



Covid-19 Regulatory Update

 **Lexinfo**
Library & Legal Information Consultants

Covid-19 Regulatory Update: 05 June 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 Attorney Alert



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B-BBEE

Newsletter

Grogan, John and Govindjee, Avinash. BEE during COVID-19.

2020 Jun (Issue 12) Juta Talking Points Issue

Solidarity obo Members and another v Minister of Small Business Development and others (Gauteng High Court case no 21399/2020 dated 30/04/2020, unreported) is discussed.

“The union and its pressure group counterpart took exception to the decision of the Minister of Tourism to reserve her allocation of financial assistance for small and medium businesses in the tourism sector for those who qualified for relief under the Broad-Based Black Economic Empowerment Act 53 of 2003. The court added that the scoring criteria used to determine eligibility for B-BBEE grants and accordingly grants from the Tourism Relief Fund were not as rigid as Solidarity and Afriforum had tried to make out. . . The application was dismissed, with no order as to costs.”

The application was dismissed, with no order as to costs.

https://juta.co.za/press-room/bee-during-covid-19-talking-points-issue-12/?utm_campaign=Oktopost-Juta+Talking+Po%21nts+&utm_content=Oktopost-linkedin&utm_medium=social&utm_source=linkedin

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BUSINESS RESCUE

Case

Mhlonipheni v Mezepoli Melrose Arch (Pty) Ltd, The Companies and Intellectual Property Commission; Lwazi v Mezepoli Nicolway (Pty) Ltd; The Companies and Intellectual Property Commission; and Moto, Tonderai Roselyn and Plaka Eastgate Restaurant CC v The Companies and Intellectual Property Commission; Mohsen v Azania Hospitality (Pty) Ltd, Brand Kitchen Hospitality (Pty) Ltd, The Companies and Intellectual Property Commission. Case no: 2020/10556. High Court, Gauteng Local Division, Johannesburg. 3 June 2020.

Implications of lockdown on restaurants - applications for orders placing first respondents under supervision and commencing business rescue proceedings under s 131(4)(a) of the Companies Act 71 of 2008. Submitted that placing respondent companies under business rescue will allow them reasonable prospects of rescue.

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

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CONFIRMED CASES

Reports

National Institute of Communicable Diseases. Covid-19 Daily Report: 4 June 2020.

<https://www.nicd.ac.za/wp-content/uploads/2020/06/COVID19-Daily-Report-National-Public-4June2020.pdf>

National Institute of Communicable Diseases. Latest confirmed cases of Covid-19 in South Africa. 4 June 2020.

<https://www.nicd.ac.za/latest-confirmed-cases-of-covid-19-in-south-africa-4-june-2020/>

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COURTS

Directive

Free State Division of the High Court: Directive – Lockdown Alert Level 3. 4 June 2020.

“The practice directions issued on 5 May 2020 are hereby revoked.”

<https://www.judiciary.org.za/images/Directives/Directives - April 2020/High Court of South Africa/Free State Division/Directive-Lockdown Alert Level 3.pdf>

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DEFENCE FORCE

Media Comment

Rabkin, Franny. Second SANDF report-back to court is silent on Khosa investigation.

2020 Jun 4 Mail & Guardian

“Despite a court-ordered deadline for the completion of the internal investigation, no explanation is given for Defence Minister Nosiviwe Mapisa-Nqakula’s contradictory positions....Instead the affidavit from SANDF deputy chief of joint operations Elma de Villiers deals with a further aspect of the court’s order — the other internal investigations into allegations of army brutality. De Villiers explains that, of the 14 internal investigations referred to in the minister’s court papers at the hearing, only two dealt with allegations of abuse of power.”

<https://mg.co.za/coronavirus-essentials/2020-06-04-second-sandf-report-back-to-court-is-silent-on-khosa-investigation/>

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EDUCATION

Media Comment

Tandwa, Lizeka. Minister wants to save academic year above saving lives - Maimane tells Concourt.

2020 Jun 4 News24

“In an urgent application to the apex court, Maimane’s OSA is challenging the government’s decision to reopen schools. He highlighted poor infrastructure, school overcrowding, staff shortages, sanitation and public transport as the motivation behind his application.”

<https://www.news24.com/news24/southafrica/news/minister-wants-to-save-academic-year-above-saving-lives-maimane-tells-concourt-20200604>

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ENVIRONMENTAL LAW

Government Gazette

Astronomy Geographic Advantage Act, 2007

Regulations for the protection of the Karoo Central Astronomy Advantage Areas: Notice of extension of the period for compliance due to the restrictions imposed in terms of the Regulations made in terms of the Disaster Management Act 57 of 2002 as a result of the Covid-19 (Corona Virus) pandemic. Extension by six (6) months (new due date is 15 December 2020).

