

Africa regulatory ENSight

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Angola

sector	legislation	effective date/status	key points and impact
Oil and gas	Presidential Decree No.52/19 - General Strategy for the Awarding of Petroleum Concessions	Issued on 18 February 2019.	The decree seeks to increase Angola's oil and gas production and ensures the replacement of reserves in order to mitigate a decline in production.

Botswana

sector	legislation	effective date/status	key points and impact
Finance	Income Tax (Amendment) Act, 2018	Approved in February 2019 and will become effective from 1 July 2019.	<p>The Act amongst others:</p> <ul style="list-style-type: none">• repeals the thin capitalisation rules;• amends the anti-avoidance provisions and introduce transfer pricing (TP) legislation; and• determines that all transactions entered into by Botswana resident persons directly or indirectly with connected persons must be at arm's length.

Djibouti

sector	legislation	effective date/status	key points and impact
Power	Decree No.2019-013/PR/MERN – Activities of Independent Electricity Producers	Issued on 21 January 2019.	<p>The decree:</p> <ul style="list-style-type: none">• applies Law No.88/AN/15/7th L, regulating the activities of independent electricity producers; and• facilitates the implementation of the objectives and public service obligations of Electricity Djibouti.

Ghana

sector	legislation	effective date/status	key points and impact
Finance	Interbank Forex Market Conduct Guidelines	Issued in February 2019 and became effective on 25 February 2019.	<p>The objective of the guidelines is to:</p> <ul style="list-style-type: none">• more clearly regulate the conduct of interbank foreign exchange business in the Ghanaian financial market;• establish standards of practice expected of market participants to ensure an efficient and effective FX market; and• develop and deepen the foreign exchange market in Ghana.

Ivory Coast

sector	legislation	effective date/status	key points and impact
All	Decree No.2018-483 - Strikes in the private sector	Issued on 16 May 2018.	<p>The decree:</p> <ul style="list-style-type: none">• lays down special procedures relating to strikes in the private sector pursuant to section 82.2 of the Labour Code;• notes that a minimum service must be provided in case of collective termination in relation to the following services:<ul style="list-style-type: none">• hospital and pharmaceutical establishments;• production, transportation, distribution and marketing companies;• energy, including electricity, gas and oil;• water supply companies;• cash-in-transit companies;• pharmacy dispensaries and wholesale distributors of pharmaceutical products;• banks;• telecommunications companies;• funeral homes;• garbage collection, evacuation and waste treatment companies; and• household or industrial services.

Kenya

sector	legislation	effective date/status	key points and impact
All	Law of Contract (Amendment) Bill, 2019	Gazetted on 28 January 2019.	The objective of the bill is to amend the Law of Contract Act, (Cap. 23) so that in case of a default by the principal borrower, the creditor should first realise the assets of the principal borrower before proceeding to realise the assets of the guarantor.
Finance	Capital Markets (Amendment) Act, 2018	Gazetted on 4 January 2019 and became effective on 18 January 2019.	The Act: <ul style="list-style-type: none">• amends the Capital Markets Act;• makes provision for new sections relating to:<ul style="list-style-type: none">• the form of report books, records and internal accounting directives;• front-running; and• obtaining gain by fraud.

Malawi

Mining	New Mines and Minerals Act, 2019	Assented to in February 2019.	<p>The Act:</p> <ul style="list-style-type: none">• replaces the Mines and Mineral Act, 1981;• regulates the development of mineral resources of Malawi through adherence to sustainable development principles;• makes it compulsory for all mining companies to enter into Community Development Agreements; and• provides for capacity building in mining contract negotiation and development of modern mining agreements.

Mali

sector	legislation	effective date/status	key points and impact
Construction	Law No. 2017-038 – Rules for construction	Promulgated in October 2018.	<p>The law:</p> <ul style="list-style-type: none">• amends Law No. 01-077 of 18 July 2001 laying down general rules for construction;• defines “construction” as installations made from construction materials, products and components that are linked to the ground; and• notes that in cases of non-compliance , the technical services officers in charge of control may proceed to inter alia the immediate cessation of work and the seizure of the equipment on site.

