GoN 6575
05 September 2025

53303rg11882gon6575.pdf

ACTION

1. Agricultural Nurseries & Propagators

Actions Required:

- Update testing protocols to include all newly listed viruses and pathogens.
- Implement or upgrade diagnostic testing (e.g., ELISA, PCR) for viral diseases like PDV, PNRSV, ASGV, etc.

- Train staff to visually identify symptoms of listed pathogens and disorders.
- Maintain detailed records of plant health inspections and test results.
- Dispose of infected or non-compliant plant material to prevent spread.

2. Commercial Fruit Growers

Actions Required:

- Source certified plant material only from compliant nurseries.
- Monitor orchards for symptoms of listed diseases and disorders.
- Report and manage outbreaks in accordance with biosecurity protocols.
- Collaborate with nurseries to ensure traceability of plant material.

3. Exporters of Plants or Fruit

Actions Required:

- Verify certification status of all plant material before export.
- Ensure compliance with importing countries' phytosanitary requirements, which may align with or exceed the scheme.
- Maintain documentation for inspections and customs clearance.

4. Plant Pathology Labs & Research Institutions

Actions Required:

- Expand testing services to cover all newly listed pathogens.
- Develop or validate new diagnostic methods for hard-to-detect pathogens.
- Support nurseries and growers with training and consultation.

5. Government Inspectors & Regulatory Bodies

Actions Required:

- Revise inspection checklists and training materials to reflect the updated scheme.
- Conduct audits and inspections of nurseries and growers.
- Enforce compliance through penalties or revocation of certification if necessary.

6. Agricultural Retailers & Supply Chains

Actions Required:

- Ensure all plant stock is certified under the updated scheme.
- Educate customers (especially small-scale growers) about the importance of certified material.
- Keep records of plant sources and certification documents.

LAW AND TYPE OF NOTICE

Marketing of Agricultural Products Act:

Declaration of Agricultural Products: Amendment (English/Afrikaans)

G 53293 RG 11882 GeN 6574

05 September 2025

APPLIES TO:

Industries & Organizations Affected

1. Deciduous Fruit Growers & Orchards

- Apple, pear, plum, peach, nectarine, and cherry producers.
- These growers must ensure their plant material is free from the listed viruses and pathogens to comply with certification standards.

2. Nurseries & Propagation Facilities

- Businesses that propagate and sell certified fruit trees.
- They are directly responsible for testing and visually inspecting plant material before sale.

3. Agricultural Exporters

- Companies exporting deciduous fruit trees or fruit products.
- Certification ensures compliance with international phytosanitary standards, which is crucial for market access.

4. Plant Pathology & Diagnostic Labs

- Labs conducting virus and pathogen testing.
- The updated list of diseases affects their testing protocols and service offerings.

5. Agricultural Extension Services

- Government and private advisors who support farmers with compliance and best practices.
- They play a role in educating stakeholders about the updated requirements.

6. Regulatory Bodies

- Department of Agriculture, Land Reform and Rural Development (DALRRD) and affiliated inspectors.
- Responsible for enforcing the certification scheme and conducting audits.

7. Research Institutions & Universities

- Especially those focused on plant health, virology, and horticulture.
- May need to update curriculum, research focus, and extension materials.

8. Agri-Insurance Providers

- Disease-free certification can influence risk assessments and insurance premiums for growers.

SUMMED UP

Purpose: Substitution of the Schedule for the Deciduous Fruit Plant Certification Scheme originally published in 1993 and amended several times.

Key Amendments to Schedule 1, Part 3 of the Scheme

1. Viral Disease Testing Requirements (Subparagraph 3.1.1.1)

Plant material and plants must test free of:

- Prune dwarf virus (PDV)
- Prunus necrotic ringspot virus (PNRSV)
- Apple stem grooving virus (ASGV)
- Apple mosaic virus (ApMV)
- Apple stem pitting virus (ASPV)
- Apple chlorotic leafspot (ACLSV)

2. Visual Inspection Requirements (Subparagraph 3.1.1.2)

Plants must be visually free of:

- **Bark & Leaf Diseases:** Platycarpa scaly bark, Silver leaf
- **Bacterial Pathogens:** Pseudomonas syringae (pv. syringae & morsprunorum), Xanthomonas campestris
- **Crown Gall Agents:** Agrobacterium tumefaciens, Agrobacterium rhizogenes
- **Fungal Pathogens:** Diaporthe spp., Diplodia seriata, Cytospora spp., Eutypa lata, Schizophyllum commune, Trametes versicolor
- **Root & Crown Rot Organisms:** Armillaria, Cylindrocarpon, Dactylonectria, Phytophthora, Pythium, Rhizoctonia, Rosellinia, Verticillium
- **Other Disorders:** Apple flat limb, Apple leaf pucker, Apple rubbery wood, Pear necrotic spot, Pear vein yellows

FULL TEXT

DETAILS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. R. 6574 5 September 2025

MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996
(ACT No. 47 OF 1996)

DECLARATION OF AGRICULTURAL PRODUCTS: AMENDMENT

I, John Henry Steenhuisen, Minister of Agriculture, acting under section 1 (2) of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby amend the Schedule to Government Notice No. R.1189 of 4 September 1997, as amended by Government Notices No. R. 487 of 23 April 1999, No. R. 1148 of 2 December 2005, No. R. 553 of 22 May 2009, No. R. 215 of 16 March 2012, and No. R.46 of 31 January 2014, to declare the products set out in this Schedule as agricultural products for the purposes of the said Act.

(MR) J.H. STEENHUISEN (MP)
MINISTER OF AGRICULTURE

SCHEDULE

AGRICULTURAL PRODUCTS FOR PURPOSES OF THE MARKETING OF THE AGRICULTURAL PRODUCTS ACT, 1996 (ACT No. 47 OF 1996) AS AMENDED

Indigenous crops and
Medicinal plants

LINK TO FULL NOTICE

[Marketing of Agricultural Products Act: Declaration of Agricultural Products: Amendment (English/Afrikaans)]
G 53293 RG 11882 GeN 6574

05 September 2025

53303rg11882gon6574.pdf

ACTION

Nurseries & Propagation Facilities

Actions Required:

1. **Register with the Deciduous Fruit Plant Improvement Association (DPA)** to produce certified trees.
2. **Source certified propagation material** from registered Plant Improvement Organisations (PIOs).
3. **Submit nursery reports** to PlantSA for verification against issued scion/rootstock material.

4. **Ensure compliance with inspection protocols**:
   - Three independent inspections by PlantSA.
   - Visual freedom from listed pathogens.

5. **Label certified plants** with official certification tags.
6. **Notify inspectors** at least 7 days before plants are ready for inspection.

Fruit Growers & Orchards

Actions Required:

1. **Use only certified plant material** to avoid yield losses and disease risks.
2. **Maintain traceability records** for all plant material.
3. **Participate in clone evaluations** if introducing new varieties.
4. **Engage with PIOs** for access to improved clones and disease-free stock.

Plant Pathology & Diagnostic Labs

Actions Required:

1. **Update testing protocols** to include all newly listed viruses and pathogens.
2. **Ensure ISO/IEC 17025:2017 accreditation** for diagnostics (if applicable).
3. **Collaborate with nurseries and PIOs** to provide confirmatory testing services.
4. **Support DALRRD** with phytosanitary diagnostics for trade and safety.

Agricultural Exporters

Actions Required:

1. **Register with SARS** as an exporter and obtain necessary codes (FBO, PUC, PHC).
2. **Apply for phytosanitary certificates** via the eCert platform.
3. **Ensure compliance with importing country protocols**, especially for "special markets".
4. **Use certified plant material** to meet international phytosanitary standards.
5. **Label all export cartons** with producer/exporter details for traceability

Regulatory Bodies & Plant Improvement Organisations (PIOs)

Actions Required:

1. **Maintain registration and compliance** with the Plant Improvement Act.
2. **Evaluate and register new clones** under the Scheme.
3. **Audit propagation processes** from nucleus to mother blocks.
4. **Ensure accurate documentation and traceability** of certified material.
5. **Educate stakeholders** on updated Scheme requirements.

COMPETITION

LAW AND TYPE OF NOTICE

Competition Act:

Publication of guidelines on the Commission's handling of confidential information in terms of section 79(1) of Act

G 53304 GoN 6585

05 September 2025

APPLIES TO:

1. Trade Associations

- Most directly affected since they often facilitate data sharing among members.
- Must ensure that any shared information is aggregated, historical, and non-identifiable.
- Examples: industry bodies in agriculture, mining, manufacturing, retail, banking, etc.

2. Highly Concentrated or Oligopolistic Industries

- Markets with few dominant players are at higher risk of collusion.
- Examples:
  - Telecommunications
  - Banking and financial services
  - Energy and utilities
  - Airlines
  - Pharmaceuticals
  - Retail chains
  - Automotive manufacturing

3. Regulated Industries

- Where firms are required to submit data to government regulators or policy makers.
- Must ensure that disaggregated data is not shared among competitors.
- Examples:
  - Healthcare
  - Insurance
  - Transport
  - Education
  - Broadcasting

4. Firms Engaged in Joint Ventures or Strategic Alliances

- These arrangements may involve data sharing that could be seen as anti-competitive if not properly managed.

5. Data Analytics and Consulting Firms

- Entities that collect, process, and disseminate industry data must ensure they do not facilitate anti-competitive behavior.
- Should act as independent third parties when working with trade associations or industry groups.

6. Government Departments and Policy Makers

- Must handle competitively sensitive data with care and ensure confidentiality and aggregation before dissemination.

SUMMED UP

Guideline:

Purpose and Scope

- These guidelines aim to clarify what types of information exchanges between competitors are **permissible** and which may **contravene Section 4** of the **Competition Act No. 89 of 1998**.
- They are **non-binding** but must be considered when interpreting or applying the Act.

Key Definitions

- **Competitively Sensitive Information (CSI):** Includes data on prices, customer lists, production costs, sales, capacities, marketing plans, R&D, etc.
- **Historical Information:** Refers to past data that does not indicate future pricing or strategic intentions.
- **Aggregated vs. Disaggregated:** Aggregated data masks individual firm identities; disaggregated data reveals them.
- **Individualised Information:** Identifiable to a specific firm.
- **Concerted Practice:** Coordinated conduct between firms that replaces independent action.

Legal Framework

- **Section 4(1)(a):** Prohibits CSI exchange that lessens competition unless pro-competitive gains outweigh the harm.
- **Section 4(1)(b):** Outright prohibits CSI exchange that involves price fixing, market division, or collusive tendering—no efficiency defense allowed.

Risks and Harm

- CSI exchange can facilitate collusion by enabling coordination and monitoring among competitors.
- It may also foreclose market entry by new competitors.

- Risk factors include:
    - Market concentration
    - Product homogeneity
    - Frequency and mechanism of exchange
    - Accessibility and exclusivity
    - Level of aggregation and age of data

Trade Associations & Government Policy Makers

- Trade Associations must avoid sharing disaggregated CSI and should use independent third parties for data collection and dissemination.
- Government bodies may collect CSI but must ensure confidentiality and aggregation before sharing.
- Firms should only share aggregated, historical, and anonymized data.

General Guidance

Firms should:

- Clearly define the purpose of information exchange.
- Limit shared data to what is necessary and low-risk.
- Avoid sharing individualised CSI, especially on pricing, capacity, sales, marketing, and investment plans.
- Use independent third parties for data handling.
- Ensure equal access to aggregated data for all market participants.

Conclusion

- The Commission will assess CSI exchanges case-by-case, considering market dynamics and the nature of the information.
- Firms uncertain about compliance should seek guidance from the Commission.

FULL TEXT

DETAILS

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 6585 5 September 2025

PUBLICATION OF GUIDELINES ON THE COMMISSION'S HANDLING OF CONFIDENTIAL INFORMATION IN TERMS OF SECTION 79(1) OF THE COMPETITION ACT 89 OF 1998 (AS AMENDED)
September 2025

1. The Competition Commission hereby, in terms of section 79(1) of the Competition Act No. 89 of 1998 (as amended), which allows the Commission to prepare guidelines to indicate its policy approach on any matter falling within its jurisdiction, issues Guidelines on the Commission's handling of confidential information in terms of the Competition Act.

2. The Guidelines on the Commission's handling of confidential information were published for a reasonable period for public comment from 7 February 2025 to 7 March 2025. Interested parties submitted written representations and the Commission considered all representations received.

3. Notice is hereby given that the Commission has published the final Guidelines on the Commission's handling of confidential information on its website at https://www.compcom.co.za/guidelines/ .

Full document can be accessed here - Final Guidelines on the exchange of Competitively Sensitive Information

LINK TO FULL NOTICE

Competition Act: Publication of guidelines on the Commission's handling of confidential information in terms of section 79(1) of Act

G 53304 GoN 6585
05 September 2025

53304gon6585.pdf

ACTION

General Compliance Actions for All Organizations

1. **Identify CSI Clearly**
    - Define what constitutes competitively sensitive information in your context (e.g., pricing, customer lists, production volumes).

