

01 – 07 October 2025

Dear Subscribers,

Another quiet week on the compliance front.

Well, that is what we thought, until the Constitutional Court of South Africa delivered a landmark judgment on 3 October 2025, reshaping parental leave laws to promote equality and inclusivity for all parents, regardless of gender or the path to parenthood.

The Court declared sections of the Basic Conditions of Employment Act (BCEA) and Unemployment Insurance Act (UIA) unconstitutional for discriminating against fathers, same-sex parents, adoptive parents, and commissioning parents, creating a hierarchy of parental recognition that favored birth mothers.

Key changes include:

1. **Parental Leave Duration:** Single parents or sole employed parents are entitled to at least four consecutive months of parental leave. For employed couples, a total of four months and 10 days of leave is available, which can be divided as agreed or split equally if no agreement is reached.
2. **Adoption Leave Age Cap:** The previous two-year age cap for adoption leave was declared unconstitutional, as older adopted children also require bonding time. The Legislature will determine a reasonable age cap.
3. **Interim Measures:** The Court suspended the invalid provisions for 36 months, allowing Parliament to amend the laws. During this period, interim measures will apply, but existing UIF benefits remain unchanged.

Implications for Employers and Employees:

- Employers must update leave policies, abolish maternity leave references, and address practical challenges like verifying leave apportionment and extending paid leave benefits.
- Employees in parental relationships must plan how to divide their leave entitlements.

This judgment is a progressive step toward equality but raises practical challenges for implementation.

Please see below for other key highlights from this week's Gazette, where we've unpacked the latest developments.

CITIZENSHIP AND IMMIGRATION



- ✚ **Immigration Act:** Lesotho Exemption Permit Holders: Extension of validity of exemptions granted
- ✚ **Immigration Act:** Zimbabwean Exemption Permit Holders: Extension of validity of exemptions granted

COMPANIES



- ✚ **Companies Act:** Practice Note 3 of 2025: Additional information required for application for re-instatement of Deregistered Company
- ✚ **Companies Act:** Deactivation of manual filing channel for company and close corporation re-instatements
- ✚ **Companies Act:** Practice Note 4 of 2025: Additional information required for registration of external companies



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- ✚ Outa goes to court to change law to ensure SOE directors could be declared delinquent
- ✚ Telemarketers can no longer bombard you with spam calls
- ✚ The FIC is making life difficult for criminals
- ✚ MPs must weigh UIF costs after parental leave ruling
- ✚ South Africa: Constitutional Court reshapes parental leave legal landscape – What employers and employees should know

Alison and The Legal Team



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CITIZENSHIP AND IMMIGRATION

LAW AND TYPE OF NOTICE

Immigration Act: Lesotho

Exemption Permit Holders: Extension of validity of exemptions granted

G 53483 RG 11892 GoN 6715

07 October 2025

APPLIES TO:

Lesotho Permit Holders

DETAILS



MINISTRY OF
HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

Private Bag X741, Pretoria, 0001, Tel: (012) 432 6635 Fax: (012) 432 6675
Private Bag X9102, Cape Town, 8000, Tel: (021) 469 6507, Fax: (021) 461 4191

NOTICE TO ALL LESOTHO EXEMPTION PERMIT HOLDERS

MINISTER'S IMMIGRATION DIRECTIVE NO 20 OF 2025

RE: EXTENSION OF VALIDITY OF EXEMPTIONS GRANTED IN TERMS OF SECTION 31(2)(b) OF THE IMMIGRATION ACT, 2002 (ACT NO. 13 OF 2002)

1. I, Dr L. A. Schreiber, MP, Minister of Home Affairs, with the powers bestowed upon me in terms of section 31(2)(b) of the Immigration Act, ("Immigration Act") have decided to extend the validity of the Lesotho Exemption Permits ("LEP") until 28 May 2027.
2. The Immigration Advisory Board ("IAB") was appointed by me with effect from 01 April 2025. The IAB has met on several occasions and deliberated amongst themselves on the immediate future and a long-term solution for holders of LEP permits. Critical stakeholders will need to be part of a consultation process.
3. Pending the conclusion of consultations, I directed that:
 - 3.1 existing LEPs shall be deemed to remain valid for an additional (18) eighteen months after the current expiry date of 28 November 2025;



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- 3.2 no holder of the exemption may be arrested, ordered to depart or be detained for purposes of deportation or deported in terms of section 34 of the Immigration Act for any reason related to him or her not having any valid exemption certificate;
- 3.3 the holder of an exemption certificate may be allowed to enter into or depart from the Republic of South Africa in terms of section 9 of the Immigration Act, read together with the Immigration Regulations, 2014, provided that he or she complies with all other requirements for entry into and departure from the Republic, save for the reason of not having a valid visa endorsed in his or her passport; and
- 3.4 no LEP holder should be required to produce a valid exemption certificate, visa or an authorisation letter to remain in the Republic as contemplated in section 32(1) of the Immigration Act when making an application for any category of the visa for temporary sojourn in the Republic as contemplated in section 10(2) of the Immigration Act.

Any enquiry related to the content of this Directive, should be directed to the Department's Contact Centre at hacc@dha.gov.za

THUS DONE AND SIGNED AT CAPE TOWN ON THISth ___ DAY OF OCTOBER 2025.

DR L.A. SCHREIBER, MP
MINISTER OF HOME AFFAIRS

LINK TO FULL NOTICE

[Immigration Act: Lesotho Exemption Permit Holders: Extension of validity of exemptions granted](#)
G 53483 RG 11892 GoN 6715
07 October 2025

[53483rg11892gon6715.pdf](#)

01 – 07 October 2025

LAW AND TYPE OF NOTICE

Immigration Act: Zimbabwean

Exemption Permit Holders: Extension of validity of exemptions granted

G 53484 RG 11893 GoN 6716

07 October 2025

APPLIES TO:

Zimbabwe Permit Holders

DETAILS

DEPARTMENT OF HOME AFFAIRS

O. R. 6716

7 October 2025



MINISTRY OF
HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA

Private Bag X741, Pretoria, 0001, Tel: (012) 432 6635 Fax: (012) 432 6675
Private Bag X9102, Cape Town, 8000, Tel: (021) 469 6507, Fax: (021) 461 4191

NOTICE TO ALL ZIMBABWEAN EXEMPTION PERMIT HOLDERS

MINISTER'S IMMIGRATION DIRECTIVE NO 21 OF 2025

RE: EXTENSION OF VALIDITY OF EXEMPTIONS GRANTED IN TERMS OF SECTION 31(2)(b) OF THE IMMIGRATION ACT, 2002 (ACT NO. 13 OF 2002)

1. I, Dr L. A. Schreiber, MP, Minister of Home Affairs, with the powers bestowed upon me in terms of section 31(2)(b) of the Immigration Act, ("Immigration Act") have decided to extend the validity of the Zimbabwean Exemption Permits ("ZEP") until 28 May 2027.
2. The Immigration Advisory Board ("IAB") was appointed by me with effect from 01 April 2025. The IAB has met on several occasions and deliberated amongst themselves on the immediate future and a long-term solution for holders of ZEP permits. Critical stakeholders will need to be part of a consultation process.
3. Pending the conclusion of consultations, I directed that:
 - 3.1 existing ZEPs shall be deemed to remain valid for an additional (18) eighteen months after the current expiry date of 28 November 2025;



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- 3.2 no holder of the exemption may be arrested, ordered to depart or be detained for purposes of deportation or deported in terms of section 34 of the Immigration Act for any reason related to him or her not having any valid exemption certificate;
- 3.3 the holder of an exemption certificate may be allowed to enter into or depart from the Republic of South Africa in terms of section 9 of the Immigration Act, read together with the Immigration Regulations, 2014, provided that he or she complies with all other requirements for entry into and departure from the Republic, save for the reason of not having a valid visa endorsed in his or her passport; and
- 3.4 no ZEP holder should be required to produce a valid exemption certificate, visa or an authorisation letter to remain in the Republic as contemplated in section 32(1) of the Immigration Act when making an application for any category of the visa for temporary sojourn in the Republic as contemplated in section 10(2) of the Immigration Act.
4. Any enquiry related to the content of this Directive, should be directed to the Department's Contact Centre at hacc@dha.gov.za.

THUS DONE AND SIGNED AT CAPE TOWN ON THIS ³⁰ DAY OF OCTOBER 2025.

DR L.A. SCHREIBER, MP
MINISTER OF HOME AFFAIRS

LINK TO FULL NOTICE

[Immigration Act: Zimbabwean Exemption Permit Holders: Extension of validity of exemptions granted](#)

G 53484 RG 11893 GoN 6716
07 October 2025

[53484rg11893gon6716.pdf](#)



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COMPANIES

LAW AND TYPE OF NOTICE

Companies Act:

Practice Note 3 of 2025: Additional information required for application for re-instatement of Deregistered Company

G 53460 GoN 6705

03 October 2025

APPLIES TO:

Affected Entities

1. Private Companies (Pty) Ltd

- These are the most common business entities in South Africa.
- If deregistered due to non-compliance (e.g., failure to file Annual Returns), they must meet the new reinstatement criteria.

2. Close Corporations (CCs)

- Though no longer allowed to register new CCs, many still exist.
- They are subject to the same reinstatement rules as companies.

3. Dormant or Inactive Entities

- These are excluded from reinstatement unless they can prove economic activity or value at the time of deregistration.
- This is to prevent misuse for fraud, money laundering, or other criminal activities.

4. Entities Reinstated via Court Order

- Even with a valid court order, these entities must still comply with filing obligations (Annual Returns, Beneficial Ownership, AFS/FAS).
- Court orders must include a compliance timeframe to avoid re-deregistration.

5. Third-Party Administrators or Consultants

- Cannot file compliance documents on behalf of companies reinstated via court order.
- Only directors or members with proper mandate can do so.

Why This Matters

- **Non-compliant businesses** face severe consequences:
 - Frozen bank accounts
 - Loss of legal status
 - Directors may be held personally liable for debts.
- The CIPC aims to maintain a clean, economically relevant registry to support South Africa's efforts to exit grey-listing under international financial regulations.

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SUMMED UP

Purpose of the Practice Note

- Replaces Practice Note 1 of 2022.
- Aligns with the automation of the re-instatement process via online platforms.
- Applies to re-instatement under Section 82(4) of the Companies Act, 2008 and Regulations 40(6) & (7).

Key Requirements for Re-instatement Applications

- 1.
2. **Eligibility:**
 - Only companies/close corporations that were active or had economic value at the time of deregistration are eligible.
 - Dormant or inactive entities are excluded due to risks like fraud or money laundering.
- 3.
4. **Evidence:**
 - Must be retained by the applicant.
 - CIPC may request it anytime under Regulation 168.
 - Failure to provide may result in withdrawal of the application.
- 5.
6. **Post-Approval Obligations:**
 - Within **30** business days, the entity must file:
 - All outstanding Annual Returns
 - Beneficial Ownership Declarations
 - AFS/FAS (Annual Financial Statements / Financial Accountability Supplements)
 - Failure to comply will result in re-deregistration.

Re-instatement via Court Orders

- Court orders must be uploaded for validation.
- Free of charge.
- Can only be implemented once.
- After implementation, the entity must still file all outstanding compliance documents.
- Third parties cannot file these on behalf of the company.
- Recommended: Court orders should mandate compliance within a set timeframe.

Additional Notes

- Automation of the process is now live via CIPC e-Services, BizPortal, and Self-Service Terminals.
- For help, visit www.cipc.co.za and use the enquiries section.

