



Covid-19 Regulatory Update

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Covid-19 Regulatory Update: 04 June 2020

CONTENTS

COMPETITION	2	REFUGEES	5
CONFIRMED CASES	2	SOCIAL SECURITY.....	5
EDUCATION	2	TAXATION	5
EMPLOYMENT LAW	3	TOURISM.....	5
FINANCIAL LAW / RELIEF FUNDS.....	3	TRADE AND INDUSTRY	6
HEALTH AND SAFETY	3	TRANSPORTATION.....	6
LOCKDOWN REGULATIONS	4		

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

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COMPETITION

Media Statement

SA Government News Agency. Competition Tribunal fines more mask producers.

2020 Jun 3 SA News

“The Competition Tribunal has found two Gauteng mask suppliers guilty of inflating prices since the COVID-19 outbreak. According to the Competition Tribunal’s spokesperson Gillian de Gouveia, TNT Basic Trading (TNT) admitted to contravening the Competition Act by significantly increasing its mark-up and gross profit margin on FFP2 respiratory face masks from January 2020 to February 2020. The Boksburg company has since agreed to immediately cease from the excessive pricing conduct, reduce its mark-up on FFP2 respiratory face masks with immediate effect for the duration of the state of national disaster, and develop, implement and monitor a competition law compliance programme.”

<https://www.sanews.gov.za/south-africa/competition-tribunal-fines-more-mask-producers>

[Back to Contents](#)

CONFIRMED CASES

Media Release

Northern Cape Health. North West Health on Coronavirus Covid-19 cases breakdown per local municipality. 03 June 2020.

“The total number of COVID-19 confirmed cases in the North West Province as of Tuesday, 02 June 2020 is 271, an increase of 84 from previously reported cases. This is the highest daily increase of confirmed cases ever recorded in the Province. There are 59 recoveries and one death.”

<https://www.gov.za/speeches/north-west-confirmed-covid-19-cases-breakdown-local-municipality-3-jun-2020-0000>

Reports

National Institute for Communicable Diseases. Covid-19 Daily Report: 3 June 2020.

<https://www.nicd.ac.za/wp-content/uploads/2020/06/COVID19-Daily-Report-National-Public-3June2020.pdf>

National Institute for Communicable Diseases. Covid-19 Daily Update: 3 June 2020.

<https://www.nicd.ac.za/covid-19-update-3-jun/>

[Back to Contents](#)

EDUCATION

Media Comment

Maphanga, Canny. SAHRC satisfied for now as education dept complies with Covid-19 deadline on regulations.

2020 Jun 3 News23

“The South African Human Rights Commission (SAHRC) has confirmed that the Minister of Basic Education has come back to the Chapter 9 institution with revised back-to-school directions, which are expected to be gazetted on Friday.”

<https://www.news24.com/news24/southafrica/news/sahrc-satisfied-for-now-as-education-dept-complies-with-covid-19-deadline-on-regulations-20200603>

Media Release

Department of Higher Education and Training. Minister Blade Nzimande visits Tshwane University of Technology as part of monitoring Coronavirus Covid-19 readiness for phased return of students, 4 Jun. 03 June 2020.

“The Minister of Higher Education, Science and Innovation, Dr Blade Nzimande, will be visiting the Tshwane University of Technology to check its state of readiness for the phased return of student at the University. The Minister’s visit follows the commencement of COVID-19 Level 3 pronouncement by President Cyril Ramaphosa. Minister Nzimande held a media briefing on the 23rd May 2020 in which the department announced level 3 lockdown health and safety measures and subsequent regulations. Minister Nzimande announced a phased reopening of campus activities in the entire Post School Education and Training sector as the sector continues to implement a risk adjusted strategy.”

<https://www.gov.za/speeches/minister-blade-nzimande-visits-tshwane-university-technology-part-monitoring-coronavirus>

[Back to Contents](#)

EMPLOYMENT LAW

Media Statement

SA Government News Agency. 1.5 million Gauteng workers receive UIF relief.

2020 Jun 3 SA News

“Half of the workers who benefited from R16.5 billion that the Unemployment Insurance Fund (UIF) disbursed as part of the COVID-19 lockdown relief are from Gauteng. According to the Department of Employment and Labour spokesperson Teboho Thejane, Gauteng constitutes 1 516 441 beneficiaries of the 3 464 124 million workers who have already received the Temporary Employer/Employee Relief Scheme (TERS). “In monetary terms, this amounts to R7.9 billion and the workers who have been given the cash injection had their claims lodged by 111 385 employers,” he explained.”

