

Covid-19 Regulatory Update



Covid-19 Regulatory Update: 08 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: https://lpc.org.za/
https://www.gov.za/coronavirus/guidelines
Covid-19 Directives and notices relating to legal practitioners: https://lpc.org.za/

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CONFIRMED CASES

Media Releases

Department of Health. Minister Zweli Mkhize confirms total of 8 232 confirmed cases of Coronavirus COVID-19. 07 May 2020.

"As of today, the total number of confirmed COVID-19 cases in South Africa is 8232.

Eastern Cape: 929;Free State: 134;Gauteng: 1804;

• KwaZulu-Natal: 1204 ;

Limpopo: 41;
Mpumalanga: 59;
North West: 40;
Northern Cape: 27;
Western Cape: 3994;
Unknown: 0; and
Total: 8232.

A total of 292 153 tests have been conducted to date with 12 774 tests done in the past 24 hours Regrettably, we report 8 more COVID-19 related deaths: 2 from KwaZulu Natal and 6 from Western Cape. This brings the total national deaths to 161."

https://www.gov.za/speeches/minister-zweli-mkhize-confirms-total-8-232-confirmed-cases-coronavirus-covid-19-7-may-2020

North West Health. MEC Madoda Sambatha on Coronavirus COVID-19 Case of Professional Nurse at Promosa Community Health Centre in Potchefstroom. 07 May 2020.

"Last night just around 21h00 I received a report of a Professional Nurse whose results have come back positive of COVID-19. The Stuff nurse is attached at Promosa Community Health Centre in Potchefstroom. We took a decisive action to immediately close the facility to allow decontamination. A mobile has been deployed to ensure access and continued service delivery until decontamination of the facility. The District and Sub District Outbreak Response Teams started with contact for patients, staff and their families."

https://www.gov.za/speeches/mec-madoda-sambatha-covid-19-case-professional-nurse-promosa-community-health-center

North West Health. North West Health on Coronavirus COVID-19 cases. 07 May 2020.

"The total number of COVID-19 confirmed cases in the North West Province as at Wednesday 06 May 2020 is 37.

Bojanala District: 29;

Rustenburg Municipality: 16;

Madibeng Municipality: 12;

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; and

Lekwetemane Municipality: 01.

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-7-may-2020-0000

Western Cape Office of the Premier. Premier Alan Winde update on Coronavirus COVID-19 on 7 May.07 May 2020.

"As of 1pm on 7 May, the Western Cape has recorded 4049 confirmed cases of COVID-19 infection.

Total confirmed COVID-19 cases: 4049;

Total recoveries: 1333;

Total deaths: 76:

- Total active cases (currently infected patients): 2640;
- Total number of tests: 50288; and
- Patients in hospital: 150 with 61 in ICU or high care.

The Western Cape has recorded an additional four COVID-19 deaths-bringing the total number of deaths from the virus in the province to 76. We extend our condolences to their loved ones at this time."

https://www.gov.za/speeches/premier-alan-winde-update-coronavirus-covid-19-7-may-7-may-2020-0000

COURTS

Directives

Free State Division of the High Court Directive - Lockdown Extension with Alert Levels. 5 May 2020.

"Pursuant to the President's announcement that the national lockdown will be extended with alert levels from 1 May 2020, read with the Delegation of Authority in terms of section 8(3) of the Superior Courts Act 10, 2013; I hereby issue the following directions, for the entire lockdown period. These directions will be revised, if necessary, depending on the alert level."

https://www.judiciary.org.za/images/Directives/Directives_-

April 2020/High Court of South Africa/Free State Division/Directive Lockdown Extension with Alert Levels.pdf

KwaZulu-Natal High Court. Directives. 1 May 2020.

