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OUR REF: MD/update_sep21

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ENVIRONMENTAL, HEALTH AND SAFETY AND FOODSTUFFS LEGAL UPDATE REPORT

(SOUTH AFRICA)

SEPTEMBER 2021

Dear Clients,

Below please find a summary of selected relevant environmental, health and safety and foodstuffs legal developments that took place during September 2021.

NATIONAL LEGISLATION

1) ***Compensation for Occupational Injuries and Diseases Act***

- ***Bank accounts verification system notice***

A copy of this notification was already emailed to clients on 10 September 2021 due to the 30 September 2021 deadline (see below).

This notice deals with how bank account details of beneficiaries are verified prior to payment of any benefits.

Medical claims

The Compensation Fund has indicated that it will no longer accept banking details and nominated accounts of agents and other representatives other than those of the medical service provider of the healthcare organisation which provided the service to the injured or diseased beneficiary. The Fund will only accept banking details belonging to the medical service provider.

All affected stakeholders impacted by this new system must update their banking details and the following supporting documentation by 30 September 2021:

- Original WAC.33 form
- Stamped bank statement or bank letter not older than three months
- Certified copy of doctor's ID or one doctor if it is a group practice
- Board of Healthcare Funders Form
- Proof of address or practice letterhead
- Tax clearance certificate if the practice is VAT registered
- Power of attorney form if administered through a third party agent.

Compensation claims and pensions

In so far as compensation claims and pensions are concerned the Fund will not accept banking details and nominated bank accounts of agents and other representatives other than those of the injured or diseased beneficiary and/or the COID pensioner who qualifies for the benefits in terms of the COID Act.

Affected stakeholders must update their banking details and submit the following by 30 September 2021:

- Original WAC.33 form
- Stamped bank statement or bank letter not older than three months
- Certified copy of beneficiary ID
- Proof of address.

Provincial email addresses for sending the information to were also published in the Gazette.

2) *Petroleum Products Act*

- ***Regulations regarding the Mandatory Blending of Biofuels with Petrol and Diesel***

Amendments were made to the 2012 Regulations. It is important to note that they do not deal with the purchase of biofuel by consumers, but the purchase by licenced petroleum

manufacturers from licenced biofuels manufacturers. The Regulations will also only enter into force on a date to be determined by the Minister of Energy by notice in the Gazette.

- ***Regulations regarding Petroleum Products Specifications and Standards for Implementation***

These Regulations will only enter into force on 1 September 2023 when they will repeal the 2006 Regulations.

They set out various permitted petrol and diesel grades which are too long to repeat here (they covered four pages in the Gazette). One of the more important changes for companies is that the sulphur content of diesel may not exceed 10 ppm.

3) Merchant Shipping Act

- ***Withdrawal of June 2021 Draft Amendment and publication of new Draft Amendment - Maritime Occupational Health and Safety Regulations***

The draft amendments to the above Regulations published in June 2021 for comment were withdrawn and a new comprehensive draft was published.

4) Marine Living Resources Act

The following two draft policies were published for public comment:

- Draft Policy on the Transfer of Commercial Fishing Rights
- Draft Sector Specific Policies for the Fishing Rights Allocation Process of 2021/2022.

5) Liquor Act, 2003

Proposed amendments to the Act were published by the Liquor Products Amendment Act, 8 of 2021. The aim is to repeal the Liquor Act, 27 of 1989, but only in those provinces that have promulgated provincial liquor legislation. The 1989 Liquor Act would remain in force in those provinces that have not promulgated their own provincial liquor legislation.

PROVINCIAL LEGISLATION

No relevant provincial legislation was published during this month.

MUNICIPAL LEGISLATION

6) Maruleng Local Municipality

The following new by-laws were promulgated:

- Control of Outdoor Advertising and Signage By-law:

This repeals the previous by-law.

- Building Regulations By-law:

There is no mention of repealing the 2008 Building Regulations By-law, but by implication this was done. In the event of doubt it is suggested to contact the municipality for clarity. It is worth mentioning that this by-law also sets out effluent quality limits despite its confusing title.

- Business Registration By-law.

7) Langeberg Local Municipality

The Informal Trading By-law was published.

8) iLembe District Municipality

The new Water Services By-law was published; this repeals and replaces the 2009 by-law.

9) Kouga Local Municipality

The Draft Outdoor Advertising and Signage By-law was published for comment.

10) Knysna Local Municipality

The following new by-laws were published:

- Regulation of Outdoor Advertising By-law (this repeals the By-law Relating to Outdoor Advertising, Heritage and Building Aesthetics, 2013)
- Spatial Planning and Land Use Management By-law (this repeals other by-laws dealing with this topic, but without naming them)
- By-law relating to Building Aesthetics and Heritage (this repeals the Fences and Fencing By-laws, 2008).

11) Midvaal Local Municipality

The Outdoor Advertising By-law was published. It will enter into force on date of approval of the by-law by the Council (it is unsure whether this was already done, alternatively will be).

12) Ekurhuleni Municipality

The Draft Emergency Services By-law was published for comment.

13) City of Mbombela

The By-law relating to Municipal Roads and Streets Infrastructure was promulgated.

14) Stellenbosch Local Municipality

The new Electricity Supply By-law was published; this repeals the 2018 by-law.

15) Breede Valley Local Municipality

The Zoning Scheme By-law was published.

16) Bela-Bela Local Municipality

The following new by-laws were published for public comment:

- Solid Waste By-laws
- Standard By-laws relating to the Keeping of Animals, Birds and Poultry and to Businesses involving the Keeping of Animals, Birds, Poultry, Pets and Control of Stray Animals
- Noise Abatement and Prevention of Nuisance By-law.

SANS STANDARDS

17) SANS 45003:2021 Ed 1 - Occupational health and safety management – Psychological health and safety at work - Guidelines for managing psychosocial risks

This new standard was published. It gives guidelines for managing psychosocial risk within an occupational health and safety management system based on ISO 45001 (published in South Africa as an identical adoption under the designation SANS 45001). Should a copy be required please contact the SABS store.

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

Kind regards

MARK DITKE