

AMENDED ORDER



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

PRETORIA 2 JUNE 2020

CASE NO: 21542/2020

BEFORE THE HONOURABLE MR JUSTICE DAVIS

In the matter between:

REYNO DAWID DE BEER
LIBERTY FIGHTERS NETWORK
HOLA BON RENAISSANCE FOUNDATION

1ST APPLICANT
2ND APPLICANT
AMICUS CURIAE

And

THE MINISTER OF COOPERATIVE
GOVERNANCE AND TRADITIONAL AFFAIRS

RESPONDENT

HAVING HEARD counsel(s) for the parties and having read the documents filed the court reserved its judgment.

THEREAFTER ON THIS DAY THE COURT ORDERS

JUDGMENT

1. The regulations promulgated by the Minister of Cooperation and Traditional Affairs ("the Minister") in terms of section 27(2) of the Disaster Management Act 57 of 2002 are declared unconstitutional and invalid.
2. The declaration of invalidity is suspended until such time as the Minister, after consultation with the relevant cabinet minister/s, review amend and republish the regulations mentioned above (save for regulations 36, 38, 39(2)(d) and (e) and 41 of the regulations promulgated in respect of Alert Level 3) with due consideration to the limitation each regulation has on the rights guaranteed in the Bill of Rights contained in the Constitution.
3. The Minister is directed to comply with the process ordered in paragraph 2 above within 14 (fourteen) business days from date of this order, or such longer time as this court may, on good grounds shown, allow and to report such compliance to this court.

4. During the period of suspension, the regulations published in Government Gazette No 43364 of 28 May 2020 as Chapter 4 of the regulations designated as: Alert Level 3", shall apply.
5. The regulations pertaining to the prohibition on the sale of tobacco and related products is excluded from this order and is postponed sine die, pending the finalization of case 21688/2020 in this court.
6. The Minister is ordered to pay the costs of the first and second applicants. The amicus curiae shall pay its own costs.

Attorney:

