

The Contemporary Gazette

relevant new legislation for your business



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This Update

This newsletter overviews new relevant National laws up to **1st June 2020**.

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General

1. NOTABLE ONE LINERS

Collective Investment Schemes Control Act

Conduct standard 1 of 2020 CIS (net asset valuation calculation and pricing), and conduct standard 2 of 2020 CIS (delegation of administration functions by a manager), available from the FSCA.

Compensation for Occupational Injuries and Diseases Act

Extension given to employers to [submit the return of earnings](#) from 31 May 2020 to 30 June 2020.

Competition Act

The enforcement guidelines for the [buyer power regulations](#) include provisional lists of unfair trading conditions in online intermediation services, and in grocery wholesale and retail and agro-processing.

Customs and Excise Act

[Section 76C](#) (set-off of refund against amounts owing) amended 22 May 2020.

Disaster Management Act

- (i) [COVID-19 directions \(basic education - schools\)](#) (phased in return to school of learners, educators and officials, May / June examination, issuing of permits and certificates, general safety measures, symptom screening, sanitizers, disinfectants and masks, social distancing and timetable models, and curriculum trimming and re-organisation);

Note: Aspects of the direction may have been postponed to 8 June 2020, except possibly for Western Cape areas - the position is unclear at time of writing.

- (ii) [COVID-19 directions \(employment - temporary employee/employer relief scheme\)](#) amended to include a contributor or employee who should have received the benefits but the employer failed to register as employer, failed to provide employees prescribed details, or failed to provide the contributions.

Note: Commenced earlier of publication on the Department website (unknown) or gazette (26 May 2020).

(iii) [COVID-19 directions \(travel - public transport services\)](#) amended to allow transport for food delivery services; allow intra-provincial, metropolitan areas and districts public transport; and require transportation of persons rendering essential or permitted services meet determined operating shifts or work time.

(iv) [COVID-19 directions \(travel - public transport licences, discs, permits and registrations\)](#) amended so that licences, discs, permits, and roadworthy certificates that expire during 26 March 2020 to 31 May 2020 are deemed valid and their validity period is further extended with 90 days from 1 June 2020.

Note: Motor trade number licences that expire during 26 March 2020 to 31 May 2020 are also deemed valid and extended for a further grade period of 6 months from the date of publication of these directions.

Further note: The directions also set health and safety measures for driving licence testing centres, registering authorities, vehicle testing stations and driving schools in anticipation of 1 June 2020.

(v) The [COVID-19 directions \(co-operative governance - religious gatherings\)](#) (phased re-opening of places of worship, health and safety measures at places of worship, social distancing, personal protection, sanitisers, disinfectants and other measures, and health protocols for places of worship) commenced 1 June 2020;

(vi) [COVID-19 directions \(health personnel, human remains, and quarantine facilities\)](#) amended 25 May 2020 (adds measures when a person passes on at home, conveyance of infectious mortal remains, handling of mortal remains, mortal remains in mortuaries or at funeral undertakers, prohibition of viewing and storage of body at home, environmental cleaning and control, burial or cremation, disposal of mortal remains in high risk situation, burial of non COVID-19 mortal remains, persons returning, aircraft or ship crew, designation of quarantine facilities, transport to and from quarantine facilities., cost of quarantine, evacuation of foreign nationals, and control measures for public places);

(vii) [COVID-19 directions \(environmental - biodiversity\)](#) amended 26 May 2020 to substitute annexure 2 (list of activities with associated restrictions which may be carried out during alert level 4).

(viii) [COVID-19 directions \(communications and digital - risk-adjusted strategy\)](#) amended to clarify intended Post Office and Postbank branches mitigation measures.

(ix) [COVID-19 directions \(once-off movement final year medical students\)](#) amended to clarify that from 8 May 2020, final year medical students may travel to and from their place of residence to university campuses and training sites to allow for their academic and clinical work to continue during 8 to 31 May.

(x) [COVID-19 directions \(travel - railway\)](#) amended 1 June 2020 to state that the Gautrain will continue commuter services for Park Station to Hatfield and for Sandton to OR Tambo international Airport.

