15 – 22 May 2026

Dear Subscribers,

This edition covers a high-impact week of regulatory activity across multiple sectors. Please find the full detailed summaries, legal stories, and compliance action tables in the attached document. Below is your at-a-glance overview.

AGRICULTURE

The R35/ton Winter Cereal Levy (wheat, barley, oats) is up for renewal. If not extended, it lapses 30 September 2026. Comments are due **29 May 2026** — a very tight window for the grain industry.

COMPANIES

CIPC has issued a formal public warning: all registered companies must keep director information current within 10 business days of any change. This is existing law — CIPC is enforcing it. Audit your CIPC records now.

CUSTOMS, EXCISE & FUEL — MAJOR IMPACT

Five significant amendments in one gazette week:

1. Fuel levies increase in two stages — petrol rises to 279c/li from 3 June 2026, then jumps again to 429c/li from 1 July 2026. Two separate gazettes, two system updates required.
2. Diesel refund rates updated for farmers, mines, fishing fleets, rail operators and large power generators — effective 1 July 2026. If you're not claiming, you're leaving money behind.
3. Indonesia safeguard duties extended to May 2027 — importers of affected goods must continue paying.

4. Wheat and flour import duties updated — 15.37c/kg (grain) and 23.05c/kg (flour), effective immediately. SADC remains duty-free.
5. Steel duty rebates expanded — 13 new categories added under Rebate Item 460.15 for manufacturers unable to source locally. ITAC permits required.
6. Agricultural trade permits (SADC EPA, EU EPA, AGOA, WTO) — fee set at R1,840 per permit for 2026/27. No refunds under any circumstances.

ENERGY & PETROLEUM

NERSA's new Petroleum Pipelines Act Rules, 2026 are **in force from 15 May 2026**, replacing the 2019 rules entirely. Anyone with a pipeline, storage depot or loading facility licence must comply immediately — seven new mandatory forms, strict application procedures, and enforcement powers.

FINANCE

National Treasury has extended the comment deadline on the **Draft Capital Flow Management Regulations, 2026** to **30 June 2026**. Any business with cross-border financial exposure should review and engage — submissions are public record under PAIA.

ARTICLES WORTH READING

Water Amendment Bill — "use it or lose it" principle proposed; unused licences may be revoked; private water trading to be banned; Minister gets new cross-provincial reallocation powers.

ConCourt ruling on Certificates of Need — Sections 36–40 of the National Health Act declared unconstitutional. A central pillar of NHI implementation has fallen.

Attorneys' 3-year waiting period — Gauteng High Court declares it unconstitutional; matter referred to ConCourt for confirmation.

Public Procurement Act — Western Cape and City of Cape Town challenge heard in ConCourt; Act not yet in operation and may be set aside on procedural grounds.

Please refer to the attached document for the full legal analysis, compliance action checklists, and links to all gazette notices.

— Alison and The Legal Team

CONTENTS

AGRICULTURAL

LAW AND TYPE OF NOTICE

MARKETING OF AGRICULTURAL PRODUCTS ACT:

Continuation of statutory measures in Winter Cereal Industry: Comments invited

G 54677 GeN 3924

- Comment by 29 May 2026

15 May 2026

SUMMARY

THE LEGAL STORY

Imagine you're a wheat, barley, or oat farmer in South Africa. For years, a small fee of R35 per ton has been quietly collected every time your grain is sold or processed. That money goes to fund scientists who develop better seed varieties — hardier crops, higher yields, disease resistance. Without that funding, South Africa would fall behind the rest of the world in seed technology, and farmers would be stuck with inferior seeds.

The problem? That funding arrangement is about to **expire on 30 September 2026**. So SACTA (the SA Cultivar and Technology Agency), which manages this system, has gone to the NAMC (the National Agricultural Marketing Council) and said: *"Please ask the Minister of Agriculture to renew this levy for another two years."*

The NAMC is now doing what the law requires — **publishing the request publicly** and giving the industry a chance to agree, object, or comment. The deadline to have your say is **29 May 2026** (that's in 8 days).

If the Minister approves it, the R35/ton levy continues unchanged from **1 October 2026 to 30 September 2028**.

EXECUTIVE SUMMARY TABLE

CATEGORY	DETAIL
Resources	National Agricultural Marketing Council (NAMC); SA Cultivar and Technology Agency (SACTA); Minister of Agriculture; Auditor-General; seed companies and breeders
Status	Proposed — open for public comment. Current levy lapses 30 September 2026. Renewal not yet approved.
Commenced & Effective Date	Current levy active since 1 October 2016. Proposed renewal: **1 October 2026 – 30 September 2028** (two-year extension)
In a Nutshell: What It Covers and Requires	A statutory levy of **R35 per metric ton (excl. VAT)** on locally produced wheat, barley and oats. Funds seed breeding research and access to international agricultural intellectual property. Applies uniformly across all of South Africa. Levy collected by buyers, processors and silo receipt issuers, then recovered from producers. Collectors may claim 2.5% commission. At least 20% of funds must go to transformation and development projects. Admin costs capped at ~5% of levy income.
Who It Applies To	**Directly:** Buyers, processors, and silo receipt issuers (they collect and pay the levy to SACTA). **Indirectly:** Grain producers/farmers (levy is recovered from them). **Beneficiaries:** Seed breeding companies (funds distributed by market share). Applies to **local production only** — imported commodities are excluded.

Risks of Non-Compliance	Failure to collect/remit levies exposes buyers, processors and silo operators to enforcement action under the **Marketing of Agricultural Products Act 47 of 1996**. SACTA-appointed inspectors (authorised by the Minister under Section 21 of the MAP Act) can investigate and enforce. Annual Auditor-General audits create formal accountability. Non-compliant parties forfeit the 2.5% commission entitlement.
Actions & Compliance Activities/Controls	**Immediately (by 29 May 2026):** Directly affected industry parties must submit written comments or objections to mthamaga@namc.co.za. **Prepare systems** for levy collection from 1 October 2026 if approved. **Track NAMC recommendation** to the Minister post-comment period. **Budget planning:** Expect R35/ton levy cost to continue into 2027–2028 seasons. **Audit readiness:** Ensure levy collection records are maintained for Auditor-General review. SACTA to distribute funds per formal agency agreements with seed breeders.

LINK TO FULL NOTICE

Marketing of Agricultural Products Act: Continuation of statutory measures in Winter Cereal Industry: Comments invited
G 54677 GeN 3924
- Comment by 29 May 2026
15 May 2026

54677gen3924.pdf

COMPANIES

LAW AND TYPE OF NOTICE

COMPANIES ACT:

Notice to customers providing the Commission with accurate and up to date information of Directors

G 54677 GoN 7471

15 May 2026

SUMMARY

THE LEGAL STORY

Picture this: the government keeps a giant national address book of every registered company in South Africa and all their directors. This is the CIPC register — and it's supposed to be the single source of truth for who runs what company in the country.

The problem? CIPC has been noticing that companies are **not keeping this information current**. Directors change, people get married and change surnames, foreign directors get new passports, people move house — but nobody tells CIPC. The register is quietly becoming a collection of outdated, inaccurate records.

This matters enormously. Fraudsters exploit stale director information to hijack companies, impersonate directors, and commit financial crimes. Regulators and law enforcement rely on this register to track down who is responsible for a company when things go wrong.

So CIPC Commissioner Adv. Rory Voller has published this formal notice — essentially a public warning shot — reminding every company in South Africa: **the law already requires you to update director information within 10 business days of any change**. You've been ignoring this. Stop.

The good news is that fixing it is easy — CIPC's eservices portal handles all these changes online. There's no excuse for non-compliance.

EXECUTIVE SUMMARY TABLE

CATEGORY	DETAIL
Resources	Companies and Intellectual Property Commission (CIPC); CIPC Commissioner Adv. Rory Voller; Department of Trade, Industry and Competition (dtic); CIPC eservices portal (www.cipc.co.za)
Status	**Active and in force** — this is not a proposal. It is a reminder of existing legal obligations already in effect under the Companies Act. Signed 29 April 2026, published 15 May 2026.
Commenced & Effective Date	The underlying obligation is already in force under the **Companies Act**. This notice serves as a formal public reminder. No new start date — compliance was always required.
In a Nutshell: What It Covers and Requires	Companies must notify CIPC of **any change to director information within 10 business days** of that change. This includes: appointment or resignation of a director; name changes (e.g. marriage/divorce); new passport numbers for foreign directors; change of address; change of contact details. All updates must be done via the **CIPC eservices Director Amendments platform**. The legal basis is **Section 24(5) of the Companies Act**, which requires companies to maintain accurate and current records.
Who It Applies To	**All registered companies in South Africa** — private companies (Pty Ltd), public companies, non-profits, and any other entity registered with CIPC. Company secretaries, directors, and compliance officers bear practical responsibility for ensuring timely updates.

Risks of Non-Compliance	Inaccurate CIPC records expose companies to: enforcement action under the **Companies Act**; facilitation of fraud or company hijacking (directors are legally and reputationally implicated); regulatory scrutiny during audits or investigations; potential personal liability for directors who allowed inaccurate records to persist; complications during Annual Return filings; and reputational risk if the company is linked to fraudulent activity traced through stale records.
Actions & Compliance Activities/Controls	1. **Immediately:** Audit all current director information against CIPC records. 2. Log into www.cipc.co.za **eservices** and correct any outdated director details. 3. Establish an internal **10-business-day rule** — any director change triggers an immediate CIPC update. 4. Update HR/company secretarial processes to flag name changes, resignations, new passports and address changes. 5. Assign a responsible person (company secretary or compliance officer) to own CIPC updates. 6. Include CIPC register accuracy as a standing item in **board and governance reviews**. 7. For foreign directors: set calendar reminders for passport expiry dates to proactively update records.

LINK TO FULL NOTICE

Companies Act: Notice to customers providing the Commission with accurate and up to date information of Directors
G 54677 GoN 7471
15 May 2026

54677gon7471.pdf

CUSTOMS, EXCISE AND INTERNATIONAL TRADE

LAW AND TYPE OF NOTICE

CUSTOMS AND EXCISE ACT, 1964:

Amendment to Part 5A of Schedule No. 1 (No. 1/5A/185)

G 54678 RG 11995 GoN 7476

15 May 2026

SUMMARY

THE LEGAL STORY

Every time a South African fills up at a petrol station, a significant chunk of what they pay per litre goes straight to the government — not as VAT, but as a **fuel levy**. This levy has two components baked into every litre: a **General Fuel Levy** (the big one) and a **Carbon Fuel Levy** (the green tax, designed to discourage fossil fuel consumption and fund climate-related initiatives).

These levies don't stay the same forever. Each year, the Minister of Finance adjusts them — usually upward — as part of the national budget process. This gazette is the **legal instrument that makes those new rates official and enforceable**.

Minister Enoch Godongwana has signed off on updated fuel levy rates, and from **3 June 2026**, the new rates kick in across petrol, diesel, kerosene, biodiesel, and related fuel products. The amendment formally replaces the old Note 8 in Schedule 1 of the Customs and Excise Act, 1964 — the legal backbone of how fuel taxes are structured in South Africa.

For ordinary petrol (95 or 93 unleaded), the total levy becomes **279 cents per litre**, made up of 260c general levy + 19c carbon levy. For diesel, kerosene and similar distillate fuels, it's **220 cents per litre** (197c general + 23c carbon). Biodiesel gets preferential treatment at just **98.5 cents per litre** — with zero carbon levy — to encourage uptake of cleaner fuels.

For fuel importers, refiners, and distributors, this is not optional reading. Getting the levy wrong — collecting too little or applying the wrong tariff heading — is a customs and excise offence.

EXECUTIVE SUMMARY TABLE

Category	Detail
Resources	South African Revenue Service (SARS); Minister of Finance Enoch Godongwana; Customs and Excise Act 1964 (Section 48); Schedule No. 1, Part 5A
Status	**Enacted — legally binding amendment.** Signed by the Minister of Finance and published in the Government Gazette on 15 May 2026. Not a proposal — this is law.
Commenced & Effective Date	**3 June 2026** — all new levy rates apply from this date. Published 15 May 2026, giving industry ~19 days to update systems.
In a Nutshell: What It Covers and Requires	Formal amendment of fuel levy rates under Schedule 1 of the Customs and Excise Act. Sets new per-litre levy rates for: **Petrol = 279c/li** (260c general + 19c carbon); **Diesel, kerosene, distillate fuels, aliphatic hydrocarbon solvents = 220c/li** (197c general + 23c carbon); **Biodiesel (specified, Chapter 38) = 98.5c/li** (98.5c general + 0c carbon); **Other biodiesel = 220c/li**. Levies are embedded in the wholesale/refinery price and flow through the entire fuel supply chain to the end consumer.
Who It Applies To	**Directly:** Fuel importers, refiners, manufacturers, and licensed customs and excise warehouses who are responsible for calculating and remitting the correct levy to SARS. **Indirectly:** Fuel distributors, wholesalers, retailers (fuel stations), fleet operators, and ultimately every South African consumer who purchases fuel. **Biodiesel producers** under Chapter 38 classifications are separately affected with preferential rates.

Risks of Non-Compliance	Applying incorrect levy rates constitutes a **Customs and Excise Act violation**, exposing liable parties to: underpayment penalties and interest; SARS audits and reassessments; potential criminal prosecution for deliberate misclassification; customs duty disputes on tariff heading misapplication; reputational and licence risk for fuel industry participants. Overpaying is also a risk — creating cash flow losses and requiring formal refund processes.
Actions & Compliance Activities/Controls	1. **By 3 June 2026:** Update all fuel pricing, billing and ERP systems to reflect new levy rates per fuel type. 2. Confirm correct **tariff heading classifications** (2710.12.xx, 2710.19.xx, 3826.00.xx) for each product type. 3. Fuel licence holders must ensure **customs and excise accounts** reflect updated Schedule 1 rates. 4. Review **biodiesel classification** — correctly distinguish between 3826.00.10 (98.5c/li) and 3826.00.90 (220c/li) to avoid overpaying or underpaying. 5. Finance and tax teams must update **fuel cost models, pricing schedules and customer invoicing**. 6. Fleet and transport companies should **recalculate fuel cost budgets** from June 2026 onward. 7. Document the amendment reference (No. 1/5A/185, R.7476) in compliance files for audit trail purposes.

Bottom line: This is a mandatory, signed-into-law adjustment of fuel levy rates effective 3 June 2026. If your business touches the fuel supply chain in any way — from refinery to forecourt — your systems and pricing must be updated before that date. The petrol pump price you see in June will be higher, and this gazette is exactly why.

LINK TO FULL NOTICE

Customs and Excise Act, 1964: Amendment to Part 5A of Schedule No. 1 (No. 1/5A/185) (English/Afrikaans)
G 54678 RG 11995 GoN 7476
15 May 2026

54678reg119957476.pdf

LAW AND TYPE OF NOTICE

CUSTOMS AND EXCISE ACT, 1964:

Amendment to Part 3 of Schedule No. 2 (No. 2/3/86)

G 54678 RG 11995 GoN 7474

15 May 2026

SUMMARY

THE LEGAL STORY

Picture a South African manufacturer — let's say a textile or steel producer. They've been struggling because cheap goods from Indonesia have been flooding the local market, undercutting their prices and threatening jobs. In response, the South African government did what trade law allows: it slapped **special extra import duties** — called **safeguard duties** — on certain goods coming in from Indonesia. This was first announced on **2 May 2025**.

Safeguard duties are essentially a temporary trade shield. They're not permanent tariffs — they're emergency brakes, designed to give a local industry breathing room to recover and become competitive again, while the flood of cheap imports is temporarily made more expensive.

Now, a year later, the government is doing something very simple but critically important: it is **formally extending the legal life of those safeguard duties** to run all the way through to **1 May 2027**. Without this gazette, the duties could lapse or be legally challenged as having no current statutory basis.

Minister Enoch Godongwana has signed this amendment to Schedule 2 of the Customs and Excise Act — just one page, but with significant commercial consequences. Any business importing the affected goods from Indonesia must continue paying those extra duties for another year. Any business that stopped paying them, or tried to argue they'd expired, now has no legal leg to stand on.

This gazette doesn't introduce new duties — it **keeps existing ones alive**.

EXECUTIVE SUMMARY TABLE

CATEGORY	DETAIL
Resources	South African Revenue Service (SARS); Minister of Finance Enoch Godongwana; Customs and Excise Act 1964 (Section 57); Schedule No. 2, Part 3; Original Notice R.6165 of Government Gazette No. 52576 (2 May 2025)
Status	**Enacted — legally binding extension.** Signed by Minister of Finance, published 15 May 2026. The safeguard duties first imposed in May 2025 remain fully in force.
Commenced & Effective Date	Original safeguard duties commenced **2 May 2025**. This amendment extends their operation **up to and including 1 May 2027**. Published 15 May 2026 — effective immediately upon publication.
In a Nutshell: What It Covers and Requires	A formal one-page amendment to Schedule 2, Part 3 of the Customs and Excise Act that extends the lifespan of existing **safeguard duties on imports originating in or imported from Indonesia**. The specific goods and duty rates are defined in the original Notice R.6165 of 2 May 2025 (not repeated here). The amendment simply extends the deadline from the original expiry to **1 May 2027**, ensuring legal continuity of the trade protection measure.
Who It Applies To	**Directly:** Any importer bringing goods into South Africa that originate from or are imported from Indonesia, where those goods fall under the tariff headings specified in the original Notice R.6165. **Also affected:** Customs clearing agents and freight forwarders declaring Indonesian-origin goods; local South African manufacturers competing against Indonesian imports (they benefit from this protection); South African retailers or businesses sourcing these goods from Indonesia (they face continued higher import costs).

Risks of Non-Compliance	Failing to pay the applicable safeguard duty exposes importers to: SARS underpayment penalties and interest on the shortfall; retrospective duty reassessments; possible seizure or detention of goods at the border; criminal liability under the Customs and Excise Act for deliberate duty evasion; reputational damage and loss of trusted trader status with SARS. Misclassifying Indonesian-origin goods to avoid the duty is a customs fraud offence.
Actions & Compliance Activities/Controls	1. **Immediately:** Confirm with your customs clearing agent that all Indonesian-origin imports subject to R.6165 are still being correctly declared with safeguard duties applied. 2. Update import **cost models and landed cost calculations** to reflect continued safeguard duty costs through to May 2027. 3. Review **supplier contracts** — if pricing assumed duties would lapse, renegotiate or adjust accordingly. 4. Procurement teams should assess whether **alternative sourcing countries** offer better landed cost economics given the extended duties. 5. Cross-reference the original **Notice R.6165 (Gazette 52576)** to confirm exactly which tariff headings and duty rates apply to your specific imported goods. 6. Flag **1 May 2027** as the current expiry date in your compliance calendar — monitor for any further extension notices closer to that date. 7. Customs compliance officers should retain this gazette (R.7474) alongside the original R.6165 as the complete legal record of the safeguard duty regime.

Bottom line: Short notice, big impact. If you import goods from Indonesia that were hit by safeguard duties in May 2025, those duties are **not going away** — they've been officially extended to May 2027. Update your costs, brief your procurement team, and make sure your customs declarations remain correct.

LINK TO FULL NOTICE

[Customs and Excise Act, 1964: Amendment to Part 3 of Schedule No. 2 (No. 2/3/86)]
G 54678 RG 11995 GoN 7474
15 May 2026

54678re11995gon7474.pdf

LAW AND TYPE OF NOTICE

CUSTOMS AND EXCISE ACT:

Amendment to Part 3 of Schedule No. 6 (No. 6/3/70)

G 54678 RG 11995 GoN 7479

15 May 2026

SUMMARY

THE LEGAL STORY

Most South Africans think of fuel levies as money that simply disappears into the government's coffers every time they fill up. But here's something many don't know: **certain industries can actually claim much of that levy back**.

The logic is straightforward and fair. The **Road Accident Fund (RAF) levy** — 225 cents of every litre of fuel sold — exists to fund compensation for road accident victims. But a farmer ploughing fields, a fishing trawler operating offshore, a locomotive hauling freight on rail, or a power station generating electricity for the national grid are **not using public roads**. So why should they pay a road accident levy? The answer is: they shouldn't — at least not fully — and the law gives them a mechanism to reclaim it.

Similarly, the **General Fuel Levy** has a reduced refund component for certain qualifying operations, recognising that these industries are essential to the economy and shouldn't bear the full burden of road-related taxes.

This gazette, signed by Minister Enoch Godongwana, **updates the exact rand-and-cent refund rates** that these qualifying industries can claim from SARS from **1 July 2026**. These rates have been adjusted — linked to the new levy rates set in the companion fuel levy gazette (R.7476) — to ensure the refund calculations remain mathematically correct and legally current.

Think of it as the government saying: *"We're charging everyone more per litre from June 2026 — but we're also updating what qualifying industries get back, so they're not unfairly penalised."*

If you're a farmer, mine operator, fishing fleet owner, harbour operator, rail freight company, or large power generator — and you're not currently claiming these refunds — **you're leaving significant money on the table.**

EXECUTIVE SUMMARY TABLE

CATEGORY	DETAIL
Resources	South African Revenue Service (SARS); Minister of Finance Enoch Godongwana; Customs and Excise Act 1964 (Section 75); Schedule No. 6, Part 3, Note 6(b)
Status	**Enacted — legally binding amendment.** Signed by the Minister of Finance, published 15 May 2026. New refund rates are mandatory from 1 July 2026.
Commenced & Effective Date	**1 July 2026** — all updated refund rates apply from this date. Published 15 May 2026, giving industry ~6 weeks to update claims processes.
In a Nutshell: What It Covers and Requires	Updates the fuel levy **refund rates** claimable by qualifying industries under Schedule 6 of the Customs and Excise Act. The refund is made up of two components — the General Fuel Levy portion and the Road Accident Fund (RAF) levy portion — combined into a single claimable rate per litre. Updated rates per sector: **Farming/Forestry/Mining (land):** 157.2c fuel levy + 225c RAF = **382.2c/li refund**; **Offshore vessels** (fishing, coastal, mining, NSRI, research, patrol, fibre optic cable vessels): 393c fuel levy + 225c RAF = **618c/li refund**; **Harbour vessels** (Portnet, bunker barges): **225c/li** (RAF only); **Rail freight locomotives** (non-farming/mining): **225c/li** (RAF only); **Large electricity generation plants** (>200MW, feeding national grid): 196.5c fuel levy + 225c RAF = **421.5c/li refund**. All refund claims must deduct any non-eligible fuel purchases (e.g. goods transport for reward).

Who It Applies To	**Farmers, forestry operators and land-based mines** using diesel/distillate fuel for operational purposes. **Commercial fishing fleets, coastal vessels, offshore mining operations, NSRI vessels, marine research vessels, coastal patrol vessels, and fibre optic cable service vessels. Harbour operators** including Portnet and in-port bunker barge operators. **Rail freight companies** using diesel locomotives (excluding those already covered under farming/mining). **Large power generation plants** (capacity exceeding 200MW) supplying the national electricity distribution grid.
Risks of Non-Compliance	**Under-claiming:** Failing to apply the correct updated rates from 1 July 2026 means leaving legitimate refunds unclaimed — a direct financial loss. **Over-claiming:** Applying incorrect rates, claiming on non-eligible purchases, or failing to deduct non-eligible fuel use (e.g. road transport mixed with farm operations) constitutes a **Customs and Excise Act offence** — exposing the claimant to repayment demands, penalties, interest, and potential criminal prosecution. **Incorrect record-keeping** that cannot support the split between eligible and non-eligible fuel use will result in SARS disallowing claims during audit.
Actions & Compliance Activities/Controls	1. **By 1 July 2026:** Update all fuel levy refund claim calculations to reflect new rates per sector. 2. **Farmers/miners/forestry:** Confirm refund claims use **382.2c/li** from July 2026. 3. **Offshore vessel operators:** Confirm claims use **618c/li** — the highest refund category. 4. **Harbour/rail operators:** Confirm claims remain at **225c/li** (RAF only — no general levy refund). 5. **Power generators (>200MW):** Confirm claims use **421.5c/li** for distillate fuel used solely for grid generation. 6. Implement robust **fuel usage logbooks** clearly distinguishing eligible vs non-eligible consumption per vehicle/vessel/machine. 7. Brief finance and tax teams — particularly those managing SARS diesel refund accounts — on the new rates. 8. Retain this gazette (R.7479) as the authoritative legal reference for all refund claims from 1 July 2026. 9. Review **ERP and accounting systems** to ensure refund calculations auto-update from the correct effective date. 10. If your operation is **not currently claiming** these refunds, urgently assess eligibility — retrospective claims may be possible within the statutory time limits.

Bottom line: This is a money-back notice for qualifying industries. If you operate farms, mines, fishing vessels, rail locomotives, harbours, or large power plants and consume diesel fuel, these updated refund rates are **cash you are legally entitled to recover from SARS**. Make sure your claims reflect the new rates from 1 July 2026 — and if you haven't been claiming at all, start now.
LINK TO FULL NOTICE **Customs and Excise Act: Amendment to Part 3 of Schedule No. 6 (No. 6/3/70) (English/Afrikaans)** G 54678 RG 11995 GoN 7479 15 May 2026 54678reg11995gon7479.pdf

LAW AND TYPE OF NOTICE

CUSTOMS AND EXCISE ACT:

Amendment to part 1 of schedule No. 1 (No. 1/1/1971)

G 54678 RG 11995 GoN 7472

15 May 2026

SUMMARY

THE LEGAL STORY

Bread is a staple food in South Africa. Wheat — whether as raw grain or milled into flour — is therefore one of the most economically and socially sensitive commodities in the country. When the price of wheat or flour goes up, the price of bread follows, and low-income households feel it immediately.

South Africa doesn't produce enough wheat to feed itself. It regularly imports wheat grain and wheat flour from other countries. Every time those imports cross the border, customs duty is charged — a per-kilogram tariff that goes to the government and effectively makes imported wheat more expensive, which in turn protects local wheat farmers from being undercut by cheaper foreign grain.

These tariff rates are not fixed forever. They are regularly reviewed and adjusted — sometimes upward to protect local farmers during difficult seasons, sometimes downward to keep food affordable during supply shortages or price spikes. The mechanism that makes these adjustments legally enforceable is exactly this type of gazette.

Minister Enoch Godongwana has signed this amendment to **Schedule 1 of the Customs and Excise Act**, updating the import duty rates on **wheat grain (tariff heading 1001)** and **wheat flour (tariff heading 1101)**. From the date of this gazette, the new rates are:

- **Wheat grain (seed and other): 15.37 cents per kilogram** across most trading partners
- **All wheat flour categories: 23.05 cents per kilogram** across most trading partners

Critically, there is an important exception: imports from **SADC countries** (Southern African Development Community — neighbouring countries like Zimbabwe, Zambia, Mozambique, etc.) come in at **zero duty — completely free**. This reflects South Africa's regional trade commitments, encouraging economic integration with African neighbours. Importers from the EU, UK, EFTA, MERCOSUR, and AfCFTA trading blocs pay the same general rate — there's no preferential reduction for those trade agreements on these particular products at these particular rates.

EXECUTIVE SUMMARY TABLE

CATEGORY	DETAIL
Resources	South African Revenue Service (SARS); Minister of Finance Enoch Godongwana; Customs and Excise Act 1964 (Section 48); Schedule No. 1, Part 1; Tariff headings 1001 (wheat grain) and 1101 (wheat flour)
Status	**Enacted — legally binding amendment.** Signed by the Minister of Finance, published 15 May 2026. Effective immediately upon publication.
Commenced & Effective Date	**15 May 2026** — no deferred effective date stated, meaning the new rates apply from publication date. Importers with goods in transit or pending clearance must verify applicable rates carefully.
In a Nutshell: What It Covers and Requires	Updates import customs duty rates on two product categories: **Wheat grain (Heading 1001)** — both seed wheat (1001.91) and other wheat (1001.99): **15.37c/kg** general rate; free for SADC. **Wheat flour (Heading 1101)** — brown wheaten meal (1101.00.10), cake wheat flour (1101.00.20), white bread wheat flour (1101.00.30), and other wheat flour (1101.00.90): **23.05c/kg** general rate; free for SADC. The same general rate applies to EU/UK, EFTA, MERCOSUR, and AfCFTA trading partners — no preferential reduction for those blocs on these products. SADC remains uniquely duty-free.
Who It Applies To	**Directly:** Importers of wheat grain and wheat flour into South Africa; customs clearing agents and freight forwarders handling these goods; SARS border officials assessing duty liability. **Indirectly:** Wheat millers and flour processors sourcing imported grain; commercial bakeries and food manufacturers using imported wheat flour; retailers and food producers whose input costs are affected by wheat import pricing; **local wheat farmers** (the duty protects them from cheaper imports — any rate changes affect their competitive position).

Risks of Non-Compliance	Applying incorrect tariff rates or wrong tariff headings exposes importers to: SARS underpayment penalties and interest; retrospective duty reassessments on all affected shipments; potential seizure of goods; loss of trusted trader status; criminal liability for deliberate misclassification. Incorrectly claiming SADC duty-free rates without proper origin documentation (a valid SADC certificate of origin) constitutes customs fraud. Overpaying (e.g. applying general rates to legitimate SADC-origin goods) results in unnecessary cost — refund claims are administratively burdensome.
Actions & Compliance Activities/Controls	1. **Immediately:** Update customs tariff databases and ERP/import costing systems to reflect new rates for headings 1001.91, 1001.99, 1101.00.10, 1101.00.20, 1101.00.30, and 1101.00.90. 2. Customs clearing agents must apply **15.37c/kg for wheat grain** and **23.05c/kg for wheat flour** on all non-SADC imports from 15 May 2026. 3. Verify **country of origin documentation** for all SADC-origin imports — ensure valid SADC certificates of origin are on file to support duty-free treatment. 4. **Review pending import orders** and shipments in transit — recalculate landed costs using new duty rates. 5. **Procurement and sourcing teams** should reassess supplier country decisions: SADC-origin wheat remains duty-free, potentially making regional sourcing more cost-competitive. 6. **Food manufacturers and bakeries** should update input cost models and product pricing based on revised wheat import costs. 7. Retain gazette R.7472 as the legal authority for these rates in compliance and audit files. 8. Monitor for further tariff adjustments — wheat tariffs are actively managed and can change again with limited notice.

Bottom line: This is a bread-and-butter customs update — literally. If your business imports wheat grain or wheat flour, your duty rates have just changed. Update your systems immediately, verify your origin documentation for SADC sourcing, and recalculate your landed costs. If you're in the food manufacturing or baking industry, factor these rates into your input cost budgets now.

LINK TO FULL NOTICE
Customs and Excise Act: Amendment to part 1 of schedule No. 1 (No. 1/1/1971) (English/Afrikaans) G 54678 RG 11995 GoN 7472 15 May 2026 54678-reg11995-gon7472.pdf

LAW AND TYPE OF NOTICE

CUSTOMS AND EXCISE ACT, 1964:

Amendment to Part 2 of Schedule No. 4 (No. 4/2/411)

G 54678 RG 11995 GoN 7477

15 May 2026

SUMMARY

THE LEGAL STORY

South Africa has a steel industry — but it cannot produce every type, size, grade, and specification of steel that its manufacturers need. A stove maker needs a specific gauge of aluminium-zinc coated steel sheet. A fridge factory needs plastic-coated steel of precise width. A railway contractor needs rails of exact hardness and weight. A mine needs seamless steel pipes of particular wall thickness. And sometimes — despite a local steel industry existing — these very specific products simply **aren't made in South Africa or the broader SACU region** (South Africa, Botswana, Lesotho, Namibia, Eswatini).

When that happens, manufacturers face a painful choice: pay full import duty on foreign steel and become uncompetitive, or simply not build the product at all. Neither outcome serves South Africa's economy.

The solution is a **customs duty rebate** — a legal mechanism that says: *"If the specific steel product you need isn't available locally, you may import it duty-free, provided ITAC (the International Trade Administration Commission) approves a specific permit for your purchase."*

This gazette, signed by Minister Godongwana, **expands and updates** the list of steel products that qualify for this full duty rebate under **Rebate Item 460.15** of Schedule 4 of the Customs and Excise Act. It does two things simultaneously — it **adds new steel products** to the rebate list (insertions) and **updates the descriptions** of two existing rebate items (substitutions) to broaden their scope.

The new products added cover an impressive range of industrial applications: steel billets and blooms for rolling mills, coated flat steel for stove tops and mining core trays, plastic-coated steel for fridges and freezers, insulated panels, garage doors, structural H-sections for construction, wire rods, railway rails for turnouts and port infrastructure, seamless pipes for mining and infrastructure, galvanised pipes for water and fire systems, flanges for pipelines, and butt-welding fittings for industrial and water infrastructure.

Every single rebate has the same important safety valve: **ITAC must issue a specific permit**, and the rebate only applies if the product **is genuinely not available in the**

SACU market. This protects local steel producers from being undermined while ensuring manufacturers can access what they need.

EXECUTIVE SUMMARY TABLE

Category	**Detail**
Resources	South African Revenue Service (SARS); International Trade Administration Commission (ITAC); Minister of Finance Enoch Godongwana; Customs and Excise Act 1964 (Section 75); Schedule No. 4, Part 2, Rebate Item 460.15; Tariff headings 7207, 7210, 7214, 7216, 7227, 7302, 7304, 7306, 7307
Status	**Enacted — legally binding amendment.** Signed by the Minister of Finance, published 15 May 2026. Effective immediately upon publication.
Commenced & Effective Date	**15 May 2026** — no deferred effective date stated. New and substituted rebate items are available for ITAC permit applications from this date.
In a Nutshell: What It Covers and Requires	Amends Schedule 4, Part 2 by inserting 13 new rebate items and substituting 2 existing ones under Rebate Item 460.15. All rebates are for **full duty** on imported iron and non-alloy steel products that are unavailable in the SACU market. New items cover: **steel billets/blooms** (various cross-sections, for rolling mills); **aluminium-zinc coated flat steel** (for hot plate stoves and mining core trays); **plastic-coated flat steel** (for fridges/freezers, insulated panels, and garage doors); **steel bars and rods** (for general industrial use); **H-sections** (for heavy construction); **wire rods** (alloy steel, for industrial use); **railway rails** (high-strength, for turnouts and port infrastructure); **seamless pipes and tubes** (for mining and infrastructure); **galvanised circular pipes** (for water infrastructure and fire systems); **flanges** (for pipeline assembly); **butt-welding fittings** (for industrial/water infrastructure).

	Substituted items broaden the existing aluminium-zinc and plastic-coated flat rolled steel rebates to cover full duty under both Schedule 1 and Schedule 2. All rebates are conditional on: (1) ITAC issuing a specific permit; and (2) the product not being available in the SACU market.
Who It Applies To	**Directly:** South African manufacturers in sectors including: appliance manufacturing (stoves, fridges/freezers); construction and infrastructure (insulated panels, H-sections, pipes, flanges, fittings); mining (core trays, seamless pipes); railway infrastructure (turnouts, port rail); water and fire infrastructure (galvanised pipes); and general industrial manufacturing. **Also affected:** Steel importers and customs agents handling Schedule 4 rebate entries; ITAC (administers the permit process); local SACU steel producers (protected by the SACU availability requirement).
Risks of Non-Compliance	Claiming rebates without a valid ITAC-issued specific permit is a **Customs and Excise Act offence** — exposing importers to full duty recovery plus penalties and interest. Falsely claiming SACU unavailability to obtain a permit constitutes fraud against both ITAC and SARS. Applying incorrect rebate codes or tariff headings on import declarations can result in duty underpayment (triggering reassessments) or duty overpayment (financial loss). Importing under a permit granted for one product type and using the steel for a different end use violates the permit conditions and the rebate terms.
Actions & Compliance Activities/Controls	1. **Immediately:** Identify which of your imported steel inputs now qualify under the new or updated rebate items. 2. **Apply to ITAC** for specific permits for qualifying products — rebates are not automatic; a permit is mandatory for every rebate claim. 3. Update customs entry procedures and tariff classification references to incorporate the new rebate codes (01.05 through 01.08 series under 460.15). 4. **Verify SACU availability** before applying — ITAC will assess this, and applying for unavailable-in-SACU products that are actually locally available will result in permit rejection. 5. Ensure **end-use traceability** — steel imported under a specific-use rebate (e.g. "for manufacture of hot plate

	stoves") must be used only for that stated purpose; maintain production records. 6. Review the **substituted items** (7210.61 and 7210.70) — if you currently import these under the old rebate descriptions, confirm your existing permits and declarations remain valid or need updating. 7. **Railway and port infrastructure contractors**: the new rail item (7302.10) covers high-strength rails for turnouts and port rail — apply for ITAC permits if this matches your procurement. 8. **Water/fire infrastructure contractors**: new galvanised pipe item (7306.30.30) is specifically for water infrastructure and fire systems — assess whether current imported pipe stock qualifies. 9. Retain this gazette (R.7477) as the legal authority for all new rebate claims in compliance and audit files.

Bottom line: This is a significant expansion of duty relief for South African manufacturers that depend on imported steel. If your business uses any of these steel products and they're not available locally, you may now be able to import them **completely duty-free** — but only with a valid ITAC permit. Apply now, maintain your end-use records, and make sure your customs entries reflect the correct new rebate codes.

LINK TO FULL NOTICE

Customs and Excise Act, 1964: Amendment to Part 2 of Schedule No. 4 (No. 4/2/411) English/Afrikaans)
G 54678 RG 11995 GoN 7477
15 May 2026

54678rg119957477.pdf

LAW AND TYPE OF NOTICE

CUSTOMS AND EXCISE ACT:

Amendment to Part 5A of Schedule No. 1 (No. 1/5A/186)

G 54678 RG 11995

15 May 2026

SUMMARY

The Legal Story — The Plot Twist

Earlier in the same Government Gazette edition, we already saw Minister Godongwana sign gazette R.7476, which set new fuel levy rates effective **3 June 2026**. So why is there a second fuel levy gazette — R.7475 — in the very same edition?

The answer reveals something important about how South Africa's fuel pricing policy works: **there are two separate levy regimes operating simultaneously**, and they activate at different dates for different reasons.

Think of it this way. South Africa's fuel levy has historically had a **basic structure** (the standard rate everyone pays) and a **Road Accident Fund (RAF) component** that runs alongside it. Every year, when the national budget is announced, government must formally update both. Sometimes the timing of these updates differs — one might kick in sooner, another later — for administrative, budgetary, or policy reasons.

Gazette R.7476 (effective 3 June 2026) set relatively **moderate levy rates**: petrol at 279c/li, diesel at 220c/li. But this gazette — R.7475 (effective **1 July 2026**) — sets **significantly higher rates**: petrol at **429c/li** and diesel/other fuels at **416c/li**. The general fuel levy alone for petrol jumps to **410 cents per litre**, versus 260 cents in the June gazette.

What is happening here? The June gazette represents one scheduled adjustment, and the July gazette represents **a further, larger adjustment that comes into effect one month later**. This is a two-stage fuel levy increase — a legal device that allows the government to phase in higher levies in steps rather than imposing a massive single shock.

From a consumer perspective: fuel will get more expensive in June, then get **even more expensive in July**. From a legal perspective: both gazettes are law, both are binding, and both must be implemented at their respective effective dates.

The biodiesel treatment remains consistent: specified biodiesel (Chapter 38) gets a preferential rate of **196.5c/li** with no carbon levy — maintaining the green fuel incentive — while other biodiesel rises to 416c/li alongside conventional fuels.

EXECUTIVE SUMMARY TABLE

Category	Detail
Resources	South African Revenue Service (SARS); Minister of Finance Enoch Godongwana; Customs and Excise Act 1964 (Section 48); Schedule No. 1, Part 5A, Amendment No. 1/5A/186; companion gazette R.7476 (Amendment No. 1/5A/185)
Status	**Enacted — legally binding amendment.** Signed by the Minister of Finance, published 15 May 2026. A second-stage fuel levy increase, separate from and additional to gazette R.7476.
Commenced & Effective Date	**1 July 2026** — second-stage levy rates apply from this date. This follows the first-stage increase in R.7476 effective 3 June 2026. Industry has approximately 6 weeks from publication to prepare.
In a Nutshell: What It Covers and Requires	Sets a **second, higher tier** of fuel levy rates effective 1 July 2026, superseding the rates set in gazette R.7476 (effective 3 June 2026). New rates from 1 July 2026: **Petrol = 429c/li** (410c general + 19c carbon) — up from 279c/li set in June; **Diesel, kerosene, distillate fuels, aliphatic hydrocarbon solvents = 416c/li** (393c general + 23c carbon) — up from 220c/li set in June; **Specified biodiesel (3826.00.10) = 196.5c/li** (196.5c general + 0c carbon) — unchanged from June rate; **Other biodiesel (3826.00.90) = 416c/li** — up from 220c/li in June. The structure mirrors R.7476 but at materially higher rates across all conventional fuel categories.
Who It Applies To	Same parties as R.7476: **fuel importers, refiners, manufacturers, and licensed customs and excise warehouses** responsible for levy calculation and remittance to SARS. **Indirectly:** the entire fuel supply chain including distributors, wholesalers, fuel retailers, fleet operators, and ultimately all South African consumers and businesses purchasing fuel from 1 July 2026 onward.

Risks of Non-Compliance	Continuing to apply the R.7476 rates (June rates) after 1 July 2026 constitutes a **Customs and Excise Act underpayment** — exposing levy payers to shortfall recovery, penalties, and interest. The rate differential is substantial (petrol: 150c/li difference; diesel: 196c/li difference), making the financial exposure of non-compliance very significant. Fuel retailers pricing at incorrect levy-inclusive levels face regulatory and reputational exposure. SARS audits of fuel accounts for July 2026 onward will verify application of the correct rate tier.
Actions & Compliance Activities/Controls	1. **Critical: implement a two-date update plan** — R.7476 rates from 3 June 2026, then R.7475 rates from 1 July 2026. These are separate legal instruments requiring two separate system updates. 2. Update all fuel pricing, billing, ERP, and customs excise systems **twice**: first for 3 June 2026, then again for **1 July 2026**. 3. Fuel cost budgets must reflect **both increases** — the June adjustment and the larger July adjustment separately. 4. Fleet operators and transport companies: model the compounding cost impact of both levy increases on operating costs for the second half of 2026. 5. Finance teams should flag **1 July 2026** as a critical date in all fuel-related cost models, contracts, and customer pricing structures. 6. Biodiesel operators: note that the 196.5c/li preferential rate for specified biodiesel is preserved in this gazette — the green fuel advantage is maintained even as conventional fuel levies increase sharply. 7. Retain both R.7476 and R.7475 together as the complete legal framework for fuel levy rates applicable across June–July 2026 and beyond. 8. Communicate the two-stage increase to senior management and boards — the July jump is substantial and will materially affect logistics, manufacturing, and consumer-facing cost structures.

Bottom line: This is the bigger of two fuel levy increases announced simultaneously. From **1 July 2026**, petrol levies jump to 429c/li and diesel to 416c/li — significantly above the already-increased June rates. If R.7476 was the warning shot, R.7475 is the main event. Two gazettes, two effective dates, two system updates required. Do not miss the July changeover date — the rate difference is too large and the legal exposure too serious.

LINK TO FULL NOTICE
[Customs and Excise Act: Amendment to Part 5A of Schedule No. 1 (No. 1/5A/186) (English/Afrikaans)](54678reg11995gon7475.pdf) G 54678 RG 11995 15 May 2026 54678reg11995gon7475.pdf

LAW AND TYPE OF NOTICE

PROCEDURES FOR IMPORT AND EXPORT PERMITS UNDER SOUTHERN AFRICAN DEVELOPMENT COUNTRIES EPA, AGOA

15 May 2026

SUMMARY

THE LEGAL STORY

South Africa participates in several major international trade agreements — SADC, the EU EPA, the SACUM-UK EPA, WTO, and AGOA. Each of these agreements grants preferential trade terms: reduced or zero tariffs on certain agricultural goods traded between member countries. But preferential access doesn't come automatically — it comes through **quota allocations**, and to access those quotas, importers and exporters need a **permit issued by the Department of Agriculture (DOA)**.

Think of it like a ticket to a concert with reserved seating. The trade agreement is the concert. The quota is the number of reserved seats available to South African traders. The permit is your actual ticket. And like any ticket system, there's an **administrative fee** to obtain it.

Every financial year, the Department of Agriculture publishes the fees and payment procedures for these permits. This notice does exactly that for the **2026/27 financial year** — setting the permit fee at **R1,840 per permit**, valid for all annual permits, replacement permits, and lost permit replacements issued up to **31 March 2027**.

