



Covid-19 Regulatory Update

 **Lexinfo**
Library & Legal Information Consultants

Covid-19 Regulatory Update: 01 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 Practice Management Alert



Practice Management Alert

 **Lexinfo**
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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.

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>

CONFIRMED CASES

Media Releases

Department of Health. Minister Zweli Mkhizi confirms total of 30 967 cases of Coronavirus COVID-19. 30 May 2020.

“As of today, the cumulative number of confirmed COVID-19 cases in South Africa is 30 967, with 1727 new cases reported from the last 24-hour testing cycle:

- Eastern Cape: 3759;
- Free State: 261;
- Gauteng: 3773;
- KwaZulu-Natal: 2476;
- Limpopo: 173;
- Mpumalanga: 113;
- North West: 162;
- Northern Cape: 57;
- Western Cape: 20160;
- Unknown: 33; and
- Total: 30967.

A total of 701 883 tests have been processed cumulatively of which 21 708 tests have been conducted since the last report. Regrettably, we report 32 more COVID-19 related deaths- this brings the total national deaths to 643. We extend our condolences to the loved ones of the departed and thank the health care workers who treated the deceased. The recoveries to date are 16 116 which translates to a recovery rate of 52%.”

<https://www.gov.za/speeches/minister-zweli-mkhizi-confirms-total-30-967-cases-coronavirus-covid-19-30-may-2020-0000>

Western Cape. Premier Alan Winde. Update on the coronavirus by Premier Alan Winde - 31 May.

“As of 1pm on 31 May, the Western Cape has 9516 active cases of Covid-19, with a total of 21 103 confirmed cases and 11 099 recoveries.

Total confirmed Covid-19 cases: 21103

Total recoveries: 11099

Total deaths: 488

Total active cases (currently infected patients): 9516

Total number of tests: 155876

Hospital admissions: 891 of which 187 are in ICU or high care”

<https://coronavirus.westerncape.gov.za/news/update-coronavirus-premier-alan-winde-31-may>

Report

National Institute of Communicable Disease. Covid-19 Update: 31 May 2020.

<https://www.nicd.ac.za/covid-19-update-73/>

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CULTURAL AFFAIRS

Media Comment

Kretzmann, Steve. Covid-19: Only 488 of over 5,000 artists who applied for relief were paid.

2020 May 29 GroundUp

<https://www.groundup.org.za/article/covid-19-only-488-4512-artists-who-applied-relief-were-paid/>

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EDUCATION

Government Gazette

Disaster Management Act 57 of 2002

Directions issued by Minister of Basic Education in terms of Regulation 4(3) of the Regulations made under the Act regarding the Re-Opening of Schools and Measures to Address, Prevent and Combat the Spread of COVID-19 in the National Department of Basic Education, all Provincial Education Departments, all Education District Offices and All Schools in the Republic of South Africa.

GenN302 GG 43372 p3 29May2020

<https://www.gov.za/documents/disaster-management-act-directions-re-opening-schools-and-under-coronavirus-covid-19-alert>

Media Comment

Mailovich, Claudi. Angie Motshekga: Last-minute delay in restarting schools means pupils will go back on June 8.

2020 May 31 Business Day

“About 12 hours before pupils were set to return to school after a 10-week closure, basic education minister Angie Motshekga delayed the reopening to June 8. The announcement on Sunday night came as some pupils in hostels had already returned to school, and parents had prepared to take their children to school in the midst of the Covid-19 pandemic. It also came after the Western Cape informed schools to reopen on Monday, which authorities said would still happen.

<https://www.businesslive.co.za/bd/national/education/2020-05-31-last-minute-delay-in-restarting-schools-means-pupils-will-go-back-on-june-8/>

Media Releases

Department of Public Service and Administration. Minister Senzo Mchunu on limited resumption of training at National School of Government. 29 May 2020.