Note: Prasa will continue with fleet maintenance, servicing and testing and further sanitise and disinfect stations and hubs, and will on completion announce the resumption of any commuter services.

(xi) [COVID-19 directions \(travel - air services\)](#) amended 1 June 2020 to regulate certain international passenger flights (SA nationals repatriation from foreign countries and foreign nationals evacuation from SA); commercial domestic passenger flights from 4 airports that are not for recreational, leisure or tourism purposes; specific airports and airlines safety measures; which aviation operations are allowed; aviation training; and submission of COVID-19 procedures for SACAA approval.

Financial Sector Regulation Act

The commencement date for [chapter 14](#) (ombuds) is now set for 1 November 2020.

Financial Services Ombud Schemes Act

The Financial Sector Regulation Act [will now repeal this Act](#) on 31 May 2021.

Labour Relations Act

[Accreditation and subsidy](#) gazetted for the bargaining councils for the Chemical Industry; Diamond Cutting Industry; Furniture; Meat Trade; Clothing Manufacturing Industry; Food Retail, Restaurant, Catering and Allied Trades; Furniture Manufacturing Industry of the Western Cape; Metal and Engineering Industries; Safety and Security Sectoral; and South African Local Government.

Medicines and Related Substances Act

[Exemption](#) given from the [sampling requirements](#), until 22 May 2023, for medicines, medical devices and in vitro diagnostics donated to the State, or provided to the State as a sample as part of the submission of a bid for a tender published by the State.

Note: Such donations must be made or samples provided as per the guidelines determined by the SA Health Products Regulatory Authority and relevant procedures required by the State.

Mine Health and Safety Act

[Guidance note](#) gazetted for the mitigation and management of COVID-19 outbreak.

National Environmental Management Act

Transitional provisions of the [environmental impact assessment regulations](#) (relating to environmental authorisation under the previous environmental impact assessment regulations or Environment Conservation Act regulations, and still in effect by 8 December 2014) amended.

Note: The transitional provisions amendment also relates to a Mineral and Petroleum Resources Development Act right or permit for prospecting, exploration, extraction or primary processing where the environmental programme or plan approved under that Act is still in effect after 8 December 2014.

Petroleum Products Act

[Maximum refinery gate price of liquefied petroleum gas](#) gazetted.

Public Finance Management Act

Terms of ministerial committee of inquiry to conduct an independent investigation into the business processes, systems and capacity of the National Student Financial Aid Scheme available from Treasury.

Standards Act

New, proposed, amended, and withdrawn [standards](#) have been gazetted for May 2020.

Transport Appeal Tribunal Act

The [Transport Appeal Tribunal Amendment Bill 2020](#) proposes defining direction or decision, and improving decisions on appeals provisions.



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Safety

2. DISASTER MANAGEMENT ACT: COVID-19 REGULATIONS AND DIRECTIONS (AS AT 1 JUNE 2020)

This overview tracks the current [COVID-19 regulations](#), as amended to include [level 3](#) regulations, and [table 2](#) limitations, read with the [COVID-19 directions](#) (as at 1 June 2020).

Note: The formal text is prone to sudden change - consider visiting 'Latest Updates' from time to time. For example, media statements have been made that an amendment to the key [workplace safety directions](#) is expected soon.

Rational expectations

In addition to laws mentioned at the start of [earlier COVID-19 overviews](#), there are also a number of principles in common, case, and statutory law that may:

- (i) Come into play in different circumstances when considering the regulations, a regulation, the directions, a direction, or enforcement thereof; or
- (ii) Give some guidance on what may be considered rational behaviour expectations in a democratic environment, even if the specific law, such as [PAJA](#), does not apply directly.

