

2nd April 2020

Deputy Minister Park Tau
COGTA
87 Hamilton Street
Arcadia
Pretoria
RSA

Dear Minister

Re: **ENFORCEMENT OF TRADING HOURS BY CERTAIN MUNICIPALITIES**

1. Thank you for calling me back this morning.
2. As you are aware, SAPOA represents some 1000 companies / organisations who own and control thousands of shopping centres around the country.
3. We have in the past few days, received various notices from our members, where municipalities have attempted to enforce business hours for essential services during the lockdown period. Two instances include the Msukaligwa Local Municipality, as well as the Emalaheni Local Municipality. Kindly see attached example.
4. We have obtained legal advice thereon, and have noted that neither the regulations issued by yourselves on 18 March 2020 in Government Gazette 43107 (hereinafter referred to as "*the Initial Regulations*"), nor the regulations issued by yourselves on 25 March 2020 in Government Gazette 43148 (hereinafter referred to as "*the Lockdown Regulations*"), and also not the Amended Lockdown Regulations published by yourselves on 26 March 2020 in Government Gazette 43168, make provision for trading hours for businesses rendering essential services during the lockdown period.
5. Furthermore, the directives to municipalities in Provinces issued by yourselves on 25 March 2020 in Government Gazette 43147, as amended on 30 March 2020 in Government Gazette 43184 similarly does not make provision for municipalities to set and enforce trading hours.
6. In fact, Regulation 11B (7) authorises only yourselves to provide further conditions to regulate essential businesses.

SOUTH AFRICAN PROPERTY OWNERS ASSOCIATION – NPC – REG NO 1966/008959/08

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7. The problem being faced by our members is that both of the municipalities mentioned above, limit trading of essential services up to 17h00 on weekdays. The Emalahleni Local Municipality limits trading on weekends to 13h00, whilst the Msukaligwa Local Municipality limits such trading to 14h00. The problem faced by our members, and their tenants, is that those persons still rendering essential services, and working a normal workday, is prohibited from even obtaining essential goods as defined in terms of the lockdown regulations due to these reduced trading hours. Furthermore, on our understanding, these directions issued by the local municipalities are unlawful and *ultra vires* their powers.
8. Our citizens are in need of food, water, clothing, medication etc and the imposition of these acts by local authorities and the Police continue to hinder the ability of our members to deliver these essential goods and services to the public.
9. We therefore respectfully implore you to urgently issue directives to local municipalities and the Police to not set regulations and limitations outside of their powers, but to instead adhere to and enforce the regulations as published by Government.
10. We trust that the foregoing will meet with your positive response. Should you wish to engage with us further, you are most welcome to contact undersigned.

We look forward to your response and thank you for your assistance.

Kind regards



Neil Gopal
Chief Executive Officer
SAPOA