

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF CO-OPERATIVE GOVERNANCE

NO. R. 1941

29 March 2022

INVITATION FOR PUBLIC COMMENT

DISASTER MANAGEMENT AMENDMENT REGULATIONS DATED 29 MARCH 2022

The Minister of Co-operative Governance and Traditional Affairs is considering making amendments to the regulations under the Disaster Management Act No. 57 of 2002.

Any person may make written representations regarding these proposed amendments, which are being published on 29 March 2022.

The Regulations are available on the following link:

<http://www.ndmc.gov.za/Pages/Notices.aspx>

Representations may be submitted online following the following link:

<https://forms.office.com/r/tMMP6WLEf2>

Alternatively, representations can be submitted by email using the following address:

Regulations@cogta.gov.za.

Representations must reach the Department of Cooperative Governance, by 17h00 on Friday 1 April 2022.

NC Zuma

DR NKOSAZANA DLAMINI ZUMA, MP

MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

DATE: 29.03.2022

DRAFT

GOVERNMENT NOTICE COOPERATIVE GOVERNANCE

No. R.

2022

DISASTER MANAGEMENT ACT, 2002: AMENDMENT OF REGULATIONS ISSUED IN TERMS OF SECTION 27(2)

I, Dr Nkosazana Dlamini Zuma, Minister of Cooperative Governance and Traditional Affairs, designated under section 3 of the Disaster Management Act, 2002 (Act No. 57 of 2002), having declared a national state of disaster published by Government Notice No. 313 of 15 March 2020, and extended by Government Notices Nos. 646 of 5 June 2020, 765 of 13 July 2020, 889 of 15 August 2020, 995 of 14 September 2020, 1090 of 14 October 2020, 1225 of 14 November 2020, No.1341 of 11 December 2020, No. R. 15 of 13 January 2021, No. R. 86 of 11 February 2021, No. R. 193 of 11 March 2021, No. 333 of 14 April 2021, No. R. 424 of 14 May 2021, No. R. 476 of 30 May 2021, No. R. 493 of 11 June 2021, No. R. 611 of 12 July 2021, No. R. 733 of 12 August 2021, No. R. 867 of 12 September 2021, No. R. 1031 of 13 October 2021, No. R. 1501 of 13 November 2021, No. R. 1598 of 10 December 2021, No. R. 1672 of 14 January 2022, No. R. 1758 of 14 February 2022 and No. R.1875 of 14 March 2022 hereby in terms of section 27(2) of the Disaster Management Act, 2002, after consultation with the relevant Cabinet members, make the Regulations in the Schedule.

DR NKOSAZANA DLAMINI ZUMA, MP
MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
DATE:

SCHEDULE

Definitions

1. In these Regulations, "the Regulations" means the regulations published by Government Notice No. R. 480 of 29 April 2020 as amended by Government Notices Nos. R. 608 of 28 May 2020, R. 714 of 25 June 2020, R.763 of 12 July 2020, R. 846 of 31 July 2020, R. 891 of 17 August 2020, No. 999 of 18 September 2020, No. 1011 of 20 September 2020, No. 1053 of 1 October 2020, No. 1104 of 21 October 2020, No. 1199 of 11 November 2020, No. 1290 of 3 December 2020, No. 1346 of 15 December 2020, No.1370 of 17 December 2020, No. 1421 of 24 December 2020, No. 1423 of 29 December 2020, No 1435 of 29 December 2020, No. R. 11 of 11 January 2021, No. R. 69 of 1 February 2021, No. R. 92 of 13 February 2021, No. R. 93 of 13 February 2021, No. R. 152 of 28 February 2021, No. R. 284 of 30 March 2021, No. 376 of 22 April 2021, No. R. 477 of 30 May 2021, No. R. 530 of 15 June 2021, No. R. 532 of 17 June 2021, No. R. 565 of 27 June 2021, No. R. 567 of 29 June 2021, R. No. R. 610 of 11 July 2021, R. No. 612 of 14 July 2021 and R. No. 614 of 14 July 2021, No. R. 651 of 25 July 2021, No. 669 of 30 July 2021, No. R. 869 of 12 September 2021; No. R.953 of 26 September 2021; No. R.960 of 30 September 2021, No. R. 1024 of 11 October

2021, No. R. 1633 of 17 December 2021, No. R. 1646 of 21 December 2021, No. R. 1659 of 30 December 2021, No. R. 1715 of 1 February 2022, No. R. 1759 of 15 February 2022, and No. R 1915 of 22 March 2022.

Amendment of regulation 67 of the Regulations

2. Regulation 67 of the Regulations is hereby substituted by the following regulation:

"Mandatory protocols when in a public place

67. (1) For the purposes of these Regulations, a 'face mask' means a cloth face mask or a homemade item that covers the nose and mouth, or another appropriate item to cover the nose and mouth.

(2) The wearing of a face mask is mandatory for every person when in an indoor public place, excluding a child under the age of six years.

(3) No person will be allowed to—

- (a) use, operate, perform any service on any form of public transport; or
- (b) enter or be in a building, place or premises, including government buildings, places or premises, used by the public to obtain goods or services,

if he or she is not wearing a face mask.

(4) (a) All persons in an open public space need not wear a face mask but must maintain a distance of at least one metre from another person.

(b) The school environment is excluded from the requirement of maintaining a distance of at least one metre from another person.

(5) An employer may not allow any employee to perform any duties or enter the employment premises if the employee is not wearing a face mask while performing his or her duties.