GN629 GG 43387 p3 03Jun2020

http://www.gpwonline.co.za/Gazettes/Gazettes/43387_3-6_ScienceInnovation.pdf

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HEALTH AND SAFETY

Government Gazette

Disaster Management Act 57 of 2002

Direction by the Minister of Employment and Labour in terms of Regulation 4(10) of the Regulations R480 of 29 April 2020 issued by the Minister of Cooperative Governance and Traditional Affairs in terms of section 27(2) to prevent the escalation of COVID-19 infections in the workplace: Consolidated Direction on Occupational Health and Safety Measures in Certain Workplaces. Replacement of Direction on Occupational Health and Safety Measures in Certain Workplaces issued on 29 April 2020.

RGN639 GG 43400 p3 04Jun2020

http://www.gpwonline.co.za/Gazettes/Gazettes/43400_4-6_EmploymentLabour.pdf

Report

Groundup and Spotlight. Covid-19 Report 6: What does herd immunity mean for South Africa? 4 June 2020

- “Here is some of the limited evidence on schools and children.
- There is evidence that physical distancing, masks and eye protection work.
- We explain herd immunity and what it means for South Africa.
- Natural deaths in Cape Town are higher than normal.
- The NICD has published lots of useful data.
- A clinical trial finds no prevention benefit for hydroxychloroquine.

- People who undergo surgery and get Covid-19 have a high death rate.”
<https://www.groundup.org.za/article/covid-19-report-6-what-does-herd-immunity-mean-south-africa/>

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LOCKDOWN

Internet Article

Calland, Richard. Court throws South Africa’s lockdown exit strategy into disarray. But it got it wrong.

2002 June 3 The Conversation

[De Beer and Others v Minister of Cooperative Governance and Traditional Affairs \(21542/2020\) \[2020\] ZAGPPHC 184 \(2 June 2020\)](#) is discussed.

<https://theconversation.com/court-throws-south-africas-lockdown-exit-strategy-into-disarray-but-it-got-it-wrong-139991>

Media Comment

Masuku, Sne. Courts are the saving grace to Covid-19 regulations – law expert.

2020 Jun 4 IOL

“Constitutional law expert Professor George Devenish says a democratic government should lead by consent, not by demand. Even in the most desperate times of a pandemic, the government should not take people for granted.

Responding to the Pretoria High Court ruling that declared the level 4 and 3 lockdown regulations unconstitutional, Devenish said people had the right to question government decisions.”

<https://www.iol.co.za/dailynews/news/kwazulu-natal/courts-are-the-saving-grace-to-covid-19-regulations-law-expert-48954321>

Media Statement

The Presidency. Statement on the Cabinet Meeting of 4 June 2020

“Statement on the Virtual Cabinet Meeting held on Thursday, 4 June 2020

1. North High Court Judgment of Tuesday, 2 June 2020

1.1. A special virtual Cabinet meeting was held today, Thursday, 4 June 2020, to discuss developments in South Africa’s efforts to save lives and protect livelihoods amid the COVID-19 pandemic. As part of this discussion, Cabinet reflected on the North Gauteng High Court judgment delivered by Justice Norman Davis on Tuesday, 2 June, 2020, which declared the COVID-19 lockdown regulations in levels 3 and 4 unconstitutional and invalid....1.3. Cabinet has therefore decided to appeal the North Gauteng High court decision....

Cabinet approved the extension of the National State of Disaster by another month from the 15th June to 15 July 2020. The law allows for the National State of disaster to last for 90 days which necessitates the extension .

<https://www.gov.za/speeches/statement-cabinet-meeting-4-june-2020-4-jun-2020-0000>

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TOURISM

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The application was dismissed, with no order as to costs.

https://juta.co.za/press-room/bee-during-covid-19-talking-points-issue-12/?utm_campaign=Oktopost-Juta+Talking+Po%21nts+&utm_content=Oktopost-linkedin&utm_medium=social&utm_source=linkedin

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Media Release

Parliament. Committees expressed a concern over a number of SMMES that received assistance from the Department's Covid-19 intervention. 3 June 2020

“The committees heard that the department received 35 865 applications from the SMMES who applied for the debt-relief, and only 14 451 were found to be complete and the incomplete ones were referred to SEDA for assistance. Those SMMES that acquired loans from SEFA also qualify for a repayment holiday.

The department has disbursed R530 million debt-relief funds by 28 May 2020 to only 1 501 SMMES. It is against this backdrop that the committees raised a serious concern with the department. A total of 13 000 SMMES whose applications were found to be complete remain unfunded.”

<https://www.parliament.gov.za/press-releases/committees-expressed-concern-over-number-smmes-received-assistance-departments-covid-19-intervention>

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