

Cabinet to appeal ruling on Covid-19 regulations

Cabinet has resolved to appeal the North Gauteng High Court judgment that declared Covid-19 regulations under levels 3 and 4 invalid and unconstitutional.



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Minister in the Presidency, Jackson Mthembu, announced this during a media briefing on the outcomes of a Cabinet virtual meeting held earlier on Thursday.

According to Judge Norman Davis's ruling handed down on Tuesday, the lockdown regulations do not satisfy the rationality test.

"Their encroachment on and limitation of rights guaranteed in the Bill of Rights contained in the Constitution are not justifiable in an open democratic society based on human dignity, equality and freedom as contemplated in Section 36 of the Constitution," Davis said in his ruling.

Davis gave government 14 days to alter the guidelines, meaning level 3 regulations remain in place until new regulations were published.



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However, Mthembu said Cabinet is of the view that another court might come into a different conclusion on the matter.

“Cabinet has therefore decided to appeal the North Gauteng High Court decision and government will ask that its appeal is heard on an urgent basis so that all of us can obtain certainty on the regulations,” he said.

He told the media that the Cooperative Governance and Traditional Affairs Minister, Dr Nkosazana Dlamini-Zuma, will be joined by President Cyril Ramaphosa and Health Minister, Dr Zweli Mkhize, in the appeal.

“Cabinet wishes to assure the nation that all interventions introduced since the declaring of the National State of Disaster in March 2020 by President Cyril Ramaphosa have been directed primarily at saving the lives of our people,” said Mthembu.



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The regulations, which placed restrictions on the movement of people and stopped some economic activities, have been directed at slowing the spread of Covid-19 infections.

“While government appeals the judgment, parent regulations remain in force and we appeal and urge our people to observe the health protocols that have been put in place, including washing of hands, social distancing, wearing masks in public, as well as screening and referral for testing where necessary.”

He announced that Cabinet has also approved the extension of the National State of Disaster by another month from 15 June to 15 July 2020.

“It’s with all the regulations that will help us save lives and nothing else, that’s why the appeal,” he added. “We urge our people to stick to these rules.”

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