The story has a few important sub-plots. First, payment proof must accompany every application — no proof, no permit. Second, if you lose your permit (whether it's sitting in your drawer or gets lost during a customs clearing process), you can get a replacement, but you pay the full R1,840 again. Third, and this is a firm policy: **no refunds** — not if you overpay, not if your application is disqualified. The Department keeps the money regardless.

It is a short, administrative notice — but for any agricultural importer or exporter accessing preferential trade quota, it is the practical gateway to doing business under these agreements for the entire 2026/27 year.

EXECUTIVE SUMMARY TABLE

CATEGORY	DETAIL
Resources	Department of Agriculture (DOA); Standard Bank — DOA MARK.ADMIN.TRADE account (Account No. 013024175, Branch: Tshwane Mid City, Branch No. 01-01-45); DOA cashier at Agricultural Place, 20 Steve Biko Drive, Arcadia, Pretoria, Block P, Room GF 15
Status	**Active and in force** for financial year 2026/27. Administrative notice confirming permit fees and payment procedures. Not a proposal — these are the operative procedures from publication until 31 March 2027.
Commenced & Effective Date	**15 May 2026** (publication date) through to **31 March 2027** (end of the 2026/27 financial year). All annual permits, lost permit replacements, and replacement permits issued within this period are subject to the R1,840 fee.
In a Nutshell: What It Covers and Requires	Sets the permit fee and payment procedures for DOA quota-allocated import and export permits under five trade agreements: **SADC-EU EPA; SACUM-UK EPA; WTO Agreement; AGOA.** Fee is **R1,840 per permit** (annual, lost, or replacement). Proof of payment (bank deposit slip or cashier receipt) must be attached to every application. Payment accepted via: EFT to the DOA Standard Bank account (reference: company name); or cash at the DOA cashier in Pretoria. Payments must be made per application period — no advance payments for future periods allowed. Lost permits require a new application and full fee payment for a replacement. **No refunds** for overpayments or disqualified applications.

Who It Applies To	Any South African **importer or exporter of agricultural products** who wishes to access quota allocations under: SADC/EU EPA preferential tariff quotas; SACUM-UK EPA quotas; WTO tariff rate quotas; AGOA quotas. This includes food and agricultural commodity traders, agri-processors, fruit and vegetable exporters, meat importers/exporters, grain traders, and any other agricultural business accessing preferential trade terms under these agreements.
Risks of Non-Compliance	Operating without a valid DOA permit when one is required means: goods cannot legally access the preferential quota tariff rate — full duty applies instead, potentially making the trade uneconomic; customs clearance may be refused or delayed; shipments may be held at the border pending permit production; reputational damage with both DOA and SARS customs; potential loss of future quota allocation priority. Lost permits not replaced promptly expose the holder to the same risks until a replacement is issued. Overpayments and disqualified applications result in a **complete financial loss** — no refund mechanism exists.
Actions & Compliance Activities/Controls	1. **Budget R1,840 per permit** required for the 2026/27 financial year — multiply by the number of permits your business typically requires annually. 2. **Always attach proof of payment** to every application — a missing deposit slip or receipt will delay or invalidate the application. 3. Use your **company name as the EFT payment reference** — incorrect references can cause payment matching failures and permit delays. 4. **Do not pay in advance** for the next period — the DOA will not allocate future-period payments and the money cannot be recovered. 5. **Safeguard your permits** — losing one costs another full R1,840 with no shortcut to replacement. Implement a document management protocol for all permit originals. 6. If a permit is lost during customs clearing, **notify the DOA immediately** and initiate a replacement application with payment without delay to avoid clearance disruption. 7. **Verify disqualification risk** before submitting — since there are no refunds on disqualified applications, ensure all eligibility criteria are met before paying and submitting.

	8. For cash payments, visit **Block P, Room GF 15, Agricultural Place, Pretoria** during business hours with the correct amount. 9. Maintain payment records and permit copies in a **compliance file** for each trade agreement — SARS and DOA may request these during inspections or audits.

Bottom line: This is the annual "how to pay for your trade permit" notice — straightforward but financially consequential. At R1,840 per permit with **zero refunds under any circumstances**, paying correctly, protecting your permits, and ensuring your application qualifies before you pay is essential housekeeping for any agricultural trader operating under preferential trade agreements in 2026/27.

LINK TO FULL NOTICE

Procedures for import and export permits under Southern African Development Countries EPA, AGOA
15 May 2026

54677gon7462.pdf

ENERGY AND PETROLEUM

LAW AND TYPE OF NOTICE

PETROLEUM PIPELINES ACT:

National Energy Regulator of South Africa: Rules

G 54677 GoN 7464

15 May 2026

SUMMARY

THE LEGAL STORY

Imagine you own or want to build a fuel pipeline, a petrol storage depot, or a harbour fuel loading arm in South Africa. Before you can touch a shovel or pump a single litre, the government's energy watchdog — **NERSA (National Energy Regulator of South Africa)** — needs to know about it, approve it, and hand you a licence. This document, published in the *Government Gazette* on 15 May 2026, is the rulebook that tells you exactly how to apply, object, complain, or get out of that licence. It replaces the old 2019 rules entirely.

Think of it as NERSA's instruction manual for anyone who moves, stores, or loads petroleum through fixed infrastructure in South Africa. Miss a step, submit the wrong form, or ignore an inspection, and your application dies — or worse, your licence gets revoked.

EXECUTIVE SUMMARY TABLE

Category	Detail
Resources	National Energy Regulator of South Africa (NERSA) — Petroleum Pipelines Regulation division. Contact: 012 401 4600 / pipelines@nersa.org.za. Physical address: Kulawula House, 526 Madiba Street, Arcadia, Pretoria. Full rules + forms available at www.nersa.org.za

Status	**Active and in force** — repeals the 2019 Rules (GNR 1463, Government Gazette 42837 of 13 November 2019) in their entirety
Commenced and Effective Date	**15 May 2026** — came into operation on the date of publication in Government Gazette No. 54677
In a Nutshell: What It Covers and Requires	Sets out the complete procedural rules for: (1) submitting documents to NERSA; (2) applying for, amending, or revoking licences for petroleum pipelines, storage facilities, and loading facilities; (3) publishing public notices of licence applications; (4) handling objections from third parties; (5) lodging complaints against licensees; (6) NERSA inspections and investigations; and (7) publishing uncommitted storage capacity. Prescribes 7 mandatory forms (A–G) for all interactions. All measurements must be in metric units (cubic metres for capacity).
Who It Applies To	Any person (natural or juristic) who: **owns or intends to own** a petroleum pipeline, storage facility, or loading facility in South Africa; **operates or intends to operate** any such facility; **objects** to someone else's licence application; **lodges a complaint** against a licensed operator; or is **subject to NERSA inspection** as a licensee. Includes companies, trusts, government entities, and foreign nationals with SA residency.
Risks of Non-Compliance	Incomplete applications are **instantly rejected** and removed from NERSA's database. Failure to respond to an Adequacy Assessment within the specified period = application declared incomplete. Licensees who obstruct inspections or withhold information breach the Act. Licences can be **amended without the licensee's consent** in cases of non-compliance or emergency. Licences can be **revoked** where the activity is no longer required, not economically justifiable, or where another party is better placed to operate. Objections and complaints received **after closing dates are disregarded**. Tariff applications submitted less than **6 months before the effective date** will not be accepted.

Actions and Compliance Activities / Controls	**Licence applicants** must: submit Form B (with all supporting docs, solemn declaration, and B-BBEE certificate at minimum Level 4); pay an application fee once adequacy is confirmed; publish a notice in 2 newspapers in 2 official languages (including English) only *after* NERSA confirms adequacy; forward newspaper copies to NERSA on the day of publication; and submit tariff applications at least 6 months before the tariff effective date. **Licensees** must: permit NERSA-authorised inspectors access at all reasonable times; respond to complaints or written investigation questions within **30 days**; flag removed documents as confidential within **30 days**; and publish uncommitted storage capacity when directed by NERSA. **Objectors** must: submit Form D by the published closing date; attach a solemn declaration sworn before a Commissioner of Oaths; and submit a non-confidential version if requesting confidentiality. **Complainants** must: submit Form G (or call 012 401 4600); sign an affidavit if complaining by phone; and complain within the **period of validity of the licence**. **All parties** must use metric units, index and paginate all submissions, and sign solemn declarations before a Commissioner of Oaths.

The Bottom Line

This rulebook is NERSA's operating manual for regulating South Africa's petroleum infrastructure. If you are in the business of moving, storing, or loading petroleum products through fixed infrastructure, these rules govern every formal interaction you will have with your regulator — from the day you apply for a licence to the day you hand it back. Ignoring or misapplying them risks losing your licence, facing public investigations, and being unable to charge lawful tariffs.

LINK TO FULL NOTICE

Petroleum Pipelines Act: National Energy Regulator of South Africa: Rules
G 54677 GoN 7464
15 May 2026

54677gon7464.pdf

FINANCE

LAW AND TYPE OF NOTICE

CURRENCY AND EXCHANGES ACT:

Draft Capital Flow Management Regulations 2026: Extension to submit comments

G 54697 GoN 7489

- Comment by 30 Jun 2026

SUMMARY

THE LEGAL STORY

South Africa's National Treasury is in the process of writing new rules that will govern how money flows in and out of the country — what regulators call "capital flow management." These are not yet law; they are still in draft form, and Treasury is doing what good governance requires: asking the public, businesses, banks, investors, and anyone else affected to read the draft and tell them what they think before the rules are finalised.

The original invitation to comment was published on 17 April 2026, giving the public a window to respond. However, that window was apparently too short — perhaps the regulations are complex, perhaps affected parties need more time to consult their lawyers and economists, or perhaps there was simply not enough public awareness. Whatever the reason, Treasury published this short notice on 18 May 2026 to say: the deadline is being pushed out. You now have until **30 June 2026** to submit your written comments.

There is one important catch buried in the fine print: the moment you submit a comment, you are agreeing that **your name and your submission can be made public**. Treasury can publish what you said, and if anyone submits a request under the Promotion of Access to Information Act (PAIA), your submission must be disclosed. There is no anonymous commenting here — this is a transparent, on-the-record public consultation. This notice is therefore a brief but significant procedural step in the law-making process. The regulations themselves — which will deal with how capital flows are managed in South Africa — have not yet been published in this document. Only the deadline extension has been announced here.

EXECUTIVE SUMMARY TABLE

CATEGORY	DETAILS
Resource / Document	Government Notice No. 7489, Government Gazette No. 54697, dated 18 May 2026 — National Treasury
Status	**Draft regulations** — not yet law. Public consultation period extended. Original notice: GN 7375, Gazette 54520, dated 17 April 2026.
Commenced & Effective Date	The extension notice is effective **18 May 2026**. The draft Capital Flow Management Regulations themselves have **not yet commenced** — they remain in draft. New comment deadline: **30 June 2026**.
In a Nutshell: What It Covers and Requires	This specific notice does only one thing: it extends the public comment period on the draft Capital Flow Management Regulations, 2026. The underlying draft regulations — available at www.treasury.gov.za — deal with the management of capital flows (i.e., how money, investments, and financial assets move into and out of South Africa). Anyone wishing to comment must do so in writing before 30 June 2026, with the understanding that their submission and identity will be publicly disclosed.
Who It Applies To	Any person, institution, or organisation that wishes to comment on the draft regulations — including banks, asset managers, insurers, corporates with cross-border operations, foreign investors, legal and financial advisors, industry bodies, and members of the public with an interest in South Africa's capital account and exchange control framework.

Risks of Non-Compliance	There is no direct legal penalty for failing to comment — participation is voluntary. However, **failure to engage** means losing the opportunity to influence the final regulations before they become binding law. Once finalised, the Capital Flow Management Regulations will likely impose obligations on businesses and financial institutions dealing with cross-border capital movements. Those who did not comment will have no basis to object later that they were not consulted. Additionally, commentators should note: **submissions are not confidential** — any comment made becomes part of the public record and is subject to PAIA disclosure.
Actions & Compliance Activities / Controls	1. Download and review the draft Capital Flow Management Regulations from www.treasury.gov.za. 2. Assess the impact of the draft regulations on your business, investments, or cross-border financial activities. 3. Prepare a written submission addressing specific concerns, proposed amendments, or support. 4. Submit comments to **CommentDraftRegulations@treasury.gov.za** by **30 June 2026**. 5. Be aware that your name and submission **will be publicly disclosed** — ensure your submission does not contain confidential or commercially sensitive information you would not want made public. 6. Track the finalisation of the regulations after the comment period closes, as they will become binding once gazetted.

The Bottom Line

This is a one-page notice with big implications. Treasury is redesigning South Africa's capital flow rules — rules that will affect how money moves across borders for businesses, investors, and financial institutions. The clock on your right to shape those rules has been extended to **30 June 2026**. If your business has any cross-border financial exposure, this is a consultation you should not ignore.

LINK TO FULL NOTICE

Currency and Exchanges Act: Draft Capital Flow Management Regulations 2026: Extension to submit comments
G 54697 GoN 7489
- Comment by 30 Jun 2026
18 May 2026

54697gon7489.pdf

LABOUR

LAW AND TYPE OF NOTICE

LABOUR RELATIONS ACT:

Collective Agreements

LINK TO FULL NOTICE

Labour Relations Act: National Bargaining Council for the Wood and Paper Sector-Dispute: Renewal and Extension of the Dispute Resolution Levy and Registration of Employers Collective Agreement
G 54700 RG 11996 GoN 7490
19 May 2026

54700rg11996gon7490.pdf

Labour Relations Act: Metal and Engineering Industries Bargaining Council: Renewal and Extension of Registration and Administration Expenses Collective Agreement
G 54698 GeN 3941
19 May 2026

g54698gn3941.pdf

Labour Relations Act: Metal and Engineering Industries Bargaining Council: Renewal and Extension of the Provident Fund Collective Agreement
G 54698 GoN 3944
18 May 2026

g54698gn3944.pdf

Labour Relations Act: Metal and Engineering Industries Bargaining Council: Renewal and Extension of the Dispute Resolution Collective Agreement
G 54698 GeN 3942
18 May 2026

g54698gn3942.pdf

Labour Relations Act: Metal and Engineering Industries Bargaining Council: Renewal and Extension of the Pension Fund Collective Agreement
G 54698 GeN 3943
18 May 2026

g54698gn3943.pdf

Labour Relations Act: National Bargaining Council for the Chemical Industry: Extension to non-parties of the Pharmaceutical Sector Collective Agreement
G 54677 GeN 3925
15 May 2026

54677gen3925.pdf

STANDARDS

LAW AND TYPE OF NOTICE

STANDARDS ACT:

Standards matters: Comments invited

G 54677 GeN 3931

- Comment by 14 Jul 2026

15 May 2026

SUMMARY

THE LEGAL STORY

Behind every product you use — the plug on your phone charger, the tyres on your car, the surgical gloves a doctor wears, the fire extinguisher on your office wall, the fridge in your kitchen — there is a set of technical rules called a standard. These standards say: this is how a product must be made, tested, measured, and marked to be safe and fit for purpose in South Africa.

The South African Bureau of Standards (SABS) is the body responsible for maintaining this entire library of rules. It does so under the Standards Act of 2008, which gives SABS the authority to create, update, and retire standards. But SABS cannot do this quietly behind closed doors — the law requires it to tell the public what it is doing and invite comment before new or changed standards take effect.

This document, published in the Government Gazette on 15 May 2026, is SABS's formal announcement of a major round of standards activity. It is essentially the official noticeboard of South Africa's technical standards landscape for this cycle, and it covers four distinct actions happening simultaneously.

First, SABS is asking the public to comment on 17 brand new draft standards covering everything from motorcycle road barriers and EV charging plugs to petrol specifications and environmental management systems — all with a comment deadline of **14 July 2026**.

Second, SABS is also seeking comment on proposed amendments to 9 existing standards, updating technical requirements in areas like household refrigerators, aquarium lights, medical mammography equipment, and respiratory equipment.

Third, SABS is proposing to withdraw one standard entirely — a 2013 conformity assessment standard for third-party audit reports on management systems — because the international standard it was based on has itself been withdrawn with no replacement.

Fourth, and most importantly for industry, SABS has already finalised and issued a large batch of standards that are now **in force**. These include 20 brand new standards across mining safety, food safety, LPG equipment, water pipes, anti-bribery certification, and more — plus 20 amended standards and 22 revised standards touching sectors from healthcare and construction to electrical equipment and nanotechnology.

For businesses, manufacturers, certifiers, and regulators, this notice is not optional reading. Products and processes that fall within the scope of any newly issued or revised standard must align with the updated requirements. The standards system underpins product certification, regulatory compliance, procurement specifications, and export readiness.

EXECUTIVE SUMMARY TABLE

Category	**Details**
Resource / Document	Government Gazette No. 54677, Notice 3931 of 2026 — Department of Trade, Industry and Competition / South African Bureau of Standards (SABS), dated 15 May 2026
Status	Mixed: Schedule A (drafts for comment) — **not yet in force**; Schedule B (new, amended, revised standards) — **in force as of 15 May 2026**
Commenced & Effective Date	Schedule B standards: **in force 15 May 2026**. Comment deadline for Schedule A drafts and Schedule A.2 withdrawal: **14 July 2026**
In a Nutshell: What It Covers and Requires	Four categories of action: **(1) Schedule A — 17 new draft standards open for public comment** covering EV charging equipment, motorcycle road barriers, petrol specs, air conditioners, environmental management (ISO 14001), lithium battery transport, optical fibre cables, and more. **(2) Schedule A.1 — 9 draft amendments** to existing standards open for comment, covering household fridges, aquarium luminaires, mammography X-ray equipment, respiratory equipment, retail textiles, and others.

	(3) Schedule A.2 — 1 standard proposed for withdrawal (SATS 17022:2013 on third-party audit reports). **(4) Schedule B — approximately 62 standards already issued**, including 20 new standards (mine shaft safety SANS 2180 series, Legionella testing, hempseed food safety, LPG valves, PVC-O water pipes, food packaging safety, fuel cell systems, etc.), 20 amended standards (building regulations, fire extinguishers, construction materials, water testing, etc.), and 22 revised standards (surgical gloves, medical device packaging, food microbiology, fire alarm sounders, EV battery testing, nanotechnology vocabulary, etc.)
Who It Applies To	Manufacturers, importers, exporters, retailers, certifiers, testing laboratories, engineers, construction companies, healthcare providers, food producers, mining companies, energy sector operators, EV manufacturers and infrastructure providers, HVAC and electrical equipment suppliers, building contractors, water utilities, and any organisation required to comply with South African product or systems standards. Also relevant to procurement professionals writing technical specifications.
Risks of Non-Compliance	Products that do not conform to applicable SANS standards risk: rejection of certification applications; failure of regulatory approval processes; disqualification from government and private procurement; product recalls and liability exposure; inability to export to markets that reference these standards; potential prosecution under sector-specific regulations that incorporate SANS standards by reference (e.g., building regulations, health and safety legislation, food safety law). Continued use of a withdrawn standard provides no legal protection.
Actions & Compliance Activities / Controls	1. **Review all Schedule B issued standards** relevant to your sector and assess impact on current products, processes, and certifications. 2. **Update product specifications, test reports, and technical files** to reference the new edition numbers (all dated 2026). 3. **Priority sectors to check immediately:** mining (SANS 2180 series), food safety (SANS 8433, SANS 22002-4), LPG equipment (SANS 15995, SANS 55202), water infrastructure (SANS 16422 series), healthcare (SANS 68, SANS 11193, SANS 15883 series), EV (SANS 62660 series), building regulations (SANS 10400 series).

4. **Submit comments on Schedule A drafts** by **14 July 2026** to Dsscomments@sabs.co.za — especially for EV charging infrastructure (SANS 62196 series), petrol specifications (SANS 1598), and ISO 14001 environmental management (SANS 14001).
5. **Phase out use of SATS 17022:2013** (conformity assessment audit reports) — comment on the proposed withdrawal or begin transitioning now.
6. **Obtain updated copies** of issued standards from SABS Head Office at 1 Dr Lategan Road, Groenkloof, Pretoria.

The Bottom Line

This is one of the most wide-ranging SABS standards notices in recent memory, touching virtually every major sector of the South African economy in a single gazette. If your business makes, sells, tests, certifies, or buys products — or operates under a management system standard — at least one of these 60-plus standards updates applies to you. The new standards are already law. The comment window on the drafts closes **14 July 2026**, after which those too will likely become binding. Act now.

LINK TO FULL NOTICE

Standards Act: Standards matters: Comments invited
G 54677 GeN 3931
- Comment by 14 Jul 2026
15 May 2026

54677gen3931.pdf

CONSUMER PROTECTION ARTICLES

SOUTH AFRICA

FlySafair faces penalty for overbooking flights

The National Consumer Commission (NCC) has found in an investigation that the practice of overbooking flights by SA's largest domestic airline violated consumer protection laws.

The NCC referred FlySafair to the National Consumer Tribunal for a decision on the matter.

The consumer watchdog says that the investigation into bookings made between November and December 2024 and January 2025 found that the airline had systemically overbooked for up to 5 000 passengers on bookings made during this period.

It says that the airline had violated several aspects of consumer protection laws in its overbooking practices, including:

- overselling services;
- unfair and unreasonable contract terms;
- inadequate disclosures of material risks;
- misleading representations;
- unconscionable conduct;
- failure to provide services on agreed terms; and
- failure to communicate information in plain language.

Acting Commissioner for the NCC Hardin Ratshisusu said in a statement on Thursday: "The NCC's investigation has found FlySafair's booking practices to be inconsistent with multiple sections of the Consumer Protection Act, which is the basis of the referral to the Tribunal. The Act prohibits suppliers from taking consumers' money for goods or services they cannot provide."

The watchdog has asked the Tribunal to fine the airline 10% of its annual revenue and to declare the overbooking practice prohibited.

The investigation was **initially launched following** a public outcry on social media in January last year. At the time, FlySafair said that the practice of overbooking – which allows the airline to sell some seats twice – was used to keep tickets affordable for passengers, and that compensation would be offered for passengers who could not take up the flight; including R1 000 and booking on the next available flight or a full refund.

At the time, chief marketing officer Kirby Gordon said that the airline would cooperate with the investigation, but said that the investigation must review practices by all local and international airlines operating in SA.