FULL TEXT

DETAILS

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 6705 3 October 2025

PRACTICE NOTE OF 2025

01 – 07 October 2025

ADDITIONAL INFORMATION REQUIRED FOR APPLICATION FOR RE-INSTATEMENT OF DEREGISTERED COMPANY (FORM CoR40.5) VIA ONLINE PLATFORMS

Practice Note 1 of 2022, is hereby withdrawn and replaced with this practice note as per the date communicated on the CIPC website for the release of the automation of Application for Re-instatement of Deregistered Company (Form CoR40.5) in terms of Regulation 4(2)(b) of the Companies Regulation, 2011. This Practice Note is applicable to the re-instatement of companies and close corporations in terms of Section 82(4) of the Companies Act, 2008 read with Companies Regulation 40(6) and (7).

Re-instatement Applications:

CIPC will only re-instate companies and close corporations that were in business or had economic value at the time of final deregistration. Re-instatement of dormant, inactive or companies and close corporations that had no economic value at the time of final deregistration poses a risk to the integrity of the companies' registry and poses a risk of such entities being used for fraud, money laundering, terror financing or any other criminal activities.

This evidence must be retained by the company or close corporation, and CIPC reserves the right to request it at any time in accordance with Companies Regulation 168. Failure to provide such evidence may result in the withdrawal of the re-instatement application and subsequent annual return filings.

Once the application to re-instate has been processed and paid, the company or close corporation MUST file all outstanding Annual Returns, Beneficial Ownership Declarations and AFS/FAS within 30 business days to complete the re-instatement process failure of which the company or close corporation will be placed back into its previous deregistered status and the re-instatement application process must start again.

Re-instatement Court Orders:

Re-instatement court orders must be uploaded onto the service for back office to confirm the content and validity of the court order and is free of charge.

Court orders can only be implemented once by the CIPC, and therefore once implemented the company or close corporation must still file all its outstanding Annual Returns, latest Beneficial Ownership

Declaration and AFS/FAS.

Since third parties do not have a mandate or the information, they cannot file such on behalf of the company or close corporation re-instated by court order. If the outstanding Annual Returns, latest Beneficial Ownership Declaration and AFS/FAS is not filed, the company or close corporation will be placed back into AR deregistration for non-compliance with Annual Returns. When approaching the court for an order to re-instate, it is advised that the court order mandate the company to comply with such provisions within a set period of time.

For further assistance, please visit www.cipc.co.za and refer to the enquiries section for guidance on submitting your queries.

Adv. Rory W Voller
Commissioner: CIPC

LINK TO FULL NOTICE

[Companies Act: Practice Note 3 of 2025: Additional information required for application for re-instatement of Deregistered Company](#)

G 53460 GoN 6705
03 October 2025

[53460gon6705.pdf](#)

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ACTION

Before Applying for Reinstatement

1. **Confirm Eligibility:**
 - The entity must have been active or had economic value at the time of final deregistration.
 - Dormant or inactive entities are not eligible.
2. **Retain Proof of Economic Activity:**
 - Evidence such as bank statements, invoices, or property ownership must be kept on file.
 - CIPC may request this at any time under Regulation 168.

During the Application Process

3. **Submit Form CoR40.5:**
 - Use CIPC e-Services, BizPortal, or Self-Service Terminals.
 - Manual submissions via email are no longer accepted.
4. **Pay the Prescribed Fee:**
 - R200 via CIPC's card payment facility.
 - Application is only valid once payment is confirmed.

After Approval

5. **File the Following Within 30 Business Days:**
 - Outstanding Annual Returns
 - Beneficial Ownership Declarations
 - AFS/FAS (Annual Financial Statements or Financial Accountability Supplements)
 - Failure to comply will result in re-deregistration, and the process must start over.

If Reinstatement Is via Court Order

6. **Upload the Court Order:**
 - Must be verified by CIPC (free of charge).
 - Can only be used once.
7. **Still File All Compliance Documents:**
 - Even with a court order, the same 30-day rule applies.
 - Courts are advised to include a compliance timeframe in their orders.

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LAW AND TYPE OF NOTICE

Companies Act:

Deactivation of manual filing channel for company and close corporation re-instatements

G 53460 GeN 6704

03 October 2025

APPLIES TO:

All Organizations

FULL TEXT

DETAILS

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 6704

3 October 2025



IMPORTANT NOTICE

DEACTIVATION OF MANUAL FILING CHANNEL FOR COMPANY AND CLOSE CORPORATION RE-INSTATEMENTS (COR40.5)

In terms of Regulation 169(1) of the Companies Regulation, 2011, under the Companies Act of 2008 (Act 71 of 2008), the Companies and Intellectual Property Commission ("the Commission"), hereby gives notice that as per the date published on the CIPC website, www.cipc.co.za, the manual filing channel for company and close corporation re-instatements (Form CoR40.5) via e-mail address re-instatements@cipc.co.za will be de-activated. Companies and Close Corporations must still comply with the filing of all outstanding Annual Returns to complete the re-instatement process after the re-instatement application has been processed. Failure to file all outstanding Annual Returns will result in the company or close corporation being referred to final deregistration.

As from the stated date, company and close corporation re-instatements may only be submitted electronically via any of the authorised channels listed on the Commissions website www.cipc.co.za.

Adv. Rory Voller
Commissioner: CIPC
___/05/2025



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LINK TO FULL NOTICE

[Companies Act: Deactivation of manual filling channel for company and close corporation re-instatements](#)

G 53460 GeN 6704

03 October 2025

[53460gen6704.pdf](#)



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LAW AND TYPE OF NOTICE

Companies Act:

Practice Note 4 of 2025: Additional information required for registration of external companies

G 53460 GoN 6706

03 October 2025

APPLIES TO:

- Foreign companies registering to operate in South Africa.
- Individuals appointed as local representatives.
- Legal and compliance professionals assisting with registrations.
- Companies acting as directors of external companies.

SUMMED UP

Purpose

To update the requirements for registering external companies (foreign companies operating in South Africa) via the CIPC online platform, replacing previous Practice Notes from 2022 and 2024.

Key Changes & Requirements

1. Additional Information Required for Registration:

- Physical and postal addresses of the company's principal office both inside and outside South Africa.
- Industry sector in which the company will operate in South Africa.

2. Address Validation:

- No need to upload proof of South African physical address; validation will be done electronically.

3. Authorized Representative in South Africa:

- Must be a natural person (not a company).
- Must provide:
 - Full name
 - South African ID number
 - Physical and postal addresses in South Africa
 - Email and cellphone number

4. Juristic Person as Director:

- Allowed, but must provide:
 - Name
 - Registration number
 - Email and cellphone number



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5. Mandatory Documents to Upload:

- Mandate authorizing the filer
- Directors' resolution approving registration
- Certified certificate of incorporation
- Certified governance/constitutional documents
- Certified translation (if documents are in a foreign language)
- Securities register

FULL TEXT

DETAILS

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 6706 3 October 2025

PRACTICE NOTE OF 2025

ADDITIONAL INFORMATION REQUIRED FOR REGISTRATION OF EXTERNAL COMPANIES VIA ONLINE PLATFORMS

The revised Practice Note 6 of 2022, and the section relating to Registration of External Companies (CoR20.1 and supporting documents) on Practice Note 1 of 2024 are hereby withdrawn and replaced with this practice note as per the date communicated on the CIPC website for the release of the automation of registration of external companies (Form CoR20.1) in terms of Regulation 4(2)(b) of the Companies Regulation, 2011. This Practice Note is applicable to the registration of external companies in terms of Section 24 of the Companies Act, 2008 read with Companies Regulation 20.

To ensure that CIPC has relevant and usable information relating to external companies' additional information is required.

- CIPC requires both the physical and postal address of the principal office of the external company both within and outside of the Republic.
- As from the release date of the automation of registration of external companies, it will not be necessary to upload proof of physical address of the physical address within South Africa – such validation will occur electronically.
- The industry within which the external company will operate within South Africa must be indicated.

• The person who is authorised to accept service of documents on behalf of the external company may only be a natural person and the physical and postal address must be within South Africa. The following additional information of such person will be required: -

- Name and surname;
- South African Identity Number;
- Postal address within South Africa;
- Physical address within South Africa; and
- Email and cell phone number.

• A juristic person may be a director of an external company, and in such instance the following additional information of such juristic director is required: -

- Name of the juristic person;
- Registration number of the juristic person; and
- E-mail and cell phone number for the juristic person.

As part of the electronic service, the following documents must be uploaded:

- A mandate authorizing the filer to act on behalf of the foreign company;



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- A resolution from the directors approving the registration in South Africa;
- A certified copy of the certificate of incorporation;
- A certified copy of the company's governance or constitutional documents;
- A certified translation certificate, if any documents are in a foreign language;
- A securities register.

Refer to the latest notice or practice note relating to certification of documents.

For further assistance, please visit www.cipc.co.za and refer to the enquiries section for guidance on submitting your queries.

Adv. Rory W Voller
Commissioner: CIPC

LINK TO FULL NOTICE

[Companies Act: Practice Note 4 of 2025: Additional information required for registration of external companies](#)

G 53460 GoN 6706

03 October 2025

[53460gon6706.pdf](#)

ACTION

External Companies

1. Prepare and Submit Additional Information

- **Addresses:**
 - Provide physical and postal addresses of the principal office both inside and outside South Africa.
 - No need to upload proof of the South African physical address—this will be electronically validated.
- **Industry Declaration:**
 - Specify the industry sector in which the company will operate within South Africa.

2. Appoint a Local Representative

- Must be a natural person (not a company).
- Provide the following details:
 - Full name and surname
 - South African ID number
 - Physical and postal address within South Africa
 - Email address and cellphone number

3. Provide Details of Juristic Directors (if applicable)

- If a juristic person (i.e., another company) is a director:
 - Provide the name, registration number, email, and cellphone number of the juristic entity.

4. Upload Mandatory Documents via CIPC Online Platform

- Mandate authorizing the filer to act on behalf of the foreign company
- Director's resolution approving registration in South Africa
- Certified copy of the certificate of incorporation



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- Certified governance/constitutional documents
- Certified translation certificate, if any documents are in a foreign language
- Securities register

5. Use the Automated Online Registration System

- Registration must be done via the CIPC's automated online platform using Form CoR20.1.
- Manual registration channels have been deactivated.

Compliance Reminder

Failure to comply with these requirements may result in registration delays, rejection, or penalties. Organizations must ensure all information and documents are accurate and complete before submission.



01 – 07 October 2025

CUSTOMS, EXCISE AND INTERNATIONAL TRADE

LAW AND TYPE OF NOTICE

International Trade Administration Act:

Placing of Chrome Ore under export control: Comments invited

G 53467 GoN 6712

- Comment by 31 Oct 2025

03 October 2025

APPLIES TO:

1. Chrome Mining Companies

- Directly affected, as they extract raw chrome ore.
- Will need to apply for export permits before shipping chrome ore abroad.
- May face increased administrative and compliance costs.

2. Exporters and Trading Companies

- Entities involved in the international trade of chrome ore will be subject to new regulations.
- Must comply with the permit system established by the International Trade Administration Commission.

3. Ferrochrome Producers and Smelters

- These companies benefit from the policy, as it aims to encourage local beneficiation.
- May see increased access to raw chrome ore at more competitive prices.

4. Manufacturing and Industrial Firms

- Especially those in **steel** production, automotive, and chemical industries that use chrome or ferrochrome.
- Could be indirectly affected by changes in supply chain dynamics and pricing.

5. Logistics and Freight Companies

- May experience changes in volume and routing of chrome ore shipments.
- Need to adapt to permit-related delays or documentation requirements.

6. Industry Associations and Chambers of Commerce

- Will likely play a role in advocating for members, coordinating feedback, and engaging with government during the public comment process.

7. International Buyers and Refineries

- Foreign companies that rely on South African chrome ore may face supply disruptions or price increases.



