

COVID-19 coronavirus



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Covid-19 Regulatory Update

17 April 2020

Covid-19 related guidelines and regulations: <https://www.gov.za/coronavirus/guidelines>.
Covid-19 Directives and notices relating to legal practitioners:
<http://www.derebus.org.za/directives-covid-19/> / <https://lpc.org.za/>

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Health Law (monthly)
Insurance Law (monthly)
Practice Management (bi-monthly)

AVIATION

Media Release

Parliament of South Africa. Parliament welcomes decision to turn down further bailout for South African Airways. 15 April 2020.

“The Standing Committee on Public Accounts (Scopa) welcomes the decision by the Minister of Public Enterprises to turn down the request from the South African Airways (SAA) business rescue practitioners for R10 billion in extra funding. Scopa believes that the decision taken by the Minister is correct as SAA cannot want its cake and eat it. SAA has handicapped oversight, despite the best efforts of the committee to hold the airline accountable, by insisting on only tabling financial statements once the business is a going concern. This kind of reasoning in itself is irregular as the airline cannot be allowed to sanitise its balance sheet and only submit financials when it is convenient for it to do so.”

<https://www.gov.za/speeches/parliament-welcomes-decision-turn-down-further-bailout-south-african-airways-15-apr-2020>

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CONFIRMED CASES

Media Release

Western Cape Office of the Premier. Premier Alan Winde update on Coronavirus COVID-19. 16 April 2020.

“As of 00h01 on 16 April, the Western Cape has recorded 702 confirmed cases of COVID-19 infection.

- Total confirmed COVID-19 cases: 702;
- Total recoveries: 205;
- Total confirmed deaths: 7;
- Total active cases (currently infected patients): 490;
- Patients in hospital: 35 of which 16 are in ICU; and
- Unallocated: 4.

As the national government’s modeling has indicated, the lockdown has delayed the curve of the Coronavirus pandemic, buying us time to prepare our healthcare systems to properly cater to the need that will arise at this time. Yesterday, we opened the temporary testing and triage unit at Mitchells Plain hospital. This is one of 17 such planned units, which help to alleviate the pressure on our emergency centres and allow us to screen, test and assist patients separately from the hospital’s other services.”

<https://www.gov.za/speeches/premier-alan-winde-update-coronavirus-covid-19-16-apr-2020-0000>

Media Statement

SA Government News Agency. COVID-19 cases rise to 2 605; Limpopo, EC record first deaths.

2020 Apr 16 SA News

“South Africa has 2 605 confirmed COVID-19 cases, with Limpopo and the Eastern Cape recording their first deaths.

“It is with regret that we inform the public that the COVID-19 related deaths is now 48. “We note that two provinces, Limpopo and the Eastern Cape, have also recorded their first deaths. We convey our condolences to the families. “We continue to speak strength and appreciate our dedicated health workers, who are faced with these circumstances daily,” said the Health Department on Thursday. The number of tests being conducted continues to rise, with the total number of tests conducted to date being 95 060. The Department said it was encouraged by the increased number of patients, who have recovered from COVID19.”

Confirmed cases:

- Gauteng: 969;
- Western Cape: 675;
- KwaZulu – Natal: 539;
- Eastern Cape: 220;
- Free State: 98;
- Limpopo: 26;
- North West: 24;
- Mpumalanga: 22;
- Northern Cape: 16; and
- Unallocated: 16

Total: 2605.”

<https://www.sanews.gov.za/south-africa/covid-19-cases-rise-2-605-limpopo-ec-record-first-deaths>

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CONSUMER LAW

*Media Statement***SA Government News Agency. NCR warns cash-strapped public of credit scams.**

2020 Apr 16 SA News

“The National Credit Regulator (NCR) has urged consumers to be careful of fake credit provider scams, as South Africa continues the fight against the COVID-19 pandemic. “The NCR is warning consumers to be careful of scammers who act as legitimate credit providers, preying on vulnerable consumers during this period of COVID-19 pandemic. The impact of this pandemic has unfortunately left many consumers desperate for money with some having to resort to borrowing,” said the NCR Chief Executive Officer, Nomsa Motshegare.”

