

Lockdown level 4: What will now be allowed?

The Minister of Cooperative Governance and Traditional Affairs has published new Regulations that will repeal and replace the Covid-19 Regulations applied up to date. Many of the same restrictions have been repeated in the new regulations which enter into operation on the 1st of May and hence the points below merely focus on the differences between the new regulations and the regulations applied to date.

New Regulations

Definitions

A “gathering” has been redefined to explicitly exclude a workplace

Cloth masks and social distancing compulsory

- No person may use public transport or enter any public place without a cloth mask (which may be homemade or improvised but must cover the nose and mouth);
- Employers must provide every employee who may come into contact with members of the public with a mask;
- All business premises must make provision for social distancing of 1,5 meters and provide hand sanitisers for the public or employees to use;
- All business premises must assign a person the responsibility to ensure that these social distance and hygiene measures are in place;
- The more detailed OHS directives reported on earlier still apply.

Determination of alert levels

- The Regulations allow for the Minister of COGTA, acting on the advice of the Minister of Health, to vary the alert levels at a national, provincial, district or metropolitan level;
- If no variation is published, the default level is 4.

Restrictions and allowances under level 4

Movement of persons

- Each person is still confined to their place of residence unless one of the following exceptions apply:
 - Performing essential or permitted services;
 - Go to work where a permit has been issued;
 - Buy permitted goods;
 - Obtain services permitted under Table 1 in the Regulations;
 - Moving children between parents (as per custody arrangements);
 - Walking, running or cycling within a 5 km radius of your residence between the hours of 06h00 and 09h00; provided no organised groups are permitted for exercise.
- A curfew is in place between 20h00 and 05h00 daily, except where a person has been granted a permit to perform an essential service or attending to a security or medical emergency.
- Travel between provinces, districts and metros are still restricted to those performing essential services, attending a funeral, transporting mortal remains or learners who must commute to and from school or higher education when they are permitted to operate.
- There is a once-off exception for those not in their ordinary residence during the lockdown to return home.

Evictions

- A court may grant an eviction order under ESTA or the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act (PIE Act) but the execution thereof must be delayed until the last day of level 4 restrictions unless a court deems it just and equitable to deviate.

Public transport

- Rail services will be phased back in but the Minister of Transport must issue directions for all forms of public transport – until new directions are issued, the former directions remain in place.

Borders

- The operation of borders remains unchanged, namely that it is closed for the movement of persons but open for the transportation of fuel, cargo and goods.

Transportation of cargo

- Rail, ocean, air and road transport is permitted for:
 - Essential goods;
 - Import of materials and components required for permitted manufacturing;
 - Cargo at ports of entry;
 - Goods cleared at ports for removal in transit through the republic;
 - Permitted goods for export as set out in Annexure C;
 - Transport of goods within SA;
 - Any other goods as permitted by directions.

Liquor

- The sale, dispensing and distribution of liquor is prohibited;
- The transporting of liquor for export is permitted, but for all other purposes prohibited.

Tobacco

- The sale of tobacco products remain prohibited.

Business and other entities set out in Table 1 may commence operations subject to the OHS requirements
Of relevance to members, this includes the following:

- All agricultural, hunting, forestry and fishing, bee-keeping, including preparation, cultivation, harvesting, storage, transport of live animals and auctions (subject to health directions) and related agricultural infrastructure and services (including research, inspection, certification and quality control);
 - The wording is wide enough to include all agricultural activities and should hence cover non-food commodities and auctions.
- Harvesting and storage activities essential to prevent the wastage of primary agricultural, fishing and forestry goods;
 - This is somewhat redundant given the wide wording of the previous point.
- The export of all agricultural, agro-processed, fishing and forestry products;
- The manufacturing of essential products continues to be permitted and may be scaled up to full employment;
- “Hardware, components and supplies” – Since the previous Regulations were repealed, it seems as if the previous rules relating to a register may also have fallen away but we will seek clarity;

- Essential government licencing and permitting offices will reopen including the Deeds Office;

Permits

The Regulations prescribe in “Form 2” a self-issue permit for employees performing essential or permitted services. It corresponds near-verbatim to the self-issue permits currently being used except that it refers to permission to operate during level 4. From a legal-technical point of view, the previous Regulations (under which existing permits were issued) will be repealed and replaced by these new Regulations come 1 May 2020. **Agbiz will urgently seek clarification as to whether or not the previous permits remain valid or not and will communicate same to members ASAP.**

Herewith the link to the directive:

[Risk-adjusted strategy regulations](#)