

# Covid-19 Regulatory Update

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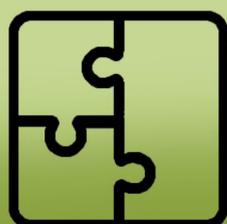
Covid-19 Regulatory Update: 27 May 2020

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Index to Covid-19 regulations and notices: <https://juta.co.za/covid-19-legislation-update/2020/05/21/index/>

## 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.

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## CONFIRMED CASES

### Media Releases

#### Department of Health. Minister Zweli Mkhize confirms total of 23 615 cases of Coronavirus COVID-19. 25 May 2020.

“As of today, the total number of confirmed COVID-19 cases in South Africa is 23 615.

Eastern Cape: 2748;

Free State: 208;

Gauteng: 2993;

KwaZulu-Natal: 1882;

Limpopo: 132;

Mpumalanga: 102;

North West: 109;

Northern Cape: 45;

Western Cape: 15396;

Unknown: 0; and

Total: 23615.

Regrettably, we report 52 more COVID-19 related deaths- this brings the total national deaths to 481. We wish to express our condolences to the loved ones of the deceased and thank the health care workers who treated these patients. As of today, the total number of recoveries stands at 11 917.”

<https://www.gov.za/speeches/minister-zweli-mkhize-confirms-total-23-615-cases-coronavirus-covid-19-25-may-2020-0000>

#### Western Cape Office of the Premier. Premier Alan Winde update on Coronavirus COVID-19 on 25 May. 26 May 2020.

“As of 1pm on 25 May, the Western Cape has 7439 active cases of Covid-19, with a total of 14 978 confirmed cases and 7221 recoveries.

Total confirmed COVID-19 cases: 14978;

Total recoveries: 7221;

Total deaths: 318;

Total active cases (currently infected patients): 7439

Total number of tests: 124079;

Hospitalisations: 554 of which 139 are in ICU or high care; and

Unallocated: 638 (69 recovered).

The Western Cape has recorded an additional 18 COVID-19 deaths-bringing the total number of deaths from the virus in the province to 318. We extend our condolences to the family and friends of the deceased at this time.”

<https://www.gov.za/speeches/premier-alan-winde-update-coronavirus-covid-19-25-may-26-may-2020-0000>

### Report

#### National Institute of Communicable Diseases. National COVID-19 daily report: 26 May 2020.

[https://www.nicd.ac.za/wp-content/uploads/2020/05/COVID19-Daily-Report-National-26May2020\\_public.pdf](https://www.nicd.ac.za/wp-content/uploads/2020/05/COVID19-Daily-Report-National-26May2020_public.pdf)

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## COURT ACTIONS

### Media Comments

#### Jordaan, Nomahlubi. Government facing myriad of court challenges over lockdown rules.

2020 May 27 IOL

“The Educators Union of South Africa (Eusa) is the latest organisation to join the list of litigants dragging the government to court. The union is planning to approach the courts on Friday for an interdict against the government's plan to partially open schools on June 1....

Cradle of Hope (COH), a charity organisation, will on Tuesday next week, head to the Pretoria high court to challenge guidelines issued by the provincial ministry of social development in early May. The guidelines prevent the organisation and several others from distributing any food, including the peanut sandwiches it was offering to hundreds of Krugersdorp West residents, many of them children....

In another matter, the Fair Trade Independent Tobacco Association (FITA) has given government until Tuesday to file the record of decision and any reasons related to the ban on the sale of cigarettes....

The Democratic Alliance is set to challenge the “dictatorial madness” of the Disaster Management Act at the Pretoria high court and at the Constitutional Court. “

<https://www.timeslive.co.za/news/south-africa/2020-05-27-government-facing-myriad-of-court-challenges-over-lockdown-rules/>

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## CRIMINAL LAW AND PROCEDURE

### *Media Statement*

#### **SA Government News Agency. Report police brutality during lockdown at nearest station.**

2020 May 26 SA News

“The public may now report any police brutality during lockdown at their nearest police station. According to the South African Police Service (SAPS), this is in response to the judgement handed down on 15 May in the North Gauteng High Court in the matter of Collins Khosa. Khosa is the 41-year-old man who died after he was allegedly beaten by soldiers and metro police outside his home in Alexandra on 10 April. The High Court declared that all people in SA are entitled to a number of rights, which cannot be suspended, even during the COVID-19 state of disaster. These include the right to life, the right not to be tortured in any way and the right not to be treated or punished in an inhumane and cruel way.”