For example:

- (i) Hear the other side too;
- (ii) General criminal law principle that a person is innocent until proven guilty;
- (iii) The crime must be proportionate to the offence;
- (iv) The objective reasonable person legal test;
- (v) Action or delegated power not authorised by the empowering provision;
- (vi) Person making decision was biased or reasonably suspected of bias;
- (vii) Mandatory and material procedure or condition prescribed by empowering provision not complied with;
- (viii) Action materially influenced by an error of law;
- (ix) Action taken for a reason not authorised by the empowering provision or for an ulterior reason;

- (x) Action based on irrelevant considerations taken into account, or relevant considerations ignored;
- (xi) Action taken because of the unauthorised or unwarranted dictates of another person or body;
- (xii) Action taken in bad faith, arbitrarily or capriciously;
- (xiii) Action not rationally connected to the purpose for which it was taken;
- (xiv) Action not rationally connected to the purpose of the empowering provision;
- (xv) Action not rationally connected to the information available, or to the reasons given for the action;
- (xvi) Exercise of power so unreasonable no reasonable person could have so exercised that power;
and/or
- (xvii) Action is unconstitutional or unlawful.

The right to work again at level 3

All persons able to work from home are **told** to do so.

Note: The regulations state that relevant health protocols and social distancing measures for persons employed in private residences must be adhered to.

Persons are also told they may:

- (i) Perform any non-prohibited (see below) work outside the home;
- (ii) Travel to and from work; and
- (iii) Travel for work purposes.

However, the return to work must:

- (i) Be phased-in to put in place measures to make the workplace COVID-19 ready; and

Note: Read with the [workplace safety directions](#), and other directions with specific safety measures.

- (ii) Avoid and reduce infection risks.

In addition work and work travel must follow strict compliance with health protocols and social distancing.

Note: The [Occupational Health and Safety Act](#) is fundamental law, and not replaced by the regulations - it requires that all reasonable efforts should be taken.

Further note: Consider legal advice if an enforcement officer or other person interprets strict compliance in a highly unreasonable manner in the circumstances.

Final note: Keep in mind that the objective reasonable person in this time may likely expect extraordinary effort where reasonably possible on social distancing, face covering and other generally acceptable steps.

Prohibited work at level 3

The following is [prohibited](#), for now:

- (i) Consumption of food and beverages at a place of sale or in a place of sale;
- (ii) On site consumption of liquor;
- (iii) Short term home-sharing, letting, leasing and rental for leisure purposes;
- (iv) Domestic passenger air travel for leisure purposes, until ministerial directions are issued;

Note: Consider monitoring the [air services directions](#) for any such amendments.

- (v) Passenger ships for leisure purposes;
- (vi) Conferences and events, including sporting events, except as provided for in regulation 37 and 39;
- (vii) Personal care services, except categories identified in ministerial directions under specified conditions;

Note: Includes hairdressing, beauty treatment, make-up, nail salons, piercing and tattoo parlours.

- (viii) Exclusions relating to public transport services as set out in ministerial directions;

Note: Also see the [public transport directions](#).

- (ix) Exclusions relating to education services as set out in ministerial directions; and

Note: Also see the [schools directions](#) (of which aspects of its application may have been postponed to 8 June 2020, except possibly for Western Cape areas - the position is unclear at time of writing).

- (x) Tourist attractions, casinos and entertainment activities, except those identified in ministerial directions.

Social distancing and other work measures at level 3

The following is required by [regulation 46](#) and [47](#).

Private and public industries permitted to operate must:

- (i) Comply with the [workplace safety directions](#), and with relevant health protocols and social distancing measures in other [directions](#);

Note: SMMEs are reminded to start with clause 40 of the workplace safety directions.

- (ii) Designate a COVID-19 compliance officer to oversee the implementation of the phased-in return plan and adherence to the standards of hygiene and health protocols relating to COVID-19 at the workplace;
- (iii) Develop a plan (that corresponds to Annexure E of the regulations) for the phased-in return of employees to the workplace, prior to reopening the workplace for business, and retained for inspection;

Note: The plan must contain which employees may work; what the plans for the phased-in return are; what health protocols are in place; and the details of the COVID-19 compliance officer.

- (iii) Phase-in the return of employees to work to manage the return of employees from other provinces, metropolitan areas and districts; and
- (iv) Develop measures to ensure that the workplace meets the standards of health protocols, adequate space for employees and social distancing measures for the public and service providers, as required.