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SUMMED UP

Purpose

The notice invites public comment on a Cabinet decision to place chrome ore (tariff subheading 2610.00) under export control. This aims to support the revival and long-term competitiveness of South Africa's chrome industry.

Background

South Africa's chrome value chain has been in decline due to:

- Rising electricity costs
- Global market pressures
- Unregulated export of raw chrome ore

To address this, Cabinet endorsed coordinated interventions, including export control measures.

Discussion

- Chrome ore will be regulated under Section 6(1)(d) of the International Trade Administration Act, 2002 (Act No. 71 of 2002).
- Exporters must obtain a permit from the International Trade Administration Commission before exporting chrome ore.
- The permit system will ensure strategic management of this critical mineral resource and support mineral beneficiation near mining sites.

Call for Comments

- Stakeholders are invited to submit written comments within 4 weeks of the notice date.
- Submissions should be marked as confidential or non-confidential, with a non-confidential version provided if applicable.
- Comments should be sent to:

Mr. Sisanda Mtwazi

Director: Primary Minerals Processing and Construction

Email: ChromeExportPermit@thedtic.gov.za

Address: 77 Meintjies Street, Sunnyside, Pretoria, Gauteng, RSA, 0002

FULL TEXT

DETAILS

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 6712 3 October 2025

NOTICE INVITING PUBLIC COMMENT ON THE PLACING OF CHROME ORE UNDER EXPORT CONTROL IN TERMS OF SECTION 6 OF THE INTERNATIONAL TRADE ADMINISTRATION ACT 71 of 2002

1. PURPOSE



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The purpose of this notice is to inform stakeholders and interested parties of a recent Cabinet decision¹ aimed at reviving South Africa's Chrome industry and to invite public comment on the decision to place chrome ore, classifiable under tariff subheading 2610.00, under export control by the International Trade Administration Commission of South Africa ("the Commission"). This and other interventions are designed to improve the long-term viability and competitiveness of the Chrome value chain in the Republic of South Africa.

2. BACKGROUND

The South African Chrome value chain, which is a significant contributor to the country's mining and industrial base, has experienced a steady decline in recent years.

This decline has been attributed to a combination of binding constraints, including rising electricity costs, global market pressures and the unregulated export of raw chrome ore. In response, Cabinet has endorsed a coordinated intervention by government and industry stakeholders to stabilise and revitalise the Chrome value chain. This decision by Cabinet includes placing chrome ore under export control by the Commission.

3. DISCUSSION

Cabinet's decision to place chrome ore under export control recognises the strategic importance of the Chrome value chain in supporting South Africa's industrialisation goals and mineral beneficiation strategy, include value addition of raw minerals close to source of mining extraction. The introduction of export control on chrome ore will be in terms of the International Trade Administration Act, 2002 (Act No. 71 of 2002) ("the Act"), which authorises the Minister of Trade, Industry and Competition ("the Minister") to regulate imports and exports.

Specifically, section 6(1)(d) of the Act provides that –

(1) The Minister may, by notice in the Gazette, prescribe that no goods of a specified class or kind, or no goods other than goods of specified class or kind, may be –

(d) exported from the Republic, except under the authority of and in accordance with the conditions stated in a permit issued by the Commission.

Based on Cabinet's decision and the authority provided for under the Act, as exercised by the Minister, the Commission will establish a permit processing system for chrome ore. Based on this system, prior to the exportation of any chrome ore, exporters will be required to apply to the Commission for an export permit. Assuming that a permit application is properly completed, and that any other requirements have been duly met, the Commission will issue an applicant with an export permit. This permitting process, together with the other interventions decided on by Cabinet, will allow for a more strategic management of this critical mineral resource.

4. COMMENTS

Stakeholders and other interested parties are hereby invited to submit written comments on the placing of chrome ore under export control by the Commission, as discussed above. Comments should be clearly marked 'confidential' or 'nonconfidential', and if a confidential submission is made it should be accompanied by a non-confidential version.

Comments should be submitted within four (04) weeks of the date of this notice to the following official:

For Attention: Director-General: the Department of Trade, Industry and Competition
c/o: Mr. Sisanda Mtwazi, Director: Primary Minerals Processing and Construction
The Department of Trade, Industry and Competition
Email: ChromeExportPermit@thedtic.gov.za
Address: 77 Meintjies Street, Sunnyside, Pretoria, Gauteng, RSA, 0002

LINK TO FULL NOTICE



01 – 07 October 2025

International Trade Administration Act: Placing of Chrome Ore under export control: Comments invited

G 53467 GoN 6712

- Comment by 31 Oct 2025

03 October 2025

[53477gon6712.pdf](#)

ACTION

Ensure that you submit your comments before 31 October 2025.



01 – 07 October 2025

LAW AND TYPE OF NOTICE

Customs and Excise Act:

Amendment to Schedule No. 2 (2/83) (English/Afrikaans)

G 53461 RG 11891 GoN 6711

03 October 2025

APPLIES TO:

1. Importers and Exporters

- Importers of goods subject to new duties will face higher costs, potentially reducing competitiveness or profit margins.
- Exporters from countries targeted by anti-dumping or countervailing duties may see reduced demand or face barriers to entry in the South African market.

2. Domestic Manufacturers

- Likely to benefit from reduced competition from cheaper imported goods.
- May experience increased market share and improved pricing power.

3. Retailers and Wholesalers

- Businesses that rely on imported goods may need to adjust pricing or source alternatives.
- Could face supply chain disruptions or increased costs.

4. Logistics and Customs Brokerage Firms

- Will need to update compliance procedures to reflect new duties.
- May see increased demand for services related to customs clearance and tariff classification.

5. Trade Associations and Industry Bodies

- Will play a role in advocating for member interests, especially in sectors affected by the new duties.
- May engage with government on behalf of stakeholders to negotiate or clarify regulations.

FULL TEXT

DETAILS



01 – 07 October 2025

CUSTOMS AND EXCISE ACT, 1964. AMENDMENT OF SCHEDULE NO. 2 (NO. 2/83) In terms of section 56 of the Customs and Excise Act, 1964, Schedule No. 2 to the said Act is hereby amended, with effect from 1 January 2026, to the extent set out in the Schedule hereto. NO. R. 6711 ENOCH GODONGWANA MINISTER OF FINANCE SCHEDULE By the substitution of the Heading to Schedule No. 2 with the following: ANTI-DUMPING, COUNTERVAILING AND SAFEGUARD DUTIES ON IMPORTED GOODS	
LINK TO FULL NOTICE Customs and Excise Act: Amendment to Schedule No. 2 (2/83) (English/Afrikaans) G 53461 RG 11891 GoN 6711 03 October 2025 53461rg11891gon6711.pdf	
ACTION 1. Importers and Exporters Importers - Reassess Cost Structures: Incorporate new duties into pricing models and profit margins. - Update Customs Declarations: Ensure correct duty codes are applied during import clearance. - Review Supplier Agreements: Renegotiate contracts to reflect increased costs or seek alternative sources. - Monitor Duty Changes: Stay informed about future amendments or duty rate adjustments. Exporters (Foreign Suppliers) - Evaluate Market Viability: Determine if South Africa remains a profitable market under new duties. - Engage with Trade Authorities: Respond to investigations or provide evidence in defense against dumping or subsidy claims. - Adjust Export Strategies: Consider shifting focus to other markets or modifying product pricing. 2. Domestic Manufacturers - Scale Production: Prepare for increased demand due to reduced competition from imports. - Market Positioning: Leverage the opportunity to gain market share and improve pricing. - Collaborate with Government: Provide input on further trade remedies or industrial policy support. 3. Retailers and Wholesalers - Adjust Pricing Strategies: Reflect increased import costs in retail pricing or absorb costs strategically. - Diversify Supply Chains: Seek domestic alternatives or suppliers from countries not affected by duties. - Inventory Planning: Anticipate potential delays or cost fluctuations in imported goods. 4. Logistics and Customs Brokerage Firms - Update Compliance Systems: Integrate new duty codes and procedures into customs software.	

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- Train Staff: Ensure teams understand the implications of anti-dumping, countervailing, and safeguard duties.
- Advise Clients: Provide guidance to importers/exporters on compliance and cost implications.

5. Trade Associations and Industry Bodies

- Advocacy and Representation: Collect member feedback and lobby for fair implementation or exemptions.
- Disseminate Information: Educate members about the changes and their implications.
- Facilitate Dialogue: Organize forums or consultations with government agencies like SARS and ITAC.

LAW AND TYPE OF NOTICE

Customs and Excise Act:

Amendment to Part 1 of Schedule No. 1 (No. 1/1/1962) (English/Afrikaans)

G 53461 RG 11891 GoN 6710

03 October 2025

APPLIES TO:

Manufacturers

- Food & Beverage Producers: Using imported ingredients like dairy, oils, cereals, fruits, vegetables, and extracts.
- Textile & Apparel Manufacturers: Relying on imported yarns, fabrics, and accessories.
- Chemical & Pharmaceutical Companies: Importing acids, glycerol, yeasts, baking powders, and other chemical inputs.
- Cosmetics & Personal Care Producers: Using essential oils, oleoresins, and other ingredients.
- Rubber & Plastic Product Makers: Utilizing polymers, rubber threads, containers, and packaging materials.
- Furniture & Wood Product Manufacturers: Importing wood panels, doorskins, and fittings.
- Automotive & Machinery Producers: Using imported parts, lubricants, belts, and hoses.

Retailers & Wholesalers

- Supermarkets & Food Retailers: Selling imported food and beverage products.
- Pharmacies & Health Stores: Stocking sanitary products, bandages, and medical supplies.
- Home & Office Furniture Stores: Offering imported desks, chairs, and modular units.
- Toy & Leisure Goods Retailers: Selling bicycles, tricycles, inflatable pools, and other recreational items.
- Fashion & Apparel Stores: Selling garments, accessories, and footwear made from imported textiles.

Importers & Exporters

- General Import/Export Businesses: Handling cross-border trade of goods affected by the new tariffs.
- Customs Brokers & Trade Compliance Firms: Managing documentation and ensuring compliance with updated duty structures.
- Logistics & Freight Forwarders: Transporting goods subject to revised tariffs.

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Agricultural Organizations

- Seed & Grain Suppliers: Importing cereals, nuts, and oilseeds.
- Animal Feed Producers: Using oil-cake, residues, and feed additives.
- Farm Equipment Importers: Bringing in trailers, wheelbarrows, and agricultural machinery.

Industrial & Technical Sectors

- Petroleum & Energy Companies: Importing fuels, lubricants, bitumen, and biodiesel.
- Construction Firms: Using imported wood, steel, glass, and other building materials.
- Mining & Engineering Companies: Importing specialized vehicles, tools, and equipment.

Healthcare & Medical Suppliers

- Medical Device Importers: Syringes, needles, sanitary towels.
- Hospital Procurement Units: Sourcing furniture, medical supplies, and equipment.

Specialized Sectors

- Defense & Firearms Dealers: Importing weapons, ammunition, and accessories.
- Educational Institutions: Procuring school furniture and supplies.
- Packaging Companies: Using imported paper, plastic, and wood-based packaging materials.

