

South Africa

Disaster Management Act, 2002

## Directions to Assist Micro and Small Businesses Trading in Permitted Services, to Comply with the Regulations

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Directions to Assist Micro and Small Businesses Trading in Permitted Services, to Comply with the Regulations

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## South Africa

### Disaster Management Act, 2002

# Directions to Assist Micro and Small Businesses Trading in Permitted Services, to Comply with the Regulations Government Notice R522 of 2020

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**Assented to on 10 May 2020**

**Commenced on 12 May 2020**

*[This is the version of this document from 12 May 2020.]*

I, Ms Khumbudzo Ntshavheni, the Minister of Small Business Development, hereby, in terms of regulation 4(9) of the Regulations made under section 27(2) of the Disaster Management Act, 2002 ([Act No. 57 of 2002](#)), and published in Government Gazette No. 43258, Government Notice No. 480 of 29 April 2020, issue the Directions set out in the Schedule hereto in order to assist micro and small businesses trading in permitted services, to comply with the Regulations.

Khumbudzo Ntshavheni, MP

Minister for Small Business Development

## 1. Definitions

In these Directions, a word or expression bears the meaning assigned to it in the Regulations promulgated in Government Gazette No. 43258, Government Notice No. R 480 of 29 April 2020, and unless the context otherwise indicates-

**"Regulations"** means the regulations published in Government Gazette No. 43258, Government Notice No. R480 of 29 April 2020.

## 2. Scope

- 2.1 These Directions re-affirm and extend the application of the previous Directions published in Government Gazette No. 43208, Government Notice No. R450 of 6 April 2020 that applied to informal, micro and small businesses that render essential services.
- 2.2 These Directions are issued in order to assist micro and small businesses trading in permitted services, to comply with the Regulations and do not seek to deviate from any previous Directions issued under the regulations repealed by regulation 2(1) of the Regulations.
- 2.3 The permitted businesses covered in these Directions are the following-
  - (a) small scale bakeries and confectioneries;
  - (b) small scale hardware stores;
  - (c) informal restaurants and shisanyamas - for home deliveries only;
  - (d) trades, herein referred to as artisanry businesses, necessary for rendering emergency repair work, including plumbers, electricians, locksmiths, glaziers, roof repair work, tow trucks, vehicle recovery and automobile repairs (motor mechanics), including small-scale vehicle services centres/ workshops, small-scale motor body repair shops, and fitment centres;
  - (e) Sole traders within the clothing and textiles and confectionery business; and

- (f) Cooperatives operating under permitted businesses in line with the Regulations.

### **3. Directions**

- 3.1 All formal and informal small businesses are required to comply with the Occupational health and safety measures in workplaces COVID-19 (C19 OHS), 2020 Directions issued by the Minister of Employment and Labour and the Guidelines of the Department of Health with specific reference to preventing the spread of, and infection by Covid-19.
- 3.2 All formal and informal small businesses must ensure that no person is allowed to enter business premises, if that person is not wearing a cloth face mask, a homemade item or another appropriate item that covers the nose and mouth.
- 3.3 An employer must provide every employee who may come into direct contact with members of the public as part of the employee's duties, with a cloth face mask, a homemade item or another appropriate item that covers the nose and mouth.
- 3.4 All formal and informal small businesses are encouraged to provide transport for their employees during the national state of disaster.

### **4. Applicable permits/ business licences required**

All other small businesses, not specifically mentioned in these Directions must apply for permits to operate their permitted businesses as per the Regulations.

### **5. Small scale bakeries and confectioneries**

A Small scale bakery and a confectionery must-

- (a) possess a business licence or permit to trade issued in accordance with the Business Act, 1999 ([Act No. 71 of 1991](#)) or a business licence or trading permit issued by the relevant municipality;
- (b) not sell products or goods that are prohibited by the Regulations; and
- (c) not allow the business premises to be used as sleeping quarters.

### **6. Small-scale hardware stores**

A Small scale hardware store must-

- (a) possess a business licence or a permit to trade issued in accordance with the Business Act, 1999 ([Act No. 71 of 1991](#)) or a business licence or trading permit issued by the relevant municipality;
- (b) not sell sub-standard goods; and
- (c) not allow the business premises to be used as sleeping quarters.

### **7. Informal and micro restaurants and shisanyamas**

Informal and micro restaurants and shisanyamas-

- (a) must possess a business licence or permit to trade issued in accordance with the Business Act, 1991 ([Act No. 71 of 1991](#)) or a business licence or trading permit issued by the relevant municipality; and
- (b) may not sell cooked food unless it is for home deliveries and the orders are placed telephonically or online.

### **8. Tradesmen and/ or artisans businesses**

- (a) An Artisan's business must possess a business licence or permit to trade issued in accordance with the Business Act, 1999 ([Act No. 71 of 1991](#)); or

- (b) in the case of a vehicle service centre, fitment centre or a motor body repair workshop, if it does not already possess a business licence or trading permit, it must apply for such a business licence or trading permit with the relevant municipality.

## 9. Sole traders within the clothing and textiles business

- 9.1 Personal Protective Equipment (PPEs) may not be fitted or tried on by customers before purchase.
- 9.2 Traders within the clothing and textiles sector-
  - (a) are prohibited from selling PPEs that had been fitted, tried on or returned by a customer;
  - (b) must ensure that sizes are clearly marked before products are purchased; and
  - (c) must display notices that PPEs may not be fitted or tried on before purchase.

## 10. Cooperatives

Cooperatives must possess a valid and original certificate of registration as a Cooperative, in order to trade.

## 11. Application for business licences or trading permits

- 11.1 The informal, micro and small businesses which are required to possess trading permits or business licences and which are currently trading without permits, must apply for temporary permits to continue trading.
- 11.2 In the case of non-South African citizens, the business owner must-
  - (a) have been lawfully admitted into the Republic and must hold a valid passport with a visa issued by the Department of Home Affairs in terms of section 10 of the Immigration Act, 2002 ([Act No. 13 of 2002](#)), authorising him or her to operate a business; or
  - (b) alternatively, hold an asylum seeker's permit issued in terms of section 22 of the Refugees act, 1998 ([Act No. 130 of 1998](#)), which allows him or her to work.
- 11.3 permission to operate the business will be linked to the period covered by the asylum seeker's permit.

## 12. Permits

- 12.1 All formal and informal small businesses or sole proprietors must have a permit to perform essential or permitted services as per Form 2 of the Regulations.
- 12.2 Form 2 may be signed by the Head of the Small business in respect of employees, and in the case the Head or Sole proprietor, by him or herself provided that-
  - (a) in the case of the Head or Sole proprietor, he or she must-
    - (i) be in possession of an Affidavit indicating that he or she is performing a service permitted in terms of the Regulations.
    - (ii) have in his or her possession a CIPC company registration certificate, or sole trader document issued by SARS, or certified copies of the trade certificate of the owner or college certificate in the related qualification, or other documentary proof of the existence of, and the nature of, the business; and
  - (b) produce the documents referred to in subparagraph (a) together with the permit upon request by an enforcement officer.

### **13. Commencement**

These Directions come into operation on the date of publication in the Government Gazette.