Mauritania

sector	legislation	effective date/status	key points and impact
Finance	Law No.2018-036 BIS/PR/ - Regulation of Credit Establishments	Issued on 16 August 2018.	<p>The law:</p> <ul style="list-style-type: none">• regulates credit establishments for the purpose of protecting the deposits of the public and ensuring the soundness and smooth functioning of the financial system; and• provides for the supervision and control of credit institutions operating in Mauritania and the resolution and treatment of their disputes.

Mauritius

Finance	The Mauritius Deposit Insurance Scheme Bill, 2018	Approved on 7 December 2018.	<p>The bill:</p> <ul style="list-style-type: none">• amends The Banking Act;• establish the Mauritius Deposit Insurance Scheme which shall be administered and managed by the Mauritius Deposit Insurance Corporation Ltd;• notes that the Scheme will:<ul style="list-style-type: none">• protect insured depositors of a bank or non-bank deposit-taking institution by providing insurance against the loss of insured deposits; and• contribute to the stability of the financial system in Mauritius by ensuring that depositors have prompt access to their insured deposits in the event of failure by a bank or non-bank deposit taking institution.
Sport	The Sport (Amendment) Bill, 2018	Approved on 7 December 2018.	The main object of this Bill is to amend the Sports Act 2016 to bring it in line with the World Anti-Doping Code of the World Anti-Doping Agency.

Mozambique

Aviation	Decree No.82/2018 - Classification and designation of national airports	Approved in December 2018.	The decree classifies national airports in terms of the International Civil Aviation Convention in order to respond to the demand for national and regional air traffic, as well as to appropriately structure the space management of national air transport.
Finance	Law No.19/2018 - New legal regime for security interests over movable assets	Approved on 28 December 2018.	<p>The law:</p> <ul style="list-style-type: none">• approves the legal regime on the creation of security interests over moveable assets and creates the Central Security Interests Registry;• notes that security interests may be created over cash, agricultural products, debt securities, mineral and oil resources (to finance the relevant exploration and extraction operations), intellectual property rights and any other moveable assets;• makes it possible to create security interests over inventories and to create a generic security interest over all assets of the debtor, as well as over its future assets.

Namibia

sector	legislation	effective date/status	key points and impact
Transport and logistics	Amendment of road traffic and transport regulations: Road Traffic and Transport Act, 1999	Gazetted on 15 February 2019.	<p>The amendment notes:</p> <ul style="list-style-type: none">• additional requirements for registration of a motor vehicle deregistered pursuant to regulation 32A;• that an application for the licensing of a motor vehicle must be made to any registering authority on an approved form by the owner of the motor vehicle, within 21 days after the date of liability referred to in regulation 30, subject to certain exceptions; and• automatic deregistration of a motor vehicle not licenced within the prescribed period.

Nigeria

sector	legislation	effective date/status	key points and impact
All	Discrimination Against Persons with Disabilities (Prohibition) Act, 2018	Assented to on 19 January 2019.	The Act provides for the full integration of persons with disabilities into the society and establishes the National Commission for Persons with Disabilities and vests the Commission with the responsibility for their education, healthcare, social, economic and civil rights.
All	Nigerian Code of Corporate Governance (“ the Code ”)	Issued in February 2019.	<p>The code:</p> <ul style="list-style-type: none"> • is expected to enhance business integrity, rebuild public trust and confidence, facilitate trade and investment, and drive business sustainability; • makes provisions for, amongst others: <ul style="list-style-type: none"> • board structure; • information technology; • tenure; • remuneration policy; • sustainability; • compliance; and • disclosures.
Finance	Guidelines on Mutual Administrative Procedure (“MAP”)	Issued on 21 February 2019.	The Guidelines provide guidance to taxpayers on the procedure for accessing Mutual Agreement Procedure (MAP) as a means of dispute resolutions pursuant to the double taxation agreements entered into between Nigeria and other countries.

