

Covid-19 Regulatory Update

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Covid-19 Regulatory Update: 24 April 2020

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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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Construction Law Alert (monthly)



Employment Law Alert (weekly)



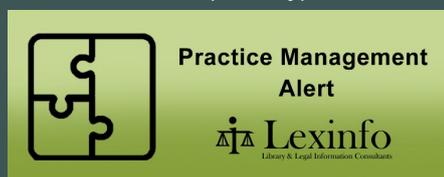
Energy, Mining and Engineering Law Alert (monthly)



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Events Calendar

28 April	What good can come of this? Emotional and mental wellbeing and the legal workplace post Covid-19	Webinar	View here
12 May	Law Firm Management and Ethical Considerations	Webinar	View here .
18-29 May	Virtual Entrepreneurship Conference Black Swan Ruling – Entrepreneurship and the Economy Under and After the Pandemic	Webinar	View here .
25 May	Infected deals: M&A in times of Covid-19	Webinar	View here .
27 May	Locking the deal-making gates: the world turns protectionist	Webinar	View here .
29 May	Being a young partner or a senior associate in times of Covid-19: first sacrificial offering - or big opportunity?	Webinar	View here .

See www.lexinfo.co.za for more events information.

AGRICULTURE

Media Release

Western Cape Agriculture. Western Cape Agriculture on deciduous fruit producers' donation of 10 000 fruit parcels to assist during Coronavirus COVID-19 pandemic. 23 April 2020.

“Earlier today, the Western Cape Department of Agriculture and the Deciduous Fruit Development Chamber of South Africa (DFDC-SA) handed over 10 000 fruit parcels to the NGO, Gift of the Givers, for further distribution amongst vulnerable communities in the Western Cap. Gift of the Givers is currently supporting more than 20 000 people per day and the fruit packs will be added to the food parcels that they deliver at feeding centres.”

<https://www.gov.za/speeches/western-cape-department-agriculture-deciduous-fruit-producers-donate-10-000-fruit-parcels>

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COMPETITION

Media Release

Competition Tribunal. Tribunal approves first consent agreement relating to Covid-19 excessive pricing. 20 April 2020.

“Gauteng pharmacy charging excessive prices for face masks during state of national disaster must now donate essential goods to two old aged homes.

A Boksburg pharmacy in Gauteng must donate hand sanitizers, surgical gloves and face masks -- valued at R25 410.00 -- to two old aged homes in its area of business after the Competition Commission (Commission) found it to be charging excessive prices for face masks during South Africa’s state of national disaster and COVID-19 lockdown period....

*A copy of the Order and agreement is available on the Tribunal's website at <https://www.comptrib.co.za/case-detail/9102>”

<https://www.comptrib.co.za/info-library/case-press-releases/tribunal-approves-first-consent-agreement-relating-to-covid-19-excessive-pricing>

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COMMUNICATIONS

Media Release

Independent Communications Authority of South Africa. ICASA announces a channel through which applications for the pre-registrations for community sound broadcasting services will be received. 22 April 2020.

“The Independent Communications Authority of South Africa (ICASA/the Authority) is reminding all interested communities who wish to establish community radio stations that the pre-registration process in respect of applications for Class Community Sound Broadcasting Service Licences and Radio Frequency Spectrum for purposes of providing community sound broadcasting services will close on 30 April 2020. Having considered the effects of the National State of Disaster and the subsequent Lockdown the country is currently on, ICASA has created an email address where interested communities can submit their applications. The dedicated e-mail address is ITP-R@icasa.org.za. This is to ensure that ICASA and its stakeholders observe social distancing and the related National Disaster Regulations.”

<https://www.gov.za/speeches/icasa-announces-channel-through-which-applications-pre-registrations-community-sound>

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CONFIRMED CASES

Media Releases

Department of Health. Minister Zweli Mkhize confirms total of 3 953 cases of Coronavirus COVID-19. 23 April 2020.