Substitution of regulation 69 of the Regulations

3. Regulation 69 of the Regulations is hereby substituted of the following regulation:

"Gatherings

69. (1) All gatherings, including faith-based or religious, social, political and cultural, gatherings at restaurants, bars, *shebeens* and taverns; gatherings at conferencing, exhibitions, dining, gyms, fitness centres, casinos and entertainment, facilities, gatherings at venues hosting auctions including agricultural auctions, sporting activities, including both professional and non-professional matches, by recognised sporting bodies, where persons who are—

- (a) fully vaccinated and in possession of a valid vaccination certificate; or
- (b) unvaccinated but in possession of a valid certificate of a negative COVID-19 test, recognised by the World Health Organisation, which was obtained not more than 72 hours before the date of the gathering,

are allowed at up to 50% of the capacity of the venue: Provided that entry to the venue is conditional upon production of a valid certificate as referred to in paragraph

(a) or (b) and subject to strict adherence to all health protocols and social distancing measures.

(2) All gatherings, including faith-based or religious, social, political and cultural, gatherings at restaurants, bars, *shebeens* and taverns; gatherings at conferencing, exhibitions, dining, gyms, fitness centres, casinos and entertainment facilities, gatherings at venues hosting auctions including agricultural auctions, sporting activities, including both professional and non-professional matches, by recognised sporting bodies, where persons who are—

- (a) not fully vaccinated or in possession of a valid vaccination certificate; or
- (b) unvaccinated and not in possession of a valid certificate of a negative COVID-19 test, recognised by the World Health Organisation, which was obtained not more than 72 hours before the date of the gathering,

are allowed but limited to 1000 persons or less for indoor venues and 2000 persons or less for outdoor venues and if the venue is too small to hold the prescribed number of persons observing a distance of at least one metre from each other, then not more than 50 percent of the capacity of the venue may be used, subject to strict adherence to all health protocols and social distancing measures.

(3) An owner or operator of any indoor or outdoor facility where gatherings are held must display the certificate of occupancy which sets out the maximum number of persons the facility may hold.

(4) Gatherings at a workplace for work purposes are allowed, subject to strict adherence to all health protocols and social distancing measures.

(5) Hotels, lodges, bed and breakfasts, timeshare facilities, resorts and guest houses are allowed full capacity of the available rooms for accommodation, with patrons wearing face masks and observing a distance of at least one metre from each other when in common spaces."

Amendment of regulation 75 of the Regulations

4. Regulation 75 of the regulations is hereby substituted of the following regulation:

"Partial re-opening of borders

75. (1) (a) The 21 land borders which are fully operational, will remain as such and the 32 land borders which were closed, will remain closed.

(b) The Cabinet member responsible for Home Affairs may, from the date of commencement of this amendment to the Regulations, issue directions regarding the opening and closing of any further Ports of Entry.

(2) Traveling to and from the Republic from neighbouring countries is allowed: Provided that travellers who are—

- (a) fully vaccinated must upon arrival at the land border produce a valid vaccination certificate; and
- (b) unvaccinated must upon arrival at the land border, provide a valid certificate of a negative COVID-19 test, recognised by the World Health Organisation, which was obtained not more than 72 hours before the date of travel.

(3) (a) International air travel is restricted to the following airports—

- (i) OR Tambo International Airport;
- (ii) King Shaka International Airport;
- (iii) Cape Town International Airport;
- (iv) Lanseria International Airport; and
- (v) Kruger Mpumalanga International Airport.

(b) All international travellers arriving at the Ports of Entry listed in paragraph (a) who are—

- (i) fully vaccinated must upon arrival at the Port of Entry, produce a valid vaccination certificate; and
- (ii) unvaccinated must upon arrival at the Port of Entry, provide a valid certificate of a negative COVID-19 test, recognised by the World Health Organisation, which was obtained not more than 72 hours before the date of travel."

(c) In the event of the traveller's failure to submit a certificate as proof of a negative COVID-19 test, the traveller will be required to do an antigen test on arrival at his or her own cost and in the event of a traveller testing positive for COVID-19, he or she will be required to isolate him or herself at his or her own cost, for a period of 10 days.

(d) Outbound travellers from South Africa must comply with the requirements of the country of destination.

(4) All commercial seaports will remain open and small crafts, and all passenger ships, including cruise ships, will be allowed entry into seaports, in-line with all health and border law enforcement protocols."

Transitional provisions

5. (1) The regulations and directions specified in sub-regulation (2):
(a) will not cease to operate or cease to be of force and effect merely because the national state of disaster comes to an end; and
(b) will continue to operate and be of force and effect until 30 days after the national state of disaster ends, whereupon the regulations and directions concerned will automatically lapse.

(2) The regulations and directions specified in sub-regulation (1) are as follows:

- (a) Regulation 67;
- (b) Regulations 69;
- (c) Regulations 75; and
- (d) Directions, as amended, issued in terms of Regulation 4(5) and (10), which provide for Social Relief of Distress Grant; and
- (e) Directions, as amended, issued in terms of Regulation 4(7)(b), which provide for the extension of the validity period of a learner's license, driving licence card, license disc, professional driving permit and registration of a motor vehicle.

(3) The Regulations in Chapter 8 and the Directions in terms thereof which provide for: Covid -19 Vaccine Injury No -fault Compensation Scheme shall be subject to the transitional measures contained in Chapter 8.

Commencement

6. The amendment to the Regulations will come into operation on publication in the *Gazette*.