



Covid-19 Regulatory Update

 **Lexinfo**
Library & Legal Information Consultants

Covid-19 Regulatory Update: 20 May 2020

CONTENTS

COMPETITION	2	HEALTH AND SAFETY	4
CONFIRMED CASES	2	HOME AFFAIRS	4
CONSTRUCTION	2	LEGAL PROFESSIONALS	4
COURTS	3	LOCKDOWN REGULATIONS	5
EDUCATION	3	SAFETY AND SECURITY	6
EMPLOYMENT LAW	3	WATER & SANITATION	6
ENERGY AND MINING	3		

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.

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COMPETITION

Media Release

Parliament. Trade and Industry Committee briefed on price gouging on essential items. 19 May 2020.

“The Portfolio Committee on Trade and Industry today heard that the Competition Commission has, since the beginning of the national disaster declared on 17 March 2020, received a total of 1 354 complaints and tip offs from the public regarding inflated prices. The committee was told that these complaints concern allegations that retailers, traders, suppliers and pharmacies are charging excessive prices for Covid-19-related products, including masks and sanitisers, personal protective equipment (PPE) and other essential goods and basic food items.”

<https://www.parliament.gov.za/press-releases/trade-and-industry-committee-briefed-price-gouging-essential-items>

[Back to Contents](#)

CONFIRMED CASES

Media Release

Department of Employment and Labour. Employment and Labour officials in self-isolation as colleague tests positive for COVID-19 in Gauteng. 19 May 2020.

“An Occupational Health and Safety Inspector in Gauteng has tested positive for COVID-19. As a result, all his Employment and Labour Provincial office colleagues who may have come into contact with him have been advised to self-isolate while their health is being monitored and necessary protocols are effected. These officials have been in contact with the Department of Health. The infected employee self-reported after undergoing medical tests following a consultation with a medical practitioner who advised for further testing after initially presenting flu-like symptoms.”

<https://www.gov.za/speeches/employment-and-labour-officials-self-isolation-colleague-tests-positive-covid-19-gauteng-19>

Media Statements

SA Government News Agency. COVID-19 cases at 16 433.

2020 May 19 SA News

“South Africa’s confirmed COVID-19 cases now stand at 16 433 with 475 071 tests having been conducted. In a statement on Monday, Health Minister Zweli Mkhize said of the 475 071 tests conducted, 14 198 tests had been conducted in the last 24-hours. South Africa also reported a further 22 COVID-19 related deaths, bringing the total number of deaths to 286. “We wish to express our condolences to the loved ones of the departed and thank the health care workers who cared for the deceased,” said the Minister.”

<https://www.sanews.gov.za/south-africa/covid-19-cases-16-433>

SA Government News Agency. Seven SARS employees test positive for COVID-19.

2020 May 19 SA News

“Seven South African Revenue Service (SARS) employees have tested positive for COVID-19. “The South African Revenue Service has learnt with concern, that as of yesterday, 18 May 2020, two additional positive COVID-19 instances among staff have been reported. This brings the total number of infections to 7 since the beginning of the pandemic,” said the revenue service on Tuesday. The Free State, KwaZulu Natal and the North West offices had each recorded a single case while the Western Cape office recorded four positive cases. A colleague, who had earlier recovered, was also based in the Free State.”

<https://www.sanews.gov.za/south-africa/seven-sars-employees-test-positive-covid-19>

Western Cape. Office of the Premier. Coronavirus update by Premier Alan Winde – 4363 residents have recovered from Covid-19 in the Western Cape. 19 May 2020.

“As of 1pm on 19 May, the Western Cape has 6195 active cases of Covid-19, with a total of 10558 confirmed cases and 4363 recoveries....The Western Cape has recorded an additional 18 Covid-19 deaths-bringing the total number of deaths from the virus in the province to 183.”

<https://coronavirus.westerncape.gov.za/news/coronavirus-update-premier-alan-winde-4363-residents-have-recovered-covid-19-western-cape>

[Back to Contents](#)

CONSTRUCTION

Media Release

Western Cape. Minister David Maynier. Opening private sector construction critical to saving over 100 000 jobs. 19 May 2020.

