

Covid-19 Regulatory Update

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Covid-19 Regulatory Update: 06 May 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/>

The following alerting services are available from Lexinfo CC. Email alert@lexinfo.co.za for more information.



Attorney Alert (weekly)



Construction Law Alert (monthly)



Employment Law Alert (weekly)



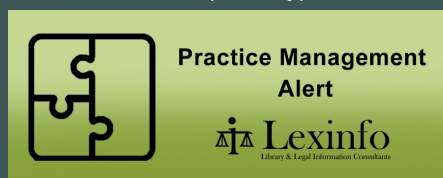
Energy, Mining and Engineering Law Alert (monthly)



Health Law Alert (monthly)



Insurance Law Alert (monthly)



Practice Management Alert (monthly)

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Events Calendar

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.

COMMUNICATIONS

Government Gazette

Electronic Communications Act 36 of 2005

Information and Communications Technology (ICT) COVID-19 National Disaster Regulations: Amendment of Regulation 4 published in [GenN238 GG 43207 dated 6 April 2020](#).

GenN252 GG 43279 p3 5May2020

http://www.gpwnline.co.za/Gazettes/Gazettes/43279_5-5_licasa.pdf

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COMPETITION

Government Gazette

Competition Act 89 of 1998

Expansion of the scope of COVID-19 Block Exemption for the Banking Sector, 2020: Amendment of COVID-19 Block Exemption for the Banking Sector, 2020 Regulations published in [RGN355 in GG 43127 of 23 March 2020](#).

Regulations 1 and 3 are amended and Regulation 7 is substituted.

RGN502 GG 43280 p3 5May2020

http://www.gpwnline.co.za/Gazettes/Gazettes/43280_5-5_DTI.pdf

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CONFIRMED CASES

Media Releases

Department of Health. Minister Zweli Mkhize confirms 7 572 cases of Coronavirus COVID-19. 05 May 2020.

“As of today, the total number of confirmed COVID-19 cases in South Africa is 7572.

- Eastern Cape: 838;
- Free State: 128;
- Gauteng: 1697;
- KwaZulu-Natal: 1142;
- Limpopo: 40;
- Mpumalanga: 57;
- North West: 35;
- Northern Cape: 26;
- Western Cape: 3609;
- Unknown: 0;
- Total: 7572; and
- Testing Data: total of 268 064 tests have been conducted to date with 10 523 tests done in the past 24 hours...

Regrettably, we report 10 more COVID-19 related deaths: 7 from Western Cape 1 from Eastern Cape, 1 from KZN and 1 from Gauteng. This brings the total deaths nationally to 148. We wish to express our condolences to the families of the deceased and thank the health care workers who treated these patients.”

<https://www.gov.za/speeches/minister-zweli-mkhize-confirms-7-572-cases-coronavirus-covid-19-5-may-2020-0000>

North West Health. North West Health on Coronavirus COVID-19 cases. 05 May 2020.

“The total number of COVID-19 confirmed cases in the North West Province as at Monday 04 May 2020 is 35.

The breakdown of cases is as follows:

- Bojanala District: 27;
- Rustenburg Municipality: 15;
- Madibeng Municipality: 11;
- Moretele Municipality: 01;
- Dr. Kenneth Kaunda District: 05;
- JB Marks Municipality: 02;
- Matlosana Municipality: 03;
- Ngaka Modiri Molema District: 02;
- Mahikeng Municipality: 02;
- Dr. Ruth Segomotsi Mompati District: 01;
- Lekwa-Teemane Municipality: 01;
- Hospital: The total number of people in hospital in the North West Province is five; and
- Recoveries: A total of 20 COVID-19 confirmed positive persons have recovered. Sixteen recoveries are in Bojanala, two in Dr. Kenneth Kaunda and one each in Ngaka Modiri Molema and Dr. Ruth Segomotsi Mompati.

We thank all our healthcare workers for their continued dedication and commitment to serve people of the North West Province.”

<https://www.gov.za/speeches/north-west-health-coronavirus-covid-19-cases-province-5-may-2020-0000>

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COURTS

Government Gazette

Superior Courts Act 10 of 2013

Directives issued by Chief Justice Mogoeng Mogoeng in terms of section 8(3) for the management of courts during the National State of Disaster period. Directives shall apply to the remainder of the national state of disaster period. The purpose of the Directives is to—

- 1.1. provide guidance in relation to how judicial functions are to be managed and performed during the remaining period of the national state of disaster; and
- 1.2. delegate, to all Heads of Court, the authority to take such action and issue such Directions as may be necessary to give effect to these Directives.