<https://www.sanews.gov.za/south-africa/report-police-brutality-during-lockdown-nearest-station>

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## EDUCATION

### *Media Release*

#### **Department of Basic Education. Minister Angie Motshekga on CEM considerations for reopening schools during Coronavirus COVID-19 lockdown. 25 May 2020.**

“Last week CEM decided that SMT and teachers would return to school as from today (25 May) to finalise preparation ahead of the school reopening on 1 June 2020 for Grade 7 and 12. Basic Education Minister, Mrs Angie Motshekga, said that this week would be dedicated to mopping up and finalizing all outstanding matters before learners return to school. She said CEM also agreed that provinces should intensify the preparation towards 1 June 2020. Minister Motshekga had said last week that the 25th to 29th May 2020 would be used as a countdown to the reopening of schools. Having adopted the “just-in-time” approach, the focus would be to ensure that all health and safety requirements are prioritized. These include: learner transport, water provision, basic hygiene and sanitation, psycho-social support and the recruitment and appointment of screeners and cleaners.”

<https://www.gov.za/speeches/cem-considers-progress-state-readiness-reopening-schools-25-may-2020-0000>

### *Media Statements*

#### **SA Government News Agency. NSFAS students urged to use allowances to buy devices.**

2020 May 26 SA News

“Students receiving aid from the National Student Financial Aid Scheme (NSFAS) have been urged to use their learning material allowances to purchase learning devices so they can learn remotely during lockdown. “Many students, who still have not bought laptops must do so, especially those who have been paid the annual teaching assistance allowance of R5 200, to buy gadgets that will facilitate their learning during this challenging time,” said the chairperson of the Select Committee on Education and Technology, Sports, Arts and Culture, Elleck Nchabeleng. NSFAS qualifying students receive learning material allowance for the year, which includes R5 200 issued once a year to beneficiaries to purchase things like laptops, tablets and books.”

<https://www.sanews.gov.za/south-africa/nsfas-students-urged-use-allowances-buy-devices>

#### **SA Government News Agency. Schools prepare to reopen.**

2020 May 26 SA News

“Schools across the country are in the process of finalising preparations to receive Grade 7 and 12 learners when schools reopen on 1 June. Basic Education Minister Angie Motshekga said that this week will be dedicated to finalising all outstanding matters before learners return to school. This week, schools need to ensure that health and safety requirements are prioritised. These include learner transport, water provision, basic hygiene and sanitation, psycho-social support and the recruitment and appointment of screeners and cleaners. The Minister’s remarks follow Monday’s Council of Education Ministers (CEM) meeting, which considered the progress on the reopening of schools. Last week, the CEM decided that the School Management Team (SMT) and teachers would return to school on Monday.”

<https://www.sanews.gov.za/south-africa/schools-prepare-reopen>

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## EMPLOYMENT LAW

### Government Gazettes

#### Disaster Management Act 57 of 2002

COVID-19 Temporary Employee/Employer Relief Scheme Benefit (C19 Ters), Direction 2020: Amendment of Directive issued on 25 March 2020, as amended on 6 April 2020 and 16 April 2020, as corrected on 20 April 2020 and further amended on 30 April 2020. Addition of definition of 'Worker' and substitution of the sub-clause 2.1.1 (a).

RGN595 GG 43353 p3 26May2020

[http://www.gpwonline.co.za/Gazettes/Gazettes/43353\\_26-5\\_EmploymentLabour.pdf](http://www.gpwonline.co.za/Gazettes/Gazettes/43353_26-5_EmploymentLabour.pdf)

Consolidated C19 Ters prior to this amendment available at

<http://www.labour.gov.za/DocumentCenter/Pages/Regulations.aspx?RootFolder=%2FDocumentCenter%2FRegulations%20and%20Notices%2FNotices%2FUnemployment%20Insurance%20Fund&FolderCTID=0x012000C2DAEF762E4DD64BA77E34518730FCAF&View=%7BA52D275B%2DB381%2D4C4F%2DA6EF%2D172DF96584B1%7D>

#### Labour Relations Act 66 of 1995

National Bargaining Council for the Clothing Manufacturing Industry:

- Cancellation of Government Notice. Correction Notice to RGN588 in GG 43349 of 25 May 2020.  
RGN593 GG 43354 p3 26May2020
- COVID-19 Lockdown II Collective Agreement: Extension to non-parties.  
RGN594 GG 43354 p3 26May2020

[http://www.gpwonline.co.za/Gazettes/Gazettes/43354\\_26-5\\_EmploymentLabour.pdf](http://www.gpwonline.co.za/Gazettes/Gazettes/43354_26-5_EmploymentLabour.pdf)

### Media Comment

#### Steyn, Lisa. Workers ineligible for UIF can now claim Ters benefit.

2020 May 26 Business Day

"Employment & labour minister Thulas Nxesi on Monday amended a directive pertaining to the Temporary Employer/Employee Relief Scheme (Ters) to now allow workers to claim even where their employers did not register them for UIF, provide the required details, or pay the necessary contributions."

[https://www.businesslive.co.za/bd/national/2020-05-26-workers-ineligible-for-uif-can-now-claim-ters-benefit/?utm\\_source=&utm\\_medium=email&utm\\_campaign=Breaking+News%3A%2%A0Parts+of+SA+could+stay+on+level+4+from+June+1&utm\\_term=http%3A%2F%2Fwww.businesslive.co.za%2Fbd%2Fnational%2F2020-05-26-workers-ineligible-for-uif-can-now-claim-ters-benefit%2F](https://www.businesslive.co.za/bd/national/2020-05-26-workers-ineligible-for-uif-can-now-claim-ters-benefit/?utm_source=&utm_medium=email&utm_campaign=Breaking+News%3A%2%A0Parts+of+SA+could+stay+on+level+4+from+June+1&utm_term=http%3A%2F%2Fwww.businesslive.co.za%2Fbd%2Fnational%2F2020-05-26-workers-ineligible-for-uif-can-now-claim-ters-benefit%2F)

[https://www.businesslive.co.za/bd/national/2020-05-26-workers-ineligible-for-uif-can-now-claim-ters-benefit/?utm\\_source=&utm\\_medium=email&utm\\_campaign=Breaking+News%3A%2%A0Parts+of+SA+could+stay+on+level+4+from+June+1&utm\\_term=http%3A%2F%2Fwww.businesslive.co.za%2Fbd%2Fnational%2F2020-05-26-workers-ineligible-for-uif-can-now-claim-ters-benefit%2F](https://www.businesslive.co.za/bd/national/2020-05-26-workers-ineligible-for-uif-can-now-claim-ters-benefit/?utm_source=&utm_medium=email&utm_campaign=Breaking+News%3A%2%A0Parts+of+SA+could+stay+on+level+4+from+June+1&utm_term=http%3A%2F%2Fwww.businesslive.co.za%2Fbd%2Fnational%2F2020-05-26-workers-ineligible-for-uif-can-now-claim-ters-benefit%2F)

### Media Release

#### North West Health. MEC Madoda Sambatha visits Impala Mine to monitor Coronavirus COVID-19 workplace compliance, 27 May. 26 May 2020.

"North West Health MEC, Madoda Sambatha will tomorrow, Wednesday 27 May 2020 at 11h00 visit Impala Mine in Rustenburg to monitor workplace compliance in line with the coronavirus lockdown regulations. There are 19 mine related confirmed COVID-19 cases in the Province, of which 12 is in Dr. Kenneth Kaunda, seven in Bojanala and two in Ngaka Modiri Molema districts. After mine visit, MEC Sambatha will proceed to Brits to check the state of readiness at the newly built Brits Forensic pathology unit."

<https://www.gov.za/speeches/mec-madoda-sambatha-visits-impala-mine-monitor-coronavirus-covid-19-workplace-compliance-27>

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## ENVIRONMENTAL LAW

### Government Gazette

#### Disaster Management Act 57 of 2002

Directions regarding measures to address, prevent and combat the spread of COVID-19 relating to the Biodiversity Sector: Amendment of [GN537 in GG 43323 of 14 May 2020](#).

GN596 GG 43355 p3 26May2020

[http://www.gpwonline.co.za/Gazettes/Gazettes/43355\\_26-5\\_EnvirForFisheries.pdf](http://www.gpwonline.co.za/Gazettes/Gazettes/43355_26-5_EnvirForFisheries.pdf)

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## LOCKDOWN REGULATIONS

### Media Comment

#### **Kahn, Tamar. Minister's briefing sows lockdown level confusion.**

2020 May 26 Business Day

"Health minister Zweli Mkhize cast uncertainty over the government's plans for easing the lockdown on June 1 in tabling a presentation to parliament that indicates Covid-19 hotspots could remain on level 4 as the rest of the country moves to level 3."

