

25 March 2020

URGENT ADVISORY - COVID-19 LOCKDOWN MAINTENANCE OF TRAFFIC MANAGEMENT

The South African Forum of Civil Engineering Contractors (SAFCEC) takes note of the amendments of regulations within the Disaster Management Act, 2002 in terms of section 27(2) stipulated in the Government Gazette on the 25th of March 2020, and therefore acknowledge the concerns raised by members who have existing traffic accommodation on public roads in line with respective project and legal requirements.

SAFCEC has received various questions and concerns from members, regarding the maintenance of Traffic Accommodation on public roads during the lockdown period enforced by government to commence on midnight 26 March 2020 until 16 April 2020.

SAFCEC therefore highlights the following to members from the [published Government Gazette on the 25th of March 2020](#):

Important contents include:

'lockdown' means the restriction of movement of persons during the period for which this regulation is in force and effect namely from 23H59 on Thursday, 26 March 2020, until 23H59 on Thursday 16 April 2020, and during which time the movement of persons is restricted.

'institution' means any public or private institution that is engaged in the supply or distribution of an **essential good or service**.

'head of an institution' means the accounting officer of a public institution and the **chief executive officer or the equivalent of a chief executive officer of a private institution**.

'essential services' means the services as defined in section 213 of the Labour Relations Act, 1995 (Act No. 66 of 1995), and designated in terms of section 71(8) of the Labour Relations Act, 1995 (and which designation remains valid as at the date of publication of this regulation), and as listed in paragraph B of Annexure B, as may be amended from time to time.

"CHAPTER 2

Restriction on the movement of persons and goods

11 B. (1)(a) For the period of lockdown-

(i) every person is confined to his or her place of residence, **unless strictly for the purpose of performing an essential service**, obtaining an essential good or service, collecting a social grant, or seeking emergency, life-saving, or chronic medical attention;

(iv) movement between the metropolitan and district areas, is prohibited.

(b) All businesses and other entities shall cease operations during the lockdown, **save for any business or entity involved in the manufacturing, supply, or provision of an essential good or service**

(2) The head of an institution must determine **essential services to be performed by his or her institution**, and must **determine the essential staff who will perform those services**: Provided that the head of an institution

may delegate this function, as may be required in line with the complexity and size of the business operation.

(3) Persons performing essential services as determined in sub regulation (2), must be duly designated in writing by the head of an institution, on a form that corresponds substantially with Form 1 in Annexure C.

Within Annexure B – Categorisation of Essential Goods and Services During Lockdown Regulation 11A, Section B. SERVICES, point 18

18. Police, peace officers, traffic officers, military medical personnel and soldiers, correctional services officials and traffic management services;

Conclusion

It is interpreted that traffic accommodation can be identified as an essential service listed in Annexure B – Categorisation of Essential Goods and Services During Lockdown Regulation 11A, Section B. SERVICES, point 18.

Companies should therefore determine the essential staff who will perform those services and request the annexure C form that has been completed from their respective clients (institutions) to permit the identified staff to perform the traffic accommodation and the maintenance thereof during the lockdown period.

It is furthermore recommended to attach the letters issued by the clients such as SANRAL and N4TRAC where traffic accommodation has been determined an essential service.

Members are further advised that all published gazettes, regulations and advisories can be found on the SAFCEC website's Coronavirus section at www.safcec.org.za/coronavirus. This page lists all referenced documents, notices, advisories and resources.

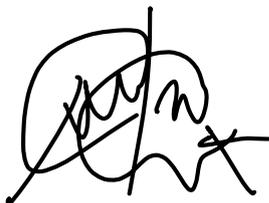
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