Organizations Trading with Specific Regions

- Entities Engaged in Trade with:
 - EU / UK
 - EFTA
 - SADC
 - MERCOSUR
 - AfCFTA
 - Switzerland

SUMMED UP

Key Product Categories & Duty Highlights

Animal & Fish Products

- Primates, whales, reptiles, pigs: Duties range from 8c/kg to 40% or 240c/kg
- Fish & seafood (salmon, trout, catfish, tilapia, eels, rays, sharks): Mostly 25% general duty, free for SADC, 10% for AfCFTA

Dairy Products

- Milk powder, whey, cheese (fresh, grated, blue-veined, Swiss imports): Duties range from 450c/kg to 500c/kg, with maximums up to 95%, AfCFTA rates around 180c/kg to 200c/kg

Vegetables & Fruits

- Asparagus, mushrooms, capsicum, peas, apples, pears, cherries: Duties range from 4% to 20%, often free for SADC, AfCFTA rates 1.6% to 8%

Cereals & Seeds

- Oats, rice, rye, quinoa, fonio: Duties from 2.75c/kg to 20%, AfCFTA rates 1.1c/kg to 8%
- Linseed, sunflower, sesame, safflower: Duties 7.4% to 10%, AfCFTA 2.96% to 4%

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Processed Foods & Beverages

- Jams, juices, sauces, ice cream, muesli, rusks, beer powder: Duties 5% to 37%, AfCFTA 2% to 14.8%
- Alcoholic beverages (wine, beer, cider, mead, spirits): 25% general duty, free for SADC, AfCFTA 10%

Tobacco Products

- Raw, stemmed, refuse, pipe/cigarette tobacco, snuff: Duties 15% to 45%, AfCFTA 6% to 18%

Chemicals & Petroleum

- Mica, tar, aromatic hydrocarbons, petrol, lubricants: Duties 10% to 20%, AfCFTA 4% to 8%

Plastics & Rubber

- Polyethylene, styrene, vinyl chloride, acrylics, polycarbonates, polyamides, rubber latex: Duties mostly 10%–15%

Wood & Paper Products

- Veneers, doorskins, boards, OSB, densified wood, pallets: Duties 10%–30%, often free for trade partners

Textiles & Apparel

- Cotton, wool, synthetic, polyester, staple fibres, yarns, woven/knitted fabrics: Duties 7.5%–22%
- Clothing & accessories (gloves, scarves, belts, corsets, bed nets): Duties 30%–40%, lower for trade partners

Miscellaneous Goods

- Matches, toys, brushes, sanitary products, furniture, firearms, modular buildings: Duties 10%–45%, with regional preferences

Trade Agreement Preferences

- EU/UK, EFTA, SADC: Many items are duty-free
- MERCOSUR, AfCFTA: Generally lower rates than General, but higher than SADC
- Swiss Imports: Often receive special provisions with reduced or zero rates

Notable Features

- Product-specific qualifiers (e.g., alcohol content, packaging size, thickness, protein content) affect duty rates
- Statistical units include kg, m², m³, litre, unit (u), pair (2u)
- Extensive coverage: Over 50 pages of tariff lines across food, chemicals, textiles, machinery, and more

[FULL TEXT](#)
[DETAILS](#)

01 – 07 October 2025

CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 1 (NO. 1/1/1962)

In terms of section 48 of the Customs and Excise Act, 1964, Part 1 of Schedule No. 1 to the said Act is hereby amended, with effect from 1 January 2026, to the extent set out in the Schedule hereto.

Enoch Goboziwani

ENOCH GOBOZIWANI

MINISTER OF FINANCE

NO. R. 6710

SCHEDULE

By the substitution of the following:

Heading / Subheading	CD	Article Description	Statistical Unit	Rate of Duty						
				General	EU / UK	EFTA	SADC	MERCOSUR	AfCFTA	
0208.30	7	- Of primates	kg	8c/kg	free	free	free	8c/kg	3,20c/kg	
0208.40.10	9	- Of whales	kg	8c/kg	free	free	free	4c/kg	3,20c/kg	
0208.40.90	7	- Other	kg	8c/kg	free	8c/kg	free	4c/kg	3,20c/kg	
0208.50	6	- Of reptiles (including snakes and turtles)	kg	8c/kg	free	8c/kg	free	8c/kg	3,20c/kg	
0209.10	1	- Of pigs	kg	8c/kg	8c/kg	8c/kg	free	8c/kg	3,20c/kg	
0209.90	8	- Other	kg	8c/kg	8c/kg	8c/kg	free	8c/kg	3,20c/kg	
0210.20.11	1	--- Imported from Switzerland	kg	40% or 240c/kg	40% or 240c/kg	40% or 240c/kg	free	40% or 240c/kg	18% or 96c/kg	
0210.91	4	- Of primates	kg	40% or 240c/kg	40% or 240c/kg	40% or 240c/kg	free	40% or 240c/kg	18% or 96c/kg	
0210.92	0	- Of whales, dolphins and porpoises (mammals of the order Cetacea); of manatees and dugongs (mammals of the order Sirenia); of seals, sea lions and walrus (mammals of the suborder Pinnipedia)	kg	40% or 240c/kg	40% or 240c/kg	40% or 240c/kg	free	40% or 240c/kg	18% or 96c/kg	
0210.93	7	- Of reptiles (including snakes and turtles)	kg	40% or 240c/kg	40% or 240c/kg	40% or 240c/kg	free	40% or 240c/kg	18% or 96c/kg	
0210.98.11	0	---- Imported from Switzerland	kg	40% or 240c/kg	40% or 240c/kg	40% or 240c/kg	free	40% or 240c/kg	18% or 96c/kg	
0302.11	4	- Trout (<i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> , <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> , <i>Oncorhynchus gilae</i> , <i>Oncorhynchus asotchi</i> and <i>Oncorhynchus chrysogaster</i>)	kg	25%	5%	free	free	25%	10%	

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

LINK TO FULL NOTICE

Customs and Excise Act: Amendment to Part 1 of Schedule No. 1 (No. 1/1/1962) (English/Afrikaans)

G 53461 RG 11891 GoN 6710

03 October 2025

53461rg11891gon6710.pdf

ACTION

IMMEDIATE COMPLIANCE ACTIONS

1. Review Tariff Amendments

Examine the updated Schedule No. 1 of the Customs and Excise Act, 1964, effective 1 January 2026.

Identify all affected products by HS codes and product descriptions.

2. Update Import/Export Documentation

Adjust customs declarations, invoices, and shipping documents to reflect new statistical rates of duty.

Ensure correct application of General, EU/UK, EFTA, SADC, MERCOSUR, and AfCFTA rates.

3. Reclassify Products

Reassess product classifications under revised HS codes and subheadings.

Seek expert advice for ambiguous or complex classifications.

OPERATIONAL ADJUSTMENTS

4. Update Internal Systems

Modify ERP, accounting, and customs compliance software to reflect new duty rates.

Automate duty calculations based on updated tariff schedules.

5. Train Staff

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- Educate relevant teams (procurement, logistics, finance, customs) on the new tariff structures and compliance procedures.

6. Communicate Internally & Externally

- Inform suppliers, customers, and logistics partners about changes in tariff rates and potential cost implications.
- Notify customers of any price adjustments due to increased duties.

STRATEGIC & FINANCIAL PLANNING

7. Recalculate Landed Costs

- Analyze the impact of new tariffs on product pricing, profit margins, and cost structures.
- Adjust budgets, forecasts, and pricing models accordingly.

8. Review Contracts

- Revisit **supplier agreements** and **customer contracts** to accommodate tariff-related cost changes.
- Renegotiate terms if necessary.

9. Assess Sourcing Strategies

- Explore alternative sourcing options to benefit from preferential trade agreements (e.g., SADC, AfCFTA).
- Optimize supply chains to reduce duty exposure.

ONGOING MONITORING & RISK MANAGEMENT

10. Conduct Compliance Audits

- Periodically audit customs entries and documentation to ensure correct duty application.
- Maintain records of all actions taken for regulatory review.

11. Monitor Regulatory Updates

- Stay informed about future amendments or clarifications via www.gpwonline.co.za.

12. Engage with Experts

- Consult customs brokers, legal advisors, or industry associations for guidance on complex tariff changes.

01 – 07 October 2025

LAW AND TYPE OF NOTICE

Customs and Excise Act:

Amendment to Part 1 of Schedule No. 1 (No. 1/1/1961) (English/Afrikaans)

G 53461 RG 11891 GoN 6709

03 October 2025

APPLIES TO:

1. Importers and Exporters of Refrigerants and Chemical Compounds

- Companies dealing in hydrofluorocarbons (HFCs) and hydrofluoroolefins (HFOs) such as HFC-134a, HFC-152a, HFO-1234yf, etc.
- Businesses importing or exporting Halon compounds (e.g., Halon-1211, Halon-1301) used in fire suppression systems.

2. HVAC and Refrigeration Companies

- Manufacturers and service providers using refrigerants in air conditioning, refrigeration, and heat pump systems.
- Companies involved in retrofitting or replacing older systems with newer, environmentally friendly refrigerants.

3. Chemical Manufacturers and Distributors

- Producers and suppliers of industrial chemicals listed in the schedule.
- Businesses involved in the formulation of refrigerant blends (e.g., R417A, R452A, R448A).

4. Construction and Insulation Material Suppliers

- Importers of slag wool, rock wool, and glass wool, which are used for thermal and acoustic insulation in buildings.
- Companies supplying mineral wools in bulk, sheets, or rolls.

5. Automotive and Appliance Manufacturers

- Manufacturers using refrigerants in vehicle air conditioning systems or refrigerated appliances.
- Potential impact on supply chain costs and product pricing due to changes in import duties.

6. Environmental and Regulatory Bodies

- Agencies monitoring compliance with environmental standards, especially regarding the use of ozone-depleting substances and greenhouse gases.

7. Customs and Trade Compliance Departments

- Organizations needing to update their tariff codes and duty calculations in line with the new schedule.

FULL TEXT

01 – 07 October 2025

DETAILS

CUSTOMS AND EXCISE ACT, 1964. AMENDMENT OF SCHEDULE NO. 1 (NO. 1/1/1961)

In terms of section 48 of the Customs and Excise Act, 1964, Part 1 of Schedule No. 1 to the said Act is hereby amended, with effect from 1 January 2026, to the extent set out in the Schedule hereto.

Enoch Godongwana
ENOCH GODONGWANA
MINISTER OF FINANCE

SCHEDULE

By the insertion of the following:

Heading / Subheading	CD	Article Description	Statistical Unit	Rate of Duty					
				General	EU / UK	EFTA	SADC	MERCOSUR	AICFTA
2903.43.06	2	Fluoromethane (HFC-41)	kg	free	free	free	free	free	free
2903.43.10	9	1,2-difluoroethane (HFC-162)	kg	free	free	free	free	free	free
2903.43.16	6	1,1-difluoroethane (HFC-162a)	kg	free	free	free	free	free	free
2903.44.06	9	Pentafluoroethane (HFC-125)	kg	free	free	free	free	free	free
2903.44.10	6	1,1,1-trifluoroethane (HFC-143a)	kg	free	free	free	free	free	free
2903.44.16	6	1,1,2-trifluoroethane (HFC-143)	kg	free	free	free	free	free	free
2903.45.06	6	1,1,1,2-tetrafluoroethane (HFC-134a)	kg	free	free	free	free	free	free
2903.45.10	1	1,1,2,2-tetrafluoroethane (HFC-104)	kg	free	free	free	free	free	free
2903.49.06	1	1,1,1,2,3,3,3-heptafluoropropane (HFC-227ea)	kg	free	free	free	free	free	free
2903.49.10	8	1,1,1,2,2,3-hexafluoropropane (HFC-236cb)	kg	free	free	free	free	free	free
2903.49.16	9	1,1,1,2,3,3-hexafluoropropane (HFC-236ea)	kg	free	free	free	free	free	free
2903.49.20	6	1,1,1,3,3,3-hexafluoropropane (HFC-238fa)	kg	free	free	free	free	free	free
2903.47.06	8	1,1,1,3,3-pentafluoropropane (HFC-245fa)	kg	free	free	free	free	free	free
2903.47.10	4	1,1,2,2,3-pentafluoropropane (HFC-245ca)	kg	free	free	free	free	free	free
2903.51.06	4	2,3,3,3-tetrafluoropropene (HFO-123yf)	kg	free	free	free	free	free	free
2903.51.10	0	1,3,3,3-tetrafluoropropene (HFO-123ze)	kg	free	free	free	free	free	free
2903.51.16	1	(Z)-1,1,1,4,4,4-hexafluoro-2-butene (HFO-138mzz)	kg	free	free	free	free	free	free
2903.59.06	6	1-chloro-3,3,3-trifluoropropene (HFO-123zdf)	kg	free	free	free	free	free	free

