

3 June 2020

Dear Valued Members

Judicial Declaration of certain Lockdown Regulations as invalid and unconstitutional

In a judgement handed down yesterday by the High Court of South Africa in the matter of **Liberty Fighters Network & 2 Others v The Minister of Cooperative Governance and Traditional Affairs** (case no. 21542-2020) the court ruled that, whilst the declaration of a national state of disaster by the State President in itself, was legally permissible, most of the regulations published under Lockdown levels 3 and 4, did not pass the muster of being constitutionally compliant.

Despite this finding by the court, these regulations remain in force and effect for 14 days from the date of the judgement, providing the Respondent (Minister of COGTA) with an opportunity to amend these regulations in order to amend their legal defects.

This means that, for at least the next 14 days, the *status quo* as regards the application and interpretation of the Lockdown regulations remain.

Members are urged to continue applying these regulations until such time as they are amended. This means, in particular, continuing to promote and sustain the provisions of the Business Continuity Plan and Risk Adjustment Strategy that the RMI has provided its Members with. It requires utmost care in applying measures that will prevent the spread of the COVID-19 virus in the workplace.

Once these regulations are either repealed or amended, the RMI will, as usual, advise Members of the terms of the new regulations and the obligations that arise for business owners.

Members requiring a copy of the Business Continuity Plan and Risk Adjustment Strategy that the RMI has provided its Members with, may call on any of the Regional Offices. Queries and questions as regards the application thereof, may be directed at any one of the RMI's Associational Directors, whose details appear below.

SAPRA	Vishal Premlall	082 886 6392
SAMBRA	Richard Green	082 378 4899
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SAVABA	Julian Pillay	082 560 6625
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