He also said that FlySafair usually overbooked one or two seats per flight, and that only 0.0006% of FlySafair customers had been denied boarding due to overbooking in ten months.

Overbooking "effectively allows airlines to sell seats at slightly lower prices because they know there will be 'breakage' - much like a gym will sell more memberships than they have treadmills," Gordon said.

In response to the announcement by the NCC on Thursday, the domestic airline said overbooking had long been recognised as a standard and globally accepted practice by the aviation industry, including previously by SA's Consumer Goods and Services Ombud, which had issued an advisory note on the practice. The note, which was issued in 2021, has since been removed from the ombud's site, and FlySafair is calling for greater clarity around the notice.

"FlySafair understands that the advisory note is no longer published on the website of the ombud but does not understand if it has been formally withdrawn, or [if] its removal was based on formal industry consultation or direct notification processes, clearly communicating a changed regulatory interpretation to affected operators," it said in a statement.

However, the airline also said it was confident that the Consumer Tribunal would conclude that it had acted "lawfully, transparently, and in good faith, with due regard to consumers" by the time the case was concluded.

"FlySafair believes that it operates one of the more conservative overbooking policies in the market, with overbooking levels maintained below historical no-show rates," it said.

While the NCC found that 5 000 passengers were on overbooked flights, FlySafair said that 99.98% of the passengers were able to travel because of no-shows and that only 0.02% were denied boarding.

"Every one of them [who were denied boarding] was offered accommodation, a refund, and compensation. About 93.3% of fights over that period departed on time, and no flights were cancelled," it said.

The article has been updated with FlySafair's comment.

Na'ilah Ebrahim
News24

Ombud cancels sale of Toyota GR Yaris

The Motor Industry Ombudsman of SA (Miosa) has ordered the cancellation of the sale of a 2021 Toyota GR Yaris after buyer Moksham Soundarajan reported multiple defects shortly after delivery.

The ruling comes after IOL reported that Moksham Soundarajan was unhappy with the R600000 car he bought in July last year from WP Motors dealership in Cape Town. The vehicle was found to have worn tyres, a cracked exhaust, and lacked a spare wheel or tyre repair kit.

Soundarajan lodged a complaint with Miosa in August last year, citing safety concerns after experiencing a strong smell of petrol and exhaust fumes after driving approximately 420km.

An independent roadworthy inspection conducted on July 26 last year, uncovered additional problems. The report found that both front tyres were severely worn on their inner edges and identified a crack in the aftermarket exhaust system.

Compounding the issue, the vehicle had previously been inspected by DEKRA on July 11 last year, and was issued a roadworthy certificate. DEKRA later acknowledged that the certificate was granted due to human error.

Based on these findings, Soundarajan sought a cancellation of the transaction and requested reimbursement of his trade-in value, all finance instalments, and insurance premiums paid in connection with the purchase.

WP Motors acknowledged the dispute and said it had initially offered to replace the two front tyres, repair the cracked exhaust, and pay R1650 to repaint damaged wheel rims.

The dealership said these proposals were rejected because Soundarajan insisted on cancelling the deal.

The dealership also explained that, after attorneys became involved, both parties agreed in principle to cancel the sale.

WP Motors proposed that the buyer repay the over-allowance of R103 312.52 granted on his trade-in vehicle, while also paying for the use of the vehicle based on the kilometres driven.

The dealership further suggested charging R6 500 to collect the vehicle if the buyer did not return it himself.

After reviewing evidence from both parties, Miosa found that the defects identified in the tyres and exhaust provided reasonable grounds to conclude that the vehicle did not meet the quality standards required under the Consumer Protection Act.

In its ruling, Miosa concluded that the dealership’s offer to cancel the sale was fair and appropriate. The ombudsman formally endorsed the cancellation and ordered the parties to work together to return the vehicle within 15 business days.

Meanwhile, the owner of the dealership, Phillip van der Merwe, confirmed that the car was back in their possession.

Sinenhlanhla Masilela
Cape Argus

COMPANIES ARTICLES

SOUTH AFRICA

[Grower-led group enters fight for Tongaat Hulett]

The coalition says its proposal is built around the long-term sustainability of the fragile company, with its members listed as equity partners.

Several small- and large-scale growers have merged to form a grower-led group in what it is believed to be a last-ditch attempt to resuscitate ailing Tongaat Hulett, which is on the brink of liquidation when the matter goes to a hearing in June 2026.

With no firm solution in sight to prevent its total collapse, GrowerCo has swooped in with a view of securing the funding necessary to keep Tongaat Hulett's mills and refinery operational.

The coalition says its proposal is built around the long-term sustainability of Tongaat Hulett, with its members listed as potential equity partners as opposed to "an extractive private-equity model".

While GrowerCo describes itself as an independent initiative, it has received backing from the SA Canegrowers Association and the South African Farmers' Development Association.

"It is focused on maintaining milling operations, safeguarding jobs, and preserving economic activity across rural KwaZulu-Natal [KZN]," its founders said in a statement on Thursday.

The 130-year-old Tongaat Hulett supports between 35 000 and 40 000 direct jobs at farm level and at its mills and its refinery, making it an economic anchor for entire rural communities.

This is especially true in KZN, where Tongaat Hulett is a dominant driver of economic activity. The province alone accounts for about 77% of the sugar industry's revenue.

GrowerCo believes that, with the support of long-term and patient capital, the proposal presents a viable opportunity to unlock sustainable value over time by stabilising and strengthening one of South Africa's most important agricultural value chains.

It estimates that "debtors would be able to realise R3 billion to R4.5 billion for Tongaat Hulett if it is sold as a going concern, whereas value recovery during liquidation would be as low as R1 billion to R1.5 billion.

"Under this model, every creditor recovers more," says Pratish Sharma, a grower who supplies Tongaat Hulett's Maidstone mill.

In April 2026, the company was given another lifeline through additional funding of R200 million, giving it a boost to start milling in the current season.

Tongaat's mills are expected to open in the coming weeks, contributing to what has already been labelled as a good start to the season.

Tongaat was placed in business rescue in October 2022.

Vision Group, led by South African entrepreneur Robert Gumede and Zimbabwean businessman Rute Moyo, became the controlling creditor after acquiring its bank loans. It then used its creditor voting power to approve its own business rescue plan.

But, in February this year, the business rescue practitioners (BRPs) lodged a winding up application, saying the plan was incapable of being implemented because the Vision Group had shifted the goalposts and was demanding further funding from the Industrial Development Corporation.

In its latest public clash with Tongaat's BRPs, Vision said it "remains focused on the upcoming liquidation hearing on 17 June 2026 at the Durban High Court, where it will continue to advocate for a resolution that prioritises job preservation and the continued operation of these heritage assets".

"As any lender of substantial funds would be entitled to do against a borrower which is in default, prudent steps have been taken to preserve security."

Vision holds R11 billion in secured claims over Tongaat's assets.

Without a resolution to the ownership and recovery debacle, almost 18 000 growers would be affected, bringing the sugar industry to its knees.

Trading in Tongaat Hulett shares on the JSE remains suspended.

Nokukhanya Mntambo
Moneyweb

ENVIRONMENTAL ARTICLES

SOUTH AFRICA

Hoarding water to make money? New water amendment bill might be coming for you

A 'use it or lose it' principle would allow water licences to be revoked if they remain unused for a defined period.

South Africa's National Water Amendment Bill is taking direct aim at water hoarding, private trading, and racial inequity.

The new legislative provisions also give the Minister of Water and Sanitation sweeping powers to reallocate water across provinces and sectors, and review water prices.

A broken system that outlived its fix

South Africa's water crisis runs deeper than drought. It is structural.

Under the Water Act of 1956, landowners adjacent to rivers were permanently entitled to water by virtue of owning the land, whether they used it or not.

The National Water Act of 1998 sought to break that legacy by nationalising water and making it a public good, but the Director General of Water and Sanitation, Dr Sean Phillips, told Parliament's Portfolio Committee on Tuesday that the current law has left the state with limited tools to enforce its promises.

The core problem, Phillips said, is that existing lawful water use has no time limit.

These entitlements only fall away when replaced by a formal water licence during a compulsory licensing process, meaning unused water cannot be quickly freed up and reallocated.

Under the current licensing framework, all considerations in granting a licence carry equal legal weight, creating another structural obstacle.

"A licence cannot be declined on the basis of the application failing equity as one consideration," Phillips told the committee.

Water being treated as a private commodity

The most damaging consequence of the current system, according to Phillips, is the treatment of water rights as a tradeable business asset.

Licence holders are sitting on allocations they are not using, knowing those entitlements carry commercial value.

“Water use exercised through existing lawful use is normally hoarded, even if it is not used, since this use is viewed as a possible business tool associated with water trading and in doing so, the water use is withdrawn from economic use and subjected to undue control by an individual, which is inconsistent with the purpose of the National Water Act,” he said.

Despite three decades of post-apartheid legislation, the racial skew in water allocation has barely shifted.

Phillips was direct about the failure. “Insufficient progress has been made, and the status quo could persist due mainly to specific provisions of the legislation that militate against the transformation in water use.”

Use it or lose it, and the end of private water deals

The bill’s most consequential interventions address these failures head-on.

A “use it or lose it” principle would allow water licences to be revoked if they remain unused for a defined period, with the entitlement reverting to the Department of Water and Sanitation for reallocation.

The bill also provides for a licensee to voluntarily surrender their entitlement under conditions of non-use.

“This will enable scarce water to be freed up for reallocation, which in turn will assist the Department to achieve its objective of increasing greater equity in water use allocations,” Phillips explained.

Private water trading between individuals would be banned.

“The water trading provision in the current legislation subverted the public good nature of the water resource and subjected it to the highest bidder,” Phillips said.

Under Section 25 of the amendment bill, any temporary transfer of water use would be capped at 24 calendar months.

Where a licensee surrenders their water entitlement, for instance, to facilitate a licence on another piece of their land, the water connected to that surrender is prohibited from being traded privately and must be handed back to the national government through the Minister of Water and Sanitation.

The bill leaves no grey area: unused or surrendered water goes back to the state.

Minister gets new powers to move water across provinces

One of the more significant additions in the bill, captured in Section 25A, gives the minister the authority to reallocate water between sectors, provinces, or catchments.

This is not a unilateral power: the minister may only act after consultation, and all the relevant factors listed in Section 27(1) of the National Water Act must be considered before any reallocation takes place.

Still, it represents a meaningful shift in the state's ability to intervene when water is concentrated in the wrong hands or the wrong regions.

Alongside this, Section 26 of the bill provides for regulations that would prescribe the specific criteria to be used when redressing past racial and gender discrimination in water use, giving legal teeth to transformation targets that have, until now, remained aspirational.

The last key amendment introduces a "fit and proper person" test: the responsible authority would be empowered to refuse to even consider a water use licence application from anyone who has committed a gross transgression of water legislation.

Phillips framed this as a necessary accountability measure that would not allow bad actors to simply reapply for access to a resource they have previously abused.

Too little progress, too much time lost

The data underpinning the bill's urgency is stark.

Of the 21 billion cubic metres of water currently allocated, agriculture holds 54%, and 84% of that goes to commercial agricultural companies, many listed on the JSE.

Historically disadvantaged individuals account for just 3% of agricultural water use overall. Since 1998, 19% of new agricultural water licences have gone to historically disadvantaged individuals.