<https://www.sanews.gov.za/south-africa/15-million-gauteng-workers-receive-uif-relief>

[Back to Contents](#)

FINANCIAL LAW / RELIEF FUNDS

Media Release

The Presidency. President Cyril Ramaphosa: OACPS Summit on Coronavirus COVID-19. 03 June 2020.

“We call on the OACPS to support the AU’s call for a two-year debt standstill and a plan for the restructuring of both private and bilateral debt. We further support the appeal to the International Monetary Fund for special drawing rights allocations to provide additional liquidity to countries in need. The World Health Organisation has been instrumental in supporting national efforts to combat COVID-19. As African countries, we continue to reiterate our full support for the WHO and its Director-General, Dr Tedros Ghebreyesus.”

<https://www.gov.za/speeches/president-cyril-ramaphosa-oacps-summit-coronavirus-covid-19-3-jun-2020-0000>

[Back to Contents](#)

HEALTH AND SAFETY

Court Order

Afriforum v The Minister of Cooperative Governance and Traditional Affairs. Case no.: 22358/2020. High Court, Gauteng Provincial Division, Pretoria.

The order concerns Regulation 6 (Refusal of medical examination, prophylaxis, treatment, isolation and quarantine) and 7 (Isolation or quarantine of persons) of [RGN480 GG 43258 p3 29Apr2020](#).

“It is ordered that:

1. Regulations 6 and 7 published by the Respondent on 29 April 2020, in terms of section 27(2) of the Disaster Management Act are to be interpreted and applied as follows:
 - 1.1. A person who has been confirmed as a clinical case or as a laboratory confirmed case as having contracted Covid-10, or who is suspected of having contracted Covid-19, or who has been in contact with a person who is a carrier of Covid-19; is only required to be quarantined or isolated at a state facility, or other designated quarantine site; when that person is unable to self-quarantine or self-isolate, or refuses to do so, or violates the self-quarantine or self-isolation rules.
 - 1.2. To successfully self-quarantine or self-isolate, a person requires access to a separate room where the person should self-isolate (no-one else must sleep or spend time in the room). The person must also be able to contact and /or return to a health facility if their condition worsens.
2. There shall be no order as to costs.”

<https://twitter.com/ErnstRoets/status/1268137793324290048/photo/1>

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

Media Comments

Chloroquine bust: Medical body investigates health insurance provider.

2020 Jun3 ENCA

“An East Rand health insurance provider has emerged central to the alleged unlawful importation of chloroquine. Affinity Health is now being investigated by the South African Health Products Regulatory Authority... Three independent sources have alleged that Affinity Health was dispensing the medication to staff as a COVID-19 preventative measure. It has been further alleged that the company planned to distribute chloroquine to its network of pharmacies.”

<https://www.enca.com/news/chloroquine-bust-medical-body-investigates-health-insurance-provider>

Mitchley, Alex. High court rules Covid-19 patients cannot be forced into state quarantine.

2020 Jun 3 News24

“The Gauteng High Court in Pretoria has ordered that any person who has tested positive for Covid-19 cannot be forced to quarantine be or isolated at a state facility if that person is able to successfully self-quarantine. The order, which was handed down on Wednesday, follows an agreement between AfriForum and the Minister of Health Zweli Mkhize and the Minister of Cooperative Governance and Traditional Affairs (Cogta) Nkosazana Dlamini-Zuma.”

<https://www.news24.com/news24/southafrica/news/high-court-rules-covid-19-patients-cannot-be-forced-into-state-quarantine-20200603>

Ndaba, Baldwin. Court amends lockdown regulations, allows Covid-19 patients to self-isolate at home.

2020 Jun 3 IOL

“The minister and AfriForum handed a draft order to Judge JW Louw on May 27 in which they agreed to the amendments. It was based on that agreement that Judge Louw made it an order of the court on Wednesday. ...Judge Louw said to successfully self-quarantine, a person requires access to a separate room, adding “no one else must sleep or spend time in the room”.

“That person must also be able to contact and/or return to a health facility if their condition worsens,” Judge Louw ordered.”

<https://www.iol.co.za/news/politics/court-amends-lockdown-regulations-allows-covid-19-patients-to-self-isolate-at-home-48916055>

Media Release

North West Finance, Economy and Enterprise Development. North West Economic Development, Environment, Conservation and Tourism on consumers to examine hand sanitizers and disinfectants. 03 June 2020.