"... the following Directives will apply in the High Court of KwaZulu-Natal from 1 May 2020 and the remaining period of the extended lockdown."

https://www.judiciary.org.za/images/Directives/Directives - April 2020/High Court of South Africa/Kwazulu-Natal Division/Kwazulu-Natal Division of the High Court - Judge Presidents Directives - 01 May 2020.pdf

Limpopo Division of the High Court - Amendment or Addition to Paragraph 9 of the Judge President's Directive Dated 2 May 2020. 7 May 2020.

https://www.judiciary.org.za/images/Directives/Directives -

April 2020/High Court of South Africa/Limpopo Division/Amendment or Addition to Paragraph 9 of the Judge Presidens Directive Dated 2 May 2020.pdf

Mpumalanga Division of the High Court - COVID-19 Directive No 5A of 2020. 2 May 2020.

https://www.judiciary.org.za/images/Directives/Directives - April 2020/High Court of South Africa/Mpumalanga Division/COVID-19 Directive No 5A of 2020.pdf

North West Administrative Region. Directives Issued by the Chief Magistrate as Delegated by the Chief Justice on 02 May 2020 for the Management of District Courts During the National State of Disaster Period. 5

https://www.judiciary.org.za/images/Directives/Directives -

April 2020/District Court/North West/Directives Issued by the Chief Magistrate as Delegated by the Chief Justice on 02 May 2020 for t he Management of District Courts During the National State of Disaster Period.pdf

North West Division of High Court. Practice Directive - North West Division of the High Court Video or Audio Hearing During COVID-19 Pandemic - Read with the Directives Issued by the Chief Justice on 2 May 2020. 4 May 2020.

https://www.judiciary.org.za/images/Directives - April 2020/High Court of South Africa/North West/Practice Directive -North West Division of the High Court Video or Audio Hearing During COVID-19 Pandemic -

Read With the Directives Issued by the Chief Justice on 2 May 2020.pdf

North West Division of High Court. Supplementary Directive - Rule 31 (5) Applications for Default Judgment Before the Registrar - Hearing of Rule 70 Opposed Taxation of Bills of Legal Costs and Other Related Matters During the COVID-19 Pandemic. 5 May 2020.

https://www.judiciary.org.za/images/Directives - April 2020/High Court of South Africa/North West/Supplementary Directive -Rule 31 5 Applications for Default Judgment Before the Registrar.pdf

Regional Division Mpumalanga, Case Flow Management Directives / COVID-19 Lockdown Alert Level 4. 5 May

https://www.judiciary.org.za/images/Directives/Directives - April 2020/Regional Court/Mpumalanga/Case Flow Management Directives - COVID-19 Lockdown Alert Level 4 - 01 May 2020 Until Further Notice - Regional Division Mpumalanga.pdf

Western Cape Division of the High Court Judge President's Directive - Access to Court in Light of COVID-19 Lockdown. 7 May 2020.

Implementation date: 11 May 2020.

"The following Directives will apply from the implementation date above during the National State of Disaster Lockdown. These Directives should be read together with the Directives issued by the Chief Justice (on 20 March 2020 and 02 May 2020) and the Judge President (on 17 March 2020, 06 April 2020 and 17 April 2020). Any Directive contained in the previous WC Directives which is inconsistent with this Directive will no longer apply. https://www.judiciary.org.za/images/Directives - April 2020/High Court of South Africa/Western Cape Division/Directive -

Access to Court in Light of COVID-19 Lockdown.pdf

CRIMINAL LAW AND PROCEDURE

Media Release

Western Cape Community Safety. MEC Albert Fritz calls on SAPS to act within the law. 07 May 2020.

"The Minister of Community Safety, Albert Fritz, calls on the South African Police Service (SAPS) to act within the law at all times. Minister Fritz has condemned incidents where SAPS and SANDF officials abused their power and used excessive force when it was not necessary or requited to enforce the law. During yesterday's Ad-hoc committee on COVID-19, IPID's Western Cape office presented figures on its number of cases to the provincial legislature. Of its 163 cases, 83 were directly linked to lockdown operations. Complaints include the discharge of a firearm, rape and assault."

https://www.gov.za/speeches/mec-albert-fritz-calls-saps-act-within-law-7-may-2020-0000

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EDUCATION

Media Release

Department of Basic Education. Basic Education urges schools to adhere to regulations and refrain from opening prematurely. 07 May 2020.

"The Department of Basic Education has warned all schools against the premature reopening of schools. The Department has become aware that some independent (or private) and public schools are already preparing to reopen much earlier and even receive learners ahead of the schedule announced by Minister Angie Motshekga. In some schools' teachers have already been reporting for duty and parents meetings have been held where plans were announced to have learners back in school in May. The premature reopening of schools is not permitted as the Department is still finalising COVID-19 school compliance protocols. The uniform standards will be applicable in schools as part of the measures put in place to protect learners and teachers, reduce infection and save the academic year."

https://www.gov.za/speeches/basic-education-urges-schools-adhere-regulations-and-refrain-opening-prematurely-7-may-2020

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EMPLOYMENT LAW

Media Release

Department of Employment and Labour. Employment and Labour continues to make lives easier with almost R10-billion distributed to UIF contributors during Coronavirus COVID-19 lockdown. 07 May 2020.

"The Department of Employment and Labour continues in its quest to make the lives of workers easier during the lockdown by paying them through employers and bargaining councils. As of today, the department through the Unemployment Insurance Fund (UIF) has disbursed almost R9.5-billion (R 9 474 081 937.26) through the COVID-19 Temporary Employer/Employee Relief Scheme (TERS) benefitting 1 937 558 workers. "This is a critical infusion and further creates a safety net for workers who may ordinarily not be paid because of the lockdown as a result of the Coronavirus pandemic. We serve the people of this country and it is particularly at this point that we demonstrate the nature of caring government thus ensuring that to the extent possible, no person is left behind." https://www.gov.za/speeches/employment-and-labour-continues-make-lives-easier-almost-r10-billion-distributed-uif

Media Statement

SA Government News Agency. Employers urged to pay relief funds to workers. 2020 May 7 SA News

"Employers have been urged to ensure that money paid over by the Unemployment Insurance Fund (UIF) for the COVID-19 Temporary Employer/Employee Relief Scheme (TERS) is disbursed to the workers. Employment and Labour Minister Thulas Nxesi made the call to employers following numerous complaints received from workers who allege that their employers have not paid them the money the UIF has disbursed as part of COVID-19 TERS. The money is meant to provide temporary relief for workers who are at home or to at least meet some of their salary demands."

https://www.sanews.gov.za/south-africa/employers-urged-pay-relief-funds-workers

FINANCIAL LAW

Joint Communication

South African Reserve Bank, Financial Sector Conduct Authority and Financial Intelligence Centre. Financial Intelligence Centre Act 38 of 2001. Joint Communication 2A of 2020: Covid-19: Supervisory response. 6 May 2020.

"This communication provides a revised and updated time frame to certain dates stipulated in the prior <u>Joint Communication 2 of 2020</u> issued on 21 April 2020, given the recent developments and announcements by the President during this Covid-19 (Coronavirus) lockdown period.

The authors of this communication recognise that the Covid-19 pandemic continues to have an impact on the manner in which accountable institutions (Als) operate, particularly in regard to their compliance with certain provisions of the Financial Intelligence Centre Act, 2001 (Act 38 of 2001). The authors are also cognisant that the pandemic may present criminals with further opportunities to engage in illicit or unlawful activity."

https://www.fsca.co.za/Regulatory%20Frameworks/Temp/Joint%20Communication%202A%20of%202020.pdf

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HOME AFFAIRS

Media Release

Parliament. Committee on Home Affairs Directs Department to Comply with PPE Protocols. 7 May 2020.

