



Covid-19 Regulatory Update

 **Lexinfo**
Library & Legal Information Consultants

Covid-19 Regulatory Update: 15 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/>

Lexinfo Practice Management Alert



Practice Management Alert

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This newsletter is published bi-monthly and focuses on issues such as client care, innovation, legal technology, management, leadership, remote working, work-life balance, knowledge management, libraries, succession, management, skills development, artificial intelligence, human resources, libraries, marketing and branding.

The latest edition, March to April 2020, is now available. This edition contains valuable references to various international resources and case studies on the challenges and possible solutions for legal practices in view of the Covid-19 pandemic. The March to April 2020 edition can be purchased for only R99 including VAT for single users.

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COMMUNICATIONS

Media Statement

Western Cape Provincial Treasury. Western Cape Treasury provides free digital and technology support to SMMEs. 14 May 2020.

“Free digital and technology advisory support available for SMMEs.

Last week we called on the digital and technology industry in the Western Cape to volunteer for our Tech Volunteer programme which aims to match experts with businesses who need digital expertise, and today we’re calling on all small businesses who require those expertise to register their interest to receive support.”

<https://www.gov.za/speeches/support-available-smmes-14-may-2020-0000>

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CONFIRMED CASES

Media Statements

Department of Health. Minister Zweli Mkhize confirms total of 12 739 cases of Coronavirus COVID-19. 14 May 2020.

“As of today, the total number of confirmed COVID-19 cases in South Africa is 12 739...403 018 tests have been conducted with 16 666 done in the last 24 hour cycle...Regrettably we report a further 19 COVID-19 related deaths- this brings the total national deaths to 238.”

<https://www.gov.za/speeches/minister-zweli-mkhize-confirms-total-12-739-cases-coronavirus-covid-19-14-may-2020-0000>

Western Cape Office of the Premier. Update on the coronavirus by Premier Alan Winde. 14 May 2020.

“As of 1pm on 14 May, the Western Cape has 4518 active cases of Covid-19, with a total of 7220 confirmed cases and 2573 recoveries.... The Western Cape has recorded an additional 12 Covid-19 deaths-bringing the total number of deaths from the virus in the province to 129.”

<https://coronavirus.westerncape.gov.za/news/update-coronavirus-premier-alan-winde-14-may>

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CONSTITUTIONAL LAW

Internet Article

De Vos, Pierre. On the three different version provided by the Presidency of the powers of the National Command Council. 13 May 2020.

“On 15 March this year, President Cyril Ramaphosa announced the establishment of a National Command Council (NCC) “to coordinate all aspects of our extraordinary emergency response” to the Covid-19 crisis. After the President and several ministers stated that the NCC takes binding decisions (and therefore does not merely play a coordinating role), lawyers started questioning the legality of the NCC and any decisions it might have taken. But as the presidency has provided at least three different explanations for how the NCC operates and what functions it has, it is impossible to know whether the many decisions attributed to the NCC are unlawful and hence invalid.”

<https://constitutionallyspeaking.co.za/on-the-three-different-version-provided-by-the-presidency-of-the-powers-of-the-national-command-council/>

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EDUCATION

Media Comment

Grobler, Riaan. Provincial education departments ask for more time to report on readiness to reopen schools. 2020 May 14 News24

“Minister of Basic Education Angie Motshekga will convene a special meeting of the Council of Education Ministers on Monday to consider progress made towards the reopening of schools.

Motshekga was scheduled to chair a briefing on the state of readiness for the reopening of schools on Thursday, but this has been postponed.

Motshekga will address a media briefing on Monday after the meeting of the Council of Education Ministers.”

<https://www.news24.com/SouthAfrica/News/provincial-education-departments-ask-for-more-time-to-report-on-readiness-to-reopen-schools-20200514>

Media Statement

Department of Basic Education. Minister Angie Motshekga convenes Special Council to consider progress for reopening of schools. 14 May 2020.

"The Minister of Basic Education Mrs Angie Motshekga will convene a special meeting of the Council of Education Ministers (CEM) to consider progress made towards the reopening of schools.... The Director-General of the Department of Basic Education, Mathanzima Mweli, said that the implementation of the basic education sector risk-based differentiated approach in reopening schools would be assisted by the President's address.

"We will convene a special meeting of the heads of education departments from all provinces and the minister will meet with MECs on Monday to discuss the progress made. Thereafter we will announce to public. Nobody has experience in managing a crisis of this magnitude so we follow expert advice that why we need to be extremely careful how we proceed in every step," he said."