Employers must implement measures for employees over 60 or with co-morbidities, to facilitate their safe return to work.

Note: This may include special measures at the workplace to limit employees exposure to COVID-19 infection and, where possible, that the employees work from home.

Further note: The text probably meant employees with known co-morbidities as some employees may not know themselves, some may not wish to disclose, and employers can seldom legally force disclosures.

A person in control of a retail store or institution must:

- (i) Take steps to ensure customers keep a distance of at least 1,5m from each other, and that all directions in respect of health protocols and social distancing measures are adhered to; and
- (ii) Designate a compliance officer to ensure safety controls are strictly adhered to, and display the name of the compliance officer prominently in the store or institution in a visible area.

Entities with more than 100 employees must, where possible, minimise the employees at the workplace at any given time, to achieve social distancing and limit congestion in public transport and at the workplace.

Note: Rotation, staggered working hours, shift systems, remote working or similar measures.

Construction, manufacturing, business and financial services firms with more than 500 employees must finalise appropriate sector or workplace arrangements or compacts to:

- (i) Arrange transport to their employees coming to site to reduce congestion in public transport;

Note: Where this is not possible, they must consider staggered working time arrangements.

- (ii) Stagger return to work to ensure workplace readiness and avoid traffic congestion in peak travel times;
- (iii) Screen employees daily for COVID-19 symptoms, and refer employees who display symptoms for medical examination and testing where necessary; and
- (iv) Submit data collected during the screening and testing process to the Director-General: Health.

A sector or industry body, if any, must, in the event of high health risks develop sector-specific health protocols that:

- (i) Include provisions to limit the spread of COVID-19 in the sector; and
- (ii) Provide for where a firm cannot operate staggered working hours or provide transport to its employees.

Note: The protocols must be developed in consultation with the Department of Health.

The right to move again at level 3

Regulation 33 states that a person may leave his or her place of residence to:

- (i) Perform any service permitted under level 3, and to travel to and from work;
- (ii) Buy goods or obtain services not excluded by level 3, for now;

Note: For example, [regulation 45](#) prohibits the sale of tobacco, tobacco products, e-cigarettes and related products (except for export), [39](#) prohibits opening certain premises, and [38](#) prohibits initiation practices.

Final note: It is made an offence, for the [purpose of level 3](#), to contravene [regulation 45](#).

Further note: [Regulation 45](#) only prohibits sale, and not transport or use. A receipt does not need to be kept, and criminal law and other laws have not been removed by the regulations.

- (iii) Move children, as allowed;

Note: [Regulation 34](#) regulates movement of children, including that a person applying for a permit in that regulation must confirm that the household to which the child has to move is free of COVID-19.

Further note: A learner or student travelling between provinces must be given a certificate corresponding with Annexure A form 3A, by the head of school or institution of higher learning, or delegated person, that he or she attends that school or institution.

Further note: A person transporting a learner or student must be issued with a permit, corresponding with Annexure A form 3B, by the head of the school or institution of higher learning, or delegated person, allowing him or her to transport learners or students to and from the school or institution.

Final note: The [schools direction](#) (of which aspects of its application may have been postponed to 8 June 2020, except possibly for Western Cape areas - the position is unclear at time of writing) will require a letter of attendance for every learner or student to show they are attending a specific school or institution.

(iv) Exercise between 06h00 to 18h00;

Note: Not to be done in organised groups, and to adhere to health protocols and social distancing measures.

(v) Attend a place of worship in the same or another metropolitan area or district in the same province;
and

Note: Also see the [religious gatherings direction](#).

(vi) Attend a school or learning institution, once these are opened.

Note: Also see the [schools direction](#) (of which aspects of its application may have been postponed to 8 June 2020, except possibly for Western Cape areas - the position is unclear at time of writing), and [final medical year students direction](#).

A person in a public place must wear a cloth face mask, or other appropriate item to cover nose and mouth.

