



Covid-19 Regulatory Update

 **Lexinfo**
Library & Legal Information Consultants

Covid-19 Regulatory Update: 19 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

 **Lexinfo**
Library & Legal Information Consultants

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.

Lexinfo CC : Library and Legal and Information Consultants
Tel 082 690 8890 | 084 559 2847 | Email: alert@lexinfo.co.za
PO Box 36216, Glosderry, 7702 | <http://www.lexinfo.co.za>

AGRICULTURE

Media Statement

SA Government News Agency. Over 15 000 farmers approved for COVID-19 fund.

2020 May 18 SA News

“More than 15 000 small-scale farmers have been approved for the COVID-19 Agricultural Disaster Fund, says Agriculture, Land Reform and Rural Development Minister, Thoko Didiza. The Minister briefed the media on the outcome of the Agricultural Disaster Fund application process on Sunday. Didiza said that 55 155 applications were received from smallholder and communal farmers, with the highest number of applications received from the Eastern Cape Province, followed by the Northern Cape and North West. The R1.2 billion fund intervention aims to address the effects of Coronavirus and ensure sustainable food production post the pandemic.”

<https://www.sanews.gov.za/south-africa/over-15-000-farmers-approved-covid-19-fund>

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COMMUNICATIONS

Media Release

Gauteng Provincial Legislature. Gauteng Legislature hosts first ever Virtual House Sitting, 19 May. 18 May 2020.

“On Tuesday, 19 May 2020, at 10h00, the Speaker of the Gauteng Provincial Legislature Honourable Ntombi Mekgwe will convene the Legislature’s first ever Virtual House Sitting, marking it the official launch of the Gauteng’s Digital Legislature. Necessitated by the current Covid-19 pandemic and regulations put in place to curb the further spread of the virus - the move to go digital aims to ensure that the business of the Legislature remains in full force - and that Citizens’ rights and views remain the center of our focus as we continue our fight against the virus.”

<https://www.gov.za/speeches/gauteng-legislature-hosts-first-ever-virtual-house-sitting-19-may-18-may-2020-0000>

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CONFIRMED CASES

Media Release

Western Cape Office of the Premier. Premier Alan Winde update on Coronavirus COVID-19 on 17 May. 18 May 2020.

“As of 1pm on 17 May, the Western Cape has 5569 active cases of Covid-19, with a total of 9246 confirmed cases and 3521 recoveries.

- Total confirmed COVID-19 cases: 9246;
- Total recoveries: 3521;
- Total deaths: 156;
- Total active cases (currently infected patients): 5569;
- Total number of tests: 90750;
- Hospital admissions: 360 of which 108 are in ICU or high care; and
- Unallocated: 487 (23 recovered).

Additional data can be accessed on the dashboard at www.westerncape.gov.za/coronavirus. The Western Cape has recorded an additional nine COVID-19 deaths-bringing the total number of deaths from the virus in the province to 156. We send our condolences to the family and the loved ones of the deceased at this time.”

<https://www.gov.za/speeches/premier-alan-winde-update-coronavirus-covid-19-17-may-18-may-2020-0000>

Media Statement

SA Government News Agency. COVID-19 infections spike to 15 515.

2020 May 18 SA News

“South Africa recorded its highest new infections since the Coronavirus outbreak, with 1 160 fresh cases in the last 24-hour cycle. According to Health Minister, Dr Zweli Mkhize, the total number of confirmed COVID-19 cases is now 15 515, while three people succumbed to the COVID-19 related illness bringing the death toll to 264. Of the 264 deaths, 148 were males while 116 were females. The Western Cape remains the most severely affected province with 9 294 cases, followed by Gauteng with 2 329 and Eastern Cape with 1 936 cases.”

<https://www.sanews.gov.za/south-africa/covid-19-infections-spike-15-515>

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CONSTITUTIONAL LAW

Internet Article

Rickard, Carmel. A win for all of South Africa against brutality by security forces.

2020 May 16 Carmel Rickard writes

“In a major victory for human rights, the family of Collins Khosa and their neighbours have won a court application for orders against the security forces and their bosses. And they will no doubt be awarded significant damages when that part of the litigation is eventually heard. But they are not the only winners: everyone in South Africa has won because of this restatement by the courts that the government and the security forces will be held to account for how they behave – even during restrictions aimed at curbing the spread of COVID-19 – and that their behaviour will be measured against the standards of the Constitution and the Bill of Rights.”

[Read judgment](#)

<http://carmelrickard.co.za/a-win-for-all-of-south-africa-against-brutality-by-security-forces/>

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CRIMINAL LAW AND PROCEDURE

Admission of Guilt Fines

Disaster Management Act 57 of 2002

Determination of Admission of Guilt Fines in respect of offences committed in terms of the Disaster Management Act Regulations, 2020:

Free State:

- Welkom, 4 May 2020.

https://www.judiciary.org.za/images/Determinations/Free_State_Province/Welkom_Administrative_Region_-_Disaster_Management_Act_Regulations_-_2020.pdf

Media Statement

SA Government News Agency. Small business warns of scam.

2020 May 18 SA News

“The Department of Small Business Development (DSBD) has warned small, medium and macro enterprises (SMMEs) against fraudulent agencies purporting to be entities of the department. “It has come to the attention of the department that an unknown company is requesting food producers and agro-processors to send through proposal to an e-mail address not known by the department, Small Enterprise Finance Agency SOC Ltd (SEFA) or Small Enterprise Development Agency (Seda),” said the department on Monday. The DSBD said it is aware of suspicious email messages attempting to take advantage of the COVID-19 relief funding for SMMEs by soliciting administration fees to fast-track applications.”

<https://www.sanews.gov.za/south-africa/small-business-warns-scam>

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EDUCATION

Media Release

Western Cape Cultural Affairs and Sport. MEC Anroux Marais on Coronavirus Covid-19 supporting measures for learners under lockdown. 18 May 2020.

“As a result of the Covid-19 pandemic, and subsequent school shut down, many of our most vulnerable learners in the province are at home without access to learner-led fun and educational material. A partnership quickly emerged between the After School Programme Office (The Department of Cultural Affairs and Sport), The Learning Trust, ASSITEJ-SA and the Laureus Sport for Good Foundation to develop an online resource portal for NGOs to share activities to do while at home. If you would like to view or contribute, please do so by visiting the [Treasure Box](#). All the resources are available to anyone who can connect online. However, Minister Anroux Marais said, “Recognising that many vulnerable learners cannot access online resources the next action was to print an offline pack for learners and to make provision for data-free access going forward”... The printed resource will be distributed among various NGOs and at schools across the province. An illustrative video can be found on

<https://www.facebook.com/culturalaffairsandsport/videos/574482753206157/>.”

<https://www.gov.za/speeches/young-learners-under-lockdown-18-may-2020-0000>

Media Statement

SA Government News Agency. Mhlongo, Onalenna. Motshekga to update the nation on schools reopening.

2020 May 18 SA News

“Basic Education Minister Angie Motshekga is expected to brief media on Tuesday, on preparations for the re-opening of schools amid the COVID-19 lockdown. “The Minister of Basic Education, Mrs Angie Motshekga, will give an update on the preparations for the re-opening of schools during a media briefing to be held on Tuesday, 19 May 2020,” said the Department of Basic Education (DBE) on Monday. Tuesday’s briefing is expected to outline proposed dates for the reopening of schools.”

<https://www.sanews.gov.za/south-africa/motshekga-update-nation-schools-reopening>

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EMPLOYMENT LAW

Media Release

Department of Employment and Labour. Employment and Labour dismisses allegations of non-compliance with Coronavirus Covid-19 regulations in Kimberley office. 18 May 2020.

“The Department of Employment and Labour would like to dismiss the allegations of the PSA as baseless with regards to conditions of Kimberley office. All occupational health and safety protocols has been observed to combat Covid-19 infections. A limited number of officials who have been working since lockdown are still reporting for duty as per schedule and they have been issued with Personal Protective Equipment like Masks, Latex gloves and Sanitizers. The face shield will be provided to frontline officials and partitions are being installed to promote social distancing in the workplace.”

<https://www.gov.za/speeches/department-employment-and-labour-dismisses-allegations-non-compliance-covid-19-regulations>

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ENERGY AND MINING

Government Gazette

Mine Health and Safety Act 29 of 1996

Guidelines for a Mandatory Code of Practice on the Mitigation and Management of COVID-19 Outbreak.

GenN280 GG 43335 p3 18May2020

http://www.gpwonline.co.za/Gazettes/Gazettes/43335_18-5_MinResEnergy.pdf

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INSURANCE

Joint Communication

Financial Conduct Sector Authority and Prudential Authority. Joint Communication 5 of 2020. Covid-19 – Regulatory response: Business Interruption Insurance. (Insurance Act 18 of 2017).

“This Communication sets out the Authorities’ current position on certain aspects of BI insurance cover. It further sets out the Authorities’ expectations of non-life insurers and intermediaries as to how they should communicate with policyholders in respect of BI claims to ensure that the processing of these claims is not unduly delayed, and that terms and conditions of insurance coverage are not varied without taking a balanced approach to ensure fair outcomes.”

<https://www.resbank.co.za/Lists/News%20and%20Publications/Attachments/9939/Joint%20Communication%205%20of%202020%20-%20Regulatory%20response%20Business%20Interruption%20Insurance.pdf>

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INTERNATIONAL COOPERATION

Media Release

The Presidency. President Cyril Ramaphosa: 73rd Session of the World Health Assembly. 18 May 2020.

“The WHO has been instrumental in providing guidance and support to African governments with early detection of the pandemic, training health workers and strengthening surveillance in communities. Africa is extremely vulnerable to the ravages of this virus and needs every possible support and assistance, including much-needed resources, to bolster its response and offset a potentially devastating social and economic fallout. The African Union has taken very deliberate steps to respond to the scourge. We have developed a comprehensive COVID-19 strategy, established an

African Union COVID-19 Response Fund and embarked on a fundraising drive to strengthen the Africa Centres for Disease Control and Prevention.”

<https://www.gov.za/speeches/president-cyril-ramaphosa-73rd-session-world-health-assembly-18-may-2020-0000>

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LOCKDOWN REGULATIONS

Media Statements

Presidency. From the desk of the President. 18 May 2020.

“While we would prefer to avoid the need for any legal action against government, we should accept that citizens who are unhappy with whatever action that government has decided on implementing have a right to approach our courts for any form of relief they seek. This is a normal tenet of a constitutional democracy and a perfectly acceptable practice in a country founded on the rule of law.

We have checks and balances in place to ensure that every aspect of governance is able to withstand constitutional scrutiny. Where we are found wanting, we will be held to account by our courts and, above all, by our citizens. Besides our courts, our Chapter 9 institutions exist to advance the rights of citizens, as do the bodies tasked with oversight over the law enforcement agencies.”

<http://www.presidency.gov.za/from-the-desk-of-the-president/desk-president%2C-monday%2C-18-may-2020>

SA Government News Agency. Lockdown priority is to save lives, assures President Ramaphosa.

2020 May 18 SA News

“As government remains inundated by pending litigation challenging certain provisions of the Disaster Management Act, President Cyril Ramaphosa has reiterated that the priority of the lockdown regulations remains that of saving lives. In his weekly online letter to the nation, the President said the State’s every decision is informed by the need to advance the rights to life and dignity as set out in the Constitution. Since the start of the crisis, several NGOs, private citizens, business organisations, religious bodies and political parties approached courts across the country challenging aspects of the lockdown. “Some have succeeded in their legal challenges and some have not. Some had approached the courts on the basis of the urgency of their cases, had their urgent arguments dismissed and others have found other avenues for the relief they sought. “Others have subsequently withdrawn their applications following engagement with government,” the President said.

<https://www.sanews.gov.za/south-africa/lockdown-priority-save-lives-assures-president-ramaphosa>

Opinion

Gillian Benson: I will not apologise for criticising lockdown legislation.

2020 May 18 Eye Witness News

“Firstly, I am an advocate. My last stint as an acting judge was in February 2020. At no stage did I hear any matter for the State, but even if I had, I would have exercised my judicial impartiality as I have done with all matters that I have dealt with. Judicial officers are human beings and are entitled to their opinion, however strong they may be, but this does not mean that having an opinion makes one unable to adjudicate a matter judiciously.”

<https://ewn.co.za/2020/05/18/gillian-benson-i-will-not-apologise-for-criticising-lockdown-legislation>

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SPORT

Media Release

Western Cape Cultural Affairs and Sport. MEC Anroux Marais on Coronavirus Covid-19 supporting measures for learners under lockdown. 18 May 2020.

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<https://www.gov.za/speeches/young-learners-under-lockdown-18-may-2020-0000>

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TRADE AND INDUSTRY

Media Statements

SA Government News Agency. Level 3 provides opportunity to boost production.

2020 May 18 SA News

“In an effort to assist the economy to recover, the National Economic Development and Labour Council (NEDLAC) has called for the imminent Level 3 lockdown to be used as an opportunity to expand local production and greater consumption of South African-made goods. “As part of supporting the health system, NEDLAC wants to see significant production in South Africa of many of the resources – including personal protection equipment, masks, ventilators and thermometers – required on the frontline of the fight against COVID-19,” it said. NEDLAC constituencies met on Friday in a virtual meeting, co-chaired by President Cyril Ramaphosa to assess preparations for the move from level 4 of the national lockdown.”

<https://www.sanews.gov.za/south-africa/level-3-provides-opportunity-boost-production>

SA Government News Agency. Small business warns of scam.

2020 May 18 SA News

“The Department of Small Business Development (DSBD) has warned small, medium and macro enterprises (SMMEs) against fraudulent agencies purporting to be entities of the department. “It has come to the attention of the department that an unknown company is requesting food producers and agro-processors to send through proposal to an e-mail address not known by the department, Small Enterprise Finance Agency SOC Ltd (SEFA) or Small Enterprise Development Agency (Seda),” said the department on Monday. The DSBD said it is aware of suspicious email messages attempting to take advantage of the COVID-19 relief funding for SMMEs by soliciting administration fees to fast-track applications.”

<https://www.sanews.gov.za/south-africa/small-business-warns-scam>

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