

South Africa

Disaster Management Act, 2002

Directives Regarding Business Licences and Trade Permits Government Notice 615 of 2021

Legislation as at 15 July 2021

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Directives Regarding Business Licences and Trade Permits
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South Africa

Disaster Management Act, 2002

Directives Regarding Business Licences and Trade Permits

Government Notice 615 of 2021

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Commenced on 15 July 2021

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I, Hon. Khumbudzo Ntshavheni, MP, the Minister of Small Business Development, empowered in terms of the Regulations published in *Government Gazette* No. 43017 notice No. 318 of 18 March 2020; *Government Gazette* No. 43208 notice no. 11081 to issue Directives from time to time and as prescribed; and *Government Gazette* No. 610 notice no. 44838 of 11 July 2021 made in terms of section 27(2) of the Disaster Management Act, 2002 ([Act No. 57 of 2002](#)), hereby issue the Directives set out in the Schedule hereto in order to provide direction on the operation of businesses whose licenses and trade permits as per the Businesses [Act no. 71 of 1991](#) as amended, have lapsed and are due for renewal; and due to the prevailing lockdown regulations are unable to renew their licenses; extension is hereby granted to such affected business licenses and trade permits, allowing businesses to operate despite their business licenses and/or trade permits having expired.

To further issue Directives to allow for the operation of businesses by new entrants whose applications for either business license and/or trade permits are hampered by the unavailability of the relevant authorities empowered to issue such licenses and/or trade permits due to remote working conditions considering the prevailing environment.

Hon. Khumbudzo Ntsavheni, MP

Minister of Small Business Development

1. Definitions

These Directives, a word or expression bears the meaning assigned to it in the Regulations promulgated in *Government Gazette* No. 44838, Government Notice No. R 610 of 11 July 2021 in terms of section 27(2) of the Disaster Management Act, 2002, and unless the context otherwise indicates—

"Lockdown Regulations" means the regulations published in *Government Gazette* No. 43258, Government Notice No 480 of 29 April 2020 as amended by *Government Gazette* No. 44838 notice no. 610 of 11 July 2021.

"Business" means any businesses that is required to acquire a license or permit and is listed in Schedule 1 of the Businesses [Act no. 71 of 1991](#).

"hawker's licence" means a licence to carry on any business referred to in item 3(1) of Schedule 1; of the Businesses Act.

"licence", in relation to a business, means a licence referred to in section 2(3) of the Businesses Act.

"licence holder" means a person who is the holder of a licence;

"licensing authority" means any local authority/municipality, or person or body, designated or appointed under section 2 of the Businesses Act as a licensing authority;

2. Directives

- 2.1 These directives are issued to enable businesses whose licences and or permits have expired and/ or are due for renewal during the implementation of measures to prevent and combat the spread of covid-19 as published in *Government Gazette* no. 44838 and subsequent regulations; to operate their businesses despite their licenses and or trading permits having expired.
- 2.2 The directives are issued to also enable new applicants to submit their applications and be granted temporary licenses and permits.
 - (a) All business licenses and or permits that expired during the period that commenced from 26 May 2020 up to and including 30 June 2021 are deemed to be valid and their validity periods are extended for a further grace period ending on 31 December 2022.
 - (b) The submission and processing of new applications for business licenses and or permits commencing from the period 1 July 2021; and applications that were not processed during the period beginning 26 May 2020 up to and including 30 June 2021, is permissible wherein upon minimum requirements being met as determined by a licensing authority a temporary license or permit may be issued with a validity period ending on 31 December 2022. No license fee will be payable.
 - (c) After the lapsing of the extension period for renewal of expired business licenses and trade permits, all businesses must comply with the requirements of the Businesses [Act no. 71 of 1991](#).
- 2.3 These directives do not exempt compliance with the requirements of the Act unless where it is otherwise specified.

3. Commencement

These Directives come into operation on the date of publication in the *Government Gazette*.