Note: No person is allowed in a public place, on public transport, or in a public building, place or premises, if he or she is not wearing a cloth face mask or another appropriate item to cover the nose and mouth.

Movement between provinces, metropolitan areas, districts and hotspots is prohibited, except for:

(i) Carrying out work responsibilities or performing any service permitted under level 3;

Note: Such person must have a permit issued by the employer which corresponds with Annexure A form 2.

(ii) Moving to a new place of residence;

Note: An amendment is suggested to also allow moving a business to new business premises.

(iii) Caring for an immediate family member;

Note: Such person must have an affidavit which corresponds with Form 6 of Annexure A.

(iv) Obtaining medical treatment;

(v) Learners or students that must commute to and from schools or institutions of higher learning in permitted operation periods;

Note: Also see the [schools direction](#) (of which aspects of its application may have been postponed to 8 June 2020, except possibly for Western Cape areas - the position is unclear at time of writing).

(vi) Returning to a place of residence from a quarantine or isolation facility;

Note: Also see the [health directions](#) (e.g. transport to and from quarantine facility, and cost of quarantine).

(vii) Transportation of mortal remains, and [regulation 35](#) attendance of funerals;

Note: Also see the [health directions](#) (e.g. measures when a person passes on at home, and conveyance of infectious mortal remains).

(viii) Any movement permitted under [regulation 41](#) (closure of borders); and

Note: For example the minister for home affairs may allow the return of a SA national or permanent resident to his or her place of employment, study or residence, outside SA.

Further note: A foreign tourist who arrived in SA before 30 April 2020 and still here, must remain in the temporary residence until otherwise determined by the minister for international relations and cooperation, and may be subject to screening for COVID-19, quarantining or isolating.

Final note: The evacuation of foreign tourists may be allowed where arrangements, including air charter evacuation, is made by the relevant embassy - a tourist escorted to the point of exit may be screened.

(viii) Members of Parliament performing oversight responsibilities.

Limiting the right to evictions in level 3

A person may not be [evicted](#) from his or her land or home during level 3, but a competent court may:

(i) Grant an [Extension of Security of Tenure Act](#) or [Prevention of Illegal Eviction from and Unlawful Occupation of Land Act](#) eviction order; and

(ii) Suspend such order until the last day of level 3, unless a court decides suspension is not just and equitable.

Note: It is made an offence, for [level 3](#), for any person not to comply with the above.

Limiting the right to gather and socialise at level 3

Note: An enforcement officer must first order the persons at a gathering that he or she considers prohibited to disperse immediately, and only if such persons refuse take appropriate action.

Further note: It is made an offence, for the [duration of the state of disaster](#), to convene a prohibited gathering.

All [gatherings](#) are prohibited, except a gathering at:

- (i) A workplace for work purposes;
- (ii) A faith-based institution, that is in line with the [religious gatherings direction](#);
- (iii) A funeral, that is in line with regulation 35;
- (iv) An agricultural auction, that is in line with any relevant agricultural directions;
- (v) A professional non-contact sports match, that is in line with any relevant sports directions.

Note: Such match may only include players, match officials, journalists and medical and television crew.

In addition, [places normally open to the public](#) for cultural, sporting, entertainment, leisure, exhibitional, organisational or similar activities, is closed and all gatherings there prohibited. Such places include:

- (i) Hotels, lodges, bed and breakfasts, timeshare facilities and resorts and guest houses;

Note: Exception is made for accommodation by the remaining tourists confined to such facilities, persons for work purposes, and persons in quarantine or isolation.

- (ii) Private and public game reserves;

Note: Exception is made to the extent that these facilities are required for the remaining tourists confined to such facilities, and exception is made for private self-drive excursion activities.

- (iii) On-consumption premises, such as bars, taverns, shebeens and similar establishments;

Note: Exception is made, in terms of [regulation 44](#), for the sale of liquor at any licensed premises or through ecommerce delivery Monday to Thursday, between 09h00 and 17h00.

Further note: The transportation and distribution of liquor to licensed premises is permitted from 29 May 2020 subject to any relevant directions, and the sale of liquor may be subject to directions.