“The National School of Government (The NSG) will re-open for limited contact training on the 1st of Jun 2020, in light of the easing of the lockdown to Level 3 of the Covid19 risk adjusted strategy alert system, the Minister for the Public Service and Administration, Mr Senzo Mchunu has announced. Minister Mchunu accompanied by Deputy Minister Sindi Chikunga visited to The NSG premises at ZK Matthews Building in Sunnyside, Pretoria and received a briefing on operations. The Minister also inspected the facilities to ascertain the state of readiness for the resumption of limited face to face learning and training. The training rooms and facilities of The NSG have been prepared for the re-opening. The Minister had announced the suspension of contact training in March this year in accordance with the provisions of the national lockdown.”

<https://www.gov.za/speeches/minister-mchunu-announces-limited-resumption-training-national-school-government-29-may>

Western Cape Government. Minister Debbie Schäfer. Western Cape schools will be open to receive learners tomorrow.

<https://coronavirus.westerncape.gov.za/news/western-cape-schools-will-be-open-receive-learners-tomorrow>

Media Statement

SA Government News Agency. DBE gazettes new regulations on schools reopening.

2020 May 30 SA News

“Basic Education Minister Angie Motshekga has gazetted new regulations that will see the phased return of other grades from 6 July - 3 August 2020. Following the return of grades 7 and 12, the Basic Education Department (DBE) said it would monitor the adherence of schools to the stipulated health and safety guidelines before moving to return learners in other grades to the classroom. Schools were shut as the country went on lockdown from 27 March 2020 in a bid to curb the spread of COVID-19. The health and safety guidelines for the reopening of schools, state that teachers and learners must have adequate personal protective equipment (PPE), social distancing of 1.5 metres must be adhered to and screening must take place at schools.”

<https://www.sanews.gov.za/south-africa/dbe-gazettes-new-regulations-schools-reopening>

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EMPLOYMENT LAW

Guideline

Department of Health. Guidance on vulnerable employees and workplace accommodation in relation to COVID-19 (V4: 25 May 2020).

“This document aims to provide guidance to evaluate and manage vulnerable employees in the context of the current SARS-CoV-2 pandemic as mentioned in the Regulations issued in terms of section 27(2) of the Disaster Management Act, 2002. This is an interim guide that may be updated as the outbreak in South Africa intensifies, to guide additional workforce preserving strategies.”

<https://www.saioosh.co.za/news/509605/DOH-COVID-19-Guidance-on-vulnerable-employees-and-workplace-accommodation.htm>

Media Releases

Department of Employment and Labour. Employment and Labour on UIF Coronavirus Covid-19 Relief Benefits payouts. 29 May 2020.

“The Unemployment Insurance Fund (UIF) continues to make a difference to the lives of many people in South Africa with timely cash injections even though the pandemic continues to wreak havoc and disrupt many lives.

Since this special relief package was promulgated, over 3-million workers in this country have benefitted from R15.8-billion (R15 814 091 265.53), which has been paid through employers who then are obliged to pass on to their

employees. In some cases and where the details have been provided, 89 412 workers have been paid directly to the tune of R400-million even though the claims were submitted by their 6374 employers.

<https://www.gov.za/speeches/n-lives-workers-w-29-may-2020-0000>

Department of Employment and Labour. Employment and Labour prepares to resume services on 8 June. 30 May 2020.

"In response to the introduction of Coronavirus level 3 from June 1, 2020, the Department of Employment and Labour will be resuming its services, although at a minimal level. "Therefore our offices will be open to the public on 8 June 2020", said Director General Thobile Lamati. This is after the Department has completed its back to work plan activities which include the deep cleaning and disinfection of office buildings around the country according to approved guidelines, office space realignment for open offices, procurement of personal protective equipment, screening equipment and sanitisers, the establishment of the Crisis Management Team (CMT) and the appointment of a fully dedicated Compliance Officer -Occupational Health and Hygiene Specialist / Environmental Health specialist- who will coordinate and work with those who will be appointed at provincial level."

<https://www.gov.za/speeches/employment-and-labour-prepares-resume-services-8-june-30-may-2020-0000>

Department of Employment and Labour. Minister Thulas Nxesi: Economic Cluster Media Briefing on Coronavirus COVID-19 Alert Level 3. 29 May 2020.

"President Cyril Ramaphosa has announced that the country will be moving to Alert Level 3 of the Lockdown from June 1, 2020. This means that a lot more people will be going back to work. In the face of the pandemic, there are important actions that need to be taken to make sure that we reduce exposure to COVID-19.

We have therefore – in consultation with all the social partners at Nedlac - drafted amendments to the directive issued on the 29 April 2020, when we moved to level 4.

In terms of the draft amendments, employers who will be reopening their businesses in terms of Alert Level 3 will be required to do the following:

- Appoint a COVID-19 compliance officer;
- Undertake a risk assessment of the workplace;
- Develop a plan for the return to work; and
- This must be done before re-opening their businesses - in consultation with representative trade unions and health and safety committees."

<https://www.gov.za/speeches/minister-thulas-nxesi-economic-cluster-media-briefing-coronavirus-covid-19-alert-level-3-29>

Media Statements

SA Government News Agency. Thousands receive R350 grant in KZN.

2020 May 29 SA News

"Progress continues to be made in the payment of the R350 Special COVID-19 Social Relief of Distress (SRD) Grant aimed at supporting the unemployed during the lockdown. According to the South African Social Security Agency (SASSA), in KwaZulu-Natal, 6 470 beneficiaries have been successfully paid as of 27 May, out of the 1 366 057 applications received in the province. "Many South Africans are still waiting to hear if their applications have been successful. The easing of the lockdown will help to speed up payments, as government services will be at full capacity from 1 June 2020," said SASSA's provincial spokesperson, Sandy Godlwana."

<https://www.sanews.gov.za/south-africa/thousands-receive-r350-grant-kzn>

SA Government News Agency. Workplaces must be COVID-19 ready.

2020 May 29 SA News

"Employment and Labour Minister Thulas Nxesi says employers who will be reopening their businesses in terms of level 3 are required to appoint COVID-19 compliance officers at their workplaces. Minister Nxesi said the employers are also expected to undertake a risk assessment of the workplace and develop a plan for the return of employees to work. Addressing media during a National Coronavirus Command Council briefing on Friday, Minister Nxesi said in the face of the pandemic, important actions need to be taken to reduce exposure to COVID-19. He said all persons must wear masks in the workplace and that each employee must be given three face masks free of charge. Workers should not pay for any safety gear given to them."

<https://www.sanews.gov.za/south-africa/workplaces-must-be-covid-19-ready>

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ENERGY & MINING

Media Release

Department of Energy. Minister Gwede Mantashe: Economic Cluster Media Briefing on Coronavirus COVID-19 Alert Level 3. 29 May 2020.

"President Cyril Ramaphosa announced that South Africa will move to alert level 3 of the nationwide lockdown. This will open-up the economy and remove several restrictions while government significantly expands and intensifies public health interventions. The Department has been engaged in continuous discussions with stakeholders in the

mining and energy portfolios to ensure that our collective interventions save lives and protect livelihoods. We are going through a difficult period. We are called upon to learn to live with Covid-19. We need grow the economy while, we save lives. In our view, Energy will be the flywheel of reviving our economy which has been severely impacted upon by the downgrades, recession and Covid-19.”

<https://www.gov.za/speeches/minister-gwede-mantashe-economic-cluster-media-briefing-coronavirus-covid-19-alert-level-3>

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FINANCIAL LAW / RELIEF FUNDS

Media Release

Department of Arts and Culture. Minister Nathi Mthethwa: Sport, Arts and Culture Coronavirus COVID-19 Sector Relief Fund update. 30 May 2020.

“The MECs of Sport, Arts and Culture in all provinces have since announced the provincial Relief Funds to assist athletes and artists at that level. These Funds amount to more than R50 million combined. We thank them for their commitment in serving the sector. If you add this amount to the one announced nationally it is more than R200 million at the disposal of the sector. We have agreed with the MECs in our consultative meetings we’ve held that if a person receives funds from one level, he or she may not be assisted again at another level, eg. you get financial assistance from the National Relief Fund, the province will then be exempted from providing you with financial assistance and vice versa.”

<https://www.gov.za/speeches/minister-nathi-mthethwa-sport-arts-and-culture-coronavirus-covid-19-sector-relief-fund>

Media Statement

SA Government News Agency. Relief for N West small business.

2020 May 29 SA News

“Distressed SMMEs, co-operatives, informal traders and hawkers in the North West province are invited to send applications for the COVID-19 Relief Fund. The North West COVID-19 Relief Fund was established by the provincial Department of Economic Development, Environment, Conservation and Tourism (DEDECT) and will be managed by the provincial economic development entity - the North West Development Corporation (NWDC). MEC for DEDECT, Kenetswe Mosenogi, said the relief measures offered by the fund will assist in sustaining provincial enterprises during this economic crisis, which has seen many shutdown their businesses. “Small businesses and informal traders play an important role in the growth and development of the provincial economy. As such, we developed these relief measures to enhance the sustainability of small businesses and informal traders to ensure retention of jobs,” Mosenogi said.”

<https://www.sanews.gov.za/south-africa/relief-n-west-small-business>

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HEALTH AND SAFETY

Guideline

Department of Health. Guidance on vulnerable employees and workplace accommodation in relation to COVID-19 (V4: 25 May 2020).

“This document aims to provide guidance to evaluate and manage vulnerable employees in the context of the current SARS-CoV-2 pandemic as mentioned in the Regulations issued in terms of section 27(2) of the Disaster Management Act, 2002. This is an interim guide that may be updated as the outbreak in South Africa intensifies, to guide additional workforce preserving strategies.”

<https://www.saioh.co.za/news/509605/DOH-COVID-19-Guidance-on-vulnerable-employees-and-workplace-accommodation.htm>

Media Release

Department of Public Works and Infrastructure. Minister Patricia de Lille: Public Works and Infrastructure’s state of readiness for Coronavirus COVID-19 Alert Level 3. 29 May 2020.

“As part of the work in identifying sites, the DPWI also engaged all provincial Public Works departments and local governments to ensure that we are able to identify possible quarantine sites in all 44 districts and 8 metros in cases where there are no available DPWI owned properties. As level 3 starts on Monday 1 June 2020, we would like to update the media and public and on the DPWI’s state of readiness with quarantine sites as the infection rate is expected to increase with millions of people returning to work on Monday. DPWI has been working on all fronts over the past two months to ensure that we are ready for all eventualities and the worst case scenario by having enough quarantine facilities available as the need arises and should the number of people who need to be quarantined increase dramatically.”

<https://www.gov.za/speeches/minister-patricia-de-lille-public-works-and-infrastructure%E2%80%99s-state-readiness-coronavirus>

Media Statement

SA Government News Agency. SA to produce 20 000 ventilators by August.

2020 May 29 SA News

“As countries across the globe scramble to source much-needed ventilators to treat COVID-19 patients, government is ramping up the production of the critical equipment. With more industries set to begin operations when the country moves to level 3 on Monday, Economic Development Minister Ebrahim Patel says this has put a spotlight on what government can do to contain the spread of the virus. However, Patel has found comfort in “exceptional” groups of South Africans who have rolled up their sleeves to help the country to deal with the peak of infections by manufacturing local products such as masks, sanitisers and ventilators. “What happens if the virus in spite of hand sanitisation and masks or perhaps instances where these aren’t fully adhered to; when the virus enters the body,” he asked. “It means that people will need to get some attention and many South Africans as Dr Zweli Mkhize said will have mild symptoms, but there are those who will have challenges and will need to be rushed to hospital.”

<https://www.sanews.gov.za/south-africa/sa-produce-20-000-ventilators-august>

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LOCKDOWN REGULATIONS

Media Comment

Sidimba, Loyiso. High Court to rule on legal challenge against lockdown.

2020 May 31 IOL

“North Gauteng High Court Judge Norman Davis is expected to deliver his judgment on the Liberty Fighters Network’s (LFN) bid to have the regulations promulgated in terms of the Disaster Management Act (DMA) by Cooperative Governance and Traditional Affairs Minister Nkosazana Dlamini Zuma declared unconstitutional, unlawful and invalid.”

<https://www.iol.co.za/sundayindependent/high-court-to-rule-on-legal-challenge-against-lockdown-48752566>

Media Release

Department of Cooperative Governance. Minister Nkosazana Dlamini Zuma on Coronavirus COVID-19 Alert Level 3 religious gatherings. 29 May 2020.

“The Minister of Cooperative Governance and Traditional Affairs (COGTA), Dr Nkosazana Dlamini Zuma has after consultations with other cabinet members issued directions on religious gatherings in terms of regulation 37 (1) (a) of the Disaster Management Act, 202 (ActNo.57of202). The purpose of the issued directions in the schedule relates to norms and standards for religious gatherings that are permitted under regulations to address, prevent and combat the spread of COVID-19. After wide consultations with the religious sector, government is now in a position to categorise religious counselling as an essential service.”

<https://www.gov.za/speeches/statement-minister-cogta-directions-religious-gatherings-29-may-2020-0000>

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SOCIAL SECURITY

Media Releases

Department of Women, Youth and Persons with Disabilities. Deputy Minister Hlengiwe Mkhize on receiving R2.5 million hygiene products to assist those in need during Coronavirus COVID-19 lockdown. 29 May 2020.

“Government continues to strengthen relations with the private sector as it looks to alleviate the risks that women and girls experience during the COVID-19 lockdown. Deputy Minister in the Presidency for Women, Youth and Persons with Disabilities Professor Hlengiwe Mkhize on Friday, received sanitary and hygiene products from Procter & Gamble South Africa to the tune of over R2.5 million. The donation consists of over 22 192 sanitary towels, 7926 nappies, and washing powder packs. Procter & Gamble SA Vice President Vilo Trska officially handed over the consignment to the Department, and further revealed that P&G SA has increased its production capacity, enabling it to provide more accessible hygiene products to the country, and in the process creating jobs, despite the pandemic hovering the world.”

<https://www.gov.za/speeches/deputy-minister-hlengiwe-mkhize-receiving-r25-million-hygiene-products-assist-those-need>

Department of Social Development. Minister Lindiwe Zulu launches Child Protection Week at SOS Rustenburg, 30 May. 29 May 2020.

“As South Africa prepares to enter level 3 of the COVID-19 Risk-Adjusted Strategy, the Minister of Social Development, Ms Lindiwe Zulu, will on Saturday - 30 May 2020, officially launch the annual Child Protection Week campaign at SOS Rustenburg, North West Province. The theme of this year’s campaign: “Let us all protect children during COVID-19 and beyond”, is a clarion call for South Africans from all walks of life to work together to prioritise the safety and wellbeing of children, particularly in the midst of the global pandemic that continues to disrupt children’s lives in many ways.”

SPORT

Media Statement

SA Government News Agency. Professional sport to begin training, matches.

2020 May 30 SA News

“Sporting bodies and clubs will have to observe stringent measures to prevent the spread of COVID-19 when professional non-contact sport training and activities resume on 1 June when lockdown level 3 begins. Sports, Arts and Culture Minister Nathi Mthethwa made the announcement at a briefing to outline the draft regulations that will guide the resumption of sporting activities in level 3 of the lockdown. While non-contact activities are permitted for both training and sporting events, contact sport athletes are only allowed to train during this alert level. The approach is part of government’s attempt to reopen the sector in a staggered and manageable approach, said Mthethwa. Resumption of non-contact training or matches is also prohibited in areas declared as hotspots.”

<https://www.sanews.gov.za/south-africa/professional-sport-begin-training-matches>

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TOBACCO

Media Comment

Mailovich, Claudi. BAT goes to court to fight continued ban on tobacco sales.

2020 May 29 Business Day

“The ban on the sale of cigarettes has been particularly controversial as the president had first announced that they would be sold under level 4 of the lockdown.”

<https://www.businesslive.co.za/bd/national/2020-05-29-bat-to-challenge-continued-ban-on-tobacco-sales-in-court/>

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TOURISM

Media Release

Department of Tourism. Minister Mmamoloko Kubayi-Ngubane: Coronavirus COVID-19 alert level 3 tourism sector measures and directions. 30 May 2020.

“To ensure that SMMEs in the tourism sector survive the crisis we put together the tourism relief fund. The application window for the Covid-19 Tourism Relief Fund will close on 31 May 2020 (which is tomorrow). The Tourism Relief Fund provides a once-off capped grant of R50 000 per entity to subsidise expenses towards fixed costs, operational costs, and other pressure cost items. To date, more than 6 000 completed applications for grant assistance have been received from across the country. A large bulk of the applications were from businesses that provide accommodation services (2495), followed by hospitality at (1825), travel related services (1780) and other at (662). However, we have received feedback from applicants who experienced a number of challenges when they attempted to apply for the fund through our online system.”