<https://www.businesslive.co.za/bd/national/health/2020-05-26-ministers-briefing-sows-lockdown-level-confusion/>

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## MEDICAL LAW

### Media Release

#### **Western Cape Office of the Premier. Premier Alan Winde conducts CTICC hospital site visit in preparation of Coronavirus Covid-19 hospital beds provision. 26 May 2020.**

"Western Cape Premier Alan Winde today conducted a visit to the CTICC hospital to see how work is progressing in preparing the site. Once complete, the hospital will provide at least 850 intermediate care beds for COVID-19 patients. Today, Premier Winde viewed one of the wards, where construction has been completed, and beds have been installed. This is part of the Western Cape Government's plans to prepare the healthcare system for the peak of the COVID-19 pandemic. Premier Winde said: "We are continuously assessing the data available to us about the progression of the virus in the province, in order to respond appropriately. But we simply cannot do this alone. We require the help of every single person in this province to slow the spread of this virus. When you keep yourself safe, you keep your loved ones safe too. We each have a role to play in saving lives."

<https://www.gov.za/speeches/cticc-track-26-may-2020-0000>

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## RELIGION

### Media Comment

#### **Level 3 regulations: Ramaphosa lifts ban on religious gatherings.**

2020 May 26 ENCA

"President Cyril Ramaphosa announced that places of worship may reopen subject to strict restrictions under level three of the lockdown.

South Africa will move to lockdown level three from 1 June.

Churches, temples, mosques, synagogues, and other recognised places of worship will resume services with a maximum amount of 50 people or less depending on the space available."

<https://www.enca.com/news/level-3-regulations-ramaphosa-lifts-ban-on-religious-gatherings>

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## SCIENCE AND TECHNOLOGY

### Media Release

#### **Department of Science and Innovation. Minister Blade Nzimande calls for African solutions to Coronavirus Covid-19 during Africa Day. 25 May 2020.**

"The Minister of Higher Education, Science and Innovation, Dr Blade Nzimande, assured Africa's scientific community that just as the continent had defeated colonial and racial oppression, so too would it overcome the novel coronavirus. Dr Nzimande was speaking at this year's virtual Africa Day event, which took place on Monday, 25 May under the theme, "COVID-19 and Africa's future development: Opportunities and challenges." The virtual dialogue was organised by the Department of Science and Innovation (DSI) and the Africa Institute of South Africa (AISA), which forms part of the Human Sciences Research Council (HSRC)."

<https://www.gov.za/speeches/minister-blade-nzimande-coronavirus-covid-19-african-solutions-during-africa-day-event-25>

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## SAFETY & SECURITY

### Media Release

#### **Western Cape Community Safety. MEC Albert Fritz meets with KDF on Khayelitsha Coronavirus COVID-19 hotspot plan. 26 May 2020.**

“Minister Fritz and officials of the Department of Community Safety discussed solutions to address COVID-19 related challenges in the community such as social distancing and flattening the curve. It was agreed that the Department of Community Safety will form part of the joint steering-committee established by the KDF on the Khayelitsha targeted COVID-19 Hotspot plan to realise the whole of society coordination efforts. Minister Fritz said, “The targeted COVID-19 Hotspot plan is a whole of government strategy and, in Khayelitsha, the nodal point will be the head of department for Community Safety. The targeted hotspot plan will combine government resources across Departments, agencies, NGOs and organisations to slow the spread of the virus.”

<https://www.gov.za/speeches/mec-albert-fritz-meets-kdf-khayelitsha-coronavirus-covid-19-hotspot-plan-26-may-2020-0000>

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## TRANSPORTATION

### Media Statements

#### **SA Government News Agency. Ekurhuleni bus service back on the road.**

2020 May 26 SA News

“The City of Ekurhuleni’s Harambee bus service is back on the road with reduced passenger seating capacity in, line with the level 4 regulations of the lockdown. The services were suspended when level 5 of the nationwide lockdown was declared by President Cyril Ramaphosa on 23 March. “The number of buses on the road have been increased to make up for reduced 45-passenger seating capacity per trip to allow for social distancing. Inside the buses, passengers are only allowed to sit on the demarcated seats. They only stand on the marked floor areas,” the City said. Smart cards and tickets are sold at all stations on the route.”

<https://www.sanews.gov.za/south-africa/ekurhuleni-bus-service-back-road>

#### **SA Government News Agency. Metrorail "not ready to open during level 3".**

2020 May 26 SA News

“The Gauteng Legislature’s Portfolio Committee on Roads and Transport says the opening of rail during level 3 lockdown could spell a public transport catastrophe. The committee said it is was not pleased with the measures presented by the Passenger Rail Agency of South Africa’s administrator, Bongisizwe Mpondo, on their readiness to receive passengers under level 3 lockdown regulations. “As the bulk of working class citizens go back to work, trains are expected to be operational effective 1 June 2020. However, plans presented by PRASA are short of a Gauteng province integrated system and could lead to a public transport disaster during level 3,” the Committee said.”

<https://www.sanews.gov.za/south-africa/metrorail-not-ready-open-during-level-3>

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