<https://www.gov.za/speeches/minister-motshekga-convene-special-council-education-ministers-consider-progress-state>

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EMPLOYMENT LAW

Media Comment

Mahlaka, Ray. Court appeal over retrenchments adds another spanner to SAA business rescue proceedings. 2020 May 14 Business Maverick

"The SAA business rescue practitioners and trade unions will duke it out again at the Labour Court in Johannesburg over the retrenchment of almost 5,000 workers. The rescue practitioners have launched an appeal against a recent court order that set aside retrenchment notices to workers."

[https://www.dailymaverick.co.za/article/2020-05-14-court-appeal-over-retrenchments-adds-another-spanner-to-saa-business-rescue-proceedings/?tl_inbound=1&tl_groups\[0\]=80895&tl_period_type=3&utm_medium=email&utm_campaign=Afternoon%20Thing%20Thursday%2014%20May%20April%202020%20Witkoppen%20Clinic&utm_content=Afternoon%20Thing%20Thursday%2014%20May%20April%202020%20Witkoppen%20Clinic+CID_a42a5e494730ac7c3b3b0393ea1514c7&utm_source=TouchBasePro&utm_term=Court%20appeal%20over%20retrenchments%20adds%20another%20spanner%20to%20SAA%20business%20rescue%20proceedings](https://www.dailymaverick.co.za/article/2020-05-14-court-appeal-over-retrenchments-adds-another-spanner-to-saa-business-rescue-proceedings/?tl_inbound=1&tl_groups[0]=80895&tl_period_type=3&utm_medium=email&utm_campaign=Afternoon%20Thing%20Thursday%2014%20May%20April%202020%20Witkoppen%20Clinic&utm_content=Afternoon%20Thing%20Thursday%2014%20May%20April%202020%20Witkoppen%20Clinic+CID_a42a5e494730ac7c3b3b0393ea1514c7&utm_source=TouchBasePro&utm_term=Court%20appeal%20over%20retrenchments%20adds%20another%20spanner%20to%20SAA%20business%20rescue%20proceedings)

Media Statement

Department of Employment and Labour. Minister Thulas Nxesi calls on employers of domestic workers and farms labourers to apply for UIF Coronavirus lockdown benefits. 14 May 2020.

"In its quest to ensure that no worker in need is left behind, the Department of Employment and Labour is making all efforts to reach domestic workers and farm labourers so that they can benefit from the COVID-19 relief scheme. The scheme which is part of the basket of government-wide services to ensure that the worst effects of the coronavirus pandemic are mitigated has already dished out billions to workers who may not have a salary as a result of the lockdown."

<https://www.gov.za/speeches/minister-thulas-nxesi-calls-employers-domestic-workers-and-farms-labourers-apply-uif>

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ENVIRONMENTAL LAW

Government Gazette

Disaster Management Act 57 of 2002

Directions in terms of regulation 4(10) of the Regulations issued by the Minister of Co-operative Governance and Traditional Affairs in terms of section 27(2) published in [RGN480 in GG 43258 of 29 April 2020](#):

- Measures to address, prevent and combat the spread of COVID-19 in particular relating to the Freshwater and Marine Fishing Sectors. The purpose of these Directions is to curtail the threat posed by the COVID -19 pandemic and to alleviate, contain and minimise the effects of the national state of disaster, and in particular, to provide directions to the freshwater and marine fishing sectors in terms of the alleviation provided in Part A of Table 1 of the Regulations as it pertains to fishing activities. Part A of Table 1 of the Regulations authorises fishing to take place subject to any directions which may be issued by the Cabinet Member responsible for Forestry, Fisheries and the Environment.
GN538 GG 43324 p3 14May2020
http://www.gpwonline.co.za/Gazettes/Gazettes/43324_14-5_EnvirForFish.pdf
- Measures to address, prevent and combat the spread of COVID-19 in relation to recycling of waste. The purpose of these Directions is to-
(a) curtail the threat posed by the COVID -19 pandemic and to alleviate, contain and minimise the effects of the national state of disaster;

(b) ensure fair processes, and related procedures during Alert Level 4 for the recycling of glass, paper, plastic, metal and tyres and other waste streams as contemplated in Annexure 3 and 4 of the Waste Information Regulations;

(c) provide direction in respect of the protection of health, well-being and the environment when carrying out of activities by the recycling sector in terms of the National Environmental Management: Waste Act, through the provision of reasonable measures for re- using, recycling and recovering of waste in respect of services that have been permitted under Alert Level 4 as contained in the Regulations; and

(d) enable separation of waste at source by encouraging households and other establishments that generate municipal solid waste to separate recyclables from residual waste before disposal.

GN539 GG 43325 p3 14May2020]

http://www.gpwonline.co.za/Gazettes/Gazettes/43325_14-5_EnvirForFish.pdf

- Measures to address, prevent and combat the spread of COVID-19 relating to the Biodiversity Sector. The purpose of these Directions is to curtail the threat posed by the COVID-19 pandemic and to alleviate, contain and minimise the effects of the national state of disaster, and to ensure fair processes, especially specified processes relating to permits, registrations, and certificates that cannot be adhered to during the Alert Levels due to the restrictions placed on the movement of people. These Directions further aim to provide direction in respect of the carrying out of activities by the biodiversity sector in terms of the National Environmental Management: Biodiversity Act, the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) and any applicable provincial conservation legislation in respect of activities and services that have been declared essential or are permitted during Alert Level 4.

GN537 GG 43323 p3 14May2020

http://www.gpwonline.co.za/Gazettes/Gazettes/43323_14-5_EnvirForFish.pdf

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HUMAN SETTLEMENTS / HOUSING

Media Statement

Western Cape Human Settlements. MEC Tertuis Simmers visits Forest Village Development as part of Coronavirus Covid-19 safety measures. 14 May 2020.

“Visiting a portion of the Forest Village Housing project in Eerste River, Cape Town, today, it was pleasing to note that the contractor is adhering to all health and safety protocols as issued by the Western Cape Department of Human Settlements. This is to ensure we stop the spread of COVID-19.”

<https://www.gov.za/speeches/forest-village-development-14-may-2020-0000>

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LEGAL PRACTITIONERS

Media Comments

Advocate sets up Virtual Chambers Group.

2020 May 12 Legalbrief

“A virtual response to the Covid-19 lockdown effect, brought about the physical isolation of advocates with little notice, is the brainchild of Pretoria Advocate Ronelle Ferguson. While thousands of costly square metres of chambers’ space countrywide have suddenly become unoccupied and potentially obsolete, advocates have to continue preparing for trials and other matters amid an unknown and uncharted professional environment. This, according to The Star, prompted Ferguson to come up with the concept of the Virtual Chambers Group, a virtual chambers which will resemble the real thing and gives the feel of being in chambers. It will consist of a voluntary association of independent advocates who have done their pupillage and completed the Bar exam. ‘Joining the chambers is a virtual click or two away,’ she said. Ferguson said the website – to be launched in the coming months – would have both a foyer and a public platform, as well as a members’ area with virtual common rooms. The members’ area would have a questions and answers portal where members, just as with physical chambers, have open access to ask for guidance and debate issues, similar to walking down the corridor to ask a colleague for assistance.”

Copy of report in The Star available on request from alert@lexinfo.co.za.

Mailovich, Claudi. SA’s legal practitioners face financial collapse amid strict lockdown regulations. Access to legal advice is particularly important in rural areas, and lockdown rules within the court system itself are not consistent.

2020 Business Day May 13

<https://www.businesslive.co.za/bd/national/2020-05-13-sas-legal-practitioners-face-financial-collapse-amid-strict-lockdown-regulations/>

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LOCKDOWN

Government Gazette

Disaster Management Act 57 of 2002

Directions issued by Minister of Cooperative Governance and Traditional Affairs in terms of section 27(2)(f): Directions on the once-off movement of persons and the transportation of goods for purposes of relocation. Directions published by GN513 of 7 May 2020 is hereby repealed. Regulations referred to: [RGN480 in GG 43258 of 29 April 2020](#).

2(1) The purpose of these Directions is to facilitate the movement of persons and goods across provincial, metropolitan or district boundaries during the period of Alert level 4.

2(2) (a) The movement of persons and goods, where -

- (i) a person is relocating to a new place of residence;
- (ii) the movement is necessitated due to domestic violence; or
- (iii) a business is relocating to a new premises,

requires a change in place of residence or business, including the transport of related goods to a new place of residence or business, within the Republic.

(b) The circumstances in subparagraph (a)(i), (ii), (iii) and (iv) 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).

http://www.qpwonline.co.za/Gazettes/Gazettes/43320_14-5_Cogta.pdf

Media Release

Premier Alan Winde calls for entire province to move to Alert Level 3 in conjunction with targeted hotspot plan. 14 May 2020.

"The Western Cape Government will use the process of consultation announced by President Cyril Ramaphosa to make clear our position that the entire province must move down to level 3 as soon as possible, preferably before the end of May 2020. With our health care system prepared, it is simply no longer possible to maintain Level 4 restrictions anywhere in the Western Cape or South Africa. The economic crisis caused by these restrictions has resulted in a life-threatening humanitarian disaster that will only worsen in the months ahead."