2. **Limit Information Sharing**
    - Share only aggregated, historical, and non-identifiable data.
    - Avoid sharing individualised, current, or future-oriented CSI.

3. **Document the Purpose**
    - Clearly state the objective of any information exchange.
    - Ensure the data shared is relevant and necessary for that purpose.

4. **Use Independent Third Parties**
    - Appoint neutral entities to collect, process, and disseminate CSI.
    - Avoid direct sharing between competitors or through trade associations without safeguards.

5. **Ensure Equal Access**
    - Make aggregated historical data simultaneously accessible to all industry participants, not just association members.

6. **Maintain Confidentiality**
    - Implement strict controls to prevent disaggregated CSI from being disclosed to competitors.

Specific Actions for Trade Associations

- Avoid collecting disaggregated CSI from members.
- Do not distribute firm-specific data or allow members to infer it.
- Facilitate only aggregated, historical exchanges (e.g., national annual trends).
- Train staff and members on competition law risks and responsibilities.

Actions for Government Regulators and Policymakers

- Collect CSI directly or through independent third parties.
- Do not share disaggregated CSI with market participants.
- Disseminate only aggregated, historical data for public or industry use.

Actions for Firms in Concentrated or Oligopolistic Markets

- Avoid discussing future pricing, capacity, or strategy with competitors.
- Refrain from participating in informal data exchanges that could facilitate collusion.
- Conduct internal audits of data sharing practices and participation in industry forums.

EDUCATION

LAW AND TYPE OF NOTICE

Quality Council for Trades and Occupations:

Proposed Occupational Qualifications and Part Qualifications: Registration on occupational Qualifications Sub-Framework for Trades and Occupations

G 53314 GoN 6587

08 September 2025

FULL TEXT

DETAILS

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 6587 8 September 2025

CALL FOR COMMENTS ON THE PROPOSED OCCUPATIONAL QUALIFICATIONS/PART QUALIFICATIONS INTENDED FOR REGISTRATION ON THE OCCUPATIONAL QUALIFICATIONS SUB-FRAMEWORK

QUALITY COUNCIL FOR TRADES AND OCCUPATIONS (QCTO)

Date: …August 2025

National Qualifications Framework Act, 2008 (Act 67 of 2008), as amended

CALL FOR COMMENTS ON THE PROPOSED OCCUPATIONAL QUALIFICATIONS AND PART QUALIFICATIONS INTENDED FOR REGISTRATION ON THE OCCUPATIONAL QUALIFICATIONS SUB-FRAMEWORK FOR TRADES AND OCCUPATIONS

I, Vijayen Naidoo, Chief Executive Officer (CEO) of the Quality Council for Trades and Occupations (QCTO), hereby publish the following fourteen (14) Occupational Qualifications and one (1) Part - Qualification intended for recommendation for registration on the National Qualifications Framework (NQF) under the Occupational Qualifications Sub framework (OQSF) in terms of Section 27 (h) (iv) of the National Qualifications Framework Act, 2008, as amended.

The publication of a notice on a Government Gazette is part of a consultative process with relevant stakeholders as required by SAQA Policy and criteria for the registration of qualifications and part-qualifications on the NQF (As amended, 2022).

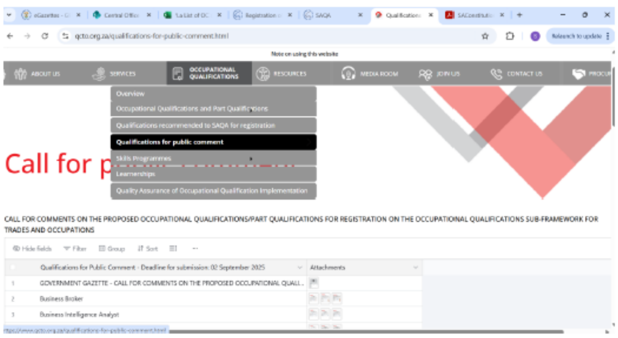
The details of the occupational qualification/s and part qualification/s for public comments are tabulated below:

No	Qualification/ Part-Qualification	Qualification Type	Qualification Descriptor	NQF Level	Credits	Curriculum Code	Quality Partner
1.	Qualification	Higher Occupational Certificate	Accounting Technician	5	160	331302-000-00-00	FASSET
2.	Qualification	Advanced Occupational Certificate	Financial Markets Support Officer	6	123	331101-000-00-00	FASSET
3.	Qualification	Specialised Occupational Diploma	Forensic Tax Practitioner	8	245	241104-001-00-00	FASSET
4.	Qualification	Advanced Occupational Diploma	Financial Markets Practitioner	7	180	241204-000-01-00	FASSET
5.	Qualification	National Occupational Certificate	Professional Banking Officer	4	125	421102-001-00-00	BANK SETA
6.	Qualification	National Occupational Certificate	Civil Road Construction Constructor	4	185	641403-001-00-00	CETA
7.	Qualification	National Occupational Certificate	Civil Services Construction Constructor	4	180	641403-002-00-00	CETA

CALL FOR COMMENTS ON THE PROPOSED OCCUPATIONAL QUALIFICATIONS/PART QUALIFICATIONS INTENDED FOR REGISTRATION ON THE OCCUPATIONAL QUALIFICATIONS SUB-FRAMEWORK

No	Qualification/ Part-Qualification	Qualification Type	Qualification Descriptor	NQF Level	Credits	Curriculum Code	Quality Partner
8.	Qualification	National Occupational Certificate	Civil Structures Construction Constructor	4	180	641403-003-00-00	CETA
9.	Qualification	Higher Occupational Certificate	Dog Handler: Military and Law Enforcement	5	120	516402-001-00-00	SASSETA
9. 1	Part - Qualification	Occupational Certificate	Working Dog Trainer	5	81	516402-001-00-01	SASSETA
10.	Qualification	Advanced Occupational Certificate	Military Police Detective	6	135	335501-001-00-00	SASSETA
11.	Qualification	National Occupational Certificate	Hiring Support Coordinator	4	125	524903-001-00-00	SERVICES SETA
12.	Qualification	Higher Occupational Certificate	Transformation Practitioner	5	180	242102-001-00-00	SERVICES SETA
13.	Qualification	Higher Occupational Certificate	Payroll Administrator	5	174	431301-000-00-00	SERVICES SETA
14.	Qualification	National Occupational Certificate	Fuel Pipeline Controller	4	142	718906-001-01-00	TETA

Detailed documents relating to the abovementioned are obtainable from the QCTO website www.qcto.org.za , click on Occupational Qualifications, click on Qualifications for Public Comment, all information on qualifications for public comments is available as indicated in an screenshot below:



CALL FOR COMMENTS ON THE PROPOSED OCCUPATIONAL QUALIFICATIONS/PART QUALIFICATIONS INTENDED FOR REGISTRATION ON THE OCCUPATIONAL QUALIFICATIONS SUB-FRAMEWORK

Three documents per qualification/part qualification are available:

a) Qualification Document,
b) Curriculum Document; and
c) Qualification Assessment Specifications Document

Please take note that the Qualification Document must be read in the context of the supporting documents provided, i.e. the Curriculum Document as well as the Qualification Assessment Specifications Document.

All interested people/stakeholders/organizations are invited to comment on the qualifications/part qualifications. All written comments are to be sent to the QCTO within the prescribed 21 days period from the date of publication of the government gazette notice.

Public comments are to be sent in writing. Such comments should specify which of the three documents the comments relate to, including specific details on section or clause for which the comments relate to. Public comments should include the name of the person/stakeholder/ organization submitting comments as well as contact details such as postal address, telephone/cell number and email address. Comments must be emailed to publiccomments@qcto.org.za

Mr. V Naidoo

Chief Executive Officer (CEO): Quality Council for Trades and Occupations (QCTO)

Date: 22/08/2025

LINK TO FULL NOTICE

Quality Council for Trades and Occupations: Proposed Occupational Qualifications and Part Qualifications: Registration on occupational Qualifications Sub-Framework for Trades and Occupations
G 53314 GoN 6587
08 September 2025

53314gon6587.pdf

FINANCE

LAW AND TYPE OF NOTICE

Financial Sector and Deposit Insurance Levies Act: 2022:

Proposed Amendments: Comments invited

G 53317 GoN 6590

- Comment by 09 Oct 2025

09 September 2025

APPLIES TO:

Banks and Banking Institutions
- Commercial banks and branches
- Co-operative banks
- Mutual banks

Insurance Companies
- Life insurers
- Non-life insurers
- Microinsurers

Market Infrastructure Institutions
- Exchanges
- Central securities depositories
- Clearing houses (independent, associated, central counterparties)
- Trade repositories (local and external)

Credit Rating Agencies
- Local and external credit rating agencies

Benchmark Administrators
- Local and foreign benchmark administrators

Pension and Retirement Funds
- Occupational pension funds
- Preservation funds
- Provident funds
- Pension fund administrators

Collective Investment Schemes
- Local and foreign collective investment schemes
- Hedge funds
- Participation bond schemes

Financial Services Providers (FSPs)
- Category I, II, IIA, III, and IV FSPs
- FSPs authorized in multiple categories

Over-the-Counter Derivative Providers

Statutory Ombud Schemes

- Office of the Pension Funds Adjudicator
- Office of the Financial Services Ombud

FULL TEXT

DETAILS

NATIONAL TREASURY

NO. 6590 9 September 2025

FINANCIAL SECTOR AND DEPOSIT INSURANCE LEVIES ACT, 2022: INVITATION FOR PUBLIC COMMENTS ON PROPOSED AMENDMENTS TO SCHEDULES

1. I, Enoch Godongwana, the Minister of Finance hereby publishes for public comment, in terms of section 10(1) of the Financial Sector and Deposit Insurance Levies Act, 2022 (Act No. 11 of 2022 – "the Act"), proposed amendments, set out in the Annexure below, to—
   (a) Table B of Schedule 2 to the Act;
   (b) Table C of Schedule 3 to the Act; and
   (c) Table E of Schedule 5 to the Act.

2. The financial sector levy payable by supervised entities in respect of the Ombud Council in accordance with Table D of Schedule 4 to the Act is to increase automatically as a consequence of the proposed amendment to the calculation of the levies payable by supervised entities in terms of Table B of Schedule 2 to the Act, referred to in paragraph 1(a).

3. Written comments on the proposed amendments to the Schedules to the Act may be submitted to CommentDraftLegislation@treasury.gov.za within 30 days from the date of publication of this notice.

ENOCH GODONGWANA

MINISTER OF FINANCE

Please click on the link provided below to view the tables.

LINK TO FULL NOTICE

Financial Sector and Deposit Insurance Levies Act: 2022: Proposed Amendments: Comments invited
G 53317 GoN 6590
- Comment by 09 Oct 2025
09 September 2025

53317gon6590.pdf

ACTION

Ensure that you submit your comments by 09 September 2025.

LABOUR

LAW AND TYPE OF NOTICE

Labour Relations Act:

Code of Practice: Dismissal

G 53294 GeN 3470

04 September 2025

APPLIES TO:

All Employers

SUMMED UP

Purpose and Scope

- The Code provides guidance on fair dismissal procedures for:
  - **Misconduct**
  - **Incapacity** (including poor performance, ill health, injury)
  - **Operational requirements** (retrenchments)
- It replaces **Schedule 8** and the **1999 Code on Operational Requirements**.

Key Principles

- **Fairness**: Dismissals must be based on a fair reason and follow a fair procedure.
- **Mutual respect**: Employers and employees should engage respectfully.
- **Small businesses**: Flexibility is allowed due to limited resources.

Dismissal for Misconduct

- **Disciplinary measures** should be corrective, not punitive.
- **Dismissal is appropriate** only if continued employment is intolerable.
- **Sanction guidelines** include:
  - Validity and awareness of rules
  - Harm caused
  - Consistency in application
  - Appropriateness of dismissal

Procedural Fairness

- Employees must be:
  - Informed of allegations
  - Given time to respond
  - Allowed representation
  - Heard in a language they understand
- **Trade union representatives** must be consulted before disciplinary action.

Dismissals During Industrial Action

- Participation in unprotected strikes is misconduct but not always grounds for dismissal.

- Employers must:
    - Engage with unions or employee representatives
    - Issue clear ultimatums
    - Allow time for reflection

Probation

- Used to assess suitability for employment.
- Must be reasonable in duration.
- Dismissals during probation require less compelling reasons but still need procedural fairness.

Incapacity

- Covers poor performance, ill health, injury, and other factors (e.g., imprisonment).

- Employers must:
    - Investigate alternatives to dismissal
    - Consider rehabilitation or accommodation
    - Engage with the employee before dismissal

Operational Requirements (Retrenchments)

- Must be based on **economic, technological, or structural needs**.
- Dismissal is a **last resort**.

