

Speaking notes on Amended Regulations

16 April 2020

In the words of the President, when he spoke last week, he pointed out that at midnight tonight, it will be exactly three weeks since our country entered into an unprecedented nation-wide lockdown to contain the spread of the coronavirus. He outlined the measures we have taken as well as the changes that we have each had to make in our own behaviour, and that together, we have definitely slowed the spread of the virus.

He also pointed out that the struggle against the coronavirus is far from over that we are only at the beginning of a monumental struggle that demands our every resource and our every effort and that in the coming weeks and months, we must massively increase the extent of our response and expand the reach of our interventions.

The President then went on to announce the need to extend the lockdown period by a further two weeks. Today, in line with this, I will publish amendments to the disaster management Regulations chief of which is the extension of the lockdown period to 23H59 on 30 April 2020.

Today, I will also publish amendments to the disaster management Regulations to lay the foundation for the risk-adjusted measures the President referred to that can enable a phased recovery of the economy, allowing the return to operation of certain sectors and do so under strictly controlled conditions. In this regard, I have made amendments to:

Amendment to Regulation 11B

In this regulation the transportation of essential goods are permitted from warehousing sites to essential service providers; cargo may be moved from ports of entry to warehousing sites where handling and clearing of cargo is conducted, with the exception of the transportation of liquor; and cargo may be transported to ports of entry for purposes of exporting. We specifically make provision for export of cargo to decongest the ports.

Stores selling hardware products and vehicle components may open but must maintain a register of persons buying essential goods listed in Part A of Annexure B of the Regulations, and must keep a record of a signed declaration, which corresponds substantially with a new form introduced whereby by the buyer of goods attests that the goods are essential goods.

I also amend the permit requirements to attend a funeral. In this regard a person requesting for a permit, such a person must produce a death certificate, a certified copy of the death certificate, or a digital copy of the death certificate to the head of court, or a person designated by him or her, or a station commander of a police station or a person designated by him or her: Provided that where a death certificate is not yet available and the burial or cremation must take place within a period of 24

hours of death in accordance with cultural or religious practices, the person requesting the permit must make a sworn affidavit, supported by a letter from a cultural or religious leader supporting the cultural or religious practice in relation to the burial or cremation.

The movement of children between co-holders of parental responsibilities and rights or a caregiver remains prohibited during the lockdown period except where arrangements are in place for a child to move from one parent to another, in terms of—

- (i) a court order;
- (ii) where a parental responsibilities and rights agreement or parenting plan, registered with the family advocate, is in existence, or
- (iii) the co-holder of parental responsibilities and rights is in possession of a birth certificate or certified copy of a birth certificate of the child or children to prove a legitimate relationship between the co-holders of parental responsibilities and rights:

Provided that there is no person who is known or reasonably suspected to have come into contact with any other person known or reasonably suspected to have contracted COVID-19 in the household which the child has to move to. The parent or caregiver transporting the child concerned must have in his or her possession, the court order or the parental responsibilities and rights agreement or parenting plan.

Insertion of regulation 11CA

In an effort to lessen the impact on people, no person may be evicted from their place of residence for the duration of the lockdown.

Amendment of regulation 11H

This regulation is amended whereby the Cabinet member responsible for justice and correctional services shall request a Constitutional Court Judge or Judge of the High Court who has been discharged from active service to perform service as a COVID-19 Designated Judge as prescribed in terms of the Regulations which shall be deemed to have come into effect on 2 April 2020.

Insertion of Chapter 4 into the Regulations

To ensure the continuous supply of energy and petroleum products to the society, a new chapter is inserted in the Regulations so that —

- (a) collieries that supply Eskom shall continue to operate at full capacity; and
- (b) refineries shall operate at full capacity to avoid shortages of fuel, and such operations shall include refineries, smelters, plants and furnaces

Mining operations, shall be conducted at a reduced capacity of 50% during the period of lockdown, and thereafter at increasing capacity as determined by direction

by the Cabinet member responsible for mineral resources and energy. Notwithstanding this, conditions apply to the starting and increasing of capacity in a mine:

- (a) A rigorous screening and testing program must be implemented as employees return to work;
- (b) the mining industry must provide quarantine facilities for employees who have tested positive for the COVID-19;
- (c) data collected during the screening and testing programme must be submitted to the relevant authority;
- (d) mining companies must make arrangements to transport their South African employees from their homes to their respective areas of operations;
- (e) in accordance with these Regulations and other regulations applicable in neighbouring Southern African Development Community countries, workers from these neighbouring countries will be recalled at the end of lockdown in their respective countries.

The monitoring and impact assessment of seismicity through the Council for Geoscience must be intensified with immediate effect."

Amendment of Annexure B

The addition and or amendment of the following essential goods and services is introduced:

Clothing, blankets, towels, cots mattresses, teething rings, pacifiers, bibs, feeding bottles, and other non-consumable goods essential for the care of babies and toddlers, may only be sold by a retailer who is otherwise permitted to sell essential goods.

Hardware, components and supplies may be sold as required by any qualified tradespersons solely for the purpose of essential repairs at residential homes and entities engaged in the provision of essential services for any project related to the provision of water, electricity or other essential services.

Components for vehicles under-going emergency repairs where such vehicle is owned by or used by a person engaged in essential services work.

Grocery stores and wholesale produce markets, spaza shops, informal fruit and vegetable sellers and langanas operating in the Western Cape and Northern Cape may trade with the written permission from a municipal authority to operate being required in respect of spaza shops and informal fruit and vegetable traders: Provided that all valid permits for spaza shops and informal fruit and vegetable traders issued before or during the declared national state of disaster and which fall due during the said period, will remain valid for a period of one month after the end of the national state of disaster

All mining are considered essential services but must be operated in line with the reduced operation rules already alluded to.

Commissioners of the South African Human Rights Commission, Gender Commission, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, the Public Protector and Deputy Public Protector and the Independent Electoral Commission are included as essential services.

Call centres necessary to provide health, safety, social support, government and financial services, debt restructuring for consumers of retailers, and access to short-term insurance policies as a result of reduced income or loss of income

Trades necessary for the rendering of emergency repair work, including plumbers, electricians, locksmiths, glaziers, roof repair work and emergency automobile repairs for persons rendering essential services and for public transport vehicles permitted to operate in terms of these Regulations.

Information and Communication Technology services rendered to entities and institutions engaged in delivering essential services in terms of these Regulations.

Amendments are also made to Form 3, Annexures C and D.

I am confident that these amendments initiates and lay the foundation for the risk-adjusted measures the President announced last week and in the coming days, the proposals already made by various stakeholders will be considered in our planning for the enablement of the recovery of the economy.