



**Tel:** + 27 21 790 5977  
**Fax:** + 27 86 616 8070  
**Email:** info@dittke.com  
**Address:** 15 Laurentia Way  
Hout Bay, 7806  
South Africa  
**Managing Attorney:**  
Mark Dittke - B.A LL.B LL.M (UCT)  
[www.dittke.com](http://www.dittke.com)

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**ENVIRONMENTAL, HEALTH AND SAFETY AND FOODSTUFFS LEGAL UPDATE REPORT**  
**(SOUTH AFRICA)**  
**JANUARY 2020**

Dear Clients,

Below please find a summary of selected relevant environmental, health and safety and foodstuffs legal developments that took place during January 2020.

**NATIONAL LEGISLATION**

**1) Mine Health and Safety Act**

The following Guidelines for the Compilation of Mandatory Codes of Practice were published:

- Management of Self-contained Self-rescuers in Mines
- Prevention of Flammable Gas and Coal Dust Explosions in Collieries
- Management of Working in Confined Spaces

In addition, Guidance Notes were published for the:

- Implementation of HIV Self-testing
- Strengthening the HCT (HIV Counselling and Testing) Uptake

**2) National Water Act**

- **Notice to install Water Measuring Devices for Water taken for Irrigation Purposes**

All water users who are not members of an Irrigation Board or Water User Association and who use water taken for commercial irrigation purposes are required to install a water measuring

device at their own expense. This must be done within thirty working days from the date of the notice (ie. 17 January 2020).

Water measurement records must be submitted monthly to the Department and in accordance with GN 131 of 2017.

### **3) Carbon Tax Act**

The Act was extensively amended by the Taxation Laws Amendment Act, 34 of 2019, which was only published in the Government Gazette on 15 January 2020.

The majority of changes were made to the various technical formulae to be used in calculating the different emission factors.

The tax rate remains the same at R 120 per ton carbon dioxide equivalent of the greenhouse gas emissions. Changes were, however, made to future increases, namely that it must be increased:

- by an amount equal to a percentage change in the November consumer price index as determined by Statistics South Africa that falls within the previous tax period compared with the November consumer price index that falls within the tax period, until 31 December 2022, plus two percentage points
- after 31 December 2022 by the amount of the consumer price inflation for the preceding tax year as determined by Statistics South Africa.

Section 7, which deals with basic tax-free allowances, was also amended. Previously the section only mentioned fuel combustion emissions, but now refers to any activity identified in Schedule 2 of the Act.

The percentage of the allowance for industrial process emissions is now 10% for any activity identified in Schedule 2. Before that the Act only made reference to the percentages stated in the Schedule.

The 10% now also applies to fugitive emissions.

Section 13 was amended by stating that the offset allowances in respect of carbon tax will be as prescribed by the Minister. Presumably these will be published at a later stage.

Table 1 of Schedule 1 was amended. This sets out different fuel combustion emission factors.

Schedule 2 was also amended. This contains a long list of different industrial activities/sectors and the various permissible tax allowances.

#### **4) *Basic Conditions of Employment Act***

- ***General Administrative Regulations***

The Regulations were amended by substituting the mandatory summary which the employer has to keep in terms of the Act. In addition Forms 9, 12, 14A and 14B were replaced.

#### **5) *Merchant Shipping Act***

- ***Draft Construction and Equipment of Fishing Vessels of less than 24 metres in length but more than 25 GT Regulations***

These draft Regulations were published for public comment.

### **PROVINCIAL LEGISLATION**

#### **6) *North West Province***

The following draft laws were published for public comment:

- Draft Business Licencing Regulations
- Draft Parks and Tourism Board Bill.

#### **7) *KwaZulu-Natal Province***

- ***Internal Rules of Protected Areas managed by Ezemvelo KZN Wildlife (the KwaZulu-Natal Conservation Board)***

These Rules apply to all persons in all protected areas in KwaZulu-Natal except those protected areas forming part of the iSimangaliso Wetland Park World Heritage Site and Marine Protected Areas. They set out various restrictions and regulate the behaviour of persons in protected areas.

No other relevant provincial legislation was published during this month.

## MUNICIPAL LEGISLATION

### **8) Nelson Mandela Bay Metropolitan Municipality**

The Problem Buildings By-law was published.

### **9) Langeburg Municipality**

The Air Quality Management By-law was published.

### **10) Buffalo City Metropolitan Municipality**

The By-law relating to Dilapidated Buildings and Unsightly Structures and Properties was published.

### **11) Mossel Bay Local Municipality**

The By-law regarding Outdoor Advertising and Advertisement Signs was published.

If you have any questions please feel free to contact us.

Kind regards

**MARK DITKE**