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DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NO. R. 465 **16 APRIL 2020**

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 in Government *Gazette* No. 43096 on 15 March 2020, 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.

NC Zuma

DR NKOSAZANA DLAMINI ZUMA, MP

MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

DATE: 16th April 2020.

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SCHEDULE

Definitions

1. In these regulations, "the Regulations" means the regulations published by Government Notice No. 318 of 18 March 2020, as amended by Government Notices Nos. R. 398 of 25 March 2020, R.419 of 26 March 2020 and R. 446 of 2 April 2020.

Amendment of regulation 6 of the Regulations

2. Regulation 6 of the Regulations is hereby amended by the substitution of the following regulation —

"Schools and partial care facilities must be closed by 18 March 2020 until 30 April 2020, which period may be extended by way of directions by the Cabinet member responsible.".

Amendment of regulation 1A of the Regulations

3. Regulation 1A of the Regulations is hereby amended by the substitution for the following regulation:

"Application of Chapters 1, 2, 3 and 4

1A. (1) Chapter 1 and any direction issued pursuant to the Regulations shall continue to be in force and effect, save that if there are any inconsistencies between Chapter 1 and Chapters 2 to 4, Chapters 2 to 4 shall prevail to the extent of the inconsistency.

(2) Chapters 2, 3 and 4 of these Regulations will apply as from 26 March 2020 at 23h59 until 30 April 2020 at 23h59: Provided that Chapter 3 will remain in force for the period of the national state of disaster, or for such periods as may be extended."

Substitution of regulation 7 of the Regulations

4. Regulation 7 of the Regulations is hereby substituted of the following regulation:

"Suspension of visits

7. All visits by members of the public to—

(*a*) Correctional Centres;
(*b*) Remand Detention Facilities;
(*c*) Holding Cells;
(*d*) Military Detention Facilities; and
(*e*) Department of Social Development facilities, including Child and Youth Care Centres, shelters, One Stop Centres, and Treatment Centres,

are suspended for the period of lockdown from the date of publication of this Notice, which period may be extended for any period, but not beyond the duration of the national state of disaster, by the cabinet member responsible.".

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Amendment of regulation 8 of the Regulations

5. Regulation 8 of the Regulations is hereby amended by the addition of subregulation (6) after subregulation (5) —

"(6) The transportation of liquor is prohibited, except where alcohol is required for industries producing hand sanitizers, disinfectants, soap, alcohol for industrial use and household cleaning products.".

Amendment of Regulation 10 of the Regulations

6. Regulation 10 of the Regulations is hereby amended by the addition of the following subregulation :

"(9) All directions issued in terms of these Regulations shall continue to apply unless, varied, amended or withdrawn by the Cabinet member responsible for such directions.".

Amendment of regulation 11A of the Regulations

7. Regulation 11A of the Regulations is hereby amended by the substitution for the definition of "lockdown" of the following definition:

"'**lockdown**' means the restriction of movement of persons during the period for which Chapters 2, 3 and 4 of these Regulations apply, namely from 23H59 on 26 March 2020, until 23H59 on 30 April 2020; and".

Amendment of regulation 11B of the Regulations

8. Regulation 11B of the Regulations is hereby amended by—

(a) the substitution for item *(bb)* of subparagraph (iii) of paragraph *(a)* of subregulation (1) of the following item:

"*(bb)* transportation of—

(*bb*A) essential goods;

(*bb*B) transportation of cargo from ports of entry to their intended destination; and

(*bb*C) cargo currently at ports of entry, for export of goods to decongest the ports of entry;";

(b) the insertion of the following paragraph after paragraph *(f)* of subregulation (1):

"*(g)* Stores selling hardware products and vehicle components must maintain a register of persons buying essential goods listed in Part A of Annexure B, and must keep a record of a signed declaration, which corresponds substantially with Form 4 of Annexure C by the buyer of goods attesting that the goods are essential goods as defined in the Regulations.";

(c) the substitution for paragraph *(b)* of subregulation (4A) of the following paragraph:

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"*(b)* The Cabinet members responsible for health and social services and trade, industry and competition may, by directions, designate services which are necessary to provide or maintain essential health and social services and international trade or industrial activities listed in Annexure B to the Regulations.";

(d) the deletion of paragraph *(h)* of subregulation (8); and

(e) the addition of the following subregulations after subregulation (8):

"(9)*(a)* Movement of children between co-holders of parental responsibilities and rights or a caregiver, as defined in section 1(1) of the Children's Act, 2005 (Act No. 38 of 2005), during the lockdown period, is prohibited, except where arrangements are in place for a child to move from one parent to another, in terms of—

(i) a court order;

(ii) where a parental responsibilities and rights agreement or parenting plan, registered with the family advocate, is in existence, or

(iii) the co-holder of parental responsibilities and rights is in possession of a birth certificate or certified copy of a birth certificate of the child or children to prove a legitimate relationship between the co-holders of parental responsibilities and rights:

Provided that in the household to which the child has to move, there is no person who is known to have come into contact, or is reasonably suspected to have come into contact with any other person known to have contracted, or is reasonably suspected to have contracted COVID-19 in the household which the child has to move to.

(b) The parent or caregiver transporting the child concerned must have in his or her possession, the court order or the parental responsibilities and rights agreement or parenting plan or the birth certificate of the child or children, as required.

(10) All forms must be completed in full, including full names, identification or passport numbers and full contact details as required in the form and failure to do so will result in the form being rejected as invalid.".

Insertion of regulation 11CA after regulation 11C

9. The following regulation is hereby inserted after regulation 11C:

"**Prohibition on evictions**

11CA. No person may be evicted from their place of residence, regardless of whether it is a formal or informal residence or a farm dwelling, for the duration of the lockdown.".

Substitution of regulation 11G of the Regulations

10. Regulation 11G of the Regulations is hereby substituted for the following regulation:

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" **Offences and penalties**

11G. For the purposes of this Chapter, any person who contravenes—

(a) regulation 11B(1)*(a), (b), (c), (d), (f)* or 11B(4); or

(b) regulations 11C(1) and 11CA,

commits an offence and is, on conviction, liable to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.".

Amendment of regulation 11H of the Regulations

11. Regulation 11H of the Regulations is hereby amended by the substitution for subregulation (13) of the following subregulation:

"(13) The Cabinet member responsible for justice and correctional services shall, in terms of section 7(1)*(a)* read with paragraph *(d)* of the definition of "service" in section 1(1) of Judges' Remuneration and Conditions of Employment Act, 2001 (Act No. 47 of 2001) request a judge or a Constitutional Court Judge who has been discharged from active service to perform service as a COVID-19 Designated Judge as provided for in the Regulations.".

Substitution of regulation 11I of the Regulations

12. Regulation 11I of the Regulations is hereby substituted for the following regulation:

"**Offences and penalties**

11I. (1) A failure to comply with—

(*a*) an obligation imposed in terms of regulation 11H(5), (9), (11), (17); or

(*b*) a direction issued in terms of regulation 11H(10) or (18),

constitutes an offence.

(2) A person who fails to comply with an obligation imposed in terms of regulation 11H(5), (9), (11) or (17) or a direction issued in terms of regulation 11H(10) or (18), commits an offence and is, on conviction, liable to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.".

Insertion of Chapter 4 into the Regulations

13. The following Chapter is hereby inserted into the Regulations:

"**CHAPTER 4**

Energy and petroleum products supply

11J. To ensure the continuous supply of energy and petroleum products to society as referred to in paragraph 6 of Part B of Annexure B—

(a) collieries that supply Eskom must continue to operate at full capacity; and

(b) refineries must operate at full capacity to avoid shortage of fuel, and such operations must include smelters, plants and furnaces.

Mining Operations

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11K. (1) Mining operations, as referred to in paragraph 22 of Part B of Annexure B, must be conducted at a reduced capacity of not more than 50% during the period of lockdown, and thereafter at increasing capacity as determined by direction issued by the Cabinet member responsible for mineral resources and energy.