"The Portfolio Committee on Home Affairs has directed the Department of Home Affairs to urgently procure the Personal Protective Equipment (PPE) for the frontline officials to ensure that they deliver services in a safe environment... Members of the committee visited various offices of Home Affairs across the country and the majority of them reported that a number of offices, especially in the Limpopo, Western Cape and Mpumalanga provinces were closed, due to the shortage of PPEs and thermometers."

https://www.parliament.gov.za/press-releases/committee-home-affairs-directs-department-comply-ppe-protocols

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IMMIGRATION

Government Gazette

Immigration Act 57 of 2002

Determination of correctional facilities as places of detention of illegal foreigners pending deportation, for the duration of the period of the national state of disaster.

GN512 GG 43292 p3 7May2020

http://www.gpwonline.co.za/Gazettes/Gazettes/43292 07-05 HomeAffairs.pdf

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LAND AND PROPERTY LAW

Media Releases

Department of Agriculture, Land Reform and Rural Development. Agriculture, Land Reform and Rural Development on opening deeds office during level four lockdown. 07 May 2020.

"The Department of Agriculture, Land Reform and Rural Development would like to provide an update to members of the public regarding the reopening of the deeds offices, as per the revised lockdown regulations. Deeds registration has been identified an essential service, according to COVID-19 level 4 lockdown regulations, as of 01 May 2020. Level 4 regulations require that the department puts in place necessary health measures before the services can resume. These measures will ensure that clients and departmental officials are not exposed to any health risks." https://www.gov.za/speeches/agriculture-land-reform-and-rural-development-opening-deeds-office-during-level-four

Western Cape Human Settlements. Western Cape Human Settlements frontline services available during lockdown. 07 May 2020.

"Since the lockdown was instituted by President Cyril Ramaphosa, 207 enquiries were recorded at the Western Cape Department of Human Settlements Helpdesk between 27 March and 30 April. During the same period, the Rental Housing Tribunal (RHT) received 159 enquiries. The normal combined average for these frontline services would be well over 2 000 queries per month. Among others, and besides general housing queries, residents required assistance about the Finance Linked Individual Subsidy Programme (FLISP) and the Housing Demand Database. Pertaining to

the RHT, queries related to evictions, non-payment of rentals, termination of municipal services, hearing dates, utilising deposits to cover the arear rental payments and moving to a new house during the lockdown period." https://www.gov.za/speeches/western-cape-human-settlements-frontline-services-available-during-lockdown-7-may-2020-0000

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LOCKDOWN REGULATIONS

Government Gazette

Disaster Management Act 57 of 2002

Directions issued by Minister of Cooperative Governance and Traditional Affairs in terms of section 27(2): Amendment of <u>GN399 of 25 March 2020</u>, as amended by <u>RGN432 of 30 March 2020</u>. Direction 6.7 'Municipal operations and governance' is substituted.

GN510 GG 43291 p3 7May2020

http://www.gpwonline.co.za/Gazettes/Gazettes/43291 07-05 Cogta.pdf

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MEDICAL LAW

Government Gazettes

Medical Schemes Act 131 of 1998

Medical Schemes Act Regulations: Amendment 2020. Amendment of Annexure A effective on the day of publication in the government gazette and valid for the period of COVID-19 pandemic GN515 GG 43295 p3 7May2020

http://www.gpwonline.co.za/Gazettes/Gazettes/43295 07-05 Health.pdf

Medicines and Related Substances Act 101 of 1965

Exclusion of Schedule 2, Schedule 3 and Schedule 4 substances from operation of certain provisions: Exclusion from requirement in section 22A(6)(f) of the Act that such substances may be dispensed for no longer than six months. GN514 GG 43294 p3 7May2020

http://www.gpwonline.co.za/Gazettes/Gazettes/43294 07-05 Health.pdf

Media Release

Business for South Africa. B4SA partners with SADAG, PsySSA to provide Business with Mental Health support and guidelines.

2020 May 7 Business for SA

"Business leaders and their employees are facing significant challenges, not only in terms of the economic impact of COVID-19, but also the feelings of anxiety, worry and distress many people are experiencing in relation to the pandemic.