GenN254 GG 43283 p3 6May2020

http://www.gpwonline.co.za/Gazettes/Gazettes/43283_6-5_OfficeChiefJustice.pdf

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CRIMINAL LAW AND PROCEDURE

Media Release

South African Police Service. Hawks arrest false United Nations scammer for fraud. 05 May 2020.

“Dr Mort West McKenzie (26), appeared in the Pretoria Magistrate's Court on charges of fraud and contravening the Disaster Management Act, 2002 (Act No. 57 of 2002). He was arrested by the Hawks Serious Corruption Investigation on Saturday in Rustenburg. The investigation into Dr McKenzie started in March this year when it was discovered that he held several meetings with complainants from February lobbying support for whoever wanted to join the programme as a volunteer to pay an amount of R1 500. He further went to convince the complaints [sic] that he was also distributing COVID-19 surgical masks to organisations and institutions and left them with six (6) boxes to distribute to their communities.”

<https://www.gov.za/speeches/hawks-arrest-false-united-nations-scammer-fraud-5-may-2020-0000>

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EDUCATION

Media Release

Department of Basic Education. Basic Education on judgment by Limpopo High Court on re-opening of schools during Coronavirus COVID-19 lockdown. 05 May 2020.

“The Department of Basic Education welcomes the judgment by the Limpopo High Court which dismissed an application by the Tebeila Institute of Leadership, Governance and Training.

The Institute went to court on an urgent basis to set aside the decision of the Minister to re-open schools on 1 June 2020 thereby trying to stop the Department from implementing the recovery plan for schools in the context of COVID-19. Judge Gerrit Muller dismissed the case this afternoon saying that Limpopo High Court had no jurisdiction over the matter. He ordered parties to cover their own costs.”

<https://www.gov.za/speeches/basic-education-judgment-limpopo-high-court-re-opening-schools-during-coronavirus-covid-19>

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EMPLOYMENT LAW

Government Gazette

Minister of Mineral Resources and Energy

Publication for general notice of court order handed down by the Labour Court, Johannesburg on Friday 1 May 2020, in the matter between AMCU and Minister of Mineral Resources and Energy and others. The court order must be read with the Directions published under [GenN250 in GG 43256 of 29 April 2020](#).

GenN253 GG 43282 p3 5May2020

http://www.gpwonline.co.za/Gazettes/Gazettes/43282_5-5_MinResources.pdf

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ENERGY AND MINING

Government Gazette

Minister of Mineral Resources and Energy

Publication for general notice of court order handed down by the Labour Court, Johannesburg on Friday 1 May 2020, in the matter between AMCU and Minister of Mineral Resources and Energy and others. The court order must be read with the Directions published under [GenN250 in GG 43256 of 29 April 2020](#).

GenN253 GG 43282 p3 5May2020

http://www.gpwonline.co.za/Gazettes/Gazettes/43282_5-5_MinResources.pdf

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FINANCIAL LAW

Communication Notice

South African Reserve Bank and Financial Sector Conduct Authority. Joint Communication 3 of 2020 Financial Sector Regulation Act, 2017: Proposed implementation dates of specific regulatory frameworks as a result of the coronavirus disease (COVID-19) pandemic. 29 April 2020.

<https://www.fsca.co.za/Regulatory%20Frameworks/Temp/Joint%20Communication%203%20of%202020.pdf>

Government Gazette

Competition Act 89 of 1998

Expansion of the scope of COVID-19 Block Exemption for the Banking Sector, 2020: Amendment of COVID-19 Block Exemption for the Banking Sector, 2020 Regulations published in [RGN355 in GG 43127 of 23 March 2020](#).

Regulations 1 and 3 are amended and Regulation 7 is substituted.

RGN502 GG 43280 p3 5May2020

http://www.gpwonline.co.za/Gazettes/Gazettes/43280_5-5_DTI.pdf

Media Release

Western Cape Cultural Affairs and Sport. Western Cape Cultural Affairs and Sport offers relief to cultural, creative and sport sector. 05 May 2020.