Final note: The consumption of liquor at the place of sale is prohibited, and it is made an offence, for the purposes of [level 3](#), for any person not to comply with or to contravene the above.

- (iv) Gyms and fitness centres;
- (v) Conference facilities;

(vi) Sports grounds and fields and swimming pools;

Note: Exception is made for training of professional athletes and professional non-contact sports matches.

(vii) Fetes and bazaars;

(viii) Night clubs and casinos;

(ix) Private homes for paid leisure accommodation;

(x) Theatres and cinemas; and

(xi) Museums, beaches and public parks.

Note: It is made an offence, for [level 3](#), for any person not to comply with the above.

Further note: Tourist attractions must remain closed, except for private self-drive excursion activities.

Further note: Persons rendering security and maintenance services may do so at the closed places.

Final note: The minister responsible for cooperative governance and traditional affairs may, by directions, determine any other place or premises that must be closed, if there is a risk of any members of the public being exposed to COVID-19.

Finally, government also [prohibits visits by members](#) of the public, that do not conform with any relevant directions that may be gazetted, to:

(i) Older persons residential facilities;

Note: This seems to apply despite the allowance of movement to assist an immediate family member.

Further note: The [COVID-19 directions \(social services\)](#) contain directions for old age homes.

(ii) Health establishments and facilities; and

Note: Except to receive treatment or medication in accordance with health protocols.

(iii) Correctional centres, remand detention facilities, police holding cells, and military detention facilities.

Note: It is not clear to what extent the [COVID-19 directions \(justice - correctional centres and remand detention facilities\)](#) still applies, due to its reference to lockdown and the regulations definition of [lockdown](#).

Limitations on commerce and public transport in level 3

Rail, ocean, air and road transport is [permitted for cargo](#) to and from other countries and within SA, subject to:

- (i) National legislation; and
- (ii) Any directions by the minister responsible for trade, industry and competition, after consultation with the ministers responsible for transport and finance, to control the management, administration and prioritisation of exports or imports.

Note: The minister for transport may, after consultation with the ministers for cooperative governance and traditional affairs, trade, industry and competition, health, justice and correctional services, finance and public enterprises, issue directions on health protocols for sea cargo and air freight operations.

Provision is made for directions for the resumption of different modes of public transport to cater for the gradual return to work of people, in respect of domestic air travel, rail, bus services, taxi services, e-hailing services, and private vehicles.

Note: Such directions must set out the health protocols that must be adhered to and steps to be followed for the limitation of the exposure of members of the public using public transport to COVID-19.

General offence in level 3

It is an [offence](#), for the duration of the national state of disaster, for any person to hinder, interfere with, or obstruct an enforcement officer in the exercise of his or her powers, or the performance of his or her duties in terms of these regulations.

Note: An enforcement officer must still act legally, within their powers, and proportionally. The courts will seldom allow abuse of these parameters.

Remaining general measures in the regulations

The [application](#) and [general regulations](#) continue to apply:

- (i) The determined level applies to provinces, metropolitan areas and districts (unless a different level is otherwise determined);

Note: [Chapter 3](#) alert level 4, read with [table 1](#), has not been repealed.

Further note: High regulatory uncertainty exists in the threat of potentially changing levels in an area suddenly, especially without reasonable consideration and consultation.

(ii) Movement of persons may be restricted in and out of a [hotspot](#);

(iii) A person must wear a cloth face mask or a homemade item that covers the nose and mouth when in a public place, or another appropriate item to cover the nose and mouth;

Note: Alternative appropriate items are especially a consideration for those who struggle with cloth masks.

(iv) An employer must provide every employee who may come into direct contact with members of the public as part of their duties with a cloth face mask or another appropriate item to cover the nose and mouth;

Note: No person will be allowed to use public transport, or enter a building, place or premises, if they do not wear a cloth face mask or another appropriate item to cover the nose and mouth;

(v) Business premises must determine adequate space available (1 person per 1,5m² floor space); manage inside and outside queuing of 1,5m; provide entrance hand sanitisers for public and employees; and have a compliance employee ensure compliance with these measures and relevant directions;

Note: The most relevant direction is the [workplace safety directions](#) ([mine safety directions](#) for mines).