To watch a recording of the webinar, please visit: https://www.youtube.com/watch?v=YI_Jdrruv-c
To download a copy of the guidelines for business: Business Guidelines MH in https://www.businessforsa.org/b4sa-partners-with-sadag-psyssa-to-provide-business-with-mental-health-support-and-guidelines/

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PERSONS AND FAMILY LAW

Internet Article

Rikard, Carmel. Dying surrounded by family 'a most fundamental right' – court.

2020 May 7 Carmel Rickard Writes

"In a case that has moved readers worldwide and that sparked a judge to comment on the rights of a dying person even during the COVID-19 pandemic, a court has ordered that a terminally ill Nigerian woman living in the UK be allowed to leave the care home where she had been staying, to spend her last days with her extended family. In her decision on the case, UK Judge Nathalie Lieven commented that the woman had 'something between a few weeks and 3 – 6 months to live' and that the question was whether she should be able to spend those last days with her family. 'The ability to die with one's family and loves ones seem to me to be one of the most fundamental parts of any right to private or family life,' the judge wrote."

Read judgment

http://carmelrickard.co.za/dying-surrounded-by-family-a-most-fundamental-right-court/

SAFETY AND SECURITY

Media Release

Western Cape Office of the Premier. Premier Alan Winde: Coronavirus COVID-19 Western Cape government approach. 07 May 2020.

"South Africa is facing an unprecedented challenge. We have both a public health emergency that threatens many lives, and an economic crisis, with major job losses expected countrywide. In the Western Cape, in line with our whole of government approach, we have been working around the clock to make sure that we are prepared for the peak of infections that is still to come. But we have not stopped there. We are also making sure that we can be innovative and smart in helping to get more of our economy up and running, and that this is done safely. This week's digital press conference will provide an update on our health response, with insights into what our data is telling us. We will also share details on our Department of Economic Development's interventions, as they help businesses adapt to this "new normal".

https://www.gov.za/speeches/premier-alan-winde-coronavirus-covid-19-western-cape-government-approach-7-may-2020-0000

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STATISTICS

Media Statement

SA Government News Agency. Quarterly Labour Force data to be collected telephonically. 2020 May 7 SA News

"Statistician General, Risenga Maluleke, has announced that Statistics South Africa will conduct data collection for key labour statistics using telephone interviews. Maluleke said the statistical body will use telephonic interviews instead of having fieldworkers visiting sampled dwelling units (households). Stats SA is changing its collection method for the second quarter of the Quarterly Labour Force Survey (QLFS) due to restrictions on face-to-face collections imposed by the COVID-19 pandemic. "Continuous measuring of the economy is an important and necessary undertaking. Amidst the COVID-19 pandemic, Statistics South Africa will continue providing the salient labour statistics for policy and evidence based decision making," Maluleke said."

https://www.sanews.gov.za/south-africa/quarterly-labour-force-data-be-collected-telephonically

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TAXATION

Mapping

South African Revenue Service. VAT 412.11 Mapping of ESSENTIAL GOODS re COVID-19. Mapping of essential goods with reference to Annexure B of the Regulations (R.398, Government Gazette No. 43148 of 25 March 2020) under the Disaster Management Act, 2008. 6 May 2020.

Explanatory Note: As published on 3 April 2020, the SARS VAT Rebate 412.11 provides a mapping of essential goods with reference to Annexure B of the Regulations (R.398, Government Gazette No. 43148 of 25 March 2020) under the Disaster Management Act, 2002.

The revised list includes plastic face shields.

https://www.sars.gov.za/AllDocs/LegalDoclib/SecLegis/LAPD-LSec-COVID19-Reg-2020-003a%20-%20SARS%20VAT%20412.11%20Mapping%20of%20ESSENTIAL%20GOODS%20re%20COVID-19%20-%20Updated%206%20May%202020.pdf

VAT Rebate

South African Revenue Service. COVID-19 ITAC VAT Rebate 412.11 List of Critical Medical Supplies. 4 May 2020.

