

3 big issues demanding legal attention this year

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Webber Wentzel sees three broad themes emerging in South Africa in 2021, which will require extensive input from the legal profession. These are: changes to the economy and regulation prompted by Covid-19; moves by government and the private sector to stimulate economic recovery; and a greater focus on corporate responsibility and consumer protection.



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1. Post-Covid responses

Getting the African Continental Free Trade Agreement (AfCFTA) back on track is likely to be a focus in 2021 as a measure to help African economies recover post-Covid-19.

In South Africa, reduced spending by businesses under financial pressure may affect B-BBEE levels and ownership scores. We expect more B-BBEE trusts will seek clarity on their status after questions raised by the BEE Commissioner in the past 18 months.

Government may focus its attention on bringing crypto assets into the ambit of financial sector regulation and anti-money laundering provisions. There could also be developments in new financial services products and services to deal with situations where face-to-face meetings are not possible, and regulation of these products.

Insurance companies, which are currently awaiting the outcomes of various court actions related to Covid-19 claims, will continue to face these issues well into 2021. View [more information](#).

2. Economic recovery

The government will continue to prioritise energy restructuring as a way to help the economy recover from the effects of Covid-19 and it may introduce a bespoke bill to parliament regulating the upstream oil and gas sector.

Government may also try to rejuvenate the domestic mining sector by focusing on policies to create sustainable near-mine communities and encouraging the formation of subsidiary industries to help these communities survive in the long term.

Given the president's emphasis on infrastructural investment in the past couple of years, and particularly on "shovel-ready" projects, we expect to see many infrastructure projects gain momentum in 2021.

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3. Stricter governance and consumer protection

We expect the JSE will continue to focus on robust corporate governance for listed entities. Heightened levels of shareholder and M&A-related activism is expected, especially as there are likely to be more delistings and unbundlings as corporates restructure after Covid-19. More disputes and arbitrations are expected, as businesses struggle with liquidity. We do not anticipate any changes to international arbitration law but there could be amendments to the Domestic Arbitration Act.

By 30 June 2021, all affected entities will have to fully comply with the Protection of Personal Information Act (PoPIA), to ensure consumers' personal data is not misused. PoPIA also places particular obligations on employers to manage employees' personal information and gives employees various rights to privacy.

View more information [here](#) and [here](#).

The Draft Code of Practice on the Prevention and Elimination of Violence and Harassment in the World of Work is likely to become law in 2021. View [more information](#).

We foresee that the competition authorities will continue to focus on creating a more inclusive economy and reducing concentration of ownership. The Conduct of Financial Institutions Bill (CoFI), which has a focus on treating customers fairly, could be enacted in 2021.

We also expect there will be greater regulation of the digital economy and dominant players are likely to be scrutinized by more than one regulator. Ethical issues around the deployment of artificial intelligence will be an ongoing topic of debate.

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