(vi) Employers must adopt employee physical distancing, including, minimising the need for employees to be physically present at the workplace; adequate space (1 person per 1,5m² floor space); face to face meeting restrictions; and special measures for employees over 60 or with known co-morbidities;

Note: The most relevant direction is the [workplace safety directions](#) ([mine safety directions](#) for mines).

(vi) All courier and delivery services must provide for minimized personal contact during delivery;

(vii) Measures on refusal of medical examination, prophylaxis, treatment, isolation and quarantine, and isolation and quarantine of persons;

Note: Also see the [health directions](#) (e.g. [quarantine facilities designation, transport, and cost](#)).

(viii) Department of Health database to trace persons known or reasonably suspected to have come into contact with any person known or reasonably suspected to have contracted COVID-19, with track and tracing duties for accommodation establishments and electronic communications service providers; and

Note: The [postal directions](#) (individual track and trace) contain similar duties for the SA Post Office.

(ix) Donor funding received by institutions to assist with the national state of disaster must, subject to the PFMA and MFMA, be used strictly for implementing the regulations and directions.

(x) Identified shelters and sites;

Note: Also see the [health directions](#) (metropolitan and district municipalities should ensure that they identify areas that may be utilised for mass burial should the need for same arise).

(xi) The statement that the regulations do not limit powers or indemnities of security services under law;

Note: Other laws, such as [chapter 11 of the Constitution](#) (including national security must be pursued in compliance with the law, including international law, and is subject to the authority of Parliament and the national executive), do.

(xii) Provision for resolution of disputes if the parties are open thereto;

Note: It is not certain what the office of the solicitor general is - this may refer to the State Attorney.

(xiii) Emergency procurement procedures;

Note: See, for example the past level 4 [COVID-19 directions \(minerals and energy - supply of energy and energy projects\)](#) (e.g. nuclear projects);

(xiv) Offence to intentionally misrepresents being infected with COVID-19;

Note: May also trigger other fraud offences.

(xv) Offence to publish any statement through any medium, including social media, with the intention to deceive any other person about COVID-19, COVID-19 infection status of any person, or any measure taken by the Government to address COVID-19;

(xvi) Offence, including potentially assault, attempted murder or murder, to intentionally expose another person to COVID-19; and

(xvii) Offence not to comply with a track and tracing [regulation 8\(5\), \(9\), \(11\) or \(17\)](#) obligation, or a [regulation 8\(10\) or \(18\)](#) direction.

Active directions during level 3

The following directions are active as at 1 June 2020:

(i) [COVID-19 directions \(basic education - schools\)](#) (of which aspects of its application may have been postponed to 8 June 2020, except possibly for Western Cape areas - the position is unclear at time of writing);

(ii) [COVID-19 directions \(communications and digital - electronic communications, postal and broadcasting\)](#);

(iii) [COVID-19 directions \(communications and digital - minimum standards\)](#);

(iv) [COVID-19 directions \(co-operative governance - religious gatherings\)](#);

- (v) COVID-19 direction (co-operative governance - municipalities, provinces and traditional leadership);
- (vi) COVID-19 directions (employment - temporary employee/employer relief scheme);
- (vii) COVID-19 directions (employment - workplace safety);
- (viii) COVID-19 directions (health - personnel, human remains, and quarantine facilities);
- (ix) COVID-19 directions (justice - courts) - the directions still seem active even though a number of directions refer to level 4 matters - the text is not clear on duration;
- (x) COVID-19 directions (SMMEs - permits and PPE clothing) - status uncertain - it is suggested that attention first be given to clause 40 of the [workplace safety directions](#);
- (xi) COVID-19 directions (social services);
- (xii) COVID-19 directions (sport, cultural and religious events);
- (xiii) COVID-19 directions (sports, arts and culture-live streaming of the creative sector services);
- (xiv) COVID-19 directions (travel - entry into SA and exit from SA);
- (xv) COVID-19 directions (travel - public transport services);
- (xvi) COVID-19 directions (travel - public transport driving licences, discs, permits and vehicle registrations);
- (xvii) COVID-19 directions (travel - air services);
- (xviii) COVID-19 directions (travel - air freight operations);
- (xix) COVID-19 directions (travel - cross-border road transport) - status uncertain;
- (xx) COVID-19 directions (travel - railway);
- (xxi) COVID-19 directions (travel - sea ports); and
- (xxii) COVID-19 directions (water and sanitation emergency procurement) - status uncertain.