“An urgent review of the restrictions on the private sector construction is required if we are to avoid a collapse of the construction sector in South Africa. And so, today (18 May 2020), I have written a letter to Minister of Cooperative Governance and Traditional affairs, Nkosazana Dlamini-Zuma, with an attached submission, requesting that under

Alert Level 4 restrictions, construction be allowed to expand operations beyond public sector engineering and construction, to include commercial, industrial and private residential construction, together with construction by public entities, and to permit the upscaling of manufacturing of construction supplies beyond 50 per cent sector employment. These proposals incorporate aspects of the draft Alert Level 3 and 2 provisions – all of which we believe can safely be implemented immediately.”

<https://coronavirus.westerncape.gov.za/news/opening-private-sector-construction-critical-saving-over-100-000-jobs>

[Back to Contents](#)

COURTS

Directive

Office of the Chief Magistrate: Directives for Lower Courts: Administrative Region 3 Free State Cluster A. 19 May 2020.

These directives shall apply from date of signature and will remain in force until the end of the lockdown period under Alert Level 4.

<https://ipc.org.za/download/214/directives/97257/free-state-cluster-directive-covid-19-may2020.pdf>

[Back to Contents](#)

EDUCATION

Speech

Department of Basic Education. Minister Angie Motshekga: Coronavirus Covid 19 preparations for re-opening of schools. 19 May 2020.

“Since we started planning for the reopening of schools we have received many representations from parents and organisations. I am aware that parents and their children, teachers and non-teaching staff and all South Africans have been asking questions about the future of the academic year. The amount of time available in a school day will determine the duration of the period by subject. We will be using innovative methods about how we meet health, safety, social or physical distancing requirements. The trimmed curriculum will be sent to school for planning purposes, it is being worked on a continuous... On the revised School Calendar: Now that the NCCC has confirmed that schools could open on 1 June, the revised school calendar will be gazetted soon. It indicates the opening and closing dates and the breaks in between. We will work with provinces to make sure that no school is left behind.”

<https://www.gov.za/speeches/minister-angie-motshekga-coronavirus-covid-19-preparations-re-opening-schools-19-may-2020>

[Back to Contents](#)

EMPLOYMENT LAW

Media Statement

SA Government News Agency. Over R14 billion disbursed in UIF COVID-19 benefits.

2020 May 19 SA News

“The Unemployment Insurance Fund (UIF) has paid out over R14 billion in benefits to employees affected by the COVID-19 pandemic lockdown. “The Unemployment Insurance Fund (UIF), an entity of the Department of Employment and Labour, today processed and paid COVID-19 TERS [Temporary Employer/Employee Relief Scheme] relief payments to the tune of R748 815 094.20 benefitting 149 263 workers, represented by 9 362 employers,” said the UIF on Monday. “This brings to 2 551 236 the total number of workers who have been given relief during lockdown which may be in lieu of or a top up to their salaries. The total amount disbursed since 16 April 2020 has now topped R14 billion (R14 079 099 409 20). This is over and above the payments that the UIF makes to ordinary benefit payments which now stand at R1 849 992 773 21,” said UIF Commissioner, Teboho Maruping.”

<https://www.sanews.gov.za/south-africa/over-r14-billion-disbursed-uif-covid-19-benefits>

[Back to Contents](#)

ENERGY AND MINING

Media Release

Department of Mineral Resources. Mineral Resources and Energy publishes mandatory Code of Practice to fight Coronavirus COVID-19. 19 May 2020.

“The Department of Mineral Resources and Energy (DMRE) has published guidelines for a mandatory Code of Practice (COP) for the mitigation and management of COVID-19 in the mining industry. The guidelines are issued in terms of section 49(6) of the Mine Health and Safety Act, 1996, after consultation with the Mine Health and Safety

Council including a process of public comments to the draft guidelines. The objective of this guideline is to assist employers as far as reasonably practicable to establish and maintain a COVID-19 prevention, mitigation and management programme.”

<https://www.gov.za/speeches/mineral-resources-and-energy-publishes-mandatory-code-practice-fight-coronavirus-covid-19>

[Back to Contents](#)

HEALTH AND SAFETY

Media Release

North West Office of the Premier. Premier Job Mokgoro continues roll out of screening, testing and contact tracing in North West from 20 to 21 May. 19 May 2020.

