**36/1/4/1(202000106)**

# NATIONAL ASSEMBLY

**FOR WRITTEN REPLY**

**QUESTION 962**

# DATE OF PUBLICATION IN INTERNAL QUESTION PAP.ER 22 MAY 2020 (INTERNAL QUESTION PAPER NO 17-2020)

**962. Mr Z N Mbhele** **(DA) to ask the Minister of Police:**

1. Whether, with regard to certain actions by certain SA Police Service (SAPS) officers during the lockdown to curb the Covid-19 pandemic, he, the National Police Commissioner, the Provincial Police Commissioners or any other SAPS management official authorised, instructed or otherwise directed SAPS officers to (a) confiscate the goods or wares of businesses, traders and vendors and (b) destroy cooked and/or prepared food during the lockdown period; if not, what is the position in this regard; if so, (i) why and (ii) on what provision(s) in the lockdown regulations does he and SAPS commissioners and management rely to engage in such actions;
2. whether he, the National Police Commissioner, the Provincial Police Commissioners or any other SAPS management official authorised, instructed or otherwise directed SAPS officers to dose micro-retailers owned by immigrants, especially spaza shops, during the lockdown period; if not, what is the position in this regard; if so, (a) why and (b) on what provision(s) in the lockdown regulations does he and SAPS commissioners and management rely to engage in such actions?

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**REPLY:**

(1)(a) No, guidelines were issued, in terms of the Disaster Management, 2002 (Act No. 57 of 2002), relating to the respective offences, for enfomement of the Regulations of the Disaster Management Act.

(1)(b) No, guidelines were issued, in terms of the Disaster Management Act, relating to the respective offences, for enforcement of the Regulations of the Disaster Management.

(1)(b)(i) Certain goods may be confiscated, depending on the contravention of the Regulation, e.g. the sale or transportation of liquor or tobacco.

(1)(b)(ii) The Disaster Management Act, Regulation No. 318, issued on 18 March 2020, made no prohibition on the sale of œoked or prepared food.

The Disaster Management Act, Regulation No. 471, issued on 20 April 2020, made a provision for any food product, including non-alcoholic beverages, but excluding warm cooked food.

The Disaster Management Act, Regulation No. 480, issued on 29 April 2020, permitted the sale of warm cooked food, only for home delivery.

The National Core Command Group (NCCG) Supplementary Instruction, issued on 22 April 2020, provided guidance to members of the South African Police Service (SAPS) that any food product, excluding warm cooked food, may be sold or permitted, in terms of the Regulation No. 465, issued on 16 April 2020.

The NCCG Supplementary Instruction, issued on 1 May 2020, provided guidance to SAPS members that the sale of warm cooked food, for home delivery, was permitted, in terms of the Regulations.

(2)(a) No, guidelines were issued, in terms of the Disaster Management Act, relating to the respective offences, for enforcement of the Regulations of the Disaster Management Act.

(2)(b) No, guidelines were issued, in terms of the Disaster Management Act, relating to the respective offences, for enforcement of the Regulations of the Disaster Management Act.

(2)(b)(i) Grocery stores and wholesale produce markets, including spaza shops and informal food traders, were permitted to operate, with written permission from a municipal authority.

(2)(b)(ii) The South African Police Service (SAPS) has developed clear directives for members in the application of the amended Regulations to the Disaster Management Act .These directives are updates in accordance with periodic amendments to the aforementioned legislation. The circulation of these directives is effected via established internal communication platforms, to all levels.

The SAPS has deployed Senior Management Service (SMS) members at local level to enhance overall command and control and to guide and advise members on the application of lockdown directives.

The Minister of Police and the Deputy Minister of Police have undertaken numerous visits to deployed SAPS members, in conjunction with SAPS top management and have emphasized the correct and professional application of lockdown directives, by SAPS members.

The SAPS Disciplinary Regulation, 2016, are envoked in instancing where members have been found to have contravened the lockdown regulations. In instances where criminal offences, in terms of the lockdown regulations, have been committed by SAPS members, criminal cases are opened, in conjunction with departmental cases. The criminal cases are investigated by the Independent Police Investigative Directorate (IPID).

The SAPS has also maintained the Complaints Management capability, with the Division: Inspectorate, which manages complaints against the SAPS, including those related to the application of COVID-19 directives.

Any spaza shop owner, who feels abused by members of the SAPS, may report such a member of members to the nearest police station.

Reply to question 962 recommended

**GENERAL NATIONAL COMMISSIONER: SOUTH AFRICAN POLICE SERVICE
KJ SITOLE (SOEG)
Date**: 2020/06/25

Reply to question 962 approved

**MINISTER OF POLICE
GENERAL BH CELE (MP)
Date**: 02/07/2020

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