“The Western Cape Department of Cultural Affairs and Sport (DCAS) has developed relief options for the Cultural, Creative and Sport industries we serve in the province, in addition to the national Department of Sport Arts and

Culture (DSAC) options. Focusing on the Business Continuity and Recovery phases of the fight against the COVID-19 outbreak, the Provincial Relief options also foregrounds two of the three pillars of the national response: Social Relief and Economic Recovery pillars. Aware of the very complex and evolving COVID-19 environment, the relief options target areas of relief which can be achieved quickly focusing on categories where support is most needed and most helpful.”

<https://www.gov.za/speeches/western-cape-cultural-affairs-and-sport-offers-relief-cultural-creative-and-sport-sector-5>

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LOCAL GOVERNMENT

Media Statement

SA Government News Agency. COVID-19 pushes by-election dates.

2020 May 5 SA News

“As the pandemic continues to plague the entire nation, the Electoral Court has since been forced to postpone the by-elections that were set for June due to COVID-19. In a statement released on Tuesday, the Electoral Commission said it welcomed the decision and that it will revise the by-elections timetable accordingly. “The Electoral Court today granted the application of the Electoral Commission to postpone the by-elections scheduled for 3 and 10 June along with associated activities including voter registration,” the statement read. By-elections take place within 90 days after a municipal ward council seat becomes vacant due to death, expulsion or resignation of a ward councillor.”

<https://www.sanews.gov.za/south-africa/covid-19-pushes-election-dates>

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LOCKDOWN REGULATIONS

Case

Mohamed, Chothia and AS Saadiqeen Islamic Centre [Applicants] v President of the Republic of South Africa, Minister of Co-operative Governance and Traditional Affairs and Minister of Health [Respondents].

Application is about whether or not Regulations 11B(1)(a)(i) and (ii)8 issued under the Disaster Management Act 57 of 2002 are reasonable and justifiable in the circumstances under which they were promulgated. Neukircher J: “I cannot find that the restrictions imposed are either unreasonable or unjustifiable and thus the application must fail.”

[Copy of judgment](#) available on request from alert@lexinfo.co.za.

Media Comment: Tanveer Jeewa for GroundUp ‘Why court ruled that the ban on religious gatherings is not unconstitutional’ 5 May 2020.

Available at [https://www.dailymaverick.co.za/article/2020-05-05-why-court-ruled-that-the-ban-on-religious-gatherings-is-not-unconstitutional/?tl_inbound=1&tl_groups\[0\]=80895&tl_period_type=3&utm_medium=email&utm_campaign=Afternoon%20Thing%20Tuesday%20May%20April%202020%20Mi%20Plan&utm_content=Afternoon%20Thing%20Tuesday%20May%20April%202020%20Mi%20Plan+CID31c9612c37b11e4b781a7ad7a9ced6eb&utm_source=TouchBasePro&utm_term=Why%20court%20ruled%20that%20the%20ban%20on%20religious%20gatherings%20is%20not%20unconstitutional](https://www.dailymaverick.co.za/article/2020-05-05-why-court-ruled-that-the-ban-on-religious-gatherings-is-not-unconstitutional/?tl_inbound=1&tl_groups[0]=80895&tl_period_type=3&utm_medium=email&utm_campaign=Afternoon%20Thing%20Tuesday%20May%20April%202020%20Mi%20Plan&utm_content=Afternoon%20Thing%20Tuesday%20May%20April%202020%20Mi%20Plan+CID31c9612c37b11e4b781a7ad7a9ced6eb&utm_source=TouchBasePro&utm_term=Why%20court%20ruled%20that%20the%20ban%20on%20religious%20gatherings%20is%20not%20unconstitutional)

Media Comment

Child, Katharine. Lockdown disaster dwarfs Covid-19, say SA actuaries: Model shows 10% of South Africans will become poorer and lose a few months of their lives.

2020 May 5 Financial Mail

“The model, which will be made public today for debate, was developed by a consortium calling itself Panda (Pandemic ~ Data Analysis), which includes four actuaries, an economist and a doctor, while the work was checked by lawyers and mathematicians. The process was led by two fellows at the Actuarial Society of SA, Peter Castleden and Nick Hudson. They have sent a letter, explaining its model, to President Cyril Ramaphosa. In the letter, headed “Lockdown is a humanitarian disaster to dwarf Covid-19”, they call for an end to the lockdown, a focus on isolating the elderly and allowing children to go back to school, while ensuring the economy restarts so that lives can be saved.

“Had the prospect that coronavirus could kill tens of millions of people been increasingly confirmed, lockdowns may have been justified. That possibility no longer exists. It now seems unlikely that more than a 1-million will die worldwide. The humanitarian crisis provoked by lockdown, however, is a matter of sheer certainty,” they say.”

<https://www.businesslive.co.za/fm/features/2020-05-05-lockdown-disaster-dwarfs-covid-19-say-sa-actuaries/>

Media Release

Western Cape Community Safety. MEC Albert Fritz visits roadblock in Athlone. 05 May 2020.

“Today, the Minister of Community Safety, Albert Fritz, visited a roadblock with the Minister of Transport and Public Works, Bonginkosi Madikizela, on the M5 after the Athlone turnoff towards Muizenberg. Please see photos and videos attached. The purpose of visiting the roadblock was to perform oversight over the movement of people between provinces and locally during the seven-day grace period which began on 1 May 2020. This grace period allows for

residents who were forced to stay within the confines of another province or area to return home. Minister Fritz said, "There has been a noticeable increase in road traffic following the move from stage 5 lockdown to stage 4. This was evident during the roadblock today. I call residents to continue to adhere to the lockdown regulations, leaving home only when necessary including grocery shopping and seeking medical assistance."

<https://www.gov.za/speeches/mec-albert-fritz-visits-roadblock-athlone-5-may-2020-0000>

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SAFETY AND SECURITY

Media Statement

SA Government News Agency. Mashimbye, Eustice. Safeguarding consumers & local businesses during COVID-19 pandemic.

2020 May 5 SA News

"It comes as no surprise that at a time when the country finds itself at its most vulnerable, there will be companies and individuals that will take the opportunity to profiteer for their own gain and take advantage of the current state of national disaster, finding ways of exploiting consumers by selling COVID19 related items and passing them off as locally made and/or safe to use against the spread of the pandemic. These items include sanitisers and masks, which are currently in high demand as people seek to protect themselves, their families and employees against the virus. Misleading claims around the provenance and efficacy of masks and sanitisers play into the fears of South Africans, as they go in search, often online, for these items. If the masks and sanitisers they purchase do not meet minimum required standards, they are rendered entirely useless in our fight to flatten the curve and the spread of the coronavirus and pose a significant health risk to users and others with whom they come into contact."

<https://www.sanews.gov.za/south-africa/safeguarding-consumers-local-businesses-during-covid-19-pandemic>

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SOCIAL ASSISTANCE

Media Statement

SA Government News Agency. SANParks distributes food parcels to communities.

2020 May 5 SA News

"The South African National Parks (SANParks) CEO, Fundisile Mketeni and the Eastern Cape MEC for Finance, Economic Development, Environmental Affairs and Tourism, Mlungisi Mvoko, today handed over food parcels and hygiene products to 300 households living in areas adjacent to Addo Elephant National Park, in the Eastern Cape. They also handed over a further 800 food hampers to communities residing around other national parks in the region which includes Camdeboo, Karoo and Mountain Zebra National Parks, as well as the Garden Route National Park's Tsitsikamma, Knysna and Wilderness areas. They were joined by Sundays River Valley Municipality Mayor, Nombulelo Bixa and Speaker, Simphiwe Rune."

<https://www.sanews.gov.za/south-africa/sanparks-distributes-food-parcels-communities>

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SOCIAL SERVICES

Media Release

South African Social Security Agency. SASSA resolves grant payments for May. 05 May 2020.

"SASSA Kwa-Zulu confirms that the Payment System glitch which affected beneficiaries of Old Age Pension and Disability Grants has been resolved. Funds were released to beneficiaries' accounts on Monday, 04 May 2020. Today, Tuesday, 05 May 2020, SASSA officials have been deployed to monitor various Paypoints in the Region and have confirmed that payments are progressing smoothly without major challenges. The payment file for all grants scheduled for 06 May 2020 has been verified with no discrepancies."

<https://www.gov.za/speeches/sassa-resolves-grant-payments-may-5-may-2020-0000>

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TAXATION

Media Statements

SA Government News Agency. COVID-19 knocks tax revenue performance.

2020 May 5 SA News

“The South African Revenue Service says the country’s tax and revenue performance has taken a knock as a result of an ailing economy compounded by the COVID-19 pandemic. “Whilst it is early days, our initial view is that revenue performance will be lower than the February Budget announcement by between 15%-20%. This means that revenue under-recovery could move up to R285 billion,” said SARS Commissioner Edward Kieswetter. The Commissioner was speaking at a briefing where he outlined the impact of COVID-19 on revenue collection services on Tuesday.”

<https://www.sanews.gov.za/south-africa/covid-19-knocks-tax-revenue-performance>

SA Government News Agency. SARS urges taxpayers to use e-services amid COVID-19.

2020 May 5 SA News

“The South African Revenue Service (SARS) has urged taxpayers to remain compliant and make use of its online services as the country battles an ailing economy compounded by the COVID-19 pandemic. “If there was ever a time where delivering on our mandate matters, it is now. During this time, it remains extremely important for all taxpayers to remain compliant,” said SARS Commissioner Edward Kieswetter. This, Kieswetter said means taxpayers must register when they are legally required to; submit tax and customs declarations, returns, and relevant submissions when it is required and make the necessary payments when they become due, unless they have entered into a permissible payment arrangement with SARS.”

<https://www.sanews.gov.za/south-africa/sars-urges-taxpayers-use-e-services-amid-covid-19>

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TOBACCO

Media Statements

SA Government News Agency. Cigarette ban is no smoke and mirrors trick.

2020 May 5 SA News

“The decision to uphold the ban on the sale of cigarettes as the fight against COVID-19 continues, has many citizens fired up and wondering if government is not encroaching on civil liberties. “People think that government is trying to force things down their throat,” says Dr Catherine Egbe, a specialist scientist of the Alcohol, Tobacco and Other Drug Research Unit, at the South African Medical Research Council (SAMRC). Civil liberties, which form part of our daily lives, are hardly given a second thought in most circumstances. However, the arrival of COVID-19 has most people wondering if their lives will ever return to a version of “normal”. Among the civil liberties that some may be feeling have been taken away from them, is the continued ban on the sale of cigarettes and related products.”

<https://www.sanews.gov.za/features-south-africa/cigarette-ban-no-smoke-and-mirrors-trick>

SA Government News Agency. President speaks on cigarette sales ban.

2020 May 5 SA News

“President Cyril Ramaphosa has commented on the court case over the ban of cigarette sales during level 4 lockdown involving tobacco manufacturing companies. Speaking in KwaZulu-Natal, where he was inspecting the province’s state of readiness to deal with the projected spike of COVID-19 infections, President Ramaphosa said he has confidence in the court that they will examine the matters and disputes properly. “We live in a free country. The content of our democracy is such that if you feel aggrieved, you’re entitled to take your grievance to the courts of our country and that’s what they’ve been elected to do,” he told journalists.”

<https://www.sanews.gov.za/south-africa/president-speaks-cigarette-sales-ban>

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TRADE AND INDUSTRY

Media Statement

SA Government News Agency. Patel meets with clothing industry.

2020 May 5 SA News

“As 1.5 million workers in the South African economy returned to work this week, Trade, Industry and Competition Minister Ebrahim Patel has met with representatives of the clothing textile, footwear and leather sector. Monday’s virtual meeting with the sector was held to review the readiness of shops and factories for the new Level 4 lockdown which kicked in on 1 May. “The meeting agreed to develop a common framework on implementation of COVID-ready workplaces that can serve as a guide for the industry,” said the Department of Trade, Industry, and Competition (Dtic) on Tuesday. The recent move from the hard lockdown to Level 4 has seen greater parts of the retail and manufacturing value chain open up.”

<https://www.sanews.gov.za/south-africa/patel-meets-clothing-industry>

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WATER & SANITATION

Media Release

Department of Water and Sanitation. Water and Sanitation warns municipalities against cutting water at night. 05 May 2020.

“The Minister of Human Settlements, Water and Sanitation, Lindiwe Sisulu, has appealed to municipalities throughout the country to refrain from the abrupt cutting of water supply to residents as this deprives them of their basic human right of access to clean water. The practice also hampers the government’s efforts to fight the spread of the Coronavirus. The government has embarked on a national drive to encourage all South Africans to wash their hands with soap and water regularly to stem the tide of the virus.”

<https://www.gov.za/speeches/water-and-sanitation-warns-municipalities-against-cutting-water-night-5-may-2020-0000>

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