“With an influx of hand sanitizers and disinfectants manufactures hitting the markets during the coronavirus outbreak, the North West Department of Economic Development, Environment, Conservation and Tourism (DEDECT) through Consumer Affairs Office together with National Regulator for Compulsory Specifications (NRCS) advice consumers to thoroughly examine Hand Sanitizers and Disinfectants before purchasing to ensure compliance with the health standards. The Consumer Protection Act No 68 of 2008, clearly outlines the rights and responsibilities of the consumers which includes amongst others, right to product labelling, good quality, fair value and safety.”

<https://www.gov.za/speeches/consumers-urged-inspect-hand-sanitizers-and-disinfectants-they-purchase-3-jun-2020-0000>

Media Statement

Western Cape. Premier Alan Winde. Statement by Premier Alan Winde - Our testing strategy is focused on saving lives. 3 June 2020.

“The Western Cape Government has taken the important decision to only test those who are at highest risk and most vulnerable of dying from Covid-19 infection in the Cape Town Metropolitan area... This decision follows confirmation that the backlog of tests from the Western Cape at the National Health Laboratory Service grew to 27 000. We understand that other provinces are experiencing similar backlogs....

Who will be tested by the Western Cape Government?

You are admitted to hospital with Covid-19 symptoms; You are over 55 and have Covid-19 symptoms; You are of any age, have Covid-19 symptoms, and have one or more of these conditions: Diabetes, hypertension or heart disease on treatment; Cancer on treatment; Tuberculosis on treatment; HIV with poor adherence to ARVs; Chronic lung disease on treatment (e.g. Asthma, Emphysema, Chronic Bronchitis); You are a healthcare worker and you have Covid-19 symptoms; You live in a care or old age home and have Covid-19 symptoms.”

<https://coronavirus.westerncape.gov.za/news/statement-premier-alan-winde-our-testing-strategy-focused-saving-lives>

[Back to Contents](#)

LOCKDOWN REGULATIONS

Internet Article

De Vos, Pierre. Judgment invalidating lockdown regulations is flawed, but so is the government’s “means justifies the end” defence.

2020 Jun 3 Constitutionally Speaking

“The High Court judgment declaring invalid almost all the lockdown regulations issued by Minister Nkosazana Dlamini-Zuma in terms of the Disaster Management Act, raises important questions about the duty of the government to act rationally and in a transparent manner, and to limit rights as little as possible. However, the court’s superficial analysis of the specific regulations and the sweeping nature of the order made by the court, will probably lead to the judgment being overturned on appeal.”

<https://constitutionallyspeaking.co.za/judgment-invalidating-lockdown-regulations-is-flawed-but-so-is-the-governments-means-justifies-the-end-defence/>

[Back to Contents](#)

REFUGEES

Media Comment

Govt facing court action over foreign nationals' access to Covid-19 grant.

2020 Jun 3 EWN

“An organisation representing refugees is taking government to court to give asylum seekers and special permit holders access a special COVID-19 grant.”

<https://ewn.co.za/2020/06/03/govt-facing-court-action-over-foreign-nationals-access-to-covid-19-grant>

[Back to Contents](#)

SOCIAL SECURITY

Media Statement

SA Government News Agency. 100 000 applicants paid COVID-19 relief grant.

2020 Jun 3 SA News

“The South African Social Security Agency (SASSA) says it has kept its promise to pay at least 100 000 clients who had applied for the Special COVID-19 Social Relief of Distress Grant. According to SASSA, by 31 May 2020, 116 867 clients were paid for the Special COVID-19 SRD Grant. To date, over 35 million applicants were checked to confirm if they are either active SASSA grant recipients; are on the UIF database or receive an NSFAS stipend. “We have received approximately 13 million enquiries/applications about the temporary special COVID-19 SRD grant as at Monday, 25 May 2020. About 6.3 million of these were valid complete applications.”

<https://www.sanews.gov.za/south-africa/100-000-applicants-paid-covid-19-relief-grant>

[Back to Contents](#)

TAXATION

Government Gazette

Value Added Tax Act 89 of 1991

Notice of expiration of VAT Certificate issued in terms of Schedule 1(8): Item 412.11/00.00/01.00.