Senegal

sector	legislation	effective date/status	key points and impact
Retail	Decree No.2018-1888 - Regulating Large Retailers in Senegal	Issued on 3 October 2018.	The regulations: <ul style="list-style-type: none">• applies to retail outlets with a total area of at least 300 m², as well as retail outlets having a surface area cumulative of more than 3 000 m²; and• notes that the opening of these businesses is now subject to the prior authorization of the Minister of Commerce, which will be granted after the issuing of the favourable opinion of the Regional Committee for Planning and Commercial Planning, presided over by the Regional Governor.

Uganda

sector	legislation	effective date/status	key points and impact
All	Minimum Wage Bill, 2015	Passed on 19 February 2019.	The bill notes that the Gender, Labour and Social Development minister will appoint a minimum wage board to fix the minimum wage.
Finance	IRA/CIR/12/18/431 – Payment of insurance premiums	Issued on 31 December 2018 and became effective on 1 January 2019.	<p>The circular:</p> <ul style="list-style-type: none"> • applies to all insurance companies, brokers and bancassurance agents; • notes that an insurance contract may provide for payment of premiums in instalment, provided that the insurance contract: <ul style="list-style-type: none"> • requires that the instalment premium shall be paid at the beginning of the instalment period for all non-life policies; • the treatment of instalment premium of life policies remain unchanged; and • consequences should be in place should an instalment not be paid in full by the due date.
Law	The Advocates (Remuneration and Taxation of Costs) Rules	Assented to on 21 February 2019 and became effective on 20 February 2019.	<p>The rules:</p> <ul style="list-style-type: none"> • provide for the remuneration of an advocate of the High Court by his or her client in contentious and non-contentious matters; and • the taxation of that remuneration and the taxation of costs as between party and party in contentious matters in the High Court and in magistrates courts shall be in accordance with these rules.

Zimbabwe

sector	legislation	effective date/status	key points and impact
Aviation	Civil Aviation (Remotely Piloted Aircraft) Regulations, 2018	Gazetted on 14 December 2018.	<p>The regulations relate to:</p> <ul style="list-style-type: none"> • the registration of remotely piloted aircrafts; • personnel licencing; • remotely piloted aircraft system operator certificates; and • remotely piloted aircraft operations.
Agriculture	Statutory Instrument 19/2019 - VAT – deletion from list of zero-rated goods	Gazetted on 15 February 2019 and became effective on the same day.	<p>The statutory instrument:</p> <ul style="list-style-type: none"> • amends Part II of the Second Schedule to the VAT (General) Regulations; and • remove day-old chicks from the list of zero-rated goods.
Finance	Minimum Requirements for a Retail Service Payment Systems Provider	Issued in February 2019.	<p>The requirements:</p> <ul style="list-style-type: none"> • provide for additional requirements that should be provided and fulfilled before conducting any operation, including: <ul style="list-style-type: none"> • corporate governance issues; • business plans; • a comprehensive risk management framework; • clearing and settlement modalities; • anti-money laundering requirements; and • special requirements for cross border payments.

Zimbabwe

sector	legislation	effective date/status	key points and impact
Finance	Exchange Control Circular No.2 of 2019 to Authorised Dealers	Issued on 28 February 2019.	<p>The circular:</p> <ul style="list-style-type: none"> amends Table 1: “Guidelines for Utilisation of Foreign Exchange” that is part of the Exchange Control Directive RU28 of 22 February 2019; and provides for revised Guidelines on the Utilisation of Foreign Exchange, including specific details on the requirements that apply to the remittance of disinvestment proceeds from the sale of shares on the Zimbabwe Stock Exchange (ZSE).
Finance	Exchange Control Directive to Authorised Dealers RU 28/2019	Issued on 22 February 2019.	<p>The directives</p> <ul style="list-style-type: none"> provide Authorised Dealers with an administrative framework for operationalizing the foreign exchange measures contained in the Monetary Policy Statement announced by the Governor of the Reserve Bank of Zimbabwe; and require Authorised Dealers to acquaint themselves with the provisions of this Exchange Control Directive to ensure effective implementation and administration of the foreign exchange measures announced in the Monetary Policy Statement.

The information provided herein is intended to provide a general overview, and is not an exhaustive list of all legislative developments across Sub-Saharan Africa. For more information, please contact info@ENSAfrica.com