“There are 318 new confirmed COVID-19 cases, with the total number of confirmed cases at 3 953. We are observing a steady increase in the number of positive cases. While this concerns us, we are also pleased that the intensified community screening and testing campaign is assisting in finding more COVID-19 positive patients. This allows us to take the necessary actions such as isolation, quarantine or hospitalisation if required. The epidemiologists also continue to analyse these trends to in order for the country to better understand the impact of the outbreak as it unfolds.”

<https://www.gov.za/speeches/minister-zweli-mkhize-confirms-total-3-953-cases-coronavirus-covid-19-23-apr-2020-0000>

North West Health. North West Health update on 100 Coronavirus COVID-19 contacts and statistics. 23 April 2020.

“The total number of COVID-19 confirmed cases in the North West Province as at, Thursday, 22 April 2020 is 24. Contact tracers in the Province had managed to track down all 100 contacts of a private doctor in Klerksdorp who tested positive for COVID-19. All 44 employees were isolated and tested. The results came back negative. All 56 patients of the doctor were tracked down and isolated. Two showed COVID-19 symptoms. They were tested and results came back negative. The doctor has been retested after isolation and the result came back negative. The doctor has recovered.”

<https://www.gov.za/speeches/north-west-health-update-100-coronavirus-covid-19-contacts-and-statistics-23-apr-2020-0000>

Western Cape Office of the Premier. Premier Alan Winde update on Coronavirus COVID-19 on 22 April. 23 April 2020.

“As of 17h00 on 22 April, the Western Cape has recorded 1 153 confirmed cases of COVID-19 infection.

Total confirmed COVID-19 cases: 1153;

Total recoveries: 236;

Total deaths: 25;

Total active cases (currently infected patients): 892;

Patients in hospital: 53 of which 23 are in ICU; and

Total tests conducted: 21077. The deaths indicate that the elderly and people with co-morbid medical conditions (like hypertension, heart disease, diabetes and lung disease) are particularly at risk of severe Covid-19 disease. We call for special attention and precautions to protect the elderly and people with chronic diseases against exposure to Covid-19.”

<https://www.gov.za/speeches/premier-alan-winde-update-coronavirus-covid-19-22-april-23-apr-2020-0000>

Media Statement

SA Government News Agency. Gauteng COVID-19 cases reach 1 224.

2020 Apr 23 SA News

“Gauteng continues to be the epicentre of the COVID-19 pandemic in the country with 1 224 infections confirmed. And while the province has the highest number of infections, the death toll remains the lowest at seven when compared to the Western Cape and KwaZulu-Natal, two other provinces that are also leading in the infection rate. Johannesburg tops the list of COVID-19 infections, followed by Ekurhuleni and Tshwane, according to Gauteng Health Department’s statement released on Thursday. The hotspots in Johannesburg include Alexandra, Wynberg, Sandton, Orange Grove and Houghton. The department said there are currently 46 people hospitalised in both public and private facilities while the province has a record of 826 recoveries.”

<https://www.sanews.gov.za/south-africa/gauteng-covid-19-cases-reach-1-224>

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CRIMINAL LAW AND PROCEDURE

Media Release

KwaZulu-Natal Economic Development, Tourism and Environmental Affairs. MEC Nomusa Dube-Ncube on protecting the economy against fraudsters and international criminal syndicates during Coronavirus COVID-19 lockdown. 23 April 2020.

“Over the past three days, inspectors from the department’s Consumer Protection Unit and Business Regulations - working with Department of Labour Employment, Crime Intelligence, Durban Metro Police, Immigration Unit of the Home Affairs and SAPS arrested more than 66 undocumented foreign nationals for a series. These includes carrying firearms without a license. Of particular concern is yesterday’s raid in the Durban Central District in which counterfeit goods were confiscated with more than R100 000 cash. The counterfeit products seized includes fake medication such as Grandpa, condoms and cigarettes. Clearly, there is a very professional and sophisticated big racket using what could appear as a legitimate business.”