- Employers must:
    - Consult affected parties
    - Explore alternatives
    - Use fair selection criteria
    - Offer severance and consider re-employment

Annexure A: Retrenchment Notice Template

Includes:
- Number and categories of affected employees
- Reasons and alternatives
- Selection criteria
- Timing and severance
- Assistance and re-employment options
- Disclosure requirements for large employers

DIFFERENCES BETWEEN

GN 1517 OF 16 JULY 1999: NOTICE OF CODE OF GOOD PRACTICE ON DISMISSAL BASED ON OPERATIONAL REQUIREMENTS

AND

LABOUR RELATIONS ACT: CODE OF PRACTICE: DISMISSAL G 53294 GEN 3470 04 SEPTEMBER 2025

Scope and Structure

Aspect	1999 Code (GN 1517)	2025 Code (Notice 3470)
Focus	Only on dismissals based on operational requirements (retrenchments)	Covers all types of dismissals: misconduct, incapacity, probation, and operational requirements
Legal Basis	Issued under section 203(1) of the Labour Relations Act	Issued under section 203(2A) after NEDLAC consultation
Format	Standalone code focused on retrenchments	Integrated code with multiple parts (A–G), including Annexure A for retrenchment notices

Fairness and Procedure

Topic	1999 Code	2025 Code
Fairness Principle	Emphasizes procedural and substantive fairness in retrenchments	Applies fairness principles across all dismissal types
Consultation	Strong emphasis on early, good-faith consultation with unions or employees	Maintains consultation requirements but adds structured guidelines and templates
Selection Criteria	LIFO, skills, qualifications; must be fair and objective	Same criteria, but explicitly prohibits discriminatory practices and adds clarity on exceptions
Disclosure of Info	Encourages full disclosure for meaningful consultation	Formalizes disclosure requirements and references section 189(4)(a) and section 16 of the Act

Operational Requirements (Retrenchments)

Element	1999 Code	2025 Code
Definition	Economic, technological, structural needs	Same definition, but more examples and clearer language

Alternatives to Dismissal	Must be explored during consultation	Employer must proactively seek alternatives before initiating retrenchment
Severance Pay	Minimum one week per year of service	Same, but includes reference to BCEA and encourages consensus on enhancements
Re-employment	Preference for re-hiring retrenched employees	Formalized with conditions and consultation-based time limits
Annexure A	Not included	Introduced as a structured template for retrenchment notices (job categories, timing, severance, etc.)

New Additions in 2025 Code

- **Misconduct Dismissals**: Guidelines for fair disciplinary processes, sanctions, and consistency.
- **Probation**: Rules on duration, guidance, and fairness in dismissals during probation.
- **Incapacity**: Covers poor performance, ill health, injury, and incompatibility.
- **Industrial Action**: Specific procedures for dismissals during unprotected strikes.
- **Small Businesses**: Recognizes limitations and allows procedural flexibility.

Summary

The 2025 Code is a comprehensive, modernized framework that consolidates and expands upon the 1999 Code, offering clearer guidance, broader coverage, and more structured procedures. It reflects evolving workplace realities and legal expectations, especially around fairness, consultation, and employee rights.

FULL TEXT

DETAILS

DEPARTMENT OF EMPLOYMENT AND LABOUR

NOTICE 3470 OF 2025

LABOUR RELATIONS ACT, 1995

CODE OF PRACTICE: DISMISSAL

Notice is hereby given that the Code of Good Practice: Dismissal is issued by the Minister of Employment and Labour after consideration by NEDLAC in terms of section 203(2A) of the Labour Relations Act, 1995 (Act No. 66 of 1995) to take effect on the date of publication of this Code. The publication of this Code repeals Schedule 8 Code of Good Practice on Dismissal; and the Code of Good Practice Based on Operational Requirements published in the Government Notice 1517 in Government Gazette 20254 of 16 July 1999.

NOMAKHOSAZANA METH, MP
MINISTER OF EMPLOYMENT AND LABOUR
DATE: 22 August 2025

Schedule 8

CODE OF GOOD PRACTICE: DISMISSAL

Part A – Introduction

1. **Purpose.**

This Code of Good Practice provides guidance to employers, employees, trade unions and persons applying the Code on how the legal obligations under the Act regarding dismissals for misconduct, incapacity and operational requirements apply to employers and employees.

2. **Interpretation.**

(1) This Code is intentionally general. Each case is unique, and departures from the norms established by this Code may be justified in proper circumstances. For example, the number of employees employed in an establishment may warrant a different approach.

(2) The key principle in this Code is that employers and employees should treat one another with mutual respect. This Code places a premium on employment justice, the efficient operation of an employer's business and the expeditious resolution of disputes. While employees should be protected from unfair action, employers are entitled to satisfactory conduct and work performance from their employees.

(3) This Code does not alter the rights and obligations created under a collective agreement.

(4) To make matters easier to understand, this Code uses terms that are in common use even though they do not appear in the Act. For example, the term "retrenchment" is used instead of dismissal for operational requirements and where obvious from the context, "business" includes a trade, undertaking or service.

3. **Small businesses.**

(1) This Code should not be interpreted as requiring small businesses to comply with obligations that are not practical or feasible for their operation.

(2) Any person determining the fairness of a dismissal should take into account, in addition to any other guidelines set out in this Code, the circumstances in which small businesses operate.

(3) For example, small businesses cannot reasonably be expected to engage in time-consuming investigations or pre-dismissal processes while at the same time keeping the business going. It should also be borne in mind that small employers do not have human resource departments staffed by people with skills and experience in these matters.

Part B – Dismissal

4. **Dismissal.**

(1) The most common form of dismissal is when the employer terminates the employee's employment with or without notice.

(2) There are a number of other kinds of dismissal listed in section 186 (1) of the Act which are not dealt with in this Code.

Part C – Fair dismissal

5. **Fairness.**

(1) A dismissal is fair if it is for a fair reason and in accordance with a fair procedure.

(2) The Act lists three grounds on which a dismissal may be fair. These are: the conduct of the employee, the capacity of the employee, and the employer's operational requirements.[1]

(3) The Act provides that a dismissal is automatically unfair if the reason for the dismissal infringes the rights of employees and trade unions or if the reason is one of those listed in section 187. These reasons include participation in a protected strike, pregnancy or acts of discrimination.

(4) In cases where the dismissal is not automatically unfair, the employer must show that the dismissal was for a fair reason and in accordance with a fair procedure.

Part D – Misconduct

6. **Disciplinary measures.**

(1) The purpose of discipline is for employees to know and understand what standards are required of them, and to guide their behaviour.

(2) The purpose of implementing disciplinary processes is corrective. They are primarily a means to correct an employee's behaviour through graduated disciplinary measures.[2]

---

[1] Operational requirements refer to the business reasons for retrenching an employee.

[2] Graduated disciplinary measures may, depending on the circumstances, include counselling, warnings, suspension and a final warning.

(3) The form and content of disciplinary rules and procedures may vary according to the size and nature of the employer's business. Smaller employers may adopt a less formal approach to discipline.

(4) Disciplinary rules and procedures should be clear and made available to employees in a manner that is easily understood.

(5) It is preferable for employers, especially medium and larger employers, to adopt written disciplinary rules and procedures to establish the standard of conduct required of their employees and to create certainty and consistency in the application of discipline.[3]

(6) Formal procedures do not have to be invoked every time a rule is broken, or a standard is not met. Informal advice and correction is often the best and most effective way for an employer to deal with minor violations of work discipline. Repeated misconduct will warrant warnings, which themselves may be graded according to degrees of severity. More serious infringements or repeated misconduct may call for a final warning or dismissal.

(7) The employer may depart from these rules and procedures if there is a justification for doing so.

7. **Fair reason for misconduct dismissal.**

(1) An employee may be dismissed for serious misconduct if the misconduct renders the continuation of the employment relationship intolerable.

(2) Subject to the rule that each case should be judged on its merits, serious misconduct may be a single instance of misconduct or repeated misconduct where graduated disciplinary measures have been implemented.

8. **Guidelines for deciding a fair sanction.**

Any person who is deciding whether a sanction for misconduct is fair should consider—

(1) whether the employee contravened a rule or standard regulating conduct in, or of relevance to, the workplace;

(2) if a rule or standard was contravened—

[3] Other rules may still exist even if the employer has adopted written disciplinary rules and procedures, and some rules or standards may be so well established and known that it is not necessary to communicate them.

(a) whether the rule was a valid and reasonable rule or standard;

(b) whether the employee was aware, or could reasonably be expected to have been aware, of the rule or standard;

(c) the importance of the rule or standard in the workplace;

(d) the actual or potential harm or damage caused by the employee's contravention of the rule or standard;

(e) whether the rule or standard has been consistently applied by the employer; and

(f) whether dismissal is an appropriate sanction for the contravention of the rule or standard.

9. **The sanction of dismissal.**

Generally, dismissal is only an appropriate sanction if a continued employment relationship is intolerable. Factors to consider when determining this include —

(1) the nature and requirements of the job;

(2) the nature and seriousness of the misconduct and its effect on the business;

(3) whether progressive discipline might prevent a recurrence of the misconduct;

(4) any acknowledgement of wrongdoing by the employee and willingness to comply with the employer's rules and standards; and

(5) the employee's circumstances (including length of service, disciplinary record and the effect of dismissal on the employee).

10. **Consistency.**

As a general rule, the employer should apply the sanction of dismissal in the same way in which it has been applied to other employees in the past[4], and consistently as between two or more employees who participate in the misconduct under consideration.

[4] Consistency is a significant factor to be considered in assessing the fairness of a dismissal. However, inconsistency does not necessarily mean that the dismissal is unfair if the misconduct renders the continuation of the employment relationship intolerable.

11. **Fair procedure.**

(1) The purpose of a fair procedure is to ensure a genuine dialogue and an opportunity for reflection before any decision is taken.

(2) A fair procedure is one in which an employee has been given an adequate and reasonable opportunity to respond to the allegation of misconduct.

(3) An investigation or enquiry does not have to be formal. Its nature should be appropriate to the circumstances, including the type of allegation and the nature and size of the employer.

(4) Usually, before a decision is taken to dismiss, the employee should be —

(a) notified of the allegations of misconduct, preferably in writing;

(b) given an opportunity within a reasonable period of time to prepare and make representations on both the misconduct allegations and the appropriate sanction;

(c) allowed the assistance of a fellow employee or trade union representative;

(d) where reasonably possible, provided with the opportunity to converse in a language that the employee is comfortable with.

(5) Allegations of misconduct should be made available or explained in sufficient detail to allow the employee to understand them.

(6) In exceptional circumstances, if the employer cannot reasonably be expected to comply with these guidelines, the employer may dispense with some or all of them. It should, however, be recognised that the employer may be obliged to justify non-compliance if the employee refers a dispute about the procedural unfairness of the dismissal.

(7) Discipline against a trade union representative or an employee who is an office-bearer or official of a trade union should not be instituted without first informing and consulting the trade union.

12. **Dismissals and industrial action.**

(1) Participation in a strike that does not comply with the provisions of chapter IV is misconduct. However, like any other act of misconduct, it does not always deserve dismissal. The substantive fairness of dismissal in these circumstances must be determined in the light of the facts of the case, including—

(a) the seriousness of the contravention of this Act;

(b) attempts made to comply with the Act; and

(c) whether the strike was in response to unlawful, unfair or unreasonable conduct by the employer.

(2) Factors relevant to assessing the seriousness of the contravention include—

(a) the conduct of the parties to the dispute related to the strike and the conduct by any other person that has a bearing on the seriousness of the contravention;

(b) the legitimacy of the strikers' demands;

(c) the duration and timing of the strike; and

(d) the harm caused by the strike.

(3) The process before dismissal should include the following—

(a) The employer should, at the earliest opportunity, contact a trade union official to inform the trade union about the strike so as to afford the trade union an opportunity to consult with the striking employees.

(b) The employer should consider representations by the official, and discuss the course of action it intends to adopt with the trade union.

(c) If there is no trade union involved, the employer should seek to engage with leaders or representatives of the striking employees.

(d) The employer should issue an ultimatum in clear and unambiguous terms that should state what is required of the employees and what sanction will be imposed if they do not comply with the ultimatum.

(e) The employees should be allowed sufficient time to reflect on the ultimatum and respond to it, either by complying with it or rejecting it.

(f) If an employer issues an ultimatum to employees engaged in an unprotected strike, it may not be fair to dismiss employees for participation in that strike who obey the ultimatum and return to work within the stipulated period.

(g) If participating employees reject an ultimatum, the employer may dismiss the employees after considering the conduct and any representations of the employees in accordance with the provisions of this Code.

(h) In cases of collective misconduct, the employer may, depending on the circumstances, satisfy the requirements of procedural fairness by calling for collective representations.

(i) If the employer cannot reasonably be expected to extend any of these steps to the employees in question, the employer may dispense with them.

13. **Disciplinary records.**

Employers should keep records for each employee specifying the nature of any disciplinary transgressions, the actions taken by the employer and the reasons for the actions.

Part E – Probation

14. **Requirement to serve probation.**

An employer may require a newly hired employee to serve a period of probation before the employee's appointment is confirmed.

15. **Purpose.**

(1) The purpose of probation is to give the employer an opportunity to evaluate the employee's performance and suitability for employment before confirming the appointment.

