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COVID-19 State of Disaster & Lockdown Regulations: A summary

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This blog unpacks the State of Disaster regulations and lockdown directives, focusing on the ones most likely to affect you, family, friends and the business or non-profit organisation you work for

There have been many changes to the State of Disaster regulations since they were gazetted on 18 March. However, Cooperative Governance & Traditional Affairs Minister Nkosazana Dlamini-Zuma did say in her [media briefing](#) on the regulations that, 'as the situation evolves', more regulations and ministerial directives might become necessary. The lockdown has since prompted a flurry of 'directions' from various Cabinet members on very specific matters.

They build on and fine tune the basic lockdown regulations (amended three times), which are encapsulated below.

Facilities providing care for the vulnerable

Issued on 30 March, a [directive](#) from Social Development Minister Lindiwe Zulu spells out the procedures to be followed and protocols observed not only by her department but also by the non-profit, faith-based and community-based organisations involved in running facilities for the vulnerable. It focuses on measures aimed at enforcing social distancing – among other things by prohibiting visits and the release of facility residents. Organisations most likely to be affected include:

- substance abuse treatment centres and halfway houses
- child and youth care centres
- shelters for the victims of crime and violence (including gender-based violence)
- old age homes and frail care facilities
- residential facilities for persons with disabilities
- community- and home-based respite care facilities
- 'community nutrition development' centres
- services related to the 'social relief of distress (including psychosocial support)
- drop-in centres
- 'cooperatives'

While several programmes have been suspended, the National Youth Development Agency is required to 'sponsor additional volunteers' for unspecified nutrition programmes.

A 7 April directive [amends](#) the prohibition on moving children between 'co-holders of parental responsibility' during the lockdown period. Parents may now move their children

between them, provided they can produce their custody court order/agreement or a certified copy.

Beginning in May, [social grant and pension payment dates](#) will be staggered to protect people with disabilities and older persons from 'the month-end rush'.

Good news for anyone caring for a baby, infant or toddler younger than 3 years of age is that baby clothes, blankets, towels and other essential accessories are [classified](#) as 'essential goods'.

UIF during the lockdown

The temporary unemployment relief scheme [established](#) on 26 March applies to the staff of businesses and other entities closed during the lockdown. Key features are that it is:

- delinked from the UIF's normal benefits
- calculated using the income replacement sliding scale prescribed in the Act
- capped at R17712 per month.

To assist staff temporarily laid off and unable to travel under the lockdown, employers should apply on their behalf.

The directive was [amended](#) on 8 April to confirm that:

- no employee qualifying for temporary unemployment benefits under the scheme will receive less than the minimum monthly wage of R3500
- no bank may refuse to release benefits held in the account of an employer or bargaining council that's 'in breach of its overdraft or similar contractual arrangements'.

The courts

A directive issued on the 26 March was [amended](#) (and, in fact, replaced) five days later. A [media statement](#) on the amended directive confirmed that:

- 'essential justice services will be available at courts only between 10:00 and 13:00 daily during the national lockdown period'
- this also applies to the Family Advocate, the offices of the Master of the High Court and 'criminal courts'
- 'family law services will only attend to urgent applications in respect of matters referred to the Family Advocate by the courts'
- 'applications for protection orders will still be addressed, as will enforcement orders'
- the offices of the Master of the High Court will only attend to 'urgent appointments' about deceased estates and curatorship
- 'criminal courts' will preside over bail hearings and first applications only
- persons whose cases are on the court roll but not deemed urgent should 'stay home' and not visit 'courthouses' until after the lockdown
- matters on the court roll will be rescheduled and members of the public informed of new dates for court appearances
- audio-visual technology will be used 'as widely as possible' at correctional centres to deal with remand-related matters

A [directive](#) on correctional facilities issued on 9 April:

- suspended day parole for sentenced offenders unless 'rendering essential services'
- they are to be 'incarcerated for the duration of the lockdown period'

- the 'referral of remand detainees to court for consideration of their length of detention and bail review will continue'.
- 'urgent' communication between an inmate and his/her legal representative will only be conducted telephonically, resources permitting
- sentenced offenders who are illegal foreign nationals and whose sentences expire during the lockdown are to be released into and held in 'temporary deportation facilities', where those to be deported will be notified of government's intentions
- sentenced offenders who are foreign nationals, whose sentences expire during the lockdown and who are to remain in SA will be released into Department of Home Affairs facilities 'for further processing'

Vehicle licence

The validity of a driver's licence, learner's licence, motor vehicle licence disc, temporary permit, professional driving permit and roadworthy certificate will extend 30 days after the end of the lockdown. A [directive](#) confirming this was issued on 30 March.