NO. R. 6709

SOUTH AFRICAN REVENUE SERVICE

3 October 2025

By the insertion of the following:

Heading / Subheading	CD	Article Description	Statistical Unit	Rate of Duty					
				General	EU / UK	EFTA	SADC	MERCOSUR	AICFTA
2903.59.90	1	Other	kg	free	free	free	free	free	free
2903.76.06	5	Bromochlorodifluoromethane (Halon-1211)	kg	free	free	free	free	free	free
2903.76.10	1	Bromotrifluoromethane (Halon-1301)	kg	free	free	free	free	free	free
2903.76.16	2	Dibromotetrafluoroethanes (Halon-2402)	kg	free	free	free	free	free	free
2909.90.31	2	Tetradecane (ISO)	kg	free	free	free	free	free	free
3827.83.06	8	Containing pentafluoroethane (R125), 1,1,1,2-tetrafluoroethane (134a) and isobutane (R600a) (R417A)	kg	free	free	free	free	free	free
3827.83.10	4	Containing difluoromethane (R32), pentafluoroethane (R125) and 2,3,3,3-tetrafluoropropene (R1234yf) (R454A)	kg	free	free	free	free	free	free
3827.83.90	2	Other	kg	free	free	free	free	free	free
3827.85.06	0	Containing difluoromethane (R32), pentafluoroethane (R125), 1,1,1,2-tetrafluoroethane (134a), 2,3,3,3-tetrafluoropropene (R1234yf) and trans-1,3,3,3-tetrafluoroprop-1-ene (R1234ze) (R448A)	kg	free	free	free	free	free	free
3827.85.10	7	Containing difluoromethane (R32), pentafluoroethane (R125), 1,1,1,2-tetrafluoroethane (134a) and 2,3,3,3-tetrafluoropropene (R1234yf) (R448A)	kg	free	free	free	free	free	free
3827.85.90	5	Other	kg	free	free	free	free	free	free
3827.88.06	9	Containing -1,1,1,2-tetrafluoroethane (134a) and 2,3,3,3-tetrafluoropropene (R1234yf) (R454A)	kg	free	free	free	free	free	free
3827.88.10	6	Containing difluoromethane (R32) and 2,3,3,3-tetrafluoropropene (R1234yf) (R454A)	kg	free	free	free	free	free	free
3827.88.16	7	Containing difluoromethane (R32) and 2,3,3,3-tetrafluoropropene (R1234yf) (R454B)	kg	free	free	free	free	free	free
3827.88.20	3	Containing difluoromethane (R32) and 2,3,3,3-tetrafluoropropene (R1234yf) (R454C)	kg	free	free	free	free	free	free
3827.88.26	4	Containing difluoromethane (R32), 2,3,3,3-tetrafluoropropene (R1234yf) and carbon dioxide (R744) (R454A)	kg	free	free	free	free	free	free
3827.88.30	0	Containing -1,1,2,3,3,3-heptafluoropropane (R227ea) and trans-1,3,3,3-tetrafluoroprop-1-ene (R1234ze) (R515B)	kg	free	free	free	free	free	free
3827.88.90	4	Other	kg	free	free	free	free	free	free
3827.89.15	3	Containing -1,1,1,2-tetrafluoroethane (134a) and 2,3,3,3-tetrafluoropropene (R1234yf) (R513A)	kg	free	free	free	free	free	free
3827.89.20	9	Containing -1,1-dichloroethane (HCO-1130) (E) and 1,1,1,4,4,4-hexafluoro-2-butene (1336mzz) (R514A)	kg	free	free	free	free	free	free
3827.89.90	0	Other	kg	free	free	free	free	free	free
6806.10.10	8	Slag wool	kg	15%	free	free	free	15%	6%

By the insertion of the following:

Heading / Subheading	CD	Article Description	Statistical Unit	Rate of Duty					
				General	EU / UK	EFTA	SADC	MERCOSUR	AICFTA
6806.10.20	5	Rock wool	kg	15%	free	free	free	15%	6%
6806.10.90	6	Other	kg	15%	free	free	free	15%	6%
7019.80.05	0	Glass wool	kg	15%	free	free	free	15%	6%
7404.00.50	6	Of copper-nickel base alloys (cupro-nickel)	kg	15%	free	free	free	15%	6%
8309.90.10	2	Taps with an incised flap and a ring pull or other opening aperture, of aluminium	kg	14%	free	14%	free	14%	5,6%

By the substitution of the following:

Heading / Subheading	CD	Article Description	Statistical Unit	Rate of Duty					
				General	EU / UK	EFTA	SADC	MERCOSUR	AICFTA
2903.43	--	Fluoromethane (HFC-41), 1,2-difluoroethane (HFC-162) and 1,1-difluoroethane (HFC-162a):							
2903.44	--	Pentafluoroethane (HFC-125), 1,1,1-trifluoroethane (HFC-143a) and 1,1,2-trifluoroethane (HFC-143):							
2903.45	--	1,1,1,2-Tetrafluoroethane (HFC-134a) and 1,1,2,2-tetrafluoroethane (HFC-134):							
2903.46	--	1,1,1,2,3,3,3-Heptafluoropropane (HFC-227ea), 1,1,1,2,2,3-hexafluoropropane (HFC-236cb), 1,1,1,2,3,3-hexafluoropropane (HFC-236ea) and 1,1,1,3,3,3-hexafluoropropane (HFC-238fa):							
2903.47	--	1,1,1,3,3-Pentafluoropropane (HFC-245fa) and 1,1,2,2,3-pentafluoropropane (HFC-245ca):							
2903.51	--	2,3,3,3-Tetrafluoropropene (HFO-1234yf), 1,3,3,3-tetrafluoropropene (HFO-1234ze) and (Z)-1,1,1,4,4,4-hexafluoro-2-butene (HFO-1336mzz):							
2903.76	--	Bromochlorodifluoromethane (Halon-1211), bromotrifluoromethane (Halon-1301) and dibromotetrafluoroethanes (Halon-2402):							
3827.83	--	Other, not included in the subheadings above, containing 40 per cent or more by mass of pentafluoroethane (HFC-125):							
3827.85	--	Other, not included in the subheadings above, containing 20 per cent or more by mass of difluoromethane (HFC-32) and 20 % or more by mass of pentafluoroethane (HFC-125):							
3827.88	--	Other, not included in the subheadings above, containing substances of subheadings 2903.41 to 2903.48:							
3827.89	--	Other:							
6806.10	--	Slag wool, rock wool and similar mineral wools (including intermixtures thereof), in bulk, sheets or rolls:							



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LINK TO FULL NOTICE

[Customs and Excise Act: Amendment to Part 1 of Schedule No. 1 \(No. 1/1/1961\) \(English/Afrikaans\)](#)

G 53461 RG 11891 GoN 6709

03 October 2025

[53461rg11891gon6709.pdf](#)

ACTION

1. Importers and Exporters of Refrigerants and Chemicals

Actions Required:

- Update customs documentation to reflect new tariff codes and duty rates (mostly now “free”).
- Review contracts and pricing with suppliers and customers to account for changes in import costs.
- Adjust inventory and procurement strategies to take advantage of duty-free status.
- Ensure product classification accuracy under the new subheadings to avoid penalties or delays.

2. HVAC, Refrigeration, and Appliance Manufacturers

Actions Required:

- Audit refrigerant usage to align with newly listed substances and blends (e.g., R417A, R448A).
- Update product specifications and compliance documentation for imported components.
- Train procurement and compliance teams on the new duty structure and product codes.
- Evaluate opportunities to switch to more cost-effective or environmentally friendly refrigerants.

3. Construction and Insulation Material Suppliers

Actions Required:

- Revise import cost calculations for slag wool, rock wool, and glass wool (now subject to 15% duty for general imports, but free for many trade partners).
- Assess sourcing strategies to prioritize suppliers from duty-free regions (EU, UK, SADC, etc.).
- Update pricing models to reflect changes in landed costs.

4. Customs Brokers and Trade Compliance Teams

Actions Required:

- Update internal systems with new tariff codes and duty rates.
- Train staff on the amended Schedule No. 1 to ensure accurate customs declarations.
- Communicate changes to clients and stakeholders to avoid compliance issues.

5. Environmental and Regulatory Agencies

Actions Required:

- Monitor imports of HFCs, HFOs, and Halons, which are subject to environmental regulations.
- Update guidelines and enforcement protocols to reflect the new customs classifications.
- Engage with industry stakeholders to ensure awareness of environmental compliance obligations.

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ENVIRONMENTAL

LAW AND TYPE OF NOTICE

Water Services Amendment Bill B24-2025
03 October 2025

APPLIES TO:

1. Municipalities (Water Services Authorities - WSAs)

- Primary Impact: Municipalities designated as WSAs are directly affected, as they are responsible for ensuring access to water services within their jurisdiction.
- New Requirements:
 - Must ensure that any internal or external service delivery mechanism is licensed.
 - Must comply with national norms and standards.
 - Must manage and monitor performance of water services providers (WSPs).
 - Must ensure contracting and performance management of WSPs.

2. Water Services Providers (WSPs)

- Primary Impact: Entities (public or private) that deliver water services on behalf of WSAs.
- New Requirements:
 - Must obtain a water services licence to operate.
 - Must meet technical, financial, and governance criteria.
 - Subject to compliance inspections, enforcement actions, and potential licence suspension or revocation.

3. Water Boards

- Primary Impact: State-owned entities that manage bulk water infrastructure and services.
- New Requirements:
 - Must comply with enhanced governance standards.
 - Must establish a Board with defined roles, responsibilities, and ethical standards.
 - Subject to Ministerial oversight, including directives and potential disestablishment.
 - Required to submit audited financial statements and enter into a shareholder's compact with the Minister.

4. Department of Water and Sanitation

- Primary Impact: Acts as the licensing authority and regulator.
- New Responsibilities:
 - Issue and manage water services licences.
 - Monitor compliance and enforce the Act.
 - Appoint authorised persons for inspections and enforcement.
 - Develop and publish guidelines and standards.

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5. Private Sector Entities

- Primary Impact: Companies involved in water infrastructure, operations, or sanitation services.
- New Requirements:
 - Must be licensed to operate as WSPs.
 - Directors may be held personally liable for offences committed by their companies under the Act.

6. Catchment Management Agencies (CMAs)

- Impact: May be involved in water resource management and affected by coordination requirements with WSAs and Water Boards.

7. Other Government Departments

- Consulted and potentially affected:
 - Departments of Health, Energy, Environment, Education, Human Settlements, Rural Development, etc.
 - Coordination required for sanitation standards, infrastructure planning, and public health.

8. Traditional and Khoi-San Leadership Structures

- Impact: The Bill is to be referred to the National House of Traditional and Khoi-San Leaders, as it may affect customary land and water use.

SUMMED UP

Purpose of the Bill

To improve water and sanitation service delivery in South Africa by:

- Strengthening regulation and oversight.
- Enhancing governance of water boards.
- Introducing a licensing system for water services providers.
- Enabling enforcement and accountability mechanisms.

Key Changes Introduced

1. Licensing of Water Services Providers

- All entities (internal or external) delivering municipal water services must be licensed.
- A new licensing authority (within the Department of Water and Sanitation) will oversee applications, approvals, and compliance.

2. Governance of Water Boards

- Water boards must have a Board of Directors appointed by the Minister.
- Strict governance, ethical standards, and fiduciary duties are mandated.
- Boards must report to the Minister and Parliament.
- Water boards can be disestablished if they fail to perform or face governance/financial issues.

