



Covid-19 Regulatory Update

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Covid-19 Regulatory Update: 09 June 2020

CONTENTS

ARBITRATION	2	LOCKDOWN.....	3
CONFIRMED CASES	2	SAFETY AND SECURITY	3
EDUCATION	2	TOBACCO	4
EMPLOYMENT LAW	2	TRADE AND INDUSTRY	4
LIQUOR.....	2		

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

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ARBITRATION

Guidance Note

International Chamber of Commerce. ICC Guidance Note on Possible Measures Aimed at Mitigating the Effects of the COVID-19 Pandemic. April 2020.

“This Guidance Note: (I) recalls the procedural tools available to parties, counsel and tribunals to mitigate the delays generated by the pandemic through greater efficiency, and (II) provides guidance concerning the organisation of conferences and hearings in light of COVID-19 considerations, including conducting such conferences and hearings by audioconference, videoconference, or other similar means of communication ("virtual hearing"). To the extent relevant, it may serve in the context of other ICC ADR proceedings as well.”

<https://iccwbo.org/content/uploads/sites/3/2020/04/guidance-note-possible-measures-mitigating-effects-covid-19-english.pdf>

[Back to Contents](#)

CONFIRMED CASES

Reports

National Institute for Communicable Diseases. Latest confirmed cases of Covid-19 in South Africa. 8 June 2020.

<https://www.nicd.ac.za/latest-confirmed-cases-of-covid-19-in-south-africa-8-june-2020/>

National Institute for Communicable Diseases. National COVID-19 daily report. 8 June 2020.

https://www.nicd.ac.za/wp-content/uploads/2020/06/COVID19-Daily-Report-National-Public-8June2020_.pdf

[Back to Contents](#)

EDUCATION

Government Gazette

Disaster Management Act 57 of 2002

Directions issued by Minister of Higher Education, Science and Innovation for Criteria to Return to Public University and Private Higher Education Campuses as Part of a Risk-Adjusted Strategy for a Phased-in Return from Level 3: Directions come into effect on 01 June 2020.

GN652 GG 43414 p3 08Jun2020

http://www.gpwonline.co.za/Gazettes/Gazettes/43414_08-06_HighEduTrain.pdf

Internet Article

Many learners sent home from “unprepared” schools, while others return.

2020 Jun 8 Groundup

“Thousands of grade 7 and 12 learners returned to school on Monday while observing new rules of social distancing and wearing a mask at all times. But the start of the new term has also highlighted serious challenges faced by many schools with poor infrastructure or little to no ablution facilities. This has resulted in many schools reportedly not being ready to welcome learners back this week as well as several protests by parents who fear for learners’ safety.”

<https://www.groundup.org.za/article/many-learners-sent-home-unprepared-schools/>

[Back to Contents](#)

EMPLOYMENT LAW

Internet Article

Grogan, John and Govindjee, Avinash. Disrobed – Digital labour proceedings during the lockdown.

2020 Jun Issue 13 Talking Points

https://juta.co.za/documents/866/Issue_13_-_Talking_Points_-_Accessing_labour_courts_and_tribunals_during_Covid_FA.pdf

[Back to Contents](#)

LIQUOR

Media Comments

Premier wants alcohol banned in Eastern Cape.

2020 Jun 8 eNCA

“Eastern Cape Premier Oscar Mabuyane said the Provincial Command Council may ask the national council to stop the sale of alcohol.

The province has the second-highest number of COVID-19 cases after the Western Cape.

<https://www.enca.com/news/ec-premier-names-alcohol-funerals-major-problems>

Schrieber, Sinesipho and NemaKonde, Vhahangwele. Government denies reinstating alcohol ban amid calls for its return.

2020 Jun 8 Citizen

“On the day the ban was lifted, the Chris Hani Baragwanath hospital recorded 117 trauma cases.

Cooperative Governance and Traditional Affairs (Cogta) spokesperson Mlungisi Mtshali on Monday said government would not reinstate the alcohol ban – at least for now, reports Pretoria East Rekord.

Mtshali was responding to public comments alluding that the ban might be reinstated.

Although Mtshali could not comment on whether the national coronavirus command council was discussing the matter or not, he said the government had not taken any decision to reinstate the ban on alcohol sales.