<https://www.gov.za/speeches/minister-mmamoloko-kubayi-ngubane-coronavirus-covid-19-alert-level-3-tourism-sector>

Media Statement

SA Government News Agency. Tourism resumes limited operations in June.

2020 May 30 SA News

“South Africans, who have been confined to their homes, will now be allowed to venture out for hikes from 1 June when the country moves to level 3 of the lockdown. As of next month, hiking is permitted - provided it is done in compliance with existing guidelines and not in groups. Tourism Minister Mmamoloko Kubayi-Ngubane made the announcement when she outlined plans for the gradual return of the sector in a briefing on Saturday. In addition to hiking, the public will be allowed to engage in hunting and gaming activities. Visits to public and private game farms for self-drive excursions are also allowed under level 3. These activities will resume, provided COVID-19 health, safety and social distancing measures on are in place. The tourism sector, which is largely interactive in nature, has been one of the hardest hit by the COVID-19 pandemic.”

<https://www.sanews.gov.za/south-africa/tourism-resumes-limited-operations-june>

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TRADE AND INDUSTRY

Media Comment

Payi, Bulelwa. Court victory for informal traders at the Grand Parade.

30 May 2020 IOL

“Suffering the financial hardship and harm of the stringent lockdown regulations, informal traders at the Grand Parade have secured a legal victory allowing them to sell essential goods again.”

<https://www.iol.co.za/weekend-argus/news/court-victory-for-informal-traders-at-the-grand-parade-48712919>

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TRANSPORTATION

Government Gazettes

Disaster Management Act 57 of 2002

- Directions issued by Minister of Transport in terms of Regulation 4(7)(b), read with Regulation 43 of the regulations made under section 27(2): Measures to address, prevent and combat the spread of COVID-19 in the air services. Amendment of direction 5, as published under [GN438 in GG 43189 of 31 March 2020](#), and direction 8, as published under [GN415 in GG 43160 of 26 March 2020](#).
GN615 GG 43375 p3 30May2020
<https://www.gov.za/documents/disaster-management-act-measures-prevent-and-combat-spread-coronavirus-covid-19-public-0>
- Directions issued by Minister of Transport in terms of Regulation 4(7)(b), read with Regulation 43 of the regulations made under section 27(2): Measures to address, prevent and combat the spread of COVID-19 in the public transport services. Amendment of [GN493 in GG 43272 of 04 May 2020](#) by the substitution for direction 7: Inter-provincial public transport.
GN614 GG 43374 p3 30May2020
<https://www.gov.za/documents/disaster-management-act-directions-measures-address-prevent-and-combat-spread-14>
- Directions issued by Minister of Transport in terms of Regulation 4(7)(b), read with Regulation 43 of the regulations made under section 27(2): Measures to address, prevent and combat the spread of COVID-19 in Railway Operations: Amendment of [GN536 in GG 43322 of 14 May 2020](#), by the substitution for direction 13.
GN613 GG 43373 p3 30May2020
http://www.gpwonline.co.za/Gazettes/Gazettes/43373_30-5_Transport.pdf

Media Release

Department of Transport. Minister Fikile Mbalula: Coronavirus COVID-19 level 3 lockdown transport measures. 30 May 2020.

“As the country moves to level 3, with more industries resuming operations, learners returning to school, the transport sector must be responsive to enable mobility of both workers and learners... Regulations published by the Minister of Co-operative Governance, which give effect to Level 3, enjoins us to publish Directions, responsive to the gradual easing of the lockdown. The re-opening of the schools and some institutions of higher learning in June require of us to put measures in place to enable safe movement of learners and students. Similarly, the increase in the number of people returning to work means more activity on our roads. Our level 3 Directions, which come into effect on 1 June 2020, demonstrate the careful balancing act of enabling mobility while arresting the spread of the virus through the transport system.”

<https://www.gov.za/speeches/minister-fikile-mbalula-coronavirus-covid-19-level-3-lockdown-transport-measures-30-may>

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