3. Compliance and Enforcement

- The Minister gains powers to issue directives to enforce compliance.



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- Authorised persons can inspect water services works and enforce the Act.
- New offences and penalties introduced (up to R10 million fines or 10 years imprisonment).
- Directors and municipal managers can be held personally liable for offences.

4. Standards and Quality Control

- The Minister can prescribe standards for potable water and sanitation.
- Registration required for individuals operating water services works (e.g., process controllers).

5. Transitional Arrangements

- Existing service providers must apply for licences within 12 months of the licensing system being gazetted.
- Existing water board structures continue temporarily until replaced.

FULL TEXT

DETAILS

REPUBLIC OF SOUTH AFRICA

WATER SERVICES 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. 53459 of
1 October 2025)*

(The English text is the official text of the Bill)

(MINISTER OF WATER AND SANITATION)

Click on the link provided below to view the full document.

LINK TO FULL NOTICE

[Water Services Amendment Bill B24-2025](#)

03 October 2025

[Water Services Amendment Bill: Explanatory Summary](#)

G 53459 GoN 6698

01 October 2025

[53459gon6698.pdf](#)



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LABOUR

LAW AND TYPE OF NOTICE

Labour Relations Act: Bargaining Council Agreements

LINK TO FULL NOTICE

[Labour Relations Act: Bargaining Council for the Furniture Manufacturing Industry KwaZulu-Natal: Extension: Operation of the Agency Shop Fee Collective Agreement](#)

G 53461 RG 11891 GoN 6708

03 October 2025

[53461rg11891gon6708.pdf](#)

[Labour Relations Act: Private agency accredited to conduct conciliation and arbitration, subject to conditions where applicable \(Renewal of Accreditation of Private Agency\)](#)

G 53460 GeN 3536

03 October 2025

[53460gen3536.pdf](#)



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STANDARDS

LAW AND TYPE OF NOTICE

Standards Act: Standards matters:

Amendment of Existing Standards, New Standards, Amended Standards & Revised Standards: Comments invited

G 53460 GeN 3538
- Comment by 02 Dec 2025

03 October 2025

SUMMED UP

SECTION A: Draft Standards for Public Comment

Deadline for comments: **2–3 December 2025**

Includes drafts across various domains:

- **Civil engineering** (e.g., geosynthetics, soil nail design)
- **Software & systems engineering** (e.g., life cycle management, risk control)
- **Environmental management** (e.g., water, climate resilience, circular economy)
- **Microgrids** (e.g., protection, energy management, monitoring)
- **Paints, varnishes, and food safety** (e.g., lead content, microbiological methods)
- **Information technology** (e.g., ASN.1 encoding rules)

SECTION A.1: Amendments to Existing Standards

Includes updates to:

- **Construction materials** (e.g., clay masonry, timber preservatives)
- **Fire safety equipment**
- **Textiles and garments**
- **Pressure equipment**
- **Communication systems for power utilities**
- **Menstrual cups** (title and biocompatibility requirements updated)

SECTION B.1: Newly Issued Standards

Examples include:

- **SANS 2097:2025** – Toilet soap specifications
- **SANS 3078:2025** – Heated tobacco products
- **SANS 56001:2025** – Innovation management system requirements
- **SANS 33401–33407:2025** – Reference materials (certification, use, stability)

SECTION B.2: Amended Standards

Examples:

- Road vehicle warning signs
- PVC-U window frames
- Timber preservatives
- Microbiological water analysis



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- Cable trunking systems

SECTION B.3: Revised Standards

Examples:

- **SANS 342:2025** – Diesel fuel requirements
- **SANS 1438:2025** – Portable mining lights
- **SANS 1877:2025** – Land-cover classification for remote sensing
- **SANS 62305 series** – Lightning protection (Parts 1–4)

FULL TEXT

LINK TO FULL NOTICE

[Standards Act: Standards matters: Amendment of Existing Standards, New Standards, Amended Standards & Revised Standards: Comments invited](#)

G 53460 Gen 3538

- Comment by 02 Dec 2025

03 October 2025

[53460gen3538.pdf](#)

ACTION

Ensure that you submit your comments before 02 December 2025.

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LAW AND TYPE OF NOTICE

Standards Act: Standards matters: Comments invited

G 53460 GeN 3537

- Comment by 02 Dec 2025

03 October 2025

SUMMED UP

SECTION A: Drafts for Public Comment

A list of draft standards open for public comment until 2 December 2025, including:

- Geosynthetics identification (SANS 1784)
- Civil engineering test methods (SANS 3001-CO2-2)
- Soil nail design (SANS 8006-2)
- Gas cylinders inspection (SANS 11623)
- Software life cycle management (SANS 24748 series)
- Water quality and microbiological methods (SANS 13843, SANS 3859)
- Information technology standards (SANS 8825 series)
- Microgrid technical requirements (SANS 62898 series)
- Paints, varnishes, and milk testing standards
- Environmental management and life cycle assessment (SANS 14000 series)

SCHEDULE A.1: Amendments to Existing Standards

Proposed amendments to standards such as:

- Burnt clay masonry units (SANS 227)
- Timber preservatives (SANS 871)
- Fire extinguishers (SANS 1910)
- Engineering drawings, textiles, and pressure equipment

SECTION B: Issuing of New Standards

Newly issued standards include:

- Toilet soap specifications (SANS 2097)
- Heated tobacco products (SANS 3078)
- Reference materials (SANS 33401–33407)
- Innovation management (SANS 56001, 56008)
- High-voltage switchgear (SANS 62271-319)
- Electrical energy storage safety (SANS 62933-5-1)

SCHEDULE B.2: Amended Standards

Amendments to standards covering:

- Road vehicle signage (SANS 1329-3)
- PVC-U window frames (SANS 1553-2)
- Timber preservatives, microbiological water analysis, cable trunking systems

SCHEDULE B.3: Revised Standards

Revisions include:

- Automotive diesel fuel (SANS 342)
- Construction management systems (SANS 1393)



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- Lightning protection (SANS 62305 series)
- Remote sensing land-cover classification (SANS 1877)

LINK TO FULL NOTICE

[Standards Act: Standards matters: Comments invited](#)

G 53460 GeN 3537

- Comment by 02 Dec 2025

03 October 2025

[53460gen3537.pdf](#)

ACTION

Ensure that you submit your comments before 02 December 2025.



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B-BBEE ARTICLES

SOUTH AFRICA

Plan for South African companies to pay 3% of revenue for BEE

The South African government is reportedly considering a new policy that would allow non-listed companies to gain level-3 BEE compliance by paying over 3% of their revenue to a transformation fund.

According to a report by [BusinessLive](#), the plan is under consideration, with details expected to be revealed soon.

The plan was first [outlined](#) by businessman Alan Knott-Craig Jnr in May this year, and drew attention from Department of Trade, Industry and Competition (DTIC) minister Parks Tau.

Following President Cyril Ramaphosa's controversial meeting with US President Donald Trump at the White House in May, South Africa's Black Economic Empowerment (BEE) laws and regulations became a hot topic.

BEE has been consistently flagged by the United States and the Trump administration as an impediment to foreign investment and a point of contention in ongoing trade negotiations.

Other South African delegations to the US have also flagged BEE as a sticking point in their visits to the states, and the DTIC has acknowledged the policy being brought up in its interactions with US counterparts.

At the time of Ramaphosa's visit, Knott-Craig took to the social media platform [LinkedIn](#) to propose an alternative plan, [called BEE3, or 3-for-3](#).

Knott-Craig invited the DTIC to look at and test the plan, which drew a response from DTIC minister Parks Tau, who said "challenge accepted", giving credence to the government's reported interest.

The programme proposes that the South African government simplify its BEE policies by allowing private (non-listed) companies to effectively 'buy' automatic level-3 BEE compliance by injecting 3% of gross revenue into a transformation fund.

In South Africa's Broad-Based Black Economic Empowerment (B-BBEE) laws, level-3 compliance is the highest level a company can attain without changing ownership.

In a whitepaper on the scheme, the authors of the plan posit that BEE level-3 is enough to entice businesses to voluntarily take part, while not giving them a free run to full level-1 BEE compliance and shirk transformation goals.

To reach level-1 BEE compliance (the highest level), companies would truly need to transform their businesses in line with the government's BEE ownership objectives.

But at level 3, a company would still secure full points on the scorecard, except for ownership. A majority black-owned business could then easily graduate to level 2, and a fully black-owned business to level 1.

In exchange, a private (non-listed) company would then commit 3% of its gross revenue to a ring-fenced transformation fund, which Knott-Craig said would serve the government's transformation objectives.

Crucially, the plan would not absolve companies of any of their other obligations under the Employment Equity Act—which now also includes numerical targets for workforces based on race, gender and disability. Revenue not profit



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The '3-for-3' scheme broadly aligns with the DTIC's plans to draw money from private sector businesses into a R100 billion transformation fund over five years.

This fund, announced in March, would aggregate enterprise and supplier development (ESD) funds to support the participation of black-owned enterprises in the economy.

The current B-BBEE policy, through the Codes of Good Practice, requires South African businesses to contribute through ESD, which includes giving 3% of net profit after tax to the development of black suppliers, black industrialists and SMMEs.

Under the DTIC's fund, businesses would instead voluntarily direct this 3% ESD payment to the transformation fund.

This is where the proposals differ greatly.

Firstly, while the DTIC's plan targets net profit, the '3-for-3' scheme wants companies to pay based on gross revenue.

This puts businesses in a difficult position, as low-margin operations would immediately lose out. Any company with a profit margin of less than 3% would instantly make a loss.

According to the BEE3 whitepaper, revenue has to be used to keep the scheme simple and free of 'creative bookkeeping' gaming the system.

"The fundamental principle of BEE3 is to reduce complexity. Simplicity makes business easier. A simple regulatory framework is easy to understand and easy to enforce," it said.

"Although crude, revenue is the simplest metric by which to measure the Levy."

The scheme posits that using metrics like net profit introduces the need for audits, creates room for disagreement, and windows for understating in order to underpay the levy.

"From an enforcement perspective, a levy calculated as a percentage of revenue is very simple to collect. SARS already collects a two-monthly revenue levy in the form of VAT," it said.

The scheme posits that the government could collect R40 billion a year from companies through this process, hitting R120 billion in three years—compared to the R100 billion the DTIC wants to collect over five years.

A second key difference is who manages the funds. Under the DTIC's plan, the billions collected from companies go into a government fund.

The government has an incredibly poor track record of managing funds, sparking corruption and looting concerns.

Despite guarantees and assurances that the money will be directed to the stated purpose, critics have extreme doubts.

Academics have already noted that the R1 trillion moved through BEE laws since 1994 has likely only [gone to around 100 politically-connected people](#).

There are real and well-founded fears that any government-controlled fund would go the same way.

According to Knott-Craig, the '3-for-3' scheme would mitigate this by turning to private sector, black-owned fund managers as implementation agents for the funds.

BusinessTech



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COMPANIES ARTICLES

SOUTH AFRICA

Outa goes to court to change law to ensure SOE directors could be declared delinquent

Directors of SOEs that are not registered companies cannot be prevented from being directors. Outa wants to change that.

Civil rights organisation Outa is heading to court to ensure that state-owned enterprises (SOE) directors can also be declared delinquent.

The Public Finance Management Act protects most SOE boards, CEOs and CFOs from being declared delinquent directors.

Outa wants that changed, advocate Stephanie Fick, executive director for accountability at Outa, says: “We want the Public Finance Management Act (PFMA) changed so that malfeasant accounting authorities at SOEs may be declared delinquent directors, even if the SOE is not a registered company.