<https://www.gov.za/speeches/mec-nomusa-dube-ncube-protecting-economy-against-fraudsters-and-international-criminal>

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EMPLOYMENT LAW

Media Release

Department of Employment and Labour. Employment and Labour on progress with Coronavirus COVID-19 Temporary Employer/Employee Relief Scheme. 22 April 2020.

“The Department of Employment and Labour has ramped up its payment of COVID-19 Temporary Employer/Employee Relief Scheme (TERS) as well as normal benefits to ensure that workers are not inconvenienced during the lockdown. Just today, the Unemployment Insurance Fund has disbursed R92-million, which brings the total paid to date from April 16 to just under R1.8-billion. These payments cover up to 790 150 workers. In some cases, the claims have been paid within 24-hours of presentation. This is over and above the payments the Fund has been paying for ordinary benefits – pregnancy, retrenchments and other benefits – which have amounted to R804-million since the beginning of April.”

<https://www.gov.za/speeches/employment-and-labour-progress-coronavirus-covid-19-temporary-employeremployee-relief>

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ENERGY AND MINING

Media Release

Department of Mineral Resources. Mineral Resources and Energy issues directive to mining operations on start-up procedures during Coronavirus COVID-19 pandemic. 23 April 2020.

“The Department of Mineral Resources and Energy has issued a directive to all mining operations to ensure safe start-up procedures as the sector prepares to ramp up to 50% of capacity. The directive is issued to ensure compliance with Section 5(1) of the Mine Health and Safety Act (Act No. 29 of 1996), as amended, which requires that every employer must as far as reasonably practicable, provide and maintain a safe working environment. The start-up procedures must also address measures to be taken to prevent the spread of COVID- 19, as well as actions to provide a safe working environment, especially following the prolonged closure of some operations.”

<https://www.gov.za/speeches/mineral-resources-and-energy-issues-directive-mining-operations-start-procedures-23-apr>

News from DMR on the Directive is available at:

<https://www.dmr.gov.za/news-room/post/1854/dmre-issues-directive-to-mining-operations-on-start-up-procedures>

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ENVIRONMENTAL LAW

Media Release

KwaZulu-Natal Economic Development, Tourism and Environmental Affairs. MEC Nomusa Dube-Ncube on charging of a businessman for abandoning a hazardous chemical factory. 23 April 2020.

“A businessman, now based in Umhlanga in eThekweni, has been criminally charged for abandoning a hazardous chemical factory leaving behind volumes of potentially deadly chemicals and failing to heed government warnings. KwaZulu-Natal MEC for Economic Development, Tourist and Environmental Affairs, Nomusa Dube-Ncube was shocked by the messy sight when she was led, by environmental inspectors, to the forsaken and dilapidating facilities in Izotsha Area of Port Shepstone on Thursday. Accompanied by Ray Nkonyeni Municipality Mayor Nomusa Mqwebu and the Police, Dube-Ncube visited the site to witness first-hand the amount of pollution.”

<https://www.gov.za/speeches/mec-nomusa-dube-ncube-charging-businessman-abandoning-hazardous-chemical-factory-23-apr>

FINANCIAL LAW

Media Release

National Treasury. Treasury on further tax measures to combat the Coronavirus COVID-19 pandemic. 23 April 2020.

“Government recognises that the far-reaching lockdown measures to contain the spread of the coronavirus are having a significant impact on our economy. Most households and businesses have suffered a significant loss in their income, as they comply with the regulations giving effect to the National State of Disaster declared on 15 March 2020. Government is committed to helping households and businesses stay afloat during this difficult period, whilst it continues to limit the rate of infection, on a risk-based approach. The Minister of Finance announced the details of an initial set of measures on 29 March 2020 to assist tax compliant businesses with cash flow assistance and provide an incentive for businesses to retain their lower-income employees... In line with the President’s address to the nation on 21 April 2020, the Minister of Finance provides more detail on the second set of measures that aim to assist individuals and businesses through the pandemic.”

<https://www.gov.za/speeches/treasury-further-tax-measures-combat-coronavirus-covid-19-pandemic-23-apr-2020-0000>

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LOCKDOWN REGULATIONS

Media Statements

SA Government News Agency. Lockdown avoids massive surge in COVID-19 infections.

2020 Apr 23 SA News

“The nationwide lockdown implemented by government to contain COVID-19 has delayed the spread of the virus and given government time to prepare for the pandemic. “By delaying the spread of the virus, we have had time to prepare our health facilities and mobilise some of the essential medical supplies needed to meet the inevitable increase in infections. There is clear evidence that the lockdown has been working,” President Cyril Ramaphosa said. Addressing the nation on Thursday evening, the President said while a nationwide lockdown is probably the most effective means to contain the spread of the coronavirus, it cannot be sustained indefinitely. Government has therefore resolved to gradually lift the restrictions on economic activity, guided by the best available scientific evidence.”

<https://www.sanews.gov.za/south-africa/lockdown-avoids-massive-surge-covid-19-infections>

SA Government News Agency. SA to move from level 5 lockdown to level 4.

2020 Apr 23 SA News

“Life in South Africa will gradually begin to return to normal from next month, with government steadily easing the COVID-19 lockdown regulations, albeit under stringent stipulations. From 1 May, government will implement a risk-adjusted strategy aimed at easing the current lockdown restrictions. The decision was taken during a National Coronavirus Command Council (NCCC) meeting on Thursday. This was revealed by President Cyril Ramaphosa during an address to the nation on COVID-19, on Thursday evening. During this period, he said, the country’s lockdown would be eased over five levels. “We have decided on this approach because there is still much that is unknown about the rate and manner of the spread of the virus within our population. The action we take now must, therefore, be measured and incremental.”

<https://www.sanews.gov.za/south-africa/sa-move-level-5-lockdown-level-4>

Statement by the President

The Presidency. President Cyril Ramaphosa: South Africa's response to Coronavirus COVID-19 pandemic. 23 April 2020.

“There is clear evidence that the lockdown has been working. Together with the other measures we have taken – such as closing our borders – and the changes in behaviour that each of us has made, the lockdown has slowed the progression of the pandemic in the country. The World Health Organization has commended South Africa for acting swiftly and for following scientific advice to delay the spread of the virus. Yet, while a nation-wide lockdown is probably the most effective means to contain the spread of the coronavirus, it cannot be sustained indefinitely. Our people need to eat. They need to earn a living. Companies need to be able to produce and to trade, they need to generate revenue and keep their employees in employment. We have accordingly decided that beyond Thursday 30 April, we should begin a gradual and phased recovery of economic activity.”

<https://www.gov.za/speeches/president-cyril-ramaphosa-south-africas-response-coronavirus-covid-19-pandemic-23-apr-2020>

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SAFETY AND SECURITY

Media Releases

Department of Defence. Defence on Reserve Force call up to combat Coronavirus COVID-19. 23 April 2020.

“Reserves in the South African Army, South African Air Force, South African Navy and the South African Military Health Service (“Four Services”) form an important component of the SANDF. To date a large number of the Reserves in each of the Four Services has been called up and deployed on borderline protection and together with the Regular Force in support of the SAPS and the Department of Health during OP NOTLELA to combat COVID-19. In addition, certain Reserve force units and selected individuals have been put on 25 hours standby.”

<https://www.gov.za/speeches/defence-reserve-force-call-combat-coronavirus-covid-19-23-apr-2020-0000>

Western Cape Community Safety. MEC Albert Fritz on assistance in the enforcement of the Coronavirus COVID-19 lockdown. 23 April 2020.