<https://citizen.co.za/news/south-africa/government/2298805/government-denies-reinstating-alcohol-ban-amid-calls-for-its-return/>

Media Release

SA Government News Agency. 10 KZN liquor outlets close.

2020 Jun 8 SANews

“Ten out of 747 licensed liquor premises inspected in KwaZulu-Natal have been shutdown for contravening the COVID-19 regulations.

According to a statement from the office of the MEC for Economic Development, Tourism and Environmental Affairs, Nomusa Dube-Ncube, the common areas of contravention include failure to close according to trading times, sale of expired liquor, failure to screen employee and patrons’ hands and ensuring social distancing.”

<https://www.sanews.gov.za/south-africa/10-kzn-liquor-outlets-close>

[Back to Contents](#)

LOCKDOWN

Government Gazette

Disaster Management Act 57 of 2002

National State of Disaster (COVID-19) published in [GN 313 in GG 43096 of 15 March 2020](#): Taking into account the need to continue augmenting the existing mitigation measures undertaken by organs of state to address the impact of the disaster, extension to 15 July 2020.

GN646 GG 43408 p3 05Jun2020

http://www.gpwonline.co.za/Gazettes/Gazettes/43408_05-06_Cogta.pdf

Opinion

Mahomed, Advocate Hishaam. Why the judgment on Covid-19 lockdown regulations must be challenged.

2020 Jun 8 IOL

[De Beer v Minister of Co-operative Governance and Traditional Affairs](#) is discussed.

[Back to Contents](#)

SAFETY AND SECURITY

Media Release

Minister Albert Fritz. Protocols in place for Neighbourhood Watches to operate under alert level 3. 8 June 2020.

“The Minister of Community Safety, Albert Fritz, welcomes the letter by the Deputy National Commissioner, Lieutenant General SF Masemola issued on 5 June 2020 which outlines the conditions under which Neighbourhood Watches (NHWs) may operate, following the move from alert level 4 to alert level 3 of the lockdown.

During a meeting on 1 June 2020, between the Heads of Departments of the various Departments of Community Safety and the National Secretary of Police, it was confirmed that the restrictions placed on NHWs have been lifted under alert level 3. The letter states that as per the Regulations issued on 28 May 2020, NHWs are not excluded. However, they may operate subject to their compliance with the relevant prescripts outlined in the Regulations and directives made by the Department of Health.

The relevant guidelines provided for NHWs are as follows:

- NHW members must be in possession of a valid permit at all times;
- In the case of NHWs, a valid permit must be issued by the convener [Department of Community Safety] or any person authorized by him/her; and
- Form 2 of the regulations must be used by the NHW member as a valid permit.”

<https://coronavirus.westerncape.gov.za/news/protocols-place-neighbourhood-watches-operate-under-alert-level-3>

[Back to Contents](#)

TOBACCO

Media Comment

Grootes, Stephen. Government's strange silence in the tobacco war of its own making.

2020 Jun 9 Daily Maverick

“On Tuesday 9 June, judges will start to read through the legal arguments around the ban on the sale of tobacco, ahead of the oral hearing on Wednesday. The case has huge implications: if the judges go against government and declare the regulations banning the sale of cigarettes illegal, the legitimacy of all of the other regulations may be questioned too. Crucial to all of this is public opinion. And while government may have prepared a proper legal case, it has been striking how often government ministers and spokespeople have tried to avoid discussing the issue, effectively failing to make its case in the court of public opinion.”

<https://www.dailymaverick.co.za/article/2020-06-09-governments-strange-silence-in-the-tobacco-war-of-its-own-making/#gsc.tab=0>

[Back to Contents](#)

TRADE AND INDUSTRY

Media Comment

Mahlati, Zintle. DA in urgent court bid over regulations governing hairdressers, personal care services.

2020 June 8 IOL

“The DA has filed court papers at the Western Cape High Court seeking to have the lockdown regulations prohibiting personal care services from operating to be declared unconstitutional and invalid.

The DA has found an issue with services such as hairdressers, salons, and grooming services, being prohibited under level 3 of the national lockdown. The party said these industries were suffering as they were unable to operate.”

<https://www.iol.co.za/news/politics/da-in-urgent-court-bid-over-regulations-governing-hairdressers-personal-care-services-49120564>

[Back to Contents](#)

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