<https://www.sanews.gov.za/south-africa/ncr-warns-cash-strapped-public-credit-scams>

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CRIMINAL LAW AND PROCEDURE

*Media Statement***SA Government News Agency. Law will prevail in Alexandra man death probe: Mapisa-Nqakula.**

2020 Apr 16 SA News

“The Minister of Defence and Military Veterans, Nosiviwe Mapisa-Nqakula, says the law will take its course in the investigation into the death of an Alexandra man, who was allegedly beaten by South African National Defence Force (SANDF) members. Speaking at a briefing on regulations pertaining to the extension of the COVID-19 lockdown on Thursday, Mapisa-Nqakula said the investigation into the death of Collins Khoza is being conducted by the South African Police Service (SAPS), Military Police and the Military Ombuds Office.”

<https://www.sanews.gov.za/south-africa/law-will-prevail-alexandra-man-death-probe-mapisa-nqakula>

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EDUCATION

Article

Kilbourn, Lizelle (STBB). Covid-19: The hunt for the virus leaves hardly a legal stone unturned (Part 1): A Summary of the Legal Context, Framework and Measures by the South African Legislature and the Government in the Fight Against the Virus.

Copy available on request from alert@lexinfo.co.za

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ENERGY & MINING

*Media Releases***Department of Mineral Resources. Minister Gwede Mantashe on Coronavirus COVID-19 amended regulations. 16 April 2020.**

“The Department of Mineral Resources and Energy has been in continuous engagements with key stakeholders in the Mining and Energy Industries to give effect to the direction by President Ramaphosa that government should -among others - “evaluate how we will embark on risk-adjusted measures that can enable a phased recovery of the economy...”. In this regard we are proactively managing issues directly affecting mining and energy, in the interests of ensuring employee health and safety, as well as ensuring that these sectors we regulate are able to meet their obligations during this period, and are better positioned to ramp up production systematically once the lockdown has been lifted.

<https://www.gov.za/speeches/minister-gwede-mantashe-coronavirus-covid-19-amended-regulations-16-apr-2020-0000>

Parliament of South Africa. Parliament appeals to mining companies to adhere to Coronavirus COVID-19 lockdown regulations. 16 April 2020.

“The Chairperson of the Portfolio Committee on Mineral Resources and Energy, Mr Sahlulele Luzipo, has appealed to mining companies to adhere to the national lockdown regulations and called on the law enforcement agencies to act decisively on those who contravene the National Disaster Act regulations, especially senior mining bosses. Mindful of the fact that a complete switch-off of operations at some mines could be costly post-lockdown when mining resumes, Mr Luzipo encouraged that only few essential workers should be allowed to work, and that coronavirus preventative measures should be obeyed strictly.”

<https://www.gov.za/speeches/parliament-appeals-mining-companies-adhere-coronavirus-covid-19-lockdown-regulations-16-apr>

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ENVIRONMENTAL LAW

*Media Statement***SA Government News Agency. Social Development sets record straight on COVID-19 fumigation.**

2020 Apr 16 SA News

"The Social Development Acting Director-General, Mzolisi Toni, says the department has not contracted or partnered with any organisation to conduct door-to-door sanitisation for COVID-19. This follows a letter circulating on social media platforms, which authorises Scientology Volunteer Ministries, a non-profit organisation (NPO), to render sanitising services to the National Department of Social Development and Social Development's provincial facilities during the COVID-19 lockdown. Toni said the letter, dated 2 April 2020, which is on the Department of Social Development's official letterhead and bears his signature, is legitimate. However, Toni said the only agreement that existed between the department and Scientology Volunteer Ministries was a once-off agreement that involved the fumigation of its premises and facilities."

<https://www.sanews.gov.za/south-africa/social-development-sets-record-straight-covid-19-fumigation>

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FINANCIAL LAW

Directive

Financial Sector Conduct Authority and Prudential Authority. Directive to financial institutions in terms of Regulation 11B(4A)(e)(i) of the Regulations made in terms of section 27(2) of the Disaster Management Act 57 of 2002 regarding appropriate precautionary measures when performing essential financial services. 9 April 2020.

https://www.resbank.co.za/Lists/News%20and%20Publications/Attachments/9856/9%20April%202020%20Joint%20directive%20to%20Disaster%20Management%20Regulations_final.pdf

*Media Release***National Treasury. Minister Tito Mboweni: IMFC plenary session Global Policy Agenda. 16 April 2020.**

"In excess of USD 100 billion is required to enable SSA countries to respond sufficiently to combating the pandemic, including additional resources of around USD 40 billion based on the kinetics of the pandemic. Against this background, we welcome the Fund's enhanced emergency lending toolkit that seeks to address urgent financing needs of emerging market and developing countries. We also commend the Managing Director's fundraising efforts to replenish the Catastrophe Containment and Relief Trust (CCRT) and the PRGT, to provide debt relief and free up resources for vulnerable low-income countries to respond effectively to the Great Lockdown. We also support the call by the IMF and the World Bank for a time-bound moratorium on debt service obligations, including to official bilateral creditors."

<https://www.gov.za/speeches/minister-tito-mboweni-imfc-plenary-session-global-policy-agenda-16-apr-2020-0000>

Prudential Authority Communiqué

Prudential Authority. Communiqué 1 of 2020. Impact of Covid-19 on the Prudential Authority's reporting timelines. 8 April 2020.

<https://www.resbank.co.za/Lists/News%20and%20Publications/Attachments/9854/Impact%20of%20Covid-19%20on%20PA%20reporting%20timelines.pdf>

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INFORMATON TECHNOLOGY

*Media Release***Gauteng Provincial Legislature. Gauteng gears up for a digital legislature. 16 April 2020.**

"To accommodate the Digital Legislature, the Presiding Officers and Leaders of different political parties represented at the Legislature have identified gaps with the current rules and as such the Legislature has approved the rules for a Virtual legislature. The rules will guide the Legislature on how to conduct virtual House Sittings, Committee meetings and National Council of Provinces (NCOP) business. According to the GPL term programme, the Portfolio Committee on Finance and the NCOP are scheduled to process Division of Revenue Bill (DORA). A virtual briefing by National Treasury to all National and Provincial Finance Committees was conducted through the unprecedented virtual digital platforms. This briefing is historic - and will hopefully inform other NCOP processes to improve efficiency and reduce the cost of travel."

<https://www.gov.za/speeches/gauteng-gears-digital-legislature-16-apr-2020-0000>

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LEGAL PROFESSIONALS

Directives

Directives issued on 16 April 2020 by Chief Justice Mogoeng Mogoeng in terms of section 8(3)(b) of the Superior Courts Act 10 of 2013 for the management of the Superior Courts during the extended lockdown period.

Copy available on request from alert@lexinfo.co.za

Letter

Legal Practice Council

Letter to all stakeholders in the legal profession dated 13 April 2020 as a result of request by the Minister of Justice and Constitutional Development: Assessment of the current business and economic impact of the measures which have had to be implemented pursuant to the declaration of the national state of disaster. The assessment notes the impact of the lockdown on legal practitioners' practices and offers possible solutions.

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LOCKDOWN REGULATIONS

Government Gazette

Disaster Management Act 57 of 2002

Regulations issued by the Minister of Cooperative Governance and Traditional Affairs in terms of section 27(2) published in [GN318 in GG 43107 of 18 March 2020](#) as amended by [RGN398 of 25 March 2020](#), [RGN419 of 26 March 2020](#) and [RGN446 of 2 April 2020](#): Amendment.

RGN465 GG 43232 p3 16Apr2020

http://www.gpwonline.co.za/Gazettes/Gazettes/43232_16-04_Cogta.pdf

Media Statement

SA Government News Agency. COVID-19 regulations partially eased to allow urgent services.

2020 Apr 16 SA News

"If you are stuck at home with a burst pipe, you can now call your plumber to come fix it. This is just one of the changes made to regulations governing the extended COVID-19 lockdown. The announcement was made by the Cooperative Governance and Traditional Affairs (Cogta) Minister, Dr Nkosazana Dlamini-Zuma, who was addressing the country on Thursday. "Today, we're not coming with many new regulations. We're extending the regulations that exist because the lockdown was extended," she explained. This comes after President Ramaphosa extended the 21-day lockdown until the end of April to contain the spread of the virus."

<https://www.sanews.gov.za/south-africa/covid-19-regulations-partially-eased-allow-urgent-services>

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MEDICAL LAW

Circulars

Council for Medical Schemes.

- **Circular 29 of 2020: Claims information for beneficiaries treated for COVID-19. 16 April 2020.**

<https://www.medicalschemes.com/files/Circulars/Circular29Of2020.pdf>

- **Circular 28 of 2020: COVID-19 Medical Schemes Industry Guidelines. 10 April 2020.**

This Circular seeks to provide medical schemes with proposals linked to the coronavirus lockdown only and does not address any other issues outside this dispensation, and is pursuant to Circular 25 of 2020. This Circular covers: 1. Contribution holiday 2. Financial relief to members 2.1. Use of accumulated savings funds to offset contributions 2.2. Ex-gratia payments to offset contributions 2.3. Considerations for Medical schemes when dealing with financial relief applications 3. Blanket exemption to medical schemes and their members 4. Approach and criteria for section 26(7) exemption consideration 5. Annual general meetings and elections 6. Stakeholder engagement 7. Promulgation of coronavirus as part of the PMBs.

<https://www.medicalschemes.com/files/Circulars/Circular28of2020.pdf>

Media Release

Council for Medical Schemes. Press Release 5 of 2020: Regulator encourages schemes to cover the screening, diagnosis, treatment and care of COVID-19 patients. 16 April 2020

<https://www.medicalschemes.com/files/Press%20Releases/PressRelease5of2020.pdf>

Department of International Relations and Cooperation. South Africa expresses concern over Donald Trumps' decision to cut WHO funding. 16 April 2020.

"The Government of the Republic of South Africa is very concerned and alarmed at the announcement by the President of the United States of America to cut funding to the World Health Organisation (WHO) with immediate effect. South Africa is particularly alarmed that the decision is made amid a global health crisis that requires a full capacity World Health Organisation to provide support in combatting the deadly COVID 19 pandemic. It is alarming that this very regrettable decision is announced as this deadly virus strikes Africa and the poorest and most vulnerable states."

<https://www.gov.za/speeches/south-africa-concerned-over-donald-trumps-decision-cut-who-funding-16-apr-2020-0000>

Media Statement

SA Government News Agency. Gauteng prepares health infrastructure for COVID-19 peak.

2020 Apr 16 SA News

"Work is underway to prepare Gauteng's public health infrastructure for the period when the COVID-19 pandemic may peak. With Gauteng as the country's epicentre, with 930 of the 2 506 confirmed cases, the province has cleared some of its existing hospitals and declared them COVID-19 facilities. "This has helped us to make available 555 standard beds and 308 ICU beds. We are also putting up new permanent wards in Kopanong, Jubilee, Chris Hani Baragwanath and George Mukhari Hospitals. This will add 800 new beds, which will be used for different purposes."

<https://www.sanews.gov.za/south-africa/gauteng-prepares-health-infrastructure-covid-19-peak>

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PERSONS AND FAMILY LAW

Case

C D and Another v Department of Social Development (5570/2020) [2020] ZAWCHC 25 (14 April 2020)

Application for Regulations 3(b)(i) and (iii) published in [RGN446 GG 43199 p3 2Apr2020](#) amending the Regulations issued in terms of Section 27(2) of the Disaster Management Act regarding the steps necessary to prevent an escalation of the disaster or to alleviate, contain and minimise the effects of the disaster as published in [GN318 GG 43107 p3 18Mar2020](#) to be dispensed with.

Movement of children between holders of parental responsibilities during the Lockdown - task of caring for children by grandparents not sustainable - well-being and physical health of children at risk - situation urgent and troubling - issues raised by Respondent pertaining to failure to move children before lockdown or fact that application was brought on 6 April detracting from urgency - best interests of children served if permission granted for them to be fetched to travel from Bloemfontein to Cape Town. Order granted.

<http://www.saflii.org/za/cases/ZAWCHC/2020/25.html>

Media Release

Department of International Relations and Cooperation. Minister Naledi Pandor: Repatriation of South Africans stranded abroad during COVID-19 Coronavirus lockdown. 16 April 2020.

"Repatriation process of South Africans stranded abroad. With the spread of the COVID-19 pandemic and the Declaration by President Cyril Ramaphosa of a State of Disaster, a total of 3639 South Africans have indicated that they are stranded abroad and require assistance to return home to South Africa. To ensure the return of South Africans stranded abroad, we have entered into discussions with the South African Airways (SAA) to use the return legs to bring back stranded South Africans across the globe. To date, we are pleased that over 600 South Africans have returned home. In line with the regulations, they are under quarantine in various sites."

<https://www.gov.za/speeches/minister-naledi-pandor-repatriation-south-africans-stranded-abroad-during-covid-19>

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REVENUE

Media Statement

SA Government News Agency. Oral submissions on Division of Revenue Bill cancelled.

2020 Apr 16 SA News

"The Select Committee on Appropriations has cancelled public hearings for oral submissions on 2020 Division of Revenue Bill scheduled to take place in May. In March 2020, the Select Committee on Appropriations invited stakeholders and interested parties to make written submissions on the bill that was tabled together with the 2020/2021 Budget by Finance Minister Tito Mboweni in Parliament on 26 February 2020. Public hearings for oral

submission were scheduled to take place in Parliament on 6 May 2020, said the committee in a statement on Wednesday. However, due to the COVID-19 national lockdown and its impact on the committee's programme, the committee has resolved to cancel the scheduled public hearings."

<https://www.sanews.gov.za/south-africa/oral-submissions-division-revenue-bill-cancelled>

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SAFETY AND SECURITY

Media Statement

SA Government News Agency. Gauteng calls on suppliers to register on PPE database.

2020 Apr 16 SA News

"In a bid to streamline and fast track COVID-19 related procurement processes, the Gauteng Health Department has urged suppliers of personal protective equipment (PPE) to register on its database. Through a portal by the provincial Health Department, suppliers can indicate to the department what items they can provide. "Attention is drawn to the National Treasury Instruction Note 8 of 2019-2020, which suppliers must familiarise themselves with, as it gives a guide on prices. "As a department, we remain committed to empowering local manufacturers, BEE compliant business and business owned by designated groups - women, youth, township-based, people with disability and military veterans," said Gauteng Health."

<https://www.sanews.gov.za/south-africa/gauteng-calls-suppliers-register-ppe-database>

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SOCIAL DEVELOPMENT

Media Statement

SA Government News Agency. Gauteng households benefit from food relief efforts.

2020 Apr 16 SA News

"Almost 20 000 households have benefited from the Gauteng provincial government's food relief efforts. The provincial government, working with various social partners has provided food relief to 19 000 households, reaching 98 000 people, since the start of the COVID-19 lockdown. Acting Gauteng Social Development MEC, Panyaza Lesufi, said that on average, food packages are being distributed to 2 000 households per day. "In addition, we are providing food to more than 3 000 homeless people daily in various temporary shelters," Lesufi said on Thursday."

<https://www.sanews.gov.za/south-africa/gauteng-households-benefit-food-relief-efforts>

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TRADE AND INDUSTRY

Media Releases

Department of Cooperative Governance. Minister Nkosazana Dlamini Zuma on Coronavirus COVID-19 amended regulations. 16 April 2020.

"Amendment to Regulation 11B: In this regulation the transportation of essential goods are permitted from warehousing sites to essential service providers; cargo may be moved from ports of entry to warehousing sites where handling and clearing of cargo is conducted, with the exception of the transportation of liquor; and cargo may be transported to ports of entry for purposes of exporting. We specifically make provision for export of cargo to decongest the ports. Stores selling hardware products and vehicle components may open but must maintain a register of persons buying essential goods listed in Part A of Annexure B of the Regulations, and must keep a record of a signed declaration, which corresponds substantially with a new form introduced whereby by the buyer of goods attests that the goods are essential goods."

<https://www.gov.za/speeches/minister-nkosazana-dlamini-zuma-coronavirus-covid-19-amended-regulations-16-apr-2020-0000>

Department of Trade and Industry. Trade and Industry on CIPC certification process during COVID-19 Coronavirus extended lockdown. 16 April 2020.

"Companies, which are registered through the Companies and Intellectual Property Commission's (CIPC) BizPortal to perform essential services during the lockdown period, will be required to have a new certificate from the BizPortal website for the extended period, which begins tomorrow 17 April 2020. The certificate will be sent via email using the details provided at the time of registration and will also be available for download from today. Companies will receive the certificates from today and the full list of registered companies will have received their certificates by the weekend. The new certificate will clearly state that it is for the extended lockdown period, beginning 17 April 2020, and South African Police Service officials will be told which certificates to look for."

<https://www.gov.za/speeches/trade-and-industry-cipc-certification-process-during-covid-19-coronavirus-extended-lockdown>

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TRANSPORTATION

Media Release

Department of Transport. Minister Fikile Mbalula: Review of transport measures during COVID-19 Coronavirus lockdown. 16 April 2020.

“Indeed, through the processes of the National Command Council led by President Ramaphosa, we conducted a thorough review of the implementation of transport measures we put in place. The review was aimed at testing the efficacy of these measures and to make a determination on whether there was a need to revise these based on the experience on the ground. This review was also informed by the decision announced by the President to extend the lockdown by a further 2 weeks. As a consequence of that review exercise, we have identified a number of areas that require adjustment in order to achieve the lockdown objectives.”

<https://www.gov.za/speeches/minister-fikile-mbalula-review-transport-measures-during-covid-19-coronavirus-lockdown-16>

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