This notice serves to advise interested parties that the VAT Certificate issued by the International Trade Administration Commission of South Africa on 8 April 2020 will expire at midnight on Friday, 5 June 2020. Rebate Item 412.11 provides for the relief of distress of persons caused by, amongst others, a national disaster, such as the Covid-19 pandemic. The relief provided under Rebate Item 412.11 is an exemption of VAT at the time of importation (clearance).

GenN305 GG 43304 p3 03Jun2020

http://www.gpwonline.co.za/Gazettes/Gazettes/43384_3-6_TradeIndus.pdf

[Back to Contents](#)

TOURISM

Media Comment

Ellis, Estelle. Eastern Cape MEC loses court battle over Covid-19 guesthouse tweet – as judge slams government corruption in SA.

2020 Jun 3 Daily Maverick

“The Eastern Cape MEC for Transport, Safety and Liaison, Weziwe Tikana-Gxotiwe has lost an urgent application in the Makhanda High Court to compel the leader of the United Democratic Movement, Bantu Holomisa, to retract a tweet about corruption and calling for her to be fired. The tweet referred to questions asked by the Sakhisizwe Civil Society Forum after a guest house, allegedly owned by her daughter, was identified by the Eastern Cape government as a potential isolation facility for Covid-19 patients. The court found it likely that the MEC had a direct interest in the business.”

<https://www.dailymaverick.co.za/article/2020-06-03-eastern-cape-mec-loses-court-battle-over-covid-19-guesthouse-tweet-as-judge-slams-government-corruption-in-sa/>

[Back to Contents](#)

TRADE AND INDUSTRY

Media Statement

SA Government News Agency. Department welcomes court decision on CIPC certificates.

2020 Jun 3 SA News

“The Department of Trade and Industry and Competition (dtic) has welcomed a court decision not to grant Sakeliga the relief it sought in a matter involving the lawfulness of the Companies and Intellectual Property Commission's issuance of certificates for companies to render service in the first phase of the COVID-19 lockdown. “The dtic has welcomed a decision by the Gauteng High Court, which declined to give Sakeliga the relief it sought on the lawfulness of the Companies and Intellectual Property Commission (CIPC) certificates issued to companies which were permitted to render essential services during the first phase of the lockdown,” said the department on Wednesday.”

<https://www.sanews.gov.za/south-africa/department-welcomes-court-decision-cipc-certificates>

[Back to Contents](#)

TRANSPORTATION

Media Release

Department of Transport. Minister Fikile Mbalula: Coronavirus Covid-19 level 3 measures for OR Tambo International Airport. 03 June 2020.

“We are here today to inspect adherence to a set of measures put in place by the department to protect the health of all those who work at this airport and those who will be using it to fly to their different destinations. As you have seen, we have done these inspections on trains, particularly Gautrain, taxis and buses over the last few weeks. This has been widely reported and we have regularly updated the public via our media platforms. Today's inspection is not any different from the ones we have previously undertaken. The resumption of flight operations will also happen under strict conditions on Level 3 as announced.

<https://www.gov.za/speeches/speaking-notes-transport-minister-fikile-mbalula-occasion-his-inspection-or-tambo>

Media Statements

SA Government News Agency. AARTO rollout date delayed due to COVID-19.

2020 Jun 3 SA News

“The national rollout date for the Administrative Adjudication of Road Traffic Offences (AARTO) Act has been postponed as a result of the outbreak of the Coronavirus. In August 2019, the AARTO Bill was signed into law. Although no date was officially promulgated, it was intended to take national effect by mid-2020. The Transport department said the impact of the COVID-19 outbreak severely compromised the capacity of the Road Traffic Infringement Agency (RTIA), which is the entity responsible for the rollout of AARTO.”

<https://www.sanews.gov.za/south-africa/aarto-rollout-date-delayed-due-covid-19>

SA Government News Agency. Mbalula confident airports are COVID-19 ready.

2020 Jun 3 SA News

“Transport Minister Fikile Mbalula has expressed confidence that the aviation industry and the country's airports will adhere to COVID-19 regulations and directives, as the sector reopens. The Minister made the declaration on Wednesday at the O.R Tambo International Airport, where he was inspecting the airport's adherence to lockdown regulations and directions. “These regulations and directives are there for the protection of all people and we expect absolute compliance,” said Mbalula. He said government understood the need for a balanced gradual reopening of the economy and safety and good health. “I am confident that our airports will play a central role in reigniting the economy, reconnecting our economic hubs, while strictly operating under these conditions.”

<https://www.sanews.gov.za/south-africa/mbalula-confident-airports-are-covid-19-ready>

[Back to Contents](#)

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