“The law currently allows delinquent director actions against directors of registered companies, which excludes many SOEs. Changing the law will enable civil society to take such actions to hold individuals who mismanage and abuse SOEs to account.”

Companies Act does not apply to all directors of SOEs

Fick says the Companies Act, which enables delinquent-director actions, applies only to registered companies. The SOEs which are not registered as companies fall under the PFMA, where a “lacuna” exists in law which prevents their accounting authorities from being declared delinquent.

Some SOEs are registered companies and are referred to as state-owned companies (SOCs). However, Fick points out, accounting authorities of SOEs that fall outside the ambit of the Companies Act are automatically protected from delinquency actions.

“We believe this is unfair, as it limits actions to hold SOE management to account, effectively holding SOE accounting authorities to lower standards than those of SOCs.”

Outa’s action was filed on 20 August 2025 in the High Court in Pretoria. Fick made the founding affidavit.

“We are asking the court to declare sections 83(4) and 84 of the PFMA unconstitutional, because they impose a lower standard of accountability on the boards of the SOEs which are not registered as companies, compared to SOCs.

Government must amend PFMA for directors of SOEs to be held accountable

“Outa asks that the court allows parliament two years to amend the PFMA. However, pending that legal fix, Outa asks the court to order that section 162 of the Companies Act (which enables delinquency actions) applies to all accounting authorities of all public entities, regardless of whether they are registered as companies.

“If parliament fails to fix the law within two years, then Outa asks for the interim application of the Companies Act to continue to apply.”

The respondents are the minister of finance (responsible for the administration of the PFMA), the minister of trade, industry and competition (responsible for the administration of the Companies Act), the department of trade, industry and competition and the companies and intellectual property commission (CIPC).



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Outa argues that there is a “gap” or, in legal terms, a “lacuna”, in the PFMA regarding delinquency and the organisation’s case aims to fix that lacuna. Section 83(4) of the PFMA provides that financial misconduct may be grounds for dismissal or suspension, or “other sanction”.

Section 84 of the PFMA provides for the applicable legal regime for disciplinary proceedings. “The only sanctions for financial misconduct are dismissal, suspension, or undefined ‘sanctioning’,” Fick said in her affidavit.

“Under section 162 of the Companies Act, a court must (the court has no discretion) declare a company director delinquent if the director has failed to discharge a director’s duties under the Companies Act,” Fick says.

Why does Outa want the PFMA changed?

Fick says Outa believes that the different and lower standard for accountability provided by the PFMA compared to the Companies Act is unreasonable, as it limits [actions for accountability](#).

“It also limits civil society action against corrupt SOE heads. If the government fails to hold malfeasant board members, CEOs and CFOs of SOEs to account, civil society wants the tools to do this.

“Specifically, the application will focus on the fact that the remedy of declaring a director of a state-owned entity registered under the Companies Act delinquent is available to public interest litigants such as Outa, whereas there is no equivalent remedy against accounting authorities of public entities that are not registered under the Companies Act,” Fick says.

“This distinction is unjustifiable and violates the constitutional rights of equality and access to courts, as well as the constitutional values of accountability and transparency that public entities are required to hold.”

This loophole means that individuals involved in financial misconduct in SOEs that are not companies can simply move on to other senior roles in government entities, with no consequence or public recourse.

Compromised directors recycled through SEOs and departments

Fick points out that compromised officials are repeatedly recycled through government departments and entities. By fixing this gap in the law, Outa aims to provide civil society with another tool to hold such individuals to account and protect the public purse.

In May 2020, Outa won a high court order which declared former South African Airways (SAA) chair [Dudu Myeni a delinquent director for life](#), which was confirmed by the Supreme Court of Appeal in April 2021. Fick points out that this action was possible because SAA is a registered company, which falls under the Companies Act. SAA is not meant to be funded by taxpayers but has received repeated bailouts over the years due to financial mismanagement. This case set a precedent, the first delinquency action against an SOC director and the first brought by civil society.

“Had Myeni been an accounting authority of an SOE not registered as a company, this remedy would not have been available to Outa. Most likely, she would not have been held accountable for her gross abuse of office and breach of her fiduciary duties during her tenure at SAA and for the enormous damage she caused,” Fick says.

Helen Botes could be next to be declared delinquent director

Fick adds that Outa’s delinquency case against the former Joburg Property Company CEO, Helen Botes, filed in the High Court in Johannesburg in August 2025 over her failures that contributed to the fatal Usindiso fire and her role in Covid-19 procurement scandals, is possible because JPC is a registered company.



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Outa also found significant corruption at the Services Sector Education and Training Authority (Services Seta) and the National Student Financial Aid Scheme (NSFAS). However, none of these entities are SOCs, which means that delinquency actions cannot be brought against them.

“If the Services Seta and NSFAS were SOCs, the public (and Outa) would have recourse under the Companies Act, but under the PFMA, the public has none.”

Outa is represented by advocate Niël du Preez, SC and advocate Sonika Mentz, instructed by attorney Andri Jennings of Jennings Inc.

By Ina Opperman
The Citizen



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DATA PRIVACY ARTICLES

SOUTH AFRICA

Telemarketers can no longer bombard you with spam calls

Companies may not conduct direct marketing via telephone without the customer's consent

The government has taken strict measures to discourage telemarketers from bombarding your cellphone with unsolicited adverts to market their products and services without your consent.

Companies are no longer allowed to use your personal information without your written consent, whether you are an existing customer or a prospective one.

And they are no longer allowed to use your information after you have objected to them doing so — and you only have to decline once; after that they aren't allowed to contact you any further for another request.

Companies are now compelled to keep records of the names of customers who have declined direct marketing approaches, and no contact can be made with those customers. The new rules also make it clear that the opt-out option on companies' SMS adverts cannot be used as a defence for consent.

Complaints can lead to fines

Consumers can report organisations that don't adhere to the requirements of the Information Regulator, which can impose fines on transgressors. The regulator is an independent body established in terms of section 39 of the Protection of Personal Information Act (Popia).

The regulator gazetted a guidance note on direct marketing that became effective in April. Since then, 60 companies have been reported to the regulator for violating the direct marketing policies, and the regulator has intervened. One company, FT Rams, was slapped with a R100,000 fine.

The document is a milestone to curb unsolicited marketing calls, which have often driven consumers up the wall, despite their attempts to electronically block them. Advertisers have also got smarter by often changing their identities and contact numbers on cellphone applications like TrueCaller.

Spokesperson for the Information Regulator, Nomzamo Zondi, said they needed to act after receiving numerous complaints from consumers in recent years.

How the new rules were developed

The regulator conducted public participation workshops last year with affected stakeholders, including industry experts, consumers and companies, which led to the formulation of the guidance note, with clear and unambiguous rules on how telemarketers should conduct themselves.

"Some public and private bodies who use direct marketing to conduct their business were not adhering to the provisions of the Popia, such as obtaining consent first before marketing a product or service to a data subject [consumer]," Zondi said.

"They also disregarded the requests from data subjects when they requested to opt out of the direct marketing, disregarding both the opt-in and the opt-out prescribed in the Popia and Consumer Protection Act."

Consent at the core of compliance

The guidance note states that a company can only process the data of a customer if it obtained their contact details through a point of sale or service.



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Companies can only market products related to the product that was bought. For example, if a customer opened a clothing account with a shop, that shop cannot then bombard them with adverts for insurance products.

The document also states that companies intending to use the information of a person who is not their client for direct marketing purposes must first obtain written consent before they start sending adverts to the customer's phone, email or other form of communication.

The consent form is downloaded from the Information Regulator's website and should be read out clearly to the customer if the consent is sourced via telephone.

"Even when a customer has initially consented to receiving direct marketing, [they] must be given a right to object on each occasion they receive such a message," the document reads.

Protecting privacy and simplifying rights

Zondi said the guidance note creates clarity on provisions that companies failed to understand or interpret in the past.

"The guide is simplified so as to also assist consumers to understand their rights in respect to direct marketing and to exercise their right to privacy.

"The key takeaway is that companies cannot conduct direct marketing via telephone without [the customer's] consent. This was one of the supposed loopholes that organisations used as direct marketing via telephone.

"Responsible parties [companies] must clearly identify themselves — and there must always be an opt-out option," Zondi said.

In an interview with Sowetan last year, Mukelani Dimba, an executive manager responsible for education and communication at the regulator's office, said they had noticed a potential collision between service providers and credit bureaus, where customer information shared between them ends up with lead agencies.

Zondi said they have now approved a code of conduct that regulates how credit bureaus should process personal information and the repercussions when they do not adhere to the code.

How to lodge a complaint

Should you feel that your personal information has been violated, complete the prescribed form on the Information Regulator's website www.inforegulator.org.za and send it to POPIAComplaints@inforegulator.org.za

by Lindile Sifile
BusinessDay



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FINANCE ARTICLES

SOUTH AFRICA

The FIC is making life difficult for criminals

Cracking down on money laundering leads to the confiscation of the proceeds of crime.

The annual report of the Financial Intelligence Centre (FIC) provides a valuable update on the efforts of financial authorities and businesses to strengthen oversight of financial transactions and eventually remove South Africa from the Financial Action Task Force (FATF) grey list.

Being on the list indicates that SA's regulatory structures are not strong enough to prevent money laundering or the financing of terrorist groups.

Finance Minister Enoch Godongwana notes in the annual report that when the FATF placed SA on the grey list in February 2023, it posed questions about the ability of government, civil society, and the private sector to safeguard the economy against exploitation by criminal elements.

"During the last financial year, pivotal milestones were attained to help bring the grey-listing chapter to conclusion," he says.

"In June 2025, the FATF announced SA had substantially completed all 22 action plan items which had been adopted when it was grey-listed in 2023.

"The FATF will verify that the actions mentioned have indeed been taken, and once verified, exiting the grey list becomes a real possibility," says Godongwana in the report.

The FIC reports that its actions assisted in recovering R144 million in the proceeds of criminal activity and blocked another R158 million as suspected proceeds of crime.

This seems low, especially when one reads headlines that Tembisa Hospital alone was looted to the tune of R2 billion.

The Asset Forfeiture Unit of the Special Investigating Unit (SIU) attached the car last week, as well as properties and more luxury cars, including a R4 million Bentley.

Successes

The FIC reports some successes in its annual report. Acting director Pieter Smit says the organisation has been successful in identifying the proceeds of crime and combatting money laundering.

The FIC notes that property transactions are often used to launder money. In one case, regulatory reports from an estate agent regarding the purchase of a R4.6 million property looked odd when the buyer made payments from five separate entities.

The paperwork also contained inconsistencies, and it came to light that the buyer had bought the expensive property without even viewing it.

Foreigners using SA

Other regulatory reports filed by estate agents put the spotlight on an alleged online scammer. The reports cited big property purchases by a Nigerian national.

"Explanations on sources of the funds were deemed to be suspicious and included crypto trading, car sales, and other sources," it says.



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“According to records and regulatory reports provided by the banks, the subject was based in Polokwane on a study visa.

“The FIC determined that the subject had a personal and business bank account belonging to a company that was registered under his name, reflecting large amounts of incoming and outgoing funds, which were inconsistent with his claimed status as a student visa holder.

“The case was referred to the police, Sars [South African Revenue Service] and the financial intelligence unit in Nigeria for further analysis.”

In another case, a media story alerted the FIC to a suspicious tender involving billions in Zimbabwe and the subsequent movement of money into SA.

The company involved and a Zimbabwean citizen acting as its agent in that country were being investigated by Zimbabwe’s anti-corruption authority for alleged price gouging on election-related material and equipment.

Sars and government entities

Sars asked the FIC to investigate the flow of funds after it paid a fraudulent value-added tax (Vat) refund of nearly R3.4 million. The money then moved through bank accounts that had little other activity.

The FIC reported that the money was blocked and eventually seized, recovering the full amount.