(2) The following conditions apply to the starting and increasing of capacity:

(a) A rigorous screening and testing program must be implemented as employees return to work;

(b) the mining industry must provide quarantine facilities for employees who have tested positive for the COVID-19;

(c) data collected during the screening and testing programme must be submitted to the relevant authority;

(d) mining companies must make arrangements to transport their South African employees from their homes to their respective areas of operations;

(e) workers from neighbouring Southern African Development Community countries must be recalled to their place of employment at the end of lockdown in their respective countries in accordance with these Regulations and regulations applicable in those countries.

(3) The monitoring and impact assessment of seismicity through the Council for Geoscience must be intensified with immediate effect.".

Amendment of Annexure B to the Regulations

14. Annexure B to the Regulations is hereby amended by—

(a) the addition in Part A after paragraph 5 of the following paragraphs:

"6. Hardware, components and supplies required by any qualified tradespersons solely for the purpose of emergency repairs at residential homes;

7 Hardware, components and supplies required by any entity engaged in the provision of essential services for any project related to the provision of water, electricity or other essential services;

8. Components for vehicles under-going emergency repairs where such vehicle is used by a person engaged in essential services work.";

(b) the substitution in Part B for paragraph 5 of the following paragraph:

"5. Grocery stores and wholesale produce markets, *spaza* shops, informal fruit and vegetable sellers and *langanas*, with written permission from a municipal authority to operate being required in respect of *spaza* shops and informal fruit and vegetable traders: Provided that all valid permits for *spaza* shops and informal fruit and vegetable traders issued before or during the declared national state of disaster and which fall due during the said period, will remain valid for a period of one month after the end of the national state of disaster; ";

(c) the substitution in Part B for paragraph 22 of the following paragraph:

"22. Gold, gold refinery, coal and mining;";

(d) the substitution in Part B for paragraph 27 of the following paragraph:

"27.1 Commissioners of the South African Human Rights Commission, Gender Commission, the Commission for the Promotion and Protection of the Rights of

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Cultural, Religious and Linguistic Communities, the Public Protector and Deputy Public Protector and the Independent Electoral Commission; and

27.2 Services rendered by the institutions referred to in item 27.1;";

(e) the substitution in Part B for paragraph 30 of the following paragraph:

"30. Call centres necessary to provide health, safety, social support, government and financial services, debt restructuring for consumers of retailers, and access to short-term insurance policies as a result of reduced income or loss of income;"; and

(f) the addition in Part B of the following paragraphs after paragraph 33:

"34. Trades necessary for the rendering of emergency repair work, including plumbers, electricians, locksmiths, glaziers, roof repair work;

35. Trades necessary for emergency automobile repairs for persons rendering essential services;

36. Information and Communication Technology services rendered to entities and institutions engaged in delivering essential services in terms of these Regulations.".

Amendment of Form 3 of Annexure C to the Regulations

15. Form 3 of Annexure C to the Regulations is hereby amended by the substitution for the phrase "sheriff's(deponent's)" or "sheriff(deponent)" in the Certification wherever it appears of the word "deponent".

Amendment of Annexure C to the Regulations

16. Annexure C to the Regulations is hereby amended by the addition of the following forms after Form 3:

"FORM 4
DECLARATION BY BUYER OF HARDWARE PRODUCTS OR MOTOR-COMPONENTS
Regulation 11B(1)*(g)*

I,

Full names:						
Surname:						
Identity number						
Home address:						
Contact details:	Cell No		Tel No (h)		e-mail address	

Declare that the undermentioned goods are necessary for the rendering of emergency repair work:

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Signed at_____this _____ day of _____ 2020.

_____

Signature of buyer".

Amendment of Annexure D to the Regulations

17. Annexure D to the Regulations is hereby amended for the substitution for subparagraph (vii) of paragraph *(c)* of the following subparagraph:

"(vii) hotels, lodges and guest houses, except to the extent that they are required for remaining tourists confined to hotels, lodges and guest houses;".