Other directions

Directions issued in terms of the repealed regulations continue to apply unless amended or withdrawn.

Note: Also see regulation 4 authority to issue directions.

A number of directions have not been formally withdrawn, though they may no longer be relevant due to a specific time frame, being limited to a specific level, or the text no longer in line with the most recent version of the regulations. It would seem this applies to:

- (i) **COVID-19 directions (communications and digital - risk-adjusted strategy)** - The purpose of these directions is to provide further information regarding which sectors and sub-sectors of the communications and digital technologies sector are allowed to operate at alert levels 5 and 4;

*Note: The direction contains reasonable and specific mitigation measures that should still be considered as potential best practice guidelines, in addition to the **workplace safety directions**, by affected providers.*

- (ii) **COVID-19 directions (environmental - biodiversity)** - apply for the period of Alert Level 4;
- (iii) **COVID-19 directions (environmental - fishing)** - remain in force for the duration of Alert Level 4;
- (iv) **COVID-19 directions (environmental- processes)** - references the lockdown period, as defined under the repealed regulations.

Note: The current regulations do not follow the belief that we are all under lockdown, as it still defines lockdown as the period between 23H59 on 26 March 2020, until 23H59 on 30 April 2020.

- (v) **COVID-19 directions (environmental - recycling)**; - will apply for the period of level 4;
- (vi) **COVID-19 directions (higher learning and science, technology and innovation)** - states essential services;
- (vii) **COVID-19 directions (justice - correctional centres and remand detention facilities)** - unless circumstances otherwise dictate, the directions will apply during the lockdown period, and may be varied as circumstances require;
- (viii) **COVID-19 directions (minerals and energy - minerals and petroleum resources)** - references the lockdown period, the regulations till define lockdown as the period between 23H59 on 26 March 2020, until 23H59 on 30 April 2020;
- (ix) **COVID-19 directions (minerals and energy - mining operations)** - references regulation 11 K repealed regulations;

Note: Mine Health and Safety [guidelines for COVID-19 mitigation and management](#) seems to be the active 'direction' now.

- (x) [COVID-19 directions \(minerals and energy - supply of energy and energy projects\)](#) - level 4 directions;
- (xi) [COVID-19 directions \(once-off movement related to new lease agreements and transfer of immovable property\)](#);
- (xii) [COVID-19 directions \(once-off movement final year medical students\)](#);
- (xiii) [COVID-19 directions \(once off movement\)](#);
- (xiv) [COVID-19 directions \(once-off long distance inter-provincial transport\)](#);
- (xv) [COVID-19 directions \(SMMEs - operating grocery stores\)](#) - refers to repealed regulations essential services;
- (xvi) [COVID-19 directions \(tourism- accommodation\)](#) - refers to repealed regulations but contains mitigation measures worthwhile considering for affected accommodation establishments, in addition to the [workplace safety directions](#);
- (xvii) [COVID-19 directions \(trade and industry - call centres\)](#) - refers to repealed regulations but contains mitigation measures worthwhile considering for affected accommodation establishments, in addition to the [workplace safety directions](#);
- (xviii) [COVID-19 directions \(trade and industry - clothing and bedding\)](#) - level 4 direction;
- (xix) [COVID-19 directions \(trade and industry - ecommerce\)](#) - level 4 direction; and
- (xx) [COVID-19 directions \(trade and industry - car sales and repairs\)](#) - level 4 direction.



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