A blatantly corrupt businessman was also caught by following the money. He was appointed and paid by a municipality, but provided no services. He also dealt with other municipalities.

Then there was the employee of a state-owned enterprise (SOE) who was investigated after allegations that he had influence over the procurement process. It was found that a lot of money was paid into the spouse’s bank account and quickly moved to the employee’s account. A look at the companies doing business with the SOE showed that they also paid school fees for the employee’s children.

Yet another investigation found that a supplier to a government department paid R3 million into an account possibly linked to a government employee who was involved in awarding the contract.

The FIC’s analysis found a high number of transfers, including R1.8 million to one entity and 244 card purchases totalling R1.8 million. There were also nine electronic banking payments totalling R179 310 and two interbank transfers amounting to R900 000.

PPE fraud

The FIC also helped with the well-known case of government employees and connected persons who were allegedly involved in a fraudulent contract to supply personal protection equipment (PPE) during the Covid-19 pandemic.

“The FIC searched its regulatory and statutory databases and requested information from accountable institutions on the subjects and related entities,” according to the FIC report.

“It was found that suspicious and unusual transaction reports, as well as cash threshold reports submitted to the FIC by accountable institutions regarding the subjects and related entities were valued at more than R30.5 million.

“Analysis indicated that amounts of R1.4 million and R80 million were transferred from the government department to accounts of the related entities,” it says.

“Bank statements revealed that some funds were transferred from entities’ accounts into the subjects’ accounts and between the subjects.”

There were many other enforcement actions.



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In total, the FIC received more than 16 million regulatory and cash threshold reports from reporting institutions, of which 570 000 looked suspicious. Yes, criminal charges are coming.

By Adriaan Kruger
Moneyweb

LABOUR ARTICLES

SOUTH AFRICA

MPs must weigh UIF costs after parental leave ruling

Parliament has been tasked with reviewing the law to cushion the impact of a potentially “enormous” financial burden on the Unemployment Insurance Fund (UIF) triggered by a landmark Constitutional Court order that allows parents to share statutory maternity leave equally.

Currently only biological mothers are entitled to four months of paid maternity leave. But on Friday the apex court confirmed a high court ruling of October 2023, which declared labour laws that entitle employed birth mothers to four months of maternity leave and fathers or partners to 10 days to take care of newborns invalid and inconsistent with the constitution.

The court declared invalid the Basic Conditions of Employment Act and sections of the UIF Act that limit parental leave and related benefits to adoptive parents and commissioning parents in surrogate motherhood agreements.

The Constitutional Court judgment, penned by Justice Zukisa Tshiqi, provided an interim reading-in of changes to these laws that will be operative for the 36 months afforded to parliament to remedy the constitutional defects.

However, Tshiqi did not issue an interim order correcting the corresponding UIF provisions, citing a possible “enormous financial burden” on the UIF. “This court does not have sufficient information at its disposal regarding how the benefits in the corresponding provisions of the UIF are calculated. “In the present case, interim amendments to the UIF Act corresponding to those we make in respect of the Basic Conditions of Employment Act could have substantial financial implications,” Tshiqi said.

In terms of the current law, only biological mothers in employment receive lengthy UIF benefits, up to a maximum of four months.

“There must be many instances of couples where the mother is unemployed but the father is employed,” the judge said.

“If the employed father were now to be granted 17.32 weeks’ UIF benefit, an enormous additional burden might be imposed on the UIF. It is thus preferable for the lawmaker to decide the extent of UIF benefits to be conferred on employed parents in a non-discriminatory manner.”

According to the UIF’s 2024 report, the fund paid R18bn in unemployment insurance claims, which includes maternity leave, for that 12-month period. The change in labour laws is likely to result in a greater workload for the fund, with a rise in payout applications.

Michael Bagraim, a labour lawyer and DA member of parliament’s portfolio committee on employment & labour, said the fund should not have any problems with money because it is “generously funded”.

“The court’s ruling is fantastic. There will be no problem with the UIF being able to make the payments,” Bagraim said. “The UIF is very generously funded from every single worker in SA. The Public Investment



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Corporation has many billions invested on behalf of the department of employment & labour. They have earmarked about R15bn of their internal investment towards job creation, which would be a fruitless task.

"It is far better to spend the money on the workers of SA. The workers actually earn that investment, not the government."

Bagraim said parliament would, however, have to do a lot of work to decide the detail of how the labour law should be changed to comply with the court order in a sustainable manner.

SA's biggest union federations have also welcomed the confirmatory judgment. SA Federation of Trade Unions general secretary Zwelinzima Vavi said the judgment was a gigantic step towards equality.

"This is a decisive move to uproot patriarchy, rebalance care work and force a societal rethink: men must step forward and take an equal role in raising their children," he said.

Tony Healy of Icon Labour Consultants said the apex court ruling was expected because "it was always puzzling" why parental leave did not equally cater for fathers.

Cosatu's Matthew Parks described the judgment as progressive. "This bold ruling by the Constitutional Court endorses Cosatu's longstanding call for greater equality and responsibility for parents as well as more flexible choices for them based upon the individual family's needs and circumstances," he said.

By Sinesipho Schrieber
BusinessDay

South Africa: Constitutional Court reshapes parental leave legal landscape – What employers and employees should know

Overview

- A recent Constitutional Court judgment has ushered in a new era for parental leave, one grounded in equality, dignity, and the evolving realities of modern families.
- In *Van Wyk and Others v Minister of Employment and Labour; Commission for Gender Equality and Another v Minister of Employment and Labour and Others*, the Court confirmed the High Court's decision that the country's parental leave laws are unconstitutional.
- The Court found that these laws unfairly discriminate among different categories of parents by creating a hierarchy of parental recognition, favouring birth mothers and marginalising other forms of parenthood.

The Constitutional Court of South Africa, in a judgment handed down on 3 October 2025, ushered in a new era for parental leave, one grounded in equality, dignity, and the evolving realities of modern families.

The decision marks a profound shift in how South African law recognises and supports all parents, regardless of gender or the path to parenthood. It is a judgment that not only affirms the rights of fathers, parents in same-sex relationships, adoptive parents, and commissioning parents, but also encourages society to embrace caregiving as a shared and inclusive responsibility.

Availability of parental leave and its duration between different categories of parents

The Constitutional Court confirmed the High Court's earlier ruling in *Van Wyk and Others v Minister of Employment and Labour* which declared several provisions of the Basic Conditions of Employment Act 75 of 1997 (**BCEA**) and the Unemployment Insurance Act 63 of 2001 (**UIA**) unconstitutional.

The challenged provisions, namely sections 25, 25A, 25B and 25C of the BCEA and the corresponding sections of the UIA, govern maternity, parental, adoption, and commissioning parental leave and unemployment insurance compensation benefits (**UIF Benefits**) for parents.

These sections were found to unfairly discriminate among different categories of parents – mothers and fathers, biological and adoptive parents, and those who become parents through surrogacy – by creating a hierarchy of parental recognition, favouring birth mothers and marginalising other forms of parenthood.



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In confirming the High Court's findings, the Constitutional Court held that the impugned provisions violated both section 9 and section 10 of the Constitution. It acknowledged that while birth mothers have unique health needs before and after childbirth, the BCEA and UIA went beyond protecting those needs and instead reinforced harmful stereotypes about gender roles and caregiving. The laws effectively marginalised fathers, parents in same sex relationships, adoptive parents, and commissioning parents, denying them an adequate opportunity to participate meaningfully in early parenting.

The Constitutional Court emphasised that the purpose of parental leave is not solely to accommodate the physiological recovery of birth mothers, but to support the nurturing of children.

It found that the current legal framework created a hierarchy of parenthood, treating parents, other than birth mothers, as secondary. This, the Court concluded, was not only discriminatory but also unjustifiable.

Further, it deprived parents of the opportunity to structure their parental responsibilities according to their personal circumstances and preferences which intruded unnecessarily upon their private space and impacted their human dignity.

Age cap on adoption leave

One of the most significant aspects of the judgment was the Court's treatment of the age cap for adopted children. Under the previous law, adoptive parents were only entitled to parental or adoption leave if the child was under the age of two. The Commission for Gender Equality challenged this provision, arguing that older adopted children also require time to bond and adjust to their new families.

While the High Court did not find the age capping unconstitutional, the Constitutional Court agreed with the Commission, finding that the age cap amounted to unfair discrimination based on age, a prohibited ground under section 9(3) of the Constitution. It noted that older children may, in fact, need more support and time with their new parents, and that the lack of leave for parents adopting older children could discourage such adoptions.

The Court accepted that, in principle, an age cap may be justified, but it was not convinced that two years was an appropriate cap and declared the current cap to be unconstitutional. It was not, however, clear to the Court what a reasonable cap should be and left this for the Legislature to determine.

The current position

The Constitutional Court suspended its declaration of invalidity for 36 months to give Parliament time to remedy the constitutional defects in the BCEA and UIA. However, in the interim, the Court has put the following key measures, among others, in place as a substitute for the impugned provisions:

- Employees who are single parents or the only employed party in a parental relationship will be entitled to at least four consecutive months' parental leave.
- A female employee who is expecting the birth of a child may commence parental leave at any time from four weeks before the expected birth date, or on a date certified as necessary by a medical practitioner or midwife and no female employee who has given birth to a child may work for six weeks after the birth of her child, unless a medical practitioner or midwife certifies that she is fit to do so.
- If both parties to a parental relationship are employed, the parties are entitled in the aggregate to four months and 10 days' parental leave, inclusive of the time allocated to the biological mother for preparation for and recovery from birth (if applicable).
- Subject to the above, parents may agree on how to divide the leave, concurrently or consecutively, or partly concurrently and partly consecutively. If the parties cannot agree on the way the parental leave is to be taken, the leave must be split as equally as possible.

Insofar as the corresponding UIF Benefits are concerned, the Court found it inappropriate to provide an interim reading-in, reasoning that interim amendments to the UIA could have substantial financial implications and that it was preferable for the Legislature to determine the extent of the UIF Benefits conferred on employed parents in a non-discriminatory manner. Accordingly, the existing provisions of the UIA will continue to apply during the suspension period.



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Mindful, however, that the required remedial legislation might not be brought into force during the suspension period, the Court ordered the Minister of Employment and Labour to provide a status update to the Court not later than six months before the expiry of the 36-month suspension period, so that supplementary relief can be provided and come into operation upon the expiry of the suspension period, if needed. This would also cater for the amendment of the two-year age cap in the context of adoption. The two-year cap will continue to apply during the suspension period.

Key takeaways and employment law considerations

Whilst this judgment is progressive and aligns South African law with international trends, it is not without its own faults. For example, there may be negative implications for birth mothers who may now have to share their parental leave benefits, which was not the case previously.

Careful consideration will also need to be given to how employers will implement and monitor the interim measures at a practical level. Some of the practical implications that employers will need to consider include:

- How to verify the apportionment of leave that has been determined between employed parents to prevent abuse;
- How to confirm that an employee has assumed parental rights and responsibilities over the child and is indeed a 'party to a parental relationship' and thus entitled to parental leave; and
- How to appropriately extend any paid leave benefits that may currently be afforded only to female employees or for shorter periods of time, taking into account that some employees may not be eligible for full UIF Benefits whilst on parental leave during this interim suspension period.

Despite the uncertainty and concerns that some may have, this judgment has immediate far-reaching implications for employers and employees across South Africa. Employers will need to immediately update their leave policies, starting with, for example, abolishing references to maternity leave and provisions which limit parental leave to 10 days and then addressing the practical considerations mentioned above.

Employees who will become parents in the future and are in a parental relationship will need to discuss how they will apportion the four months and 10 days' leave entitlement between them.

Sibusiso Dube and Layla Shah
Bowmans

✚ END