

Business for South Africa

Exercise caution. Ensure that your business is operating legally and follow new lockdown regulations to the letter, urges Business for South Africa.

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Johannesburg

The latest amendments to the regulations governing the Covid 19 lockdown, published on 16 April 2020, have introduced a number of important changes. In some respects, the restrictions imposed by the regulations have been eased or formulated with more specificity; but in other respects, the restrictions have become more stringent or remain unclear. The onus, therefore, lies on business owners and operators to tread carefully when reopening or extending their offerings to ensure that they do not trade illegally and expose themselves to possible prosecution, warns Business for South Africa (B4SA).

Sounding the warning, Daniel Pretorius, legal adviser to B4SA, says that uncertainty still exists as key issues, such as the meaning of “basic goods”, have not been clarified. There is, therefore, very limited scope for selling items not specifically listed as essential goods.

“There has also been no further direction regarding registration as an essential service provider. B4SA believes that this process remains voluntary, and that registration does not convert a business which does not provide essential goods or services into one that complies with the Regulations. We, therefore, recommend that businesses act cautiously and ensure that they are in fact compliant and that they provide employee permits only to staff members who are actually needed to provide essential services.”

“What should also be borne in mind is the Minister of Trade and Industry’s recent statement on registration through the Companies and Intellectual Property Commission (CIPC) website. Companies that obtained certificates before 17 April 2020 are required to hold revised certificates as those issued before this date will no longer be valid. The new certificates are to be displayed from Monday, 20 April. The Minister indicated that registration on the CIPC website is only available for businesses registered as companies. This does not prohibit other businesses, such as sole proprietors, from providing essential services provided that they comply with the Regulations.”

“It is essential to avoid potential prosecution that businesses remain aware of changes that occur and take the correct steps to comply with them,” says Pretorius.

The primary changes announced on 16 April included:

- Essential goods now include hardware, "components and supplies needed by tradespeople for emergency repairs at homes".

Artisans included in the list of artisans allowed to do emergency repair work are locksmiths, glaziers, roof repairers, plumbers, electricians.

- Community watch groups will not be allowed to patrol their neighbourhoods. At present only formal security guards that can be said to be protecting physical property are permitted to continue work.
- Children with a birth certificate may be able to move between parents in certain circumstances.
- More call centres may open, including those for retailers (and their store cards). Because store credit cards are covered by insurance policies – which need to be activated, more call centres will be allowed to open, including those for retailers.
- 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" may operate.
- The rule that goods imported from high-risk SARS-CoV-2 countries must be sanitised in port is being revoked.
- Some mines will be allowed to reopen, under strict conditions including Covid-19 testing and private transport for mineworkers.

For more information enterprises are invited to visit the Business for South Africa website at www.businessforsa.org

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