Directives affecting small businesses (SMMEs)

On 6 April, a ministerial [directive](#) confirmed that:

- corner shops, spaza shops and fruit and vegetable informal traders and *langanas* are classified as essential services irrespective of the nationality of the owners
- the same applies to every small, medium or micro enterprise operating a grocery store
- informal food traders must have a permit issued by the municipality where trading
- where a business owner is not a South African citizen, he/she is required to hold a valid passport and visa, or an asylum seeker permit
- minimal staffing, social distancing and sanitising/disinfecting protocols apply
- only 'basic necessities' may be sold
- nobody may 'stay overnight' in a grocery store

Here is the website providing information on the Covid-19 SMME [debt relief finance scheme](#) and here is the [application form](#). Qualifying criteria do not include broad-based black economic empowerment (B-BBEE) compliance, unless you are in the tourism industry.

B-BBEE compliance is a requirement when applying for assistance from the [Covid-19 tourism relief fund for SMMEs](#), established on 2 April by ministerial [directive](#).

Directives affecting the healthcare sector

On 19 March, a [block exemption](#) from certain sections of the Competition Act was issued allowing 'private healthcare providers to coordinate their actions as part of ... National Department of Health efforts' to curb the spread of the Covid-19 virus. A [media statement](#) on the exemption refers to 'the sharing of facilities and beds, medical supplies, nurses and doctors between different companies and with government'.

The list of facilities and suppliers falling under the block exemption was [extended](#) on 8 April, so it now applies to:

- hospitals and healthcare facilities
- medical suppliers
- pathologists and laboratories
- pharmacies

- healthcare funders
- medical and hygiene suppliers
- certain cost-reduction agreements and practices

On 27 March, for quarantine purposes the hotel industry was issued with a [block exemption](#) from the same sections of the Competition Act.

Directives affecting the financial sector

A [directive](#) issued on 23 March exempts two banking operations from these sections of the Competition Act:

- the payments system
- debtor and credit management

In addition, to support SA's banking system as it responds to the needs of customers during the Covid-19 epidemic, the Prudential Authority has issued three directives summarised in a [media statement](#) released on 6 April:

- a [directive](#) on the liquidity coverage ratio lowered the minimum requirement
- a [directive](#) on restructured loans to households, small- and medium-sized businesses and corporates 'in good standing before the Covid-19 crisis' provided capital relief that also applies to 'specialised lending'
- a [directive](#) on temporary capital relief reduced the prescribed 'minimum requirement of capital and reserve funds to be maintained by banks'

Business in general

Retailers specialising in non-essential goods

A [directive](#) issued on 24 March exempts 'designated retail tenants' and 'retail property landlords' from certain sections of the Competition Act, allowing negotiations on 'payment holidays or rental discounts' and 'limitations on evictions'. A [media statement](#) on broader measures affecting the business community refers to three categories of retailers:

- 'personal care functions'
- restaurants
- clothing, footwear and 'home textile'

Stockpiling and price hikes

A [directive](#) on stockpiling and 'unjustified price hikes' by retailers and suppliers was issued on 19 March. A [media statement](#) on Department of Trade, Industry and Competition lockdown measures notes that the purpose of the directive is to 'protect consumers, ... ensure fairness and promote social solidarity' by:

- ensuring that no price rise exceeds a related increase in the cost of raw material and/or other inputs
- capping price increases at pre-lockdown levels
- requiring retailers to:
 - 'take steps to limit the quantity of goods sold to any individual consumer'
 - stock all 'basic products'
 - maintain adequate stocks of these products, including over weekends and during month-end peaks in shopping

- prohibiting stockpiling at wholesale cash-and-carries

Broadband

A [directive](#) issued on 6 April is expected to fast-track the process of allocating high-demand radio frequency spectrum and the temporary licensing of any other spectrum already available. An ICASA [media statement](#) confirmed that the directive's intention is to 'enable' the electronic communications sector to meet increased demand for ICT services during the lockdown, when so many people are working and studying from home.

The directive also requires network providers to allow zero-rated access to local educational content websites and 'virtual classroom platforms.

Call centres

A [directive](#) on essential service call centres was issued on 9 April, affecting:

- workforce size
- workstation spacing
- sharing equipment, stationery and utensils
- ventilation
- biometric contact access points
- movement outside call centre premises
- self-monitoring for Covid-19 infection symptoms
- mandatory symptom disclosure
- self-quarantine protocols

General regulations

Here's how things stand, just over three weeks after a national State of Disaster was [declared](#) on 15 March – and as SA enters its third week in lockdown. The basics are taken from disaster management regulations gazetted on [18 March](#), amended on [25 March](#) to include lockdown measures, amended again on [26 March](#) and on [2 April](#).

The exact wording of the amended regulations can be found [here](#) for more detail on funerals, Covid-19 testing and contact tracing.

Movement of people

You're confined to your home, unless you

- perform or provide an essential service (if necessary, you may travel to another city, district or province to do so)
- want to purchase an essential good or avail yourself of an essential service
- are collecting a social grant or pension
- need to receive emergency, life-saving or chronic medical attention
- need to attend a funeral

Note: Anyone performing an essential service, purchasing essential goods or seeking medical attention may be screened for Covid-19 by an enforcement officer

Only certain people may travel to another city, district or province to attend a funeral:

- the spouse or partner of the deceased
- a child of the deceased (whether biological, adopted or a stepchild)
- a child-in-law of the deceased
- a parent of the deceased (whether biological, adopted or a stepparent)

- a sibling of the deceased (whether biological, adopted or a stepbrother or stepsister)
- a grandparent of the deceased
- a 'person closely affiliated to the deceased' (because of parental or caregiving responsibilities or 'psychological or emotional attachment')

In each case, a permit is required (from a magistrate or SAPS officer)

Gatherings

- only funerals are allowed, and no more than 50 people may attend

Movement of goods

- cargo may be moved from ports of entry to their intended destination (but only if it has been sanitised/disinfected)

Movement of mortal remains

- this requires a permit

Businesses

- only businesses involved in manufacturing/producing and/or supplying/providing an essential good or service may operate during the lockdown
- if business operations are conducted remotely from a person's home or from another country, these activities may continue
- only retail shops selling essential goods may remain open for business (in such cases, there should be a distance of at least one square meter between everyone on the premises, hygienic conditions should be maintained, and all the necessary protocols followed)
- they may only sell essential goods
- shopping malls are closed
- the premises, plant, machinery and inventories of businesses not allowed to operate during the lockdown must be adequately maintained so they can resume operations when the lockdown ends

Public transport

- there are no commuter transport or other passenger transport services operating
- the only passenger transport vehicles allowed on the roads are buses and taxis carrying people who:
 - provide essential goods or services
 - need to obtain them
 - need medical attention
 - are collecting social grants or pensions
 - are attending a funeral service
- private motor vehicles may be used for the same reasons
- buses and e-hailing services may not carry more than 50% of their licensed capacity
- mini- and midi-bus taxis may not carry more than 70% of their licensed capacity
- private vehicles may not carry more than 60% of their licensed capacity
- where transport is provided by an employer, the vehicle used may only carry 50% of its licensed capacity
- all hygiene and exposure limiting protocols must be followed

Borders

- all national borders are closed (except to consignments of fuel, cargo and goods)
- only in special circumstances is anyone allowed to enter or exit SA (for emergency medical attention to a life-threatening condition, or for repatriation to their country of nationality or permanent residence)

Essential goods

- food
 - any food product, including non-alcoholic beverages
 - animal food
 - chemicals, packaging and ancillary products used in producing any foodstuff
- non-food
 - pharmaceuticals
 - cleaning and hygiene products
 - toilet paper, sanitary pads, sanitary tampons and condoms
 - hand sanitiser, disinfectants, soap and household cleaning products
 - personal toiletries, including haircare, body and face washes, deodorants and toothpaste
 - products for the care of babies and toddlers
 - medical and hospital supplies and equipment
 - personal protective equipment
 - fuel, including coal, wood and gas
 - basic goods, including airtime, electricity and cash (withdrawn from ATMs)
 - chemicals, packaging and ancillary products used in producing essential non-food goods (including alcohol for industrial use)

Essential services

- medical, health (including mental health) and laboratory services
- services provided by the National Institute for Communicable Diseases
- disaster management, fire prevention, firefighting and other emergency services
- services necessary to maintain the functioning of SA's financial system (when the operation of a place of business or entity is necessary to continue performing those services)
 - the banking environment (including the operations of mutual banks, cooperative banks, co-operative financial institutions and the Postbank)
 - the payments environment
 - the financial markets (including licensed market infrastructures)
 - the insurance environment
 - the savings and investment environment
 - pension fund administration
 - outsourced administration
 - medical schemes administration
 - call centres necessary for providing these services
 - *debt collection services are explicitly excluded*
- funeral and cremation services, including mortuary services and those necessary for transporting mortal remains
- wildlife management, anti-poaching, animal care and veterinary services
- newspaper, broadcasting and telecommunication infrastructure and services (including the call centres necessary for supporting these services)

- the manufacture and production of essential goods
- the sale of essential goods
 - grocery stores
 - wholesale produce markets
 - spaza shops
 - informal traders (informal food trading requires a permit)
- electricity, water, gas and fuel production (including vital demand management, supply and maintenance services)
- essential municipal and other government services and the call centres necessary for providing them
- any other jobs key to providing essential municipal and other government services, including
 - contact tracing (to find people who have been in contact with anyone infected with the Covid-19 virus or are infected themselves)
 - patient transport
 - issuing birth and death certificates
 - replacing identification documents
 - services related to the essential functioning of courts, judicial officers, the Master of the High Court, Sheriffs and any legal practitioners required for those services
 - essential SARS services
 - police, peace officers, military personnel, medical personnel, correctional services officials, traffic officers and traffic management services
 - social care services provided to older persons, the mentally ill, persons with disabilities, the sick and children (including services providing for the social relief of distress)
 - cleaning, sanitation, pest control, sewerage, waste and refuse removal services
 - postal services
 - air traffic navigation, air charter, cargo shipping and dockyard services
 - the Civil Aviation Authority
- private security services
- air charter services
- courier services for transporting medical products
- tow trucks and vehicle recovery services
- gold, gold refinery, coal and essential mining services
- accommodation for people providing essential services
- accommodation for quarantine, isolation and other lockdown measures
- rail, road, air and maritime freight/cargo services
- logistics and transport services for essential goods
- logistics and transport services for cargo and goods to neighbouring countries
- harvesting and storage activities essential to preventing the wastage of primary agricultural goods
- payroll systems
- critical maintenance services
- services rendered by 'the executive', MPs, the members of provincial legislatures, local councillors, traditional leaders and 'the national office bearers of political parties represented in Parliament'
- the Public Protector and Deputy Public Protector
- Commissioners of the South African Human Rights Commission, Gender Commission and the Commission for the Promotion & Protection of the Rights of Cultural, Religious & Linguistic Communities

Places closed to the public

- anywhere 'normally open to the public' for religious, cultural, sporting, entertainment, recreational or 'organisational' activities
 - parks, beaches and swimming pools
 - exhibition centres
 - flea markets
 - open air food markets
 - restaurants
 - fetes and bazaars
 - hotels, lodges, guest houses, game reserves and holiday resorts
 - night clubs
 - casinos
 - 'on-consumption premises', including taverns, shebeens and shisanyama where liquor is sold
 - 'off-consumption premises', including bottle stores and the sections of supermarkets selling liquor
 - theatres and cinemas
 - retailers and wholesalers dealing in non-essential goods
 - shopping malls and centres (only grocery stores and pharmacies in those locations may continue operating)
 - taxi ranks, bus depots, train stations and airports

We hope you find this useful. Let us know of any improvements you believe need to be made (info@pmg.org.za)

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