

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF CO-OPERATIVE GOVERNANCE

NO. 999

18 SEPTEMBER 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, 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 and 995 of 14 September 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.

Nkzuma

DR NKOSAZANA DLAMINI ZUMA, MP

MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

DATE: 17. 09. 2020 .

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 and R. 891 of 17 August 2020.

Withdrawal of determination of Alert Level 2

2. The determination of Alert Level 2 as determined in Government Notice No.891 of 17 August 2020, is hereby withdrawn.

Amendment of Classification of Regulations

3. The Classification of the Regulations is hereby amended by—
(a) the addition of the following Chapter after Chapter 5:

"CHAPTER 6 ALERT LEVEL 1

65. Application of Alert Level

66. