



UPDATE: MOVING OF BUSINESS AND RESIDENTIAL PREMISES – NEW REGULATIONS EFFECTIVE AS OF 14 MAY 2020

On 14 May 2020, regulations were issued in Government Gazette No 43320 by the Department of Co-Operative Governance and Traditional Affairs in terms of the Disaster Management Act, No. 57 of 2002. These regulations repeal and replace the ones issued on 7 May 2020 in respect of which we previously prepared a Newsflash on such date. Please note that if you have already been issued a permit in terms of the repealed regulations such permit remains valid.

The purpose of such new regulations are to facilitate the movement of persons and goods across provincial, metropolitan or district boundaries within South Africa during Alert level 4. In terms of such new regulations persons together with furniture and related goods may move across provincial, metropolitan and district boundaries when a change in place of residence or business is required where:

1. A person is relocating to a new place of residence; or
2. The movement is necessitated by domestic violence; or
3. A business is relocating to new premises.

The above is in addition to the once-off movement of persons and the transport of goods regulations which were already previously allowed by the Government in terms of the regulations issued in Notice No R. 480 on 29 April 2020.

In order to undertake such move, such persons or business mentioned above must:

1. obtain a permit from a Station Commander, or his designated person, from their local Police Station or from the head of a Court, or a person designated by him, in the jurisdiction within which such person/business is located. A copy of the form for such permit is in a prescribed form and is available in the regulations at www.gov.za, alternatively please contact our offices and we will send you a copy of such form;
2. on the form indicate the persons who are part of the household and will be required to move;
3. have a copy of the relevant lease agreements indicating the date of expiry of the old lease and the date of commencement of the new lease; or a copy of the relevant offer to purchase of immovable property and the occupation date, or the transfer documents evidencing a change in ownership, or a domestic violence order, or proof of change or new occupation of business premises (i.e. a sale or lease agreement).

These regulations are less restrictive and are not limited to leases entered into before or during the initial lockdown period of 23h59 on 26 March until to 23h59 on 30 April, or transfers of immovable property which occurred before the aforementioned lockdown period. In addition, such moves in terms of the previous regulations were limited to residential premises only.

In summary if:

- a. you have previously entered into a lease before or during the lockdown period as defined above, or enter into a new lease during lockdown Alert level 4 in respect of business or residential premises and are entitled to occupy the premises in terms of such lease agreement; or
- b. have entered into a sale agreement (in respect of business or residential property) and in terms of such agreement you are entitled to occupy the premises (on transfer of the property or in terms of an occupation date set in such agreement); or
- c. you are a victim of domestic violence,

then you may now apply for and obtain a permit to move to such new premises during Alert level 4.

Please note the above is applicable as at 14 May 2020 and may change if these regulations are amended or repealed by new regulations. This newsflash has been prepared for information purposes only and does not constitute legal advice, or a legal opinion, the practical application of the provisions of this newsflash will vary depending on the facts of each case.

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