Phillips acknowledged this improvement but said it was not enough. "Further improvement is still required," he said.

The validation of existing lawful water use, a nationwide audit designed to identify allocations that can be freed up, is approximately 50% complete.

The department also reported that 80% of water use licence applications were finalised within 90 days in 2025/26, up sharply from 35% in 2022/23.

Progress, but the amendment bill signals that administrative efficiency alone will not be enough to undo what Phillips described as decades of causal factors actively "hindering the Department from properly regulating the use of water, protecting and developing the resource."

By Enkosi Selane
The Citizen

Tiger Brands signs electricity wheeling deal with Apollo Africa

As part of its efforts to reduce carbon emissions and improve energy efficiency

Tiger Brands has signed an electricity wheeling agreement with Apollo Africa, as the food producer accelerates efforts to reduce carbon emissions and transition its manufacturing operations to cleaner energy sources.

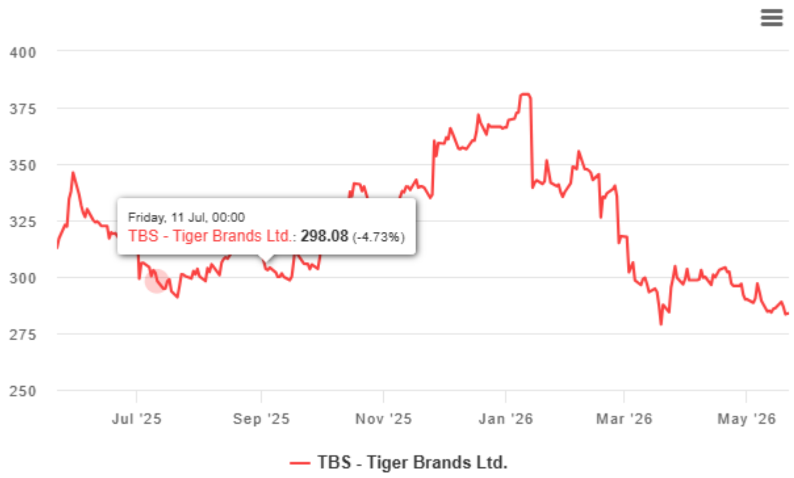
The agreement, which is expected to commence in 2028, will initially supply Tiger Brands' manufacturing sites in Gauteng with renewable electricity transmitted through the national grid under a power purchase agreement (PPA).

Power wheeling allows companies to buy electricity generated from renewable energy projects, such as solar or wind farms located elsewhere in the country, with the power transmitted via existing grid infrastructure.

Tiger Brands said sites supplied through the Ekurhuleni Municipality network are expected to receive about 60% of their electricity supply from wheeled renewable energy by 2028.

Chief manufacturing officer Praveen Balgobind said the agreement forms part of the company's broader sustainability strategy and would help reduce its Scope 1 and Scope 2 greenhouse gas emissions while improving long-term energy efficiency.

"Importantly, as our business grows, cost efficiency is maximised, all while reducing our carbon footprint," said Balgobind.



The company's 2030 environmental stewardship targets include reducing water and energy intensity by 30%, cutting carbon emissions by 30%, sourcing 31% of electrical energy from renewable sources, and achieving zero waste to landfill across all sites.

Apollo Africa chief executive Nico de Bruyn said wheeling has become an important mechanism for large energy users looking to access renewable power without being constrained by the location of generation facilities.

"Tiger Brands is one of South Africa's most iconic businesses, and we take the responsibility of supporting their 2030 environmental stewardship targets seriously," he said.

The deal comes as more South African corporates turn to renewable energy procurement and wheeling arrangements to reduce exposure to electricity supply risks, manage costs and meet sustainability commitments.

Likho Mbuka
Moneyweb

MEDICAL SECTOR ARTICLES

SOUTH AFRICA

[ConCourt delivers 'huge victory' for practitioners]

The Constitutional Court says government cannot force healthcare providers to apply for a certificate of need (CON) that controls where they can and cannot work, and what services they can provide. It yesterday ruled that Sections 36 to 40 of the National Health Act were unconstitutional, effectively ratifying a July 2024 High Court decision that reached the same conclusion. **News24** reports that the disputed sections sought to grant the state power to dictate where healthcare providers could operate, who they could employ, and what training they could provide. Solidarity, the Alliance of SA Independent Practitioners Association, the SA Private Practitioners Forum, the Hospital Association of SA, and four independent healthcare practitioners applied to the Constitutional Court to have the High Court ruling confirmed. **The Health Minister and DG of the National Department of Health filed a counterapplication, seeking to have the High Court's declaration of unconstitutionality set aside.**

Government argued that the regulations requiring healthcare practitioners to apply for a CON were a central pillar of the National Health Insurance (NHI) Act and were necessary to overcome the racialised allocation of healthcare resources created by apartheid spatial planning. However, **the Constitutional Court ultimately ruled against the Department of Health and ordered it to pay the applicants' costs.** 'Granting the power to the DG to issue or refuse a certificate, without requiring regard to be had to the rights and interests of health establishments, agencies or providers, is inconsistent with legal and constitutional constraints and falls short of the threshold requirement of rationality,' the court said in its ruling. **News24** notes that it said the order of constitutional invalidity made by the Gauteng High Court (Pretoria) is confirmed.

The consequence of the Constitutional Court ruling is that sections 36 to 40 are severed from the National Health Act. Parliament is free to issue new laws provided they pass constitutional muster. Solidarity, which was essentially the lead applicant, described the ruling as a 'huge victory' for healthcare practitioners and the general public, saying the CON requirement was merely a mechanism by which the government sought to exercise greater control over the healthcare industry. During legal arguments, Solidarity's legal counsel said the CON would have rendered healthcare practitioners 'pawns of the state'. **'One of the NHI's central pillars has collapsed today. News24** notes that the CON was far more than merely an administrative instrument. It was an instrument of centralisation and state control,' said Anton van der Bijl, Solidarity's deputy CEO.

Full News24 report
Solidarity statement

LEGAL SECTOR ARTICLES

SOUTH AFRICA

Three-year waiting period for new attorneys 'unconstitutional'

In a groundbreaking judgment for newly admitted attorneys, the Gauteng High Court declared unconstitutional the three-year waiting period that prevents attorneys from appearing in higher courts.

Judge Norman Davis, on Friday, found that the section of the Legal Practice Act (LPA) unfairly singled out attorneys, as advocates admitted at the same time do not have a mandatory three-year waiting period before they can appear in the High Court, the Supreme Court of Appeal and the Constitutional Court.

The victory for newly admitted attorneys was sparked by attorney Kgomotso Ramalepe and Marweshe Attorneys. The legal challenge was brought against the Minister of Justice, the Legal Practice Council and the Black Lawyers Association.

Ramalepe was admitted by the court as an attorney in June last year, and she decided to challenge the law as she was barred from appearing in the higher courts due to the restrictions of the Act.

The LPA governs the admission of all legal practitioners. Judge Davis pointed out that, historically, attorneys did not have the right of appearance in the country's superior courts, as this was reserved for advocates. The law in this regard was later amended, but the three-year waiting period remained.

Ramalepe, in her challenge to the relevant provisions of the LPA, argued that the three-year waiting period encroaches on the right to equality of legal practitioners and is irrational. It also infringes on the rights of attorneys to exercise their chosen profession freely.

She said that while the attorneys' profession should be regulated, a limitation imposed by the three-year waiting period would only pass constitutional muster if it were rationally related to a legitimate government purpose.

The stance of Minister Mmamoloko Kubayi is that the relief sought is moot, as Parliament was considering amending the law. She added that, should the court declare the provisions unconstitutional, the ruling should be suspended for two years to allow Parliament to review the provisions.

Judge Davis said the arbitrary three year waiting period serves no rational function.

There are no experience requirements or skill enhancement measures attached to it. It is simply a waiting period. The judge said there can be no legitimate governmental purpose that justifies one branch of the legal profession waiting for three years before being granted the right of appearance in the High Court and superior courts, while the other branch (advocates) has no waiting period imposed on them.

Judge Davis said it is not difficult to appreciate why recently admitted attorneys feel indignity at being told they must wait for three years “before they are proverbially allowed to talk where the adults talk”.

He pointed to the Constitution, which guarantees the freedom to choose a trade and profession, and remarked that it is irrational that the provisions curb this right without a reasonable or rational connection.

Judge Davis rejected the minister’s claim that the case was moot, saying Parliament had not clearly progressed with changing the law and the issue remains live until repealed. He ruled the section unconstitutional and referred the matter to the Constitutional Court for final determination.

Zelda Venter
Cape Times

PROCUREMENT ARTICLES

SOUTH AFRICA

[Legislation: WC takes procurement law fight to ConCourt]

A Constitutional Court application to have the Public Procurement Act set aside because Parliament failed to consult the public adequately will be heard today, reports **News24**.

The Public Procurement Act will regulate all government tenders and the purchasing of goods and services. It was passed in 2024 but was not enacted.

The regulations giving it effect are still in draft form. While the draft regulations, published last month, have caused controversy, particularly because of the requirements around preferential procurement, which includes black economic empowerment, the main Act is also controversial as it will be difficult to implement, adding red tape and slowing government work.

The City of Cape Town and the Western Cape Government, which both object to the substance of the Act, have taken the matter to the Constitutional Court asking that it be set aside on procedural and constitutional grounds. Investigative journalism unit *amaBhungane* has been admitted as an *amicus curiae* in the case. **The case rests on the flaws in the consultation process.**

Among them are that the NCOP passed the Bill unlawfully because seven of the nine provinces did not have lawful final mandates to vote on the legislation.

It is also argued were inadequate timeframes for public participation in the provinces and that the Bill ignored an in-depth review of SA's public procurement system conducted by the Organisation for Economic Co-operation and Development for the Treasury.

Full News24 report

Winde takes aim at Public Procurement Act

Parliament's public participation processes are once again under scrutiny in the Constitutional Court, as the Western Cape Government and the City of Cape Town challenge the hasty passing of the Public Procurement Act in 2024. **EWN** reports that the Act, which will bring all procurement within the state under a central office housed in the National Treasury, also sets guidelines for preferential procurement in accordance with the government's broad-based black economic empowerment policies. However, Premier **Alan Winde yesterday argued that Parliament did not extensively consider all the input made on the Bill,** especially after amendments were made by the NCOP in 2023. As the term of the sixth administration was ending, the Public Procurement Bill was one of those the former ANC-majority government sought to get over the line just weeks before the 2024 elections.

Through the establishment of a Public Procurement office located in the National Treasury, the Bill aims to minimise corruption and improve service delivery in provinces and municipalities. But Winde told the court that Parliament's Standing Committee on Finance did not consider all submissions made to it on the Bill – and failed to conduct another round of public participation after material changes had been made by the NCOP to the chapter on preferential procurement. Advocate Andrew Breitenbach, on behalf of the provincial government, said that by its own admission, Treasury failed to properly consider all the input received on the Bill. 'The objective evidence shows that the Treasury, which briefed the Standing Committee on Finance on the written comments received, didn't have the time to consider 67.4% of them. **That being the case, how could the Treasury know that it responded to the primary stakeholders?' EWN** reports that Breitenbach told the court that it's not too late to declare the Act unconstitutional and to set it aside, as it's yet to come into full operation.

Full EWN report

END