“The Minister of Community Safety, Albert Fritz, has written to the National Minister of Police, Bheki Cele, requesting that accredited Neighbourhood Watch (NHW) members be permitted to patrol and assist in the enforcement of the lockdown. Accredited NHWs can assist by promoting social distancing at supermarket (and other shop) queues, social distancing at clinics, social distancing at transport interchanges and patrolling of school grounds to prevent vandalism. Minister Fritz said, “The presence of NHWs alone, particularly in communities with low police visibility, will serve to prevent crime. During the lockdown, we have seen an increase in vandalism of schools and shop robberies, particularly in our most vulnerable communities. Alternative solutions are needed to address this.”

<https://www.gov.za/speeches/mec-albert-fritz-assistance-enforcement-coronavirus-covid-19-lockdown-23-apr-2020-0000>

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SOCIAL DEVELOPMENT

Media Release

Joint Meeting of Social Development, and Health and Social Services Committees wants efficient execution of covid-19 interventions from Department and Sassa, 23 April 2020.

“A joint meeting of the Portfolio Committee on Social Development and the Select Committee on Health and Social Services has requested that the Department of Social Development and the South African Social Security Agency (Sassa) implement the proposed interventions efficiently.

Furthermore, the committees requested that Sassa offices be opened during the lockdown period. This will assist the public to have a point of contact and communication with regards to access to social grants and social relief measures that have been introduced by government as a result of the Covid-19 pandemic. The committees have urged the department to ensure that the hotline is functional and accessible to the public.”

<https://www.parliament.gov.za/press-releases/joint-meeting-social-development-and-health-and-social-services-committees-wants-efficient-execution-covid-19-interventions-department-and-sassa>

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TAXATION

Media Release

National Treasury. Further tax measures to combat the Covid-19 pandemic. 23 April 2020.

The interventions include:

- Skills development levy holiday
- Fast-tracking of value-added tax (VAT) refunds
- Three-month deferral for filing and first payment of carbon tax liabilities
- A deferral for the payment of excise taxes on alcoholic beverages and tobacco products
- Postponing the implementation of some Budget 2020 measures
- An increase in the expanded employment tax incentive amount
- An increase in the proportion of tax to be deferred and in the gross income threshold for automatic tax deferrals
- Case-by-case application to SARS for waiving of penalties

http://www.treasury.gov.za/comm_media/press/2020/20200423%20Media%20statement%20-%20Further%20tax%20measures%20to%20combat%20COVID-19.pdf

Parliament. Finance Committees welcome presentation on Draft Disaster Management Tax Bills. 23 April 2020.

“The Standing and Select Committees on Finance welcomed a joint presentation from the National Treasury and the South African Revenue Service (Sars) on two 2020 draft Bills, namely the [Disaster Management Tax Relief Bill](#) and the [Disaster Management Tax Relief Administration Bill](#).”

<https://www.parliament.gov.za/press-releases/finance-committees-welcome-presentation-draft-disaster-management-tax-bills>

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WATER & SANITATION

Media Release

Department of Water and Sanitation. Water and Sanitation delivers water to Northern Cape during Coronavirus Covid-19 lockdown. 23 April 2020.

“The Department of Water and Sanitation (DWS) has delivered 664 water tanks out of the 826 allocated and 70 water trucks out of the 84 allocated to the Northern Cape, but the demand for more grows weekly. A further 5000 sanitizers have been distributed since the fight against the COVID-19 pandemic started. In the John Taolo Gaetsewe District Municipality, 241 tanks and 20 water trucks have been delivered and in Frances Baard, 234 tanks and 29 trucks. In the Namakwa 30 tanks and 4 out of the 5 allocated trucks were delivered. Pixley ka Seme received 48 tanks and 8 water trucks and in the ZF Mgqawu Municipality 77 tanks and 12 water trucks were delivered.”

<https://www.gov.za/speeches/water-and-sanitation-delivers-water-northern-cape-during-coronavirus-covid-19-lockdown-23>

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