(2) Probation should not be used for purposes not contemplated by this Code, to deprive employees of the status of permanent employment. For example, a practice of dismissing employees at the end of their probation periods for reasons unrelated to their performance or suitability for employment and replacing them with newly hired employees is inconsistent with the purpose of probation and may constitute an unfair dismissal.

16. **Period of Probation.**

The period of probation should be determined in advance and be of a reasonable duration. The length of the probationary period should be determined with reference to the nature of the job and the time it takes to determine the employee's suitability for continued employment.

17. **Reasonable guidance.**

During probation an employer should give an employee reasonable guidance, appropriate to the nature and size of the employer and the job, which may include instruction, training or counselling, in order to allow the employee an opportunity to render a satisfactory service.

18. **Decision not to confirm appointment.**

(1) An employer may only decide to dismiss an employee or extend the probationary period after the employer has given the employee the opportunity to make representations and the employer has considered any representations made.

(2) Any person deciding about the fairness of a dismissal of an employee related to the employee's conduct or capacity, including poor work performance, during or on expiry of the probationary period, ought to accept, taking into account the purpose of probation, reasons for dismissal that may be less compelling than would be the case in dismissals effected after the completion of the probationary period.[5]

Part F – Incapacity

19. **Unsatisfactory performance after probation.**

(1) After probation, an employee should not be dismissed for unsatisfactory performance unless—

(a) the employer has given the employee appropriate evaluation, instruction, training, guidance or counselling; and

(b) after a reasonable period of time for improvement, the employee continues to perform unsatisfactorily.

(2) Before dismissing, the employer should give the employee an opportunity to respond to the allegations of unsatisfactory performance.

20. **Guidelines in cases of dismissal for poor work performance.**

(1) Any person determining whether a dismissal for poor work performance is unfair should consider—

[5] The courts have accepted this to be a clear indicator that arbitrators should be hesitant to interfere with the employer's decision on whether a probationary employee has attained the required performance standards or with the standards themselves.

(a) whether the employee failed to meet a performance standard; and

(b) if the employee did not meet a required performance standard, whether—

(i) the employee was aware, or could reasonably be expected to have been aware, of the required performance standard;

(ii) the employee was given a fair opportunity to meet the required performance standard;

(iii) the required performance standard was reasonably achievable; and

(iv) dismissal was an appropriate sanction for not meeting the required performance standard.

(2) Depending on the circumstances, an employer may not be required to warn an employee that if their performance does not improve they might be dismissed. This may be the case for managers and senior employees whose knowledge and experience enables them to judge whether their performance is adequate and employees with a high degree of professional skill where a departure from that high standard would have severe consequences justifying dismissal.

21. **Incapacity: Ill health, injury and other forms of incapacity**

(1) Incapacity on the grounds of physical or mental ill health or injury may be temporary or permanent. If an employee is temporarily unable to work in these circumstances, the employer should investigate the extent of the incapacity or the injury. If the employee is likely to be absent for a time that is unreasonably long in the circumstances, the employer should investigate all the possible alternatives short of dismissal. When alternatives are considered, relevant factors include the nature of the job, the period of absence, the seriousness of the illness or injury and the possibility of securing a temporary replacement for the ill or injured employee.

(2) In cases of permanent incapacity, the employer should ascertain the possibility of securing alternative employment, or adapting the duties or work circumstances of the employee to accommodate the employee's disability.

(3) In the process of the investigation referred to in sub-item (1), the employee should be allowed the opportunity to state a case in response and to be assisted by a trade union representative or fellow employee.

(4) The degree and cause of incapacity is relevant to the fairness of a dismissal on this ground. In the case of certain kinds of incapacity, for example alcoholism or drug abuse, counselling and rehabilitation may be appropriate steps for an employer to consider.

(5) Particular consideration should be given to employees who are injured at work or who are incapacitated by a work-related illness. In these circumstances, the duty on the employer to accommodate the incapacity of the employee is more onerous.

(6) Incapacity may be unrelated to ill health or injury, and may arise due to other factors preventing the employee from performing the applicable duties of the job, including imprisonment. Such incapacity may be temporary or permanent. The employer should assess the extent of the incapacity, and investigate all possible alternatives short of dismissal.

(7) An employee's incompatibility, as manifested by an inability to work in harmony with an employer's business culture or with fellow employees, can constitute a form of incapacity which may justify dismissal.

Part G – Operational Requirements

22. **The nature of operational requirements.**

(1) The Act defines a dismissal based on an employer's operational requirements as one that is based on the "economic, technological, structural or similar needs of the employer". This type of dismissal is commonly called a retrenchment.[6]

(2) It is difficult to define all the circumstances that might legitimately form the basis for a retrenchment. As a general rule, economic reasons are those that relate to the financial state of the employer. Technological reasons refer to the introduction of new technology, which affects work relationships either by making existing jobs redundant or by requiring employees to adapt to the new technology, or a consequential restructuring of the workplace. Structural reasons relate to the redundancy of posts resulting from a restructuring of the employer's business.

(3) Dismissals for operational requirements have been categorised as "no fault" dismissals. In other words, it is not the employee who is responsible for the termination of employment. Because retrenchment is a "no fault" dismissal and because of its human cost, the Act places particular obligations on an employer, most of which are directed toward ensuring

[6] To make things easier to understand, the term retrenchment is used to include all types of dismissals for operational requirements.

that all possible alternatives to dismissal are explored and that the employees to be dismissed are treated fairly.

23. **Fair reason.**

(1) To be fair, the reason for the retrenchment and the decision to select an employee for retrenchment must relate to the employer's operational requirements.

(2) Dismissal must be a measure of last resort. It should only take place if it cannot be avoided by alternatives identified in the consultation process.

(3) Employers must, of their own initiative, take appropriate steps to avoid retrenchments where reasonably possible.

24. **Fair procedure.**

Written notice

(1) When an employer contemplates the possibility of retrenchments, it must initiate a process of consultation by giving a written notice.

(2) The notice should be in the form of Annexure A. The notice must contain the relevant information available to the employer at that time.

Consulting parties

(3) The notice must be sent to those set out in section 189 (1) for the purpose of consultation.

(4) Employers, including small employers, that have not concluded a collective agreement that applies to retrenchment consultations, should send the notice to a registered trade union whose members are likely to be affected by the proposed retrenchments, or if there is no such union, to each employee whom the employer proposes to retrench.[7]

Consultation

(5) The employer must then consult with a view to reaching consensus.

(6) The employer must consult in good faith by keeping an open mind and seriously considering any proposals put forward by the union or employees.

[7] Employers covered by a bargaining council should ascertain whether there are council agreements that regulate retrenchment procedures.

(7) The consultations should cover –

(a) the reasons why there is a need to retrench;

(b) appropriate measures to —

(i) avoid the retrenchments;

(ii) minimise the number of retrenchments;

(iii) change the timing of the retrenchments;

(iv) mitigate the adverse effects of the retrenchments; and

(c) if the employees are to be retrenched —

(i) the method for selecting the employees to be retrenched; and

(ii) the severance pay.

Selection criteria

(8) In the absence of an agreement between the consulting parties, the selection criteria must be fair and objective. Selection criteria that are generally accepted to be fair and objective include length of service, retention of skills or the qualifications of employees.

(9) Irrespective of whether there is an agreement or not, selection based on union membership or activity, pregnancy or any other discriminatory ground can never be fair.

Disclosure of information

(10) To ensure meaningful engagements, the employer must disclose relevant information.

(11) Section 189 (4)(a) of the Act, read with section 16, regulates disputes about the disclosure of relevant information.

The period of consultation

(12) The period taken for consultations and the number of consultation meetings is dependent on numerous factors, such as the complexity of the issues giving rise to the retrenchments, the nature and size of the employer and the scale of the retrenchments.

(13) Simple retrenchments at a small employer can be done relatively quickly. Large and complex retrenchments will probably require more consultation meetings over a longer period of time.

(14) If section 189A of the Act is applicable, the minimum period for consultations is 60 days; however, a consulting party may not unreasonably refuse to extend the period of consultation if such an extension is required to ensure meaningful consultation.

Severance

(15) The minimum amount of severance pay is prescribed in section 41 of the BCEA.

Re-employment

(16) Subject to the outcome of the consultation process, employees who are retrenched may be given preference if the employer again hires employees with comparable skills and qualifications.

Annexure A – Notice of Possible Retrenchments

A notice of possible retrenchments should address the following—

1	**Number and job categories of employees**	How many employees are likely to be affected and in what job categories?[8]
2	**Reasons**	What are the operational reasons for the proposed retrenchments?
3	**Alternatives**	• What alternatives were considered? • If those alternatives have not been pursued, why not? • If any alternatives are offered, what are they?
4	**Selection criteria**	What criteria are proposed for selecting the employees for retrenchment?
5	**When the proposed retrenchments will take place**	At what time or during which period will the proposed retrenchments take place?
6	**Severance pay**	What is the proposed severance pay to be paid?
7	**Assistance**	What assistance does the employer propose to offer to the retrenched employee?
8	**Re-employment**	• Is there any possibility of re-employment? • If so, who will be offered employment first, and what are the arrangements for keeping in contact?
9	**Employers with more than 50 employees**	Employers which employ more than 50 employees must disclose the number of employees employed by the employer and the number of employees that the employer has retrenched in the preceding 12 months.[9]

[8] For larger employers, it would be useful to give the employee's full name, job title and company number.

[9] This information is necessary to determine whether section 189A of the Act applies.

LINK TO FULL NOTICE

[Labour Relations Act: Code of Practice: Dismissal](#)
G 53294 GeN 3470
04 September 2025

53294gen3470.pdf

ACTION

1. Review and Update Policies

- Audit existing HR policies on dismissal, discipline, probation, incapacity, and retrenchment.
- Align policies with the new Code's requirements, especially around:
    - Fair procedures
    - Sanction guidelines
    - Consultation processes

- Probation and incapacity handling

2. Train Managers and HR Staff

- Conduct training workshops for:
    - Line managers
    - HR practitioners
    - Union representatives

- Focus on:
    - Procedural fairness
    - Handling misconduct and poor performance
    - Retrenchment consultations and documentation

3. Implement Clear Disciplinary Procedures

- Develop or revise written disciplinary codes and ensure:
    - Rules are clear, valid, and reasonable
    - Employees are aware of them
    - Procedures are consistently applied

4. Document Everything

- Maintain disciplinary records for each employee:
    - Nature of transgressions
    - Actions taken
    - Reasons for dismissal

- Use **Annexure A** for retrenchment notices to ensure completeness.

5. Ensure Procedural Fairness

- Before any dismissal:
    - Notify the employee of allegations
    - Allow time to respond
    - Permit representation
    - Communicate in a language the employee understands

6. Engage in Meaningful Consultation

- For retrenchments:
    - Issue written notice (Annexure A)
    - Consult with unions or employees
    - Explore alternatives to dismissal
    - Use fair and objective selection criteria

7. Manage Probation Properly

- Define probation periods clearly
- Provide guidance and support
- Allow employees to make representations before dismissal

8. Handle Incapacity with Care

- Investigate ill health or poor performance
- Consider alternatives to dismissal

- Engage in dialogue and offer support (e.g., counselling, rehabilitation)

9. Monitor Compliance

- Conduct regular internal audits
- Use checklists to ensure all dismissal procedures meet the Code's standards
- Prepare for potential CCMA or Labour Court scrutiny

LEGAL

LAW AND TYPE OF NOTICE

Justice and Constitutional Development:

Uniform Guidelines on Conferral of Senior Attorney and Senior Counsel: Honours on Eligible Legal Practitioners: Amendment

G 53333 GoN 6592

10 September 2025

FULL TEXT

DETAILS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. 6592 10 September 2025

UNIFORM GUIDELINES ON CONFERRAL OF SENIOR ATTORNEY AND SENIOR COUNSEL HONOURS ON ELIGIBLE LEGAL PRACTITIONERS: AMENDMENT

I, Mmamoloko Tryphosa Kubayi, Minister of Justice and Constitutional Development, hereby notify all interested parties and stakeholders that the President of the Republic of South Africa approved an amendment to the Uniform Guidelines on the Conferral of Senior Attorney and Senior Counsel Honours on Eligible Practitioners, on 6 August 2025, as set out in the Schedule hereto.

Thus given under my hand at Pretoria on this 25 day of August 2025.

M T KUBAYI, MP
MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

SCHEDULE

Definition

1. In this Schedule the "Uniform Guidelines" means the Uniform Guidelines on Conferral of Senior Attorney and Senior Counsel Honours on Eligible Legal Practitioners published in *Government* Gazette No. 50290, Government Notice No.4495 of 13 March 2024.

Amendment of clause 5 of Uniform Guidelines

2. The Uniform Guidelines are hereby amended by the substitution in clause 5.2 for paragraph (b) of the following paragraph:

"(b) two practising Senior Attorneys, who are not members of the Council, designated by the Council after consulting the attorney's profession: Provided that the first Committee must comprise two senior practising attorneys who are not members of the Council, designated by the Council after consulting the attorney's profession;".

Commencement

3. This Notice comes into operation on the date of publication hereof.

LINK TO FULL NOTICE

Justice and Constitutional Development: Uniform Guidelines on Conferral of Senior Attorney and Senior Counsel: Honours on Eligible Legal Practitioners: Amendment
G 53333 GoN 6592
10 September 2025

53333gon6592.pdf

ACTION

1. Legal Councils (e.g., Legal Practice Council)
- Update internal procedures to reflect the amended clause 5.2(b).
- Ensure that two practising Senior Attorneys, who are not members of the Council, are designated to the selection committee.
- Conduct consultations with the attorney's profession before making these designations.

2. Legal Practitioners and Stakeholders
- Review the amended guidelines to understand the updated selection process for Senior Attorney and Senior Counsel honours.
- Participate in consultations if invited by the Council, especially senior attorneys who may be eligible for committee designation.

3. Administrative Bodies
- Implement the amendment immediately, as the notice comes into effect on the date of publication (10 September 2025).
- Communicate the changes to relevant stakeholders, including law societies, bar associations, and legal firms.

4. Eligible Attorneys
- Stay informed about the new composition of the selection committee, as it may affect future applications or nominations for honours.

LIQUOR

LAW AND TYPE OF NOTICE

Liquor Amendment Bill B21-2025

08 September 2025

APPLIES TO:

1. Liquor Manufacturers

- Cannot use brand elements (logos, slogans, colors, etc.) to promote liquor.
- Prohibited from sponsoring or organizing events that promote liquor consumption.

2. Distributors and Retailers

- Restricted from advertising or promoting liquor in any form of media.
- Cannot engage in product placement or promotional activities.

3. Media and Advertising Agencies

- Banned from accepting payment or consideration for liquor-related product placement in:
    - Broadcast programs
    - Films
    - Social media
    - Other electronic media

4. Event Organizers and Promoters

- Cannot organize or promote events that use liquor branding or promote liquor consumption.
- Prohibited from receiving financial contributions from liquor companies for such events.

5. Sponsorship and Marketing Firms

- Restricted from using liquor brand elements in campaigns or sponsored events.

6. Social Media Influencers and Content Creators

- Cannot depict or reference liquor brands in exchange for compensation.

7. Corporate Entities Hosting Events

- Must ensure events do not promote liquor unless they are private and limited to internal stakeholders (e.g., employees, suppliers, shareholders).

SUMMED UP

MEMORANDUM ON THE OBJECTS OF THE LIQUOR AMENDMENT BILL, 2025

1. INTRODUCTION

The prevalence of increased liquor consumption and alcohol-induced dangers to society is increasing, and many communities suffer because of alcohol abuse. We live in a society where young people are socialised into accepting alcohol abuse and increased or uncontrolled liquor consumption as an integral part of their lifestyle. While not seeking to be a "nanny state", there should be deliberate attempts by the State to counter the normalisation of alcohol and liquor usage. The Liquor Amendment Bill, 2025 ("the Bill") seeks to provide a legislative mechanism through which the State can prevent the advertisement of liquor.

2. OBJECTS OF THE BILL

The purpose of the Bill is to amend the Liquor Act, 2003 (Act No. 59 of 2003), so as to inter alia, prohibit the advertisement, promotion or product placement of liquor to promote liquor or the consumption of liquor. The Bill amends the definitions section and section 9 of the Liquor Act, 2003 (Act No. 59 of 2003) (hereinafter referred to as the ''principal Act''), to provide for the prohibition of advertisement, promotion or product placement of liquor.

3. CONTENTS OF THE BILL

3.1 Clause 1 inserts new definitions into section 1 of the principal Act.

3.2 Clause 2 substitutes section 9 of the principal Act. This clause now provides for the outright ban on the advertising, promotion or product placement of liquor to promote liquor or the consumption of liquor. It also prevents a manufacturer, distributor, or retail seller from organising an activity that promotes the consumption of liquor.

3.3 Clause 3 provides for transitional arrangements.

3.4 Clause 4 provides for the short title and commencement of the Bill.

4. FINANCIAL IMPLICATIONS FOR THE STATE

The Bill could result in additional costs to the State with regards to enforcement. However, this was also the case with the ban on advertising of tobacco products and costs could be limited by learning from the experience gained then.

5. DEPARTMENTS, BODIES OR PERSONS CONSULTED

The following stakeholders were consulted—

● National Economic Development and Labour Council.

6. PARLIAMENTARY PROCEDURE

6.1 The Member proposes that the Bill must be dealt with in accordance with the procedure established by section 76 of the Constitution as its provisions in a substantial measure falls within a Schedule 4 competency, namely ''trade'' and ''consumer protection''.

6.2 The Member proposes that the Bill must not be referred to the National House of Traditional and Khoi-San Leaders in terms of section 39(1)(a) of the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019), as it does not contain provisions directly affecting traditional or Khoi-San communities or may contain provisions pertaining to customary law or customs of traditional or Khoi-San communities.

FULL TEXT

DETAILS

REPUBLIC OF SOUTH AFRICA

LIQUOR AMENDMENT BILL

(As introduced in the National Assembly (proposed section 76); explanatory summary of Bill and prior notice of its introduction published in Government Gazette No. 41957 of 4 October 2018)
(The English text is the official text of the Bill)

(Ms VN Mente, MP)

GENERAL EXPLANATORY NOTE:

[ ]	Words in bold type in square brackets indicate omissions from existing enactments.
________	Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend the Liquor Act, 2003, so as to insert certain definitions; to prohibit the advertising, promotion or product placement of liquor, in all forms of media; to prohibit the use of a manufacturer's name or any brand element to promote liquor or the consumption of liquor; to prohibit the organising, promoting of, or the making of a financial contribution to, an organised event by a registered person; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 59 of 2003, as amended by section 1 of Act 8 of 2021

1. Section 1 of the Liquor Act, 2003 (Act No. 59 of 2003), (hereinafter referred to as the "principal Act"), is hereby amended—

(a) by the insertion after the definition of "bottle" of the following definition:

"**'brand element'** in relation to a brand of liquor, means the brand name, trade mark, trade name, distinguishing appearance, logo, graphics, design, slogan, symbol, motto, selling message, print, typeface, recognisable colour or pattern of colours, or any other symbol of product identification or association, that—

(a) is likely to be associated with that brand of liquor; and

(b) is designed to promote consumption of that brand of liquor;";

(b) by the insertion after the definition of "minor" of the following definition:

"**'organised activity'**—

(a) means any activity or event—

(i) which a member of the public may attend or participate in;

(ii) which is organised for the purpose of entertainment, sport or recreation or for educational or cultural purposes; and

(iii) where liquor, a brand element, or company name which is usually associated with liquor or a brand element, is used in the name, description or advertising of the activity or event, to promote liquor consumption; and

(b) excludes any activity or event arranged by a registered person where the only attendees are—

(i) shareholders;

(ii) partners;
(iii) stakeholders;
(iv) employees;
(v) existing business clientele upon direct and specific invitation;
(vi) suppliers or service providers; or
(vii) spouses or partners of any of the persons in subparagraphs <u>(i) to (vi);</u>"; and

(c) by the insertion after the definition of "private collection" of the following definitions:

"**'product placement'** means the depiction of, or reference to, liquor or a brand element in a broadcast programme, film, video recording, telecast, social media or other electronic medium for which the producer of, or any other person associated with, the broadcast programme, film, video recording, telecast, social media or other electronic medium, receives consideration in cash, kind or otherwise;

'promotion', unless the context indicates otherwise, means any activity <u>that supports the sale of liquor, or that encourages the use of liquor;</u>".

Amendment of section 9 of Act 59 of 2003

2. Section 9 of the principal Act is hereby amended:
(a) by the substitution for the heading of the following heading:

"Advertising <u>and sale</u> restrictions

(b) by the substitution for subsections (1) and (2) of the following subsections, respectively:

9. (1) A person must not advertise—
(a) **[any liquor or]** methylated spirits—
(i) in a false or misleading manner; <u>or</u>
(ii) in a manner intended to target or attract minors; or
(b) any substance that is prohibited in terms of this Act.

(2) A person must not advertise any substance as **[liquor or]** methylated spirits if that substance is not **[liquor or]** methylated spirits **[, respectively, as defined in this Act]**.

(c) by the addition of the following subsection:

(3) A person may not—
(a) use advertisement as defined in the Liquor Products Act, 1989 (Act No. 60 of 1989), read with the necessary amendment to promote liquor or the consumption of liquor or cause a person to use advertisement for such purposes;
(b) promote or effect product placement, or cause a person to use promotion or product placement, to promote liquor or the consumption of liquor; or
(c) use a manufacturer's name or any brand element through direct or indirect means to promote liquor or the consumption of liquor.

(4) A registered person may not—
(a) organise or promote any organised activity that is to take place in whole or in part, in the Republic;
(b) make any financial contribution to any organised activity that is to take place, or is taking place or has taken place in whole or in part, in the <u>Republic.</u>".

Transitional provisions

3. Any agreement for the—
(a) advertisement, promotion or product placement, to promote liquor or the consumption of liquor;
(b) use of a manufacturer's name or any brand element through direct or indirect means to promote liquor or the consumption of liquor; or
(c) organising or promoting of, or for the making of a financial contribution to, an organised activity contemplated in section 9(4),

entered into before the commencement of the Liquor Amendment Act, 2025, remains valid and enforceable, is not subject to that Act and may be executed after the commencement of that Act.

Short title and commencement

4. This Act is called the Liquor Amendment Act, 2025 and comes into operation on a date determined by the President by proclamation in the *Gazette*.

LINK TO FULL NOTICE

[Liquor Amendment Bill B21-2025]
08 September 2025

b21of2025liquorab.pdf

ACTION

1. Cease All Liquor Advertising

- Ban on advertising liquor in any form of media, including:
  - Television, radio, print
  - Social media and digital platforms
  - Sponsorships and branded content
- Ensure no misleading or youth-targeted messaging is used.

2. Eliminate Product Placement

- Remove any depictions or references to liquor brands in entertainment content (films, shows, online videos) where compensation is involved.

3. Avoid Use of Brand Elements

- Stop using logos, slogans, colors, or any brand identifiers to promote liquor or its consumption.
- This includes indirect promotion, such as branded merchandise or event signage.

4. Refrain from Sponsoring Public Events

- Organizations may not:
  - Organize or promote public events that encourage liquor consumption.
  - Sponsor or contribute financially to such events.
- Exceptions apply only to private events with limited attendance (e.g., employees, shareholders). b21of2025liquorab

5. Review and Amend Existing Contracts

- Existing agreements for advertising, promotion, or sponsorship remain valid if signed before the Act's commencement.
- However, new agreements must comply with the amended law.

6. Internal Policy Updates

- Update marketing, sponsorship, and event policies to reflect the new legal restrictions.
- Train staff on compliance protocols and legal boundaries.

7. Legal and Regulatory Monitoring

- Stay informed about implementation timelines and presidential proclamation for the Act's commencement.
- Monitor updates from the Department of Trade, Industry and Competition and South African Government Gazette.

MEDICAL

LAW AND TYPE OF NOTICE Health Professions Act: Nominations of members of the Professional Boards: List of names of persons validly nominated for appointment to the Professional Boards G 53304 BN 830 05 September 2025
DETAILS Click on the link provided below to view the full list.
LINK TO FULL NOTICE **Health Professions Act: Nominations of members of the Professional Boards: List of names of persons validly nominated for appointment to the Professional Boards** G 53304 BN 830 05 September 2025 53304bn830.pdf

MERCHANT SHIPPING

LAW AND TYPE OF NOTICE

Merchant Shipping Act:

The Draft Merchant Shipping (National Small Vessel Safety) Regulations 2025: Comments invited

G 53304 GoN 3482

- Comment by 05 Oct 2025

05 September 2025

APPLIES TO:

Government and Regulatory Bodies

- **South African Maritime Safety Authority (SAMSA)** – Primary authority responsible for implementation, certification, inspections, and enforcement.
- **Department of Transport** – Oversees the regulatory framework and public consultation process.
- **National Ports Authority** – Involved in commercial harbour operations and reporting requirements.
- **Local Authorities and Regulating Authorities** – Responsible for inland waters, tidal lagoons, rivers, and sheltered waters.

Commercial Maritime Operators

- **Fishing companies** – Operating commercial fishing vessels subject to safety, crewing, and equipment regulations.
- **Passenger transport services** – Including ferries, tour boats, and charter vessels.
- **Dive charter operators** – Subject to specific safety and equipment requirements.
- **Off Port Limit (OPL) supply launch operators** – Must comply with enhanced construction, stability, and safety management system requirements.

Pleasure and Recreational Vessel Owners

- **Yacht clubs and sailing associations**
- **Jet-ski and personal watercraft users**
- **Rowing and paddling clubs**
- **Private boat owners** – Especially those operating on inland waters or participating in controlled events.

Training and Certification Providers

- **Small vessel training providers** – Must be accredited by SAMSA and comply with the Small Vessel Code.
- **Maritime academies and schools** – Offering skipper and crew training programs.

Marine Surveyors and Examiners

- **External Appointed Surveyors and Examiners** – Conduct inspections and assessments on behalf of SAMSA.

Safety and Equipment Suppliers

- **Manufacturers and distributors of marine safety equipment** – Lifejackets, flares, EPIRBs, fire extinguishers, etc.
- **Boat builders and repair yards** – Must comply with construction and modification standards.

Telecommunications and Radio Licensing Authorities

- **ICASA (Independent Communications Authority of South Africa)** – Responsible for licensing marine radio equipment and MMSI numbers.

Environmental and Waste Management Services

- **Sewage and garbage disposal services** – Supporting compliance with MARPOL Annex IV and V.
- **Pollution control agencies** – Monitoring discharge and environmental protection compliance.

SUMMED UP

Purpose of the Document

To invite public comments on the **draft regulations** governing the safety of **small vessels** in South Africa, including commercial and pleasure vessels operating in inland and coastal waters.

Structure of the Regulations

The regulations are divided into **11 Parts**, plus **Annexures**:

Part I: General

- Definitions of key terms (e.g., vessel categories, skipper, crew, sheltered waters, accident, etc.)
- Scope and application of the regulations to various vessel types and sizes.

Part II: Safety Certification

- Requirements for obtaining and displaying **Local General Safety Certificates**.
- Validity, renewal, and cancellation procedures.

Part III: Vessel Safety Requirements

- Design, construction, and inspection standards.
- Hull surveys, safety equipment, and operational limits.
- Navigation safety and voyage reporting.

Part IV: Crewing

- Training, drills, and responsibilities of owners and skippers.
- Endorsements for passenger and dive vessels.
- Age and fitness requirements.

Part V: Training

- Accreditation of training providers.
- Establishment of the **Small Vessel Code**.

Part VI: Unregistered Pleasure Vessels

- Marking, recording, and certification of fitness.
- Inspection and maintenance requirements.

Part VII: Delegated Powers

- Delegation to authorised agencies and external surveyors/examiners.

Part VIII: Special Provisions

- Rules for water-skiing, personal watercraft, and small sailing/rowing vessels.

Part IX: Administrative Arrangements

- Advisory committees and powers of the Director-General.

Part X: Enforcement and Offences

- Appointment of enforcement officers.
- Penalties for non-compliance.
- Exemptions and equivalents.

Part XI: Final Provisions

- Transitional arrangements.
- Repeal of 2007 regulations.
- Commencement and short title.

Annexures

Annexure 1: Construction Requirements

- Detailed technical standards for vessel design, materials, watertight integrity, hatches, ventilation, steering, and more.

Annexure 2: Safety Appliances and Equipment

- Mandatory safety gear per vessel category (e.g., lifejackets, flares, fire extinguishers, EPIRBs, radios).
- Maintenance and marking requirements.

Key Highlights

- **Vessel Categories (A–R)** define operational limits based on distance from shore and type of water.
- **Mandatory safety equipment** varies by category and includes life-saving, fire-fighting, and navigation tools.
- **Crew training and certification** are required for commercial operations.
- **Environmental protection** provisions include rules for garbage and sewage disposal.
- **Special rules** for passenger vessels, dive boats, pontoon vessels, and Off Port Limit (OPL) supply launches.
- **Public comment period**: 30 days from publication (5 September 2025).

FULL TEXT

DETAILS

DEPARTMENT OF TRANSPORT

NOTICE 3482 OF 2025

MERCHANT SHIPPING ACT, 1951 (ACT NO. 57 OF 1951)

THE DRAFT MERCHANT SHIPPING (NATIONAL SMALL VESSEL SAFETY) REGULATIONS, 2025

The Minister of Transport hereby in terms of section 356(1) of the Merchant Shipping Act,1951 (Act No. 57 of 1951), publishes for comments the draft Merchant Shipping (National Small Vessel Safety) Regulations, 2025 as indicated in the Schedule.

Interested persons are invited to submit written comments on this draft Merchant Shipping (National Small Vessel Safety) Regulations, 2025 within 30 days from the date of publication of this notice in the Government Gazette.

All comments should be posted or emailed to the Director-General Department of Transport for the attention of Mr TM Matlala at:
Department of Transport
Private Bag x 193
Pretoria

0001
E-mail: Matlalatm@dot.gov.za / Mpahlwac@dot.gov.za
Tel: 012 309 3799 / 3040

SCHEDULE

Arrangement of Regulations

32. Small vessel training providers
33. Small Vessel Code

PART VI
SPECIAL PROVISIONS FOR UNREGISTERED PLEASURE VESSELS

34. Application of this Part
35. Recording and marking of vessels
36. Vessel not to be used without certificate of fitness
37. Initial and renewal inspection for certificate of fitness
38. Issue of certificate of fitness
39. Duration of certificate of fitness
40. Cancellation of certificate of fitness
41. Surrender of expired or cancelled certificate of fitness
42. Custody and production of certificate of fitness
43. Maintenance of conditions after inspection

PART VII
SUPPLEMENTAL- DELEGATED POWERS

44. Delegation by Authority
45. Authorised agencies
46. External Appointed Surveyor or Examiner

PART VIII
ADDITIONAL SPECIAL PROVISIONS

47. Water-skiing
48. Supplementary requirements for personal watercraft, powerdriven not exceeding 15 horsepower, sailing vessels of less than seven metres in overall length, and rowing or paddling vessels.

PART IX
ADMINISTRATIVE ARRANGEMENTS

49. Advisory committees
50. Powers and functions of Director-General
51. Implementation of these Regulations

PART X
EQUIVALENTS, EXEMPTIONS, ENFORCEMENT AND OFFENCES

52. Equivalents and exemptions
53. Exemption in respect of controlled events
54. Appointment and Powers of enforcement officers
55. Offences, penalties and defences
56. Offences due to fault of another person

PART XI
FINAL PROVISIONS

57. Transitional arrangements
58. Repeal of Regulations
59. Short title and commencement
Annexure 1 Construction requirements
Annexure 2 Safety appliances and equipment

Click on the link provided below to view the full document.
LINK TO FULL NOTICE [Merchant Shipping Act: The Draft Merchant Shipping (National Small Vessel Safety) Regulations 2025: Comments invited] G 53304 GoN 3482 - Comment by 05 Oct 2025 05 September 2025 [53304gen3482.pdf]
ACTION **Government & Regulatory Bodies** **South African Maritime Safety Authority (SAMSA)** • Implement and enforce the regulations. • Issue and renew safety certificates and certificates of competence. • Accredit training providers and surveyors. • Publish marine notices and updates to the Small Vessel Code. • Conduct inspections and audits. **Local Authorities / Regulating Authorities** • Define operational zones (e.g., sheltered waters). • Approve launch sites and water-skiing zones. • Enforce local reporting and safety compliance. **Commercial Vessel Operators** **Fishing, Passenger, Dive, and OPL Operators** • Apply for and maintain valid **Local General Safety Certificates**. • Ensure vessels meet construction, stability, and equipment standards. • Conduct regular hull surveys and inspections. • Maintain crew training records and manning certificates. • Implement safety management systems (SMS). • Comply with environmental protection rules (garbage, sewage). • Equip vessels with required safety gear (lifejackets, flares, EPIRBs, etc.). • Ensure voyage reporting and emergency protocols are followed. **Pleasure Vessel Owners & Clubs** • Register and mark vessels appropriately. • Obtain and renew **Certificates of Fitness**. • Ensure compliance with safety equipment requirements. • Maintain buoyancy and construction standards. • Follow rules for controlled events and water-skiing. • Submit to inspections and report changes in vessel ownership or condition.

Training Providers
- Apply for accreditation from SAMSA.
- Maintain a Quality Standards Management System.
- Train skippers and crew in accordance with the Small Vessel Code.
- Keep training records for at least 5 years.
- Submit to audits and inspections.

Marine Surveyors & Examiners
- Conduct vessel inspections and hull surveys.
- Assess modifications and alterations.
- Issue survey reports and deficiency lists.
- Certify skippers and crew.

Radio & Communications Authorities (e.g., ICASA)
- License marine radio equipment.
- Issue MMSI numbers.
- Ensure compliance with GMDSS and AIS requirements.

Environmental & Waste Management Services
- Provide sewage and garbage disposal services.
- Support compliance with MARPOL Annex IV and V.
- Assist with holding tank and treatment system installations.

Safety Equipment Manufacturers & Suppliers
- Ensure products meet SANS, ISO, or CE standards.
- Supply compliant lifejackets, flares, fire extinguishers, liferafts, etc.
- Provide documentation and markings as required.

PUBLIC SECTOR

LAW AND TYPE OF NOTICE

Public Sector Pension and Related Payments Act 4 of 2025 (English / Sepedi)

04 September 2025

APPLIES TO:

1. Government Departments and Agencies

- National Treasury: Responsible for managing the National Revenue Fund and implementing the Act.
- Department of Public Service and Administration: Oversees public service employment and retirement.
- Department of Health: Involved in post-retirement medical scheme contributions.
- Department of Defence: Manages military pensions and benefits.
- Department of Justice: Covers pensions for retired judges and magistrates.

2. Legacy and Statutory Bodies

- Former Homeland Governments: Venda, Transkei, Ciskei, Bophuthatswana, Gazankulu.
- National Road Board and South African Mint: Pension schemes for former employees.
- Black Teachers Pension Fund: Historical pension fund for black educators.
- Development Boards: Former regional development entities.

3. Political and Legislative Institutions

- Parliament of South Africa: Staff and Members of Parliament (MPs) are covered under specific pension schemes.
- Presidency: Post-retirement benefits for Presidents.
- Political Office Bearers Pension Fund (POBPF): Employer contributions for MPs.

4. Military and Defence Forces

- South African National Defence Force (SANDF): Covers veterans of various wars, including pre-1914, WWI, WWII, Korean War, Border War, and non-statutory forces.
- Military Pensions Act beneficiaries: Includes both service members and their dependents.

5. Diplomatic Services

- Diplomatic Mission in the UK: Locally recruited staff under the 1961 Act are entitled to specific payments.

6. Medical Schemes

- GEMS (Government Employees Medical Scheme) and Medihelp: Receive government contributions for retired members.
- PSCBC (Public Service Coordinating Bargaining Council): Collective agreements govern medical scheme eligibility.

7. Special Pensions Beneficiaries

- Individuals recognized under the Special Pensions Act, 1996 for their role in establishing South Africa's democratic order.

Industries Indirectly Affected

- Insurance and Pension Fund Administrators: May be involved in managing or processing payments.

- Healthcare Providers: Due to medical benefits and subsidies.
- Legal and Financial Advisory Services: Supporting compliance and claims under the Act.

SUMMED UP

Purpose of the Act

The Act establishes that certain public sector pension payments, post-retirement medical benefits, and other related benefits—arising from legislation and collective agreements—are direct charges against the National Revenue Fund, as defined in Section 213 of the Constitution of South Africa.

Key Provisions

1. Direct Charges

The following types of payments are now considered direct charges against the National Revenue Fund:

- Pensions and benefits for retired judges, former members of pre-1994 legislative assemblies, and other legacy pension schemes.
- Injury on Duty (IOD) benefits and medical costs for government employees.
- Government contributions to medical schemes for retired public servants.
- Special pensions for individuals who contributed to the establishment of South Africa's democratic order.
- Pensions for political office bearers, presidents, military veterans, and parliamentary staff.

2. Amendment of the Schedule

The Minister of Finance is empowered to amend the Schedule of benefits, subject to:

- Public consultation (minimum 30 days).
- Parliamentary approval within 3 months.
- If Parliament does not act within 3 months, the amendments are deemed approved.
- Amendments may include clarifying terms, adding/removing benefits, or aligning with new legislation or agreements.

3. Short Title

The Act is officially titled the Public Sector Pension and Related Payments Act, 2025.

Schedule of Payments

The Schedule lists specific categories of pension-related payments, including:

1. **Pre-1994 Pension Schemes & Retired Judges**
    - Includes pensions for former homeland government officials, judges, and statutory body members.

2. **Injury on Duty**
    - Covers pensions and medical costs for employees injured while in service.

3. **Medical Scheme Contributions**
    - For retired public servants, magistrates, and former development board employees.

4. **UK Diplomatic Staff**
    - Tax-related payments for locally recruited staff under the UK Diplomatic Mission Act.

5. **Special Pensions**
    - For individuals who contributed to the democratic transition.

6. **Political Office Bearers Pension Fund**

- Employer contributions for Members of Parliament.

7. **Presidential Pensions**
   - Post-retirement benefits for Presidents.

8. **Military Pensions**
   - For veterans of various wars, including pre-1914, WWI, WWII, Korean War, and post-1960 conflicts.

9. **SA Citizen Force**
   - Pensions for Border War participants and non-statutory force members.

10. **Parliamentary Staff Medical Subsidies**

- Post-retirement medical scheme subsidies.

FULL TEXT

DETAILS

4 of 2025

The Public Sector Pension and Related Payments 4 of 2025 intends:

- to provide that certain public sector pension, post-retirement medical and other pension related benefits under legislation and collective agreements are direct charges against the National Revenue Fund; and
- to provide for matters incidental thereto.

