

# Phathutshedzo Nekhavhambe

Candidate Attorney

## About Phathutshedzo

### News

#### [Social and Ethics Committees: A reflection on the treatment of exemption applications in the Companies Tribunal](#)

The Companies Tribunal Annual Report 2020 – 2021 indicates that there has been a gradual increase in applications for exemptions from establishing Social and Ethics Committees (SECs) in accordance with section 72(5) of the Companies Act 71 of 2008 (Act) before the Companies Tribunal (Tribunal). Considering the costs and resources associated with the operation of a SEC and that the functions of a SEC are in certain instances being carried out by other means, this is not surprising.

#### [Registering an LLP in South Africa as an External Company](#)

South African law does not provide for limited liability partnerships (LLP) formed under statute, such as in other countries. Partnerships in South Africa are merely contracts under common law and are not regulated by specific pieces of legislation in the same way that close corporations, companies and trusts are. Partnerships are also not regarded as legal or juristic persons. A question then arises: can and should an LLP incorporated in a foreign country be registered as an external company in South Africa where it undertakes activities in South Africa?

#### [The World Health Organization introduces digital COVID-19 vaccination certificates](#)

On 30 September 2021, President Cyril Ramaphosa announced that the Department of Health will soon be rolling out a vaccination certificate, which will serve as verifiable proof of vaccination.

#### [What's good for the goose is not necessarily good for the gander: Prescription periods for the State vs Organs of State](#)

Amongst other things, the Prescription Act 68 of 1969 (Prescription Act) sets out the time periods governing the prescription of debts and also includes a list of grounds upon which, if satisfied, may be deemed sufficient to interrupt the running of prescription. When considering whether a particular debt might have prescribed, a question which may arise is whether any special time periods apply to debts owed to the State as opposed to so-called organs of state.

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