Explanatory note: The revised list includes Acetaminophenol (bottom of first page), classifiable in tariff subheading 2924.29.05, for use in the manufacture of medicaments.

https://www.sars.gov.za/AllDocs/LegalDoclib/SecLegis/LAPD-LSec-COVID19-Reg-2020-07%20-

%20ITAC%20VAT%20Rebate%20412.11%20CRITICAL%20MEDICAL%20SUPPLIES%20re%20COVID-19%20(Version%202%20-%204%20May%202020).pdf

TRADE AND INDUSTRY

Media Release

Western Cape Economic Development and Tourism. MEC David Maynier launches #GoDigitalWC webinar series for SMMEs. 07 May 2020.

"Today (07 May 2020), we're officially launching our #GoDigitalWC webinar series, which brings leading experts in digital technology and business transformation to present ideas and advice for SMMEs on how they can adapt and innovate during the Covid-19 crisis. Adopting digital technologies provides opportunities for business to offer services and products online, or even adapt their internal business practises to an online environment, can significantly help to ensure business continuity and safe and healthy workplaces that reduce the risk of Covid-19 infection for employees and customers."

https://www.gov.za/speeches/mec-david-maynier-launches-godigitalwc-webinar-series-smmes-7-may-2020-0000

Media Statement

SA Government News Agency. Government departments urged to pay small businesses. 2020 May 7 SA News

"As COVID-19 continues to put business under immense pressure, putting jobs on the line, the Public Service Commission (PSC) has encouraged departments to engage suppliers to resolve outstanding payments and speedily process Small Medium Micro Enterprises' (SMME) invoices. This in a bid to minimise the negative impact of the lockdown on business and jobs. "Business is under enormous duress now, with most facing a bleak future due to the nationwide lockdown. Departments are urged to put measures in place to ensure that all suppliers, in particular, small businesses are paid for services rendered and goods delivered," the PSC statement read."

https://www.sanews.gov.za/south-africa/government-department-urged-pay-small-businesses

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TRANSPORTATION

Government Gazette

Disaster Management Act 57 of 2002

- Directions issued in terms of section 27(2)(f) of the Act on the once-off movement of persons and the transportation of goods for purposes of relocation. Date of commencement: 7 May 2020.
 The purpose of these Directions is to facilitate the movement of persons and goods within and across provincial, metropolitan or district boundaries during the period of Alert level 4.
 (a) The movement of persons and goods, where
 - (i) new lease agreements were entered into before or during the lockdown period: or
 - (ii) the transfer of immovable property occurred before the lockdown period, requires a change in place of residence. including the transport of goods to a new place of residence, within the Republic.
 - (b) The circumstances in subparagraph (a) require the once-off movement of persons who are relocating to their new place of residence, as permitted in terms of regulation 16(5): and
 - (c) The transport of goods within the Republic is permitted in terms of regulation 22(1)(f).

GN513 GG 43293 p3 7May2020

http://www.gpwonline.co.za/Gazettes/Gazettes/43293 07-05 Cogta.pdf

Media Release

Department of Transport. Minister Fikile Mbalula urges caution as grace period for inter-provincial travel draws to a close. 07 May 2020.

"Transport Minister Fikile Mbalula has called on inter-provincial travellers to exercise extreme caution on the roads, as the grace period for transit across provincial boundaries, draws to a close. The once off movement of persons who were not at their places of residence or work when the lockdown commenced, will end at 23:59 tonight. From 1 May 2020 to 7 May 2020, those who found themselves in provinces outside their places of work when the lockdown commenced, were given a window of opportunity to return to those provinces, so as to gradually resume economic activities."

https://www.gov.za/speeches/minister-fikile-mbalula-urges-caution-grace-period-inter-provincial-travel-draws-close-7

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