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Department:  
Trade and Industry  
REPUBLIC OF SOUTH AFRICA

### **Commencement of Trumping Provision of the Broad-Based Black Economic Empowerment Amendment Act**

2015-10-23

The Minister of Trade and Industry, Dr Rob Davies has announced that the Trumping Provision of the Broad-Based Black Economic Empowerment Amendment Act, 2013 (ACT NO. 46 OF 2013) will commence with effect from the 24 October 2015. This is in line with ACT NO. 46 OF 2013 which came into operation on 24 October 2014, except for section 3(b) also known the Trumping Provision

“Section 3 (b) also known as the “trumping provision” stipulates that in the event of any conflict between the B-BBEE Act and other law in force immediately prior to the date of commencement of the B-BBEE Act as amended, the B-BBEE Act will prevail if the conflict relates to a matter dealt with in the B-BBEE Act. This trumping provision was inserted to safeguard the objectives and spirit of transformation and was allocated a twelve (12) month transitional period,” said Minister Davies.

In terms of section 10 (3) of the Amendment Act, 2013, section 3(b) comes into operation one year after the date on which the Amendment Act, 2013, was proclaimed.

The transitional period was to enable alignment between B-BBEE Act and other pieces of legislation that speaks to economic transformation.

The general public is therefore informed that section 3(b) of the Amendment Act, 2013, by operation of law, automatically commenced on 24 October 2015.

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