<https://coronavirus.westerncape.gov.za/news/premier-alan-winde-calls-entire-province-move-alert-level-3-conjunction-targeted-hotspot-plan>

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MEDICAL LAW

Circular

Council for Medical Schemes. Circular 35 of 2020: Medical Schemes Act Regulations: Amendment

"The Minister of Health has, in terms of section 67 of the Medical Schemes Act, 1998 (Act No. 131 of 1998), and after consultation with the Council for Medical Schemes (CMS), published an amendment to the Medical Schemes Act Regulations in [Notice 515 in Government Gazette 43295](#). The amendment includes an insertion of the Diagnosis and Treatment Pair in the list of Prescribed Minimum Benefits under the heading "Respiratory System" Treatment: screening, clinically appropriate diagnostic tests, medication, medical management including hospitalisation and treatment of complications, and Rehabilitation of COVID-19."

<https://www.medicalschemes.com/files/Circulars/Circular35of2020.pdf>

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SAFETY AND SECURITY

Media Statement

Western Cape Community Safety. MEC Albert Fritz on investigation of misconduct at two Police Stations. 14 May 2020.

"WC Police Ombudsman agrees to investigate Muizenberg and Steenberg SAPS

The MEC of Community Safety, Albert Fritz, is pleased that the Western Cape Police Ombudsman (WCPO), Mr JJ Brand, has agreed to investigate incidents of police inefficiencies at both Muizenberg and Steenberg SAPS stations.

Minister Fritz wrote to the WCPO on 11 May 2020, requesting that an investigation be made following unprofessional conduct at both police stations towards several residents."

<https://www.gov.za/speeches/investigate-muizenberg-and-steenberg-14-may-2020-0000>

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TRADE AND INDUSTRY

Government Gazette

Disaster Management Act 57 of 2002

Directions issued by Minister of Trade, Industry and Competition regarding e-Commerce Sales during Alert Level 4 of the COVID-19 National State of Disaster. The purpose of these Directions is to provide direction, in respect of Part E.20 of Table 1 of the Regulations, [RGN480 in GG 43258 of 29 April 2020](#), on

- a) the goods which may be transacted through e-Commerce platforms; and
- b) the protocols which must be observed by retailers, couriers or delivery services and customers in respect of goods transacted through e-Commerce.

RGN535 GG 43321 p3 14May2020

http://www.gpwonline.co.za/Gazettes/Gazettes/43321_14-5_TradeIndustryCompetition.pdf

Media Statements

Department of Trade and Industry. Trade, Industry and Competition on goods to be available to consumers through e-Commerce platforms. 14 May 2020.

“The Minister of Trade, Industry and Competition, Ebrahim Patel, has gazetted the directions providing for a wide range of goods to be available to consumers through e-Commerce platforms from today. This follows the announcement by President Ramaphosa last night that e-Commerce would be expanded beyond what has been announced previously. The Regulations setting out economic activities that can reopen, provided for directions to be published on increasing the scope of goods which could be sold through e-Commerce platforms.”

<https://www.gov.za/speeches/trade-industry-and-competition-goods-be-available-consumers-through-e-commerce-platforms-14>

KwaZulu-Natal Economic Development, Tourism and Environmental Affairs. MEC Nomusa Dube-Ncube on raids done in KwaZulu-Natal during Coronavirus COVID-19 pandemic. 14 May 2020.

“Shockingly, we discovered that there is a syndicate involved in issuing fraudulent trading permits to undocumented foreign nationals. Consequently, 4 business have been shut down for using fraudulent trading permits and violating lockdown regulations....Last week, I indicated that South African Revenue Services reported to us that these syndicates exploit differential taxes of highly-taxed goods such as cigarettes, alcohol, petroleum and others products. They sometimes choose not to declare their goods or they bribe officials or they transport their goods through illegal and unmonitored routes.

The syndicates are also involved in fraudulent transactions involving under-declarations of imported goods. They are known to double-invoice for the purpose of using undervalued invoices for declarations.”

<https://www.gov.za/speeches/mec-nomusa-dube-ncube-raids-done-kwazulu-natal-during-coronavirus-covid-19-pandemic-14-may>

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TRANSPORTATION

Government Gazette

Disaster Management Act 57 of 2002

Directions issued in terms of Regulations 4(7), 20 (1) and 20 (2) of the Regulations made under section 27(2) of the Act: Measures to address, prevent and combat the spread of COVID-19 in Railway Operations. Amendment of [GN494 in GG 43273 of 4 May 2020](#), by the substitution for direction 13.

GN536 GG 43322 p3 14May2020

http://www.gpwonline.co.za/Gazettes/Gazettes/43322_14-5_Transport.pdf

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