Commencement

3 September 2025

Vol. 723 3 September 2025 No. 53288

The Presidency

No. 6570 3 September 2025

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

Act No. 04 of 2025: Public Sector Pension and Related Payments Act 2025

(English text signed by the President)
(Assented to 29 August 2025)

ACT

To provide that certain public sector pension, post-retirement medical and other pension related benefits under legislation and collective agreements are direct charges against the National Revenue Fund; and to provide for matters incidental thereto.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Public sector pension and related payments

1. The payments for public sector pension, post-retirement medical and other pension related benefits under legislation and collective agreements listed in the Schedule are direct charges against the National Revenue Fund, referred to in section 213 of the Constitution of the Republic of South Africa, 1996.

Amendment of Schedule

2. (1) The Minister of Finance may, subject to subsection (6), amend the Schedule after—

(a) publishing the proposed amendments to the Schedule in the Gazette for public comment for a period of at least 30 days;
(b) considering the public comment and, if necessary, amending the proposed amendments to the Schedule; and
(c) tabling the proposed amendments to the Schedule in Parliament for approval, including its proposed effective date.

(2) Parliament must approve, adopt amendments to, or reject the proposed amendments to, the Schedule within three months from the date of its tabling.
(3) Section 13 of the Money Bills and Related Matters Act, 2009 (Act No. 9 of 2009), applies in relation to the consideration by Parliament of the proposed amended Schedule that is tabled for approval.

(4) If Parliament does not pass a resolution approving, adopting amendments to, or rejecting the proposed amendments to, the Schedule within three months from the date of its tabling, Parliament is deemed to have approved the proposed amendments to the Schedule, and—

(a) the Minister must, by notice in the Gazette, publish the amended Schedule, and
(b) the amended Schedule takes effect on the date specified in the notice.

(5) If Parliament approves the proposed amendments to the Schedule, the Minister must, by notice in the Gazette, publish the amended Schedule, and amended schedule takes effect on the date specified in the notice.

(6) The Minister may amend the Schedule in terms of subsection (1)—

(a) to specify the meaning of any terms;

(b) to amend or omit benefits, or add benefits of the same kind, as a result of—
(i) an amendment to, or repeal of, any applicable legislation or collective agreement; or
(ii) new legislation or a new collective agreement; or

(c) to align references with the amendments made to the applicable legislation or collective agreements or new legislation or a new collective agreement.

Short title

3. This Act is called the Public Sector Pension and Related Payments Act, 2025.

SCHEDULE

(Direct charges in terms of section 1)

Payments*	Description of payments
1. Government payment to pre-1994 pension schemes and Retired Judges	• Additional retirement benefits to members of the fund in terms of the Associated Institutions Provident Fund Act, 1971 (Act No. 11 of 1971). • Pensions to the former members of the legislative assemblies of the former Venda, Transkei, Ciskei, Bophuthatswana and Gazankulu governments. • Pension benefits and awards to retired judges in terms of the Judges' Pensions Act, 1978 (Act No. 90 of 1978), referred to in section 16(4) of the Judges' Remuneration and Conditions of Employment Act, 2001 (Act No. 47 of 2001). • Pensions to members of the pension scheme of the National Road Board, which was abolished in terms of the Transport (Co-ordination) Act, 1948 (Act No. 44 of 1948). • Pensions to members of the pension scheme of the South African Mint in terms of the South African Reserve Bank Act 1989 (Act No. 90 of 1989). • Pensions to members of the Black Teachers Pension Fund Act, 1887 (Act No. 43 of 1887) (Cape). • Pensions to Chiefs and Headmen in terms of Regulations prescribing the Duties, Powers, Privileges and Conditions of Service of Chiefs and Headmen (Proclamation No. 110 of 1957). • Pensions to government officials and employees injured during war service, persons entitled to civil pensions and members of statutory bodies in terms of the Members of Statutory Bodies Pension Act, 1969 (Act No. 94 of 1969).
2. Injury on Duty (IOD)	Payment of pension benefits to government service officials and employees discharged because of injuries sustained on duty (until retirement age is reached) and payment of medical costs, following awards issued in terms of the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993).
3. Government Contributions to Medical Schemes	Contributions to medical schemes for— • retired employees appointed in terms of the Public Service Act, 1994 (Proclamation No. 103 of 1994) and belonging to registered medical schemes in terms of collective agreements of the Public Service Coordinating Bargaining Council (PSCBC) as on date of retirement or termination of service; • retirees prior to 1 July 1992 who were members of Medihelp medical scheme and transferred to Government Employees Medical Scheme (GEMS); • former employees of former Development Boards; and • retired magistrates.
4. United Kingdom Tax: Locally Recruited Staff	Payments to local members appointed or deemed to have been appointed under section 1 of the Diplomatic Mission in United Kingdom Service Act, 1961 (Act No. 38 of 1961).
5. Special Pensions	Payments of benefits to persons who made sacrifices in the cause of establishing a new democratic constitutional order in terms of the Special Pensions Act, 1996 (Act No. 69 of 1996).

Payments*	Description of payments
6. Political Office Bearers Pension Fund (POBPF)	Payments of employer pension contributions on behalf of members of Parliament who are admitted to the POBPF.
7. Pension Benefits: President of the Republic of South Africa	Pension benefits for Presidents of the Republic of South Africa, paid after retirement in terms of section 2(5)*(a)* of the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998).
8. Military Pensions: Ex-Service Persons	Pension payments to, and payment for medical treatment for, ex-service persons in terms of the Military Pensions Act, 1976 (Act No. 84 of 1976) involved in— • pre-1914 South African wars; • First and Second World wars; • Korean war; or • post-1960 wars.
9. Military Pensions: SA Citizen Force	Pension payment of, and payment for medical treatment for, members who participated in the Border War and members of the former non-statutory forces in terms of the Military Pensions Act, 1976 (Act No. 84 of 1976).
10. Post-retirement medical scheme: Staff of Parliament	Payment of subsidies to medical schemes for staff of Parliament in terms of the Parliamentary Service Act, 1974 (Act No. 33 of 1974).

*A payment also applies to a dependent or beneficiary (including a widower or widow) of a qualifying person if entitled thereto in terms of the applicable legislation or collective agreement.

LINK TO FULL NOTICE

Public Sector Pension and Related Payments Act 4 of 2025 (English / Sepedi)
04 September 2025

53288-3-9-publicsectorpensionrelatedpaymentsact-04-2025.pdf

ACTION

1. Government Departments & Agencies

Actions Required:
- Budget Planning: Adjust financial planning to account for pension and medical benefit payments as direct charges against the National Revenue Fund.
- Reporting & Compliance: Ensure accurate reporting of pension-related expenditures to Treasury.
- Coordination with Treasury: Collaborate on updates to the Schedule and respond to public consultations.

2. Treasury & Finance Institutions

Actions Required:
- Fund Allocation: Ensure sufficient funds are allocated in the National Revenue Fund for all listed benefits.
- Schedule Management: Implement and publish amendments to the Schedule as per the Act's procedures.
- Parliamentary Engagement: Table proposed amendments and manage timelines for approval or automatic enactment.

3. Public Sector Employers

Actions Required:
- HR & Payroll Adjustments: Update systems to reflect new pension and medical benefit obligations.
- Employee Communication: Inform current and retired employees about changes in benefit structures.
- Medical Scheme Contributions: Continue or initiate contributions to schemes like GEMS and Medihelp for eligible retirees.

4. Pension Fund Administrators

Actions Required:
- Benefit Processing: Administer payments for legacy schemes, retired judges, military veterans, and political office bearers.
- Data Management: Maintain accurate records of beneficiaries and ensure timely disbursements.
- Compliance Audits: Align operations with the Act's provisions and prepare for audits or reviews.

5. Parliament

Actions Required:
- Legislative Oversight: Review and approve amendments to the Schedule within the 3-month window.
- Monitoring Implementation: Ensure the Act is being applied correctly across departments.

6. Medical Schemes (e.g., GEMS, Medihelp)

Actions Required:
- Subsidy Management: Coordinate with government departments to receive and manage contributions.

- Eligibility Verification: Confirm retiree eligibility based on collective agreements and legislation.

7. Military & Veteran Affairs

Actions Required:

- Veteran Support: Process pensions and medical benefits for ex-service members.
- Historical Claims: Address claims from veterans of older conflicts (pre-1914, WWII, Border War, etc.).

8. Diplomatic Services

Actions Required:

- Tax Compliance: Manage payments for locally recruited staff under UK diplomatic service laws.

9. Legal & Advisory Bodies

Actions Required:

- Interpretation & Guidance: Provide legal clarity on eligibility, amendments, and entitlements.
- Support for Beneficiaries: Assist individuals in navigating claims and understanding their rights.

STANDARDS

LAW AND TYPE OF NOTICE
Standards Act: Standards matters: Comments invited G 53304 GoN 3481 - Comment by 28 Oct 2025 05 September 2025
LINK TO FULL NOTICE **Standards Act: Standards matters: Comments invited** G 53304 GoN 3481 - Comment by 28 Oct 2025 05 September 2025 53304gen3481.pdf

ENVIRONMENTAL ARTICLES

SOUTH AFRICA

A blueprint for Namibia's green industrialisation

Namibia has made substantial strides in establishing a comprehensive framework for its green hydrogen ambitions, demonstrating strong political will and a clear strategic vision.

The nation's Green Hydrogen and Derivatives Strategy, integrated with national development plans like Harambee Prosperity Plan II and Vision 2030, signals a deep commitment to socio-economic transformation beyond mere energy production.

The Green Industrialisation Blueprint, released in August 2024, further solidifies this commitment by providing a detailed roadmap for leveraging green hydrogen to drive broader economic diversification, job creation, and export growth.

Click here to read more.

Jackwell Feris and Ilda dos Santos
Cliff Dekker Hofmeyer

FINANCE ARTICLES

SOUTH AFRICA

When will South Africa's NPS Bill come into force? Navigating the road to implementation

The South African Reserve Bank ("the SARB") has repeatedly emphasised - most recently in its Vision 2025 document - that a modern, safe, and interoperable payment ecosystem is now a strategic imperative. Interoperability, stronger consumer safeguards, and an explicit framework for the regulation of non-bank payment service providers are singled out in Vision 2025 as urgent policy outcomes. Against that backdrop, many market participants are asking when the long-awaited National Payment System Bill ("NPS Bill") will finally surface.

Although Parliamentary officials have confirmed that, as at the date of writing, the Bill has not yet been introduced in either the National Assembly ("NA") or the National Council of Provinces ("NCOP"), the messaging in the Vision 2025 document suggests that modernising South Africa's payment system is a priority.

Why imminent changes to the National Payment System appears likely

Vision 2025 Commitments

The SARB commits in Vision 2025 to "*[d]raft the NPS Bill*", which process will be complemented by existing standards, frameworks and position papers. The Vision 2025 document states that the "end date" of this activity was December 2020.

Regulatory sequencing

On 3 March 2025, SARB published a draft directive entitled 'Directive in respect of specific payment activities within the national payment system' simultaneously with a draft exemption notice entitled 'Designation by the Prudential Authority of specific activities conducted in the national payment system which shall be deemed not to constitute 'the business of a bank' under paragraph (cc) in section 1(1) of the Banks Act, 1990'.

The draft directive and draft exemption notice, once finalised, may constitute short-term measures to modernise the payments system pending the promulgation of the NPS Bill.

Regional and international pressures

South Africa's upcoming Financial Action Task Force follow-up review and the African Continental Free Trade Area payments initiative both assume a robust legal basis for non-bank payment provider regulation and cross-border interoperability. Policymakers therefore have external incentives to move quickly.

Once the Bill has been drafted, and is approved by Cabinet, it will be introduced in the NA and proceed through committee review, public consultation, and debates in both Houses of Parliament. This process typically takes several months. If the Bill is tabled in late 2025, it could be enacted by mid-2026, with operational provisions likely phased in over the following year to allow for industry adjustment.

In summary, while the National Payment System Bill has not yet been introduced in Parliament, large-scale changes to South Africa's national payment system are imminent. Once a draft of the Bill is approved by Cabinet, the legislative process is expected to take several months. However, the draft directive and draft exemption notice may soon be published in their final form – as these subordinate instruments are not required to follow the same parliamentary process as national legislation. Market participants should prepare for significant changes to the payments landscape in the near future.

Angela Itzikowitz; Era Gunning; and Amelia Warren
ENSafrica

KENYA

The Draft Central Bank of Kenya (Non-Deposit Taking Credit Providers) Regulations, 2025

Background

On 7th August 2025, the Central Bank of Kenya (CBK) published the Draft Non-Deposit Taking Credit Providers Regulations, 2025 (the **Draft Regulations**) for public comment.

The Draft Regulations are issued under the Central Bank of Kenya Act (Chapter 491 of the Laws of Kenya) (**CBK Act**), following amendments introduced by the Business Laws (Amendment) Act, 2024. The amendments extended CBK's regulatory authority beyond Digital Credit Providers (DCPs) to encompass all non-deposit-taking credit providers (NDTCPs) in Kenya.

Key provisions of the Draft Regulations

(i) Scope and Applicability
Draft Regulations apply to all non-deposit taking credit businesses not already regulated under any other written law. The Draft Regulations do not apply to:

1. Institutions licensed under the Banking Act, Microfinance Act, or Sacco Societies Act.
2. The Kenya Post Office Savings Bank.
3. Credit arrangements that are "merely incidental" to the sale of goods or services by a person whose primary business is providing those goods or services.
4. Entities whose business is regulated under any other written law or approved by the CBK.

(ii) Licensing and Registration Requirements
The Draft Regulations establish a tiered approach to licensing and registration based on an applicant's capital base.

- **Licensing:** Applicants with an initial paid-up share capital of **KES 20 million** or more must apply for a licence from the CBK. The Draft Regulations prescribe an extensive list of documents and disclosures to accompany the licence application.
- **Registration:** Applicants with an initial capital **below the KES 20 million threshold** may apply for registration. The documents and disclosures to accompany the registration application are less extensive than for licensing.
- **Conversion of registration to a licence:** A key provision in the Draft Regulations is that a registered NDTCP whose capital, borrowings, or loan book surpasses the KES 20 million threshold must convert its status to a licensed entity. The CBK may also direct a registered NDTCP to apply for a licence where the NDTCP failed to disclose the correct figures or has undergone a rapid expansion of business following its registration.

(iii) Fees
The Draft Regulations introduce an application fee of KES 100,000 for both licensing and registration. Annual fees are set at KES 500,000 for licensed entities and KES 250,000 for registered entities.

This is a steep increase from the current fees applicable under the DCP Regulations where the application fee is KES 5,000 and the annual fee is KES 20,000.

(iv) Operation of the non-deposit taking credit business
- **Obligations:** The Draft Regulations introduce several key obligations for NDTCPs, including requirements to:

- Notify CBK of any proposed changes in significant shareholding, board composition or senior management.
- Adopt and maintain robust corporate governance standards, with clear oversight, risk management and compliance frameworks.
- Notify CBK prior to the opening, relocation, or closing of a branch or place of business.
- Obtain prior written approval before introducing new products in the market or varying features of an existing product as well as for sale, transfer or amalgamation of the business.
- Submit reports and returns to CBK on various information including loan numbers, complaints, and non-performing loans.
- Establish a risk management framework, a credit policy and appropriate processes and procedures to meet the objectives of the Code of Conduct provided in the Draft Regulations.
- Obtain prior approval of CBK before voluntarily liquidating or closing the business.

- **Prohibited activities:** NDTCP's are prohibited from engaging in activities such as deposit taking business; taking of cash as security for loans; collection of registration fees or membership fees from loan applicants or borrowers; foreign exchange business; payment services and transfer of funds; trust operations; and any other activity as CBK may determine.

- **Place of business:** the Draft Regulations introduce the requirement for NDTCPs to have at least one registered physical office in Kenya, in accordance with the requirements of the Companies Act, (Chapter 486 of the Laws of Kenya).

(v) Consumer Protection
The Draft Regulations also provide robust consumer protection obligations for NDTCPs requiring them to provide transparent transaction information, establish effective complaint resolution mechanisms, and ensure all marketing and promotional materials are fair, clear, and not misleading.

(vi) Enforcement
The Draft Regulations grant CBK a wide range of enforcement powers over NDTCPs in the event of non-compliance. The sanctions that CBK may impose on NDTCPs for non-compliance include:

- a monetary penalty which shall not exceed KES 2 Million, or three times the gross amount of the monetary gain made or loss avoided by the failure or refusal to comply, whichever is higher and continuing penalty not exceeding KES 10,000 in each case for each day or part thereof during which such failure or refusal continues;
- suspension or revocation of a licence or registration;
- disqualification of a significant shareholder, director or officer from holding any position or office in any non-deposit-taking credit provider and any entity licensed by CBK for a period of five years;
- prohibition of the NDTRCP from granting new loans, undertaking the permissible activities, using specific delivery channels, borrowing new loans or engaging particular agents or service providers; or
- direct a NDTCP to take administrative or disciplinary action, suspend or dismiss from office of the non-compliant NDTCP's director, officer, employee, agent or outsourced service provider.

(vii) Transitional provisions
- NDTCPs will be required to apply to CBK for a licence **within six months of publication of the Regulations.**
- The enactment of the regulations shall repeal the Central Bank of Kenya (Digital Credit Providers) Regulations, 2022.
- However, NDTCPs licensed under the Central Bank of Kenya (Digital Credit Providers) Regulations, 2022 shall not be affected by registration requirements under the Regulations and any pending licence applications shall at commencement of the Regulations, be processed in accordance with the Regulations.

Implications of the Draft Regulations

(a) Impact on foreign lending

The broad definitions of the terms 'non-deposit taking credit business' and 'non-deposit taking credit provider' under the CBK Act could be interpreted as placing licensing requirements for foreign lenders not established in Kenya but offering credit to borrowers in Kenya.

This is a significant development, as foreign lending plays a significant role as a source of foreign direct investments in Kenya.

The Draft Regulations do not provide for exemptions, thresholds or criteria for determining when the licensing or registration requirements will apply to foreign lenders not established in Kenya but provide credit facilities to borrowers including corporate borrowers and the Government in Kenya.

In addition, the requirement under the Draft Regulations for NDTCPs to establish a physical office in Kenya further implies that foreign lenders will need to establish a physical presence in Kenya which will cause concern for foreign lenders.

(b) Uncertainty regarding the exemption for credit arrangements incidental to the sale of goods and services
The CBK Act and the Draft Regulations exclude from their application credit arrangements that are merely incidental to the sale of goods or the provision of services. In effect, entities whose primary activity is the supply of goods or services and which only extend credit on an incidental basis are not non-deposit-taking credit providers under the CBK Act and are not subject to the licensing or registration requirements.

There is however, no guidance on the factors or criteria that CBK will apply in determining whether the provision of credit is merely 'incidental' to the sale of goods or provision of services. This creates uncertainty regarding the scope and application of the exemption.

(c) The Buy-Now-Pay-Later Arrangements to be regulated under the Regulations
The definition of a non-deposit credit business under the CBK Act includes buy now pay later arrangements as determined by CBK. A buy now pay later arrangement is in turn defined as an arrangement whereby the consumer purchases goods or assets, whether or not secured on the goods or assets, and pays later in instalments with or without interest.

The inclusion of the phrase 'as determined by CBK' grants CBK the discretion to determine the scope of buy now pay later (BNPL) arrangements that fall within its regulatory ambit. However, the Draft Regulations provide no further guidance on which BNPL arrangements are captured and which, if any, are excluded, leaving uncertainty for market participants regarding their regulatory obligations.

(d) Registration Delays
In a press release dated 5 June 2025, the CBK noted that it had received more than 700 applications for licensing of DCPs since March 2022. As at the date of the press release, only 126 DCPs had been licensed.

Based on the above, it remains difficult to predict how long CBK will take to process the significantly higher volume of applications expected from NDTCPs. In addition, given the potentially large number of entities that will fall within the licensing regime and the extensive obligations imposed by the Draft Regulations, it is unclear how CBK will effectively monitor and enforce these obligations across the sector.

Next Steps

The public comment period for the Draft Regulations is open until September 5, 2025. It is crucial for the various market participants to assess the impact of the Draft Regulations on their current operations and make representations to the CBK on the Regulations.

Dentons, Hamilton, Harrison & Mathews

LABOUR ARTICLES

SOUTH AFRICA

Modernising Workplace Discipline: A Short Guide to the 2025 Dismissal Code

The updated Code of Good Practice on Dismissal, issued under the Labour Relations Act, 1996, was published in Government Gazette No. 53294 and came into effect on 4 September 2025. This Code replaces the previous Code contained in Schedule 8 to the Labour Relations Act and introduces important changes.

The 2025 Code introduces greater clarity, fairness, and flexibility, especially for small businesses. It replaces the older Schedule 8 with a more structured and inclusive framework, ensuring that both employers and employees better understand their rights and responsibilities.

Other than the changes relating to small businesses and the justified deviation for employers in exceptional circumstances to have less formalistic disciplinary processes, there is nothing entirely new in the 2025 Code. While the previous Code provided general guidance, the 2025 Code incorporates established legal principles and case law directly into its text. As such, the changes relating to misconduct, poor performance and operational requirements in the 2025 Code could be regarded as a codification of already existing legal requirements. This may result in not only more clarity for employers and employees but also a stricter approach to what constitutes fairness. This stricter approach stems from the 2025 Code's emphasis on procedural consistency and substantive fairness.

Key changes introduced in the 2025 Code include the following:

- **Misconduct** - the 2025 Code requires employers to demonstrate that disciplinary rules are clearly communicated to employees, consistently applied, and proportionate to the offence.
- **Poor Performance** - the 2025 Code requires employers to provide structured support, including training and reasonable time for improvement, before considering dismissal, particularly for non-managerial employees.
- **Expanded Misconduct and Poor Performance Guidelines** - where the previous Code was more general on what constituted fair process, the 2025 Code outlines detailed examples of misconduct and poor performance, along with step-by-step disciplinary procedures to be followed.
- **Operational Requirements** - the 2025 Code mandates that a transparent consultation processes be followed, selection criteria be disclosed to employees, and meaningful engagement with affected employees or unions.
- **Small Business Accommodation** - the Code now includes specific provisions for small businesses, allowing small businesses to follow simpler, less formal disciplinary procedures while still maintaining fairness. For example, a small retail shop may conduct informal disciplinary hearings without legal representation, provided that the employee is informed and allowed to respond.
- **Less Formalistic Disciplinary Processes in Exceptional Instances** - the Code also provides for less formalistic disciplinary processes if an organisation cannot comply with a formal process in exceptional circumstances, but in terms of which, must be able to justify its deviation. This can apply to large businesses, however, as indicated, it must clearly justify its non-compliance.
- **Incapacity Expanded** - the Code also includes *incompatibility* and *imprisonment* as forms of incapacity. This inherently requires employers to comply with incapacity processes when it relates to employee incompatibility and imprisonment.

The most important feature of the 2025 Code is probably the dedicated section for small businesses, recognizing their unique operational constraints. This is a significant shift from the previous Code, which applied a uniform standard regardless of business size. Small businesses may use less formal processes, provided fairness is maintained. Disciplinary hearings may thus be less formal but must still allow the employee to respond. Employers must further document decisions and reasons for dismissal.

The 2025 Code further encourages small businesses to seek guidance from sectoral bodies or the CCMA. Comparing the 2025 Code with the previous Code the following is apparent:

Aspect	2025 Code	Previous Code
Small Business	Explicitly accommodated. Explicitly allows simplified procedures. A small business may now hold informal or less formal hearings.	No specific provisions.
Grounds for Dismissal	Misconduct, incapacity, hybrid incapacity, operational requirements, technology related operational needs and reputational harm.	Misconduct, incapacity and operational requirements
Misconduct	Emphasises the legitimacy of using informal processes and allows for deviation from the prescribed formal disciplinary processes in exceptional circumstances with appropriate justification by the employer (including large businesses). Provides clear examples and disciplinary steps to be followed. Emphasises progressive discipline and places a strong emphasis on coaching and restorative practice before dismissal.	Formal procedures generally expected to be followed with limited room for flexibility. Only general guidance provided.

	Requires employees to receive written warnings before dismissal.	
Industrial Action	Expands on the concept of dismissal for participation in unlawful strikes with factors like legitimacy of demands, duration and harm caused. Allows collective representations to be made. Provides clear steps for issuing ultimatums and engaging with unions. Requires that the employer must consult union before dismissing strikers	Covered dismissal for participation in unlawful strikes.
Probation	Formalized expectations and rights of employees. Employer must provide the employee with feedback and allow the employee to make representations before dismissal.	Dismissal during probation allowed but with certain procedural safe guards.
Performance	Requires more performance management and support for employees. Employees must be trained and given time to improve performance.	Evaluation and guidance only
Forms of Incapacity	Recognizes imprisonment and incompatibility as additional grounds of incapacity.	Ill-health and injury.

Ill Health	Places a stronger duty on employers to accommodate employees, especially for work-related illnesses. Requires employers to explore alternative roles for injured staff.	Recognized but less emphasized.
Retrenchment	Requires a detailed consultation process and transparency. Includes the terms of a Notice of Possible Retrenchment. Requires that employers must disclose selection criteria the during retrenchment process. Requires employers to explore alternatives to retrenchment (Remote work, re-employment, short-time).	Guided by section 189 of the Labour Relations Act. Required a consultation process and objective selection criteria to be applied.

In conclusion, the 2025 Code aims to modernise dismissal procedures, promote fairness, and provide clearer guidance for employers and employees. The 2025 Code promotes fairness and consistency, protects employees from arbitrary dismissal, and provides clearer guidance for employers, especially small businesses.

Employers will have to review their internal disciplinary codes and procedures to ensure alignment with the new Code.

Small businesses, in particular, should take note of the simplified compliance options now available.

This bulletin was authored by partner Paul Fouche, partner Venolan Naidoo, and Candidate Attorney Alyssa Farrand.

Paul Fouche and Venolan Naidoo
Fasken

END