“As part of the ongoing Provincial Screening, Testing and Contact Tracing programme, North West Premier, Prof Tebogo Job Mokgoro, will visit various areas of the Province to interact with and encourage residents to undergo voluntary screening and testing so as to assist government in its fight against COVID-19. Premier Mokgoro, accompanied by Members of the Provincial Command Council, the Executive Mayor of the Ngaka Modiri Molema District Municipality, Cllr Justice Makolomakwa, the Acting Mayor of the Ratlou Local Municipality, Cllr Elizabeth Phaedi and Executives from mining company, Harmony Gold, will embark on a dedicated screening and testing programme.”

<https://www.gov.za/speeches/premier-mokgoro-continue-roll-out-screening-testing-and-contact-tracing-north-west-19-may>

Media Statement

SA Government News Agency. Free State secures 25 quarantine sites.

2020 May 19 SA News

“The Free State government has identified 25 quarantine facilities to accommodate people who have had contact with COVID-19 patients. “We have 10 quarantine facilities that are state-owned whilst 15 are privately-owned. The rest will be announced once ready for occupation,” Free State Premier Sisi Ntombela said. Addressing a media briefing on Tuesday, on the province’s risk adjusted strategy on COVID-19, she said a vigorous repair and maintenance programme has been undertaken by the provincial Department of Public Works and Infrastructure. The programme has been undertaken to improve conditions of these facilities and bring them up to an acceptable level.”

<https://www.sanews.gov.za/south-africa/free-state-secures-25-quarantine-sites>

[Back to Contents](#)

HOME AFFAIRS

Media Release

Department of Home Affairs. Deputy Minister Njabulo Nzuza receives Personal Protective Equipments, 19 May. 19 May 2020.

“The Deputy Minister of Home Affairs, Njabulo Nzuza, will today, 19 May 2020, receive a donation of Personal Protective Equipments (PPEs) to the value of R100 000 from AdaptIT, an entity that provides specialized software and digitally-led solutions to its clients. The PPEs comprise face masks as well as thermostats.”

<https://www.gov.za/speeches/deputy-minister-nzuza-receive-personal-protective-equipments-19-may-2020-0000>

[Back to Contents](#)

LEGAL PROFESSIONALS

Advisory Notices

Legal Practice Council. Attorneys Competency Based, Conveyancing and Notarial Practice exams postponed to November 2020. 19 May 2020.

The Legal Practice Council would like to inform candidates that due to the current national lockdown and the risks posed by COVID-19 the August 2020 Attorneys Competency Based, Conveyancing and Notarial Practice exams have been conditionally postponed to November 2020. The LPC is exploring several possibilities on how the exams will be written without putting any candidates at risk of being exposed to COVID-19.

<https://lpc.org.za/attorneys-competency-based-conveyancing-and-notarial-practice-exams-postponed-to-november-2020/>

Legal Practice Council. Extension of periods for public participation and comments to 4 June 2020 on:

- The draft criteria and procedures for the conferment of Senior Counsel and Senior Attorney status.
- Draft guidelines for applications for accreditation to present practical vocational training structured programmes.

<https://lpc.org.za/legal-practice-council-extends-periods-for-public-participation-and-comments-to-4-june-2020/>

LOCKDOWN REGULATIONS

Court Application

Democratic Alliance v Minister of Cooperative Governance and Traditional Affairs and Others. Case no 19717/20 in the High Court of South Africa (Gauteng Division, Pretoria). Notice in terms of Rule 16A and Issued Notice in terms of Rule 14A.

Application seeking an order declaring various lockdown regulations unconstitutional and invalid.

Copy of notices available on request from alert@lexinfo.co.za.

Media Comments

Brandt, Kevin. Unclear if Concourt will consider DA's lockdown legislation challenge – expert.

2020 May 19 Eyewitness News

“Constitutional law expert Professor Pierre de Vos said it was unclear whether the Constitutional Court would actually consider the merits of the DA’s application.

“Because they’re applying for direct access, which is not normally given. It’s normal that first you must first go to the High Court. So, we don’t know whether the Constitutional Court will actually hear it,” He said.”

<https://ewn.co.za/2020/05/19/unclear-if-concourt-will-consider-da-s-lockdown-legislation-challenge-expert>

Cowan, Kyle. One million Covid-19 cases, 40 000 deaths and a dire shortage of ICU beds - SA's shocking projections.

2020 May 20 News24

“Modelling by a consortium of some of the country’s foremost experts shows between 40 000 and 45 000 South Africans could die from Covid-19 by November, with current numbers of ICU beds expected to be overwhelmed almost immediately.”

<https://www.news24.com/SouthAfrica/News/one-million-covid-19-cases-40-000-deaths-and-a-dire-shortage-of-icu-beds-sas-shocking-projections-20200520>

Quintal, Genevieve. SA faces up to 48,000 Covid-19 deaths by November.

2020 May 19 Business Day

“SA’s Covid-19 deaths are projected to reach up to 48,000 by November and the country could run out of ICU beds as early as June, according to the most pessimistic projections from the modelling consortium advising the government...

The SA Reserve Bank projects that the economy will shrink 6.1% over 2020 while some have said it could be double digits. Business for SA estimates that job losses could reach 2-million.... Unlike many countries in Europe and Asia that began easing their lockdowns when infections slowed, the government is planning to ease restrictions as transmission accelerates in SA.”

<https://www.businesslive.co.za/bd/national/health/2020-05-19-sa-faces-up-to-48000-covid-19-deaths-by-november/>

Media Releases

The Presidency. President Cyril Ramaphosa participates in virtual meeting with faith leaders, 19 May. 19 May 2020.

“President Cyril Ramaphosa will today, Tuesday, 19 May 2020, participate a virtual meeting of faith leaders organised under the auspices of the South African Council of Churches (SACC). The meeting, the first in a series of interfaith engagements, forms part of the consultations the government, led by the President, is undertaking as part of preparing for a step-down from Alert Level 4 of the national lockdown. The meeting will discuss the religious sector’s input to the response to address the coronavirus pandemic in South Africa.”

<https://www.gov.za/speeches/president-cyril-ramaphosa-participates-virtual-meeting-faith-leaders-19-may-19-may-2020>

Western Cape Office of the Premier. Premier Alan Winde: The Western Cape has prepared its healthcare system for the peak, and must move to Level 3 in conjunction with targeted hotspot strategy. 19 May 2020.

“On Saturday, I attended the President’s Coordinating Council which served as a consultation platform to discuss the proposed ‘alert levels’ for various parts of the country.

During that presentation, I set out how the Western Cape had adopted a targeted hotspot strategy that goes beyond just district level. Using epidemiological data, we can focus the entire impact of our government on geographical areas where the virus is spreading in order to slow it down and protect vulnerable people.

This is not business-as-usual. I take this pandemic seriously and I don’t believe we can just return to normal. Major interventions are needed in these hotspots so that we can save lives. This strategy, however, allows for more of the economy to open while doing so, thereby preventing a severe humanitarian crisis from unfolding at the same time.”

<https://coronavirus.westerncape.gov.za/news/western-cape-has-prepared-its-healthcare-system-peak-and-must-move-level-3-conjunction-targeted>

[Back to Contents](#)

SAFETY AND SECURITY

Media Comment

Nyathi, Ayanda. Military Ombudsman probing at least 52 lockdown complaints against members.

2020 May 19 Eyewitness News

“The office said that it had already started assessing the complaints lodged from the onset of lockdown, with some already allocated for investigation.”

<https://ewn.co.za/2020/05/19/military-ombudsman-probing-at-least-52-lockdown-complaints-against-members>

[Back to Contents](#)

WATER & SANITATION

Media Release

Department of Water and Sanitation. Water and Sanitation on Financial Recovery Plan to stabilise the Department of Water and Sanitation. 19 May 2020.

“The Water and Sanitation Acting Director-General, Mr Mbulelo Tshangana has committed to work with his team to clean up the Department through the effective implementation of the Financial Recovery Plan. The Department’s Financial Recovery Plan has already received thumbs up from Minister Lindiwe Sisulu and the Human Settlements, Water and Sanitation Portfolio. The plan seeks to stabilise the Department, its Water Boards and decisively deal with all the officials found to have transgressed and flouted the Public Finance Management Act (PFMA). This comes as the Portfolio Committee on Human Settlements, Water and Sanitation last week welcomed the Department’s unqualified audit outcome from the Auditor-General for the 2018/19 financial year.”

<https://www.gov.za/speeches/water-and-sanitation-financial-recovery-plan-stabilise-department-water-and-sanitation-19>

[Back to Contents](#)

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