# MINISTRY

**COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY QUESTION FOR WRITTEN REPLY QUESTION NUMBER 1300 OF 2020**

**1300. Mrs G Opperman (DA) to ask the Minister of Cooperative Governance and Traditional Affairs.**

On what statutory provisions does she rely when issuing regulations under the Disaster Management Act, Act 57 of 2002, regarded to (a) supersede any other provisions already codified in the Constitution of the Republic of South Africa, 1996, and/or any other existing legislation, including laws that have not been repealed and/or suspended and (b) limit the operation of any provisions already codified in the Constitution and/or any other existing legislation without explicitly making mention of the existing provisions and/or suspending the existing provisions? NW1668E

# Reply:

(a) and (b) Section 36 of the Constitution states that certain rights in the Bill of Rights may be limited only in terms of a law. In this regard the Disaster Management Act, 2002 prescribes in Section 26(2)(b) that the national executive, in dealing with a national disaster where a state of disaster has been declared by the Minister in terms of Section 27(1), must deal with the disaster in terms of existing legislation and contingency arrangements as augmented by regulations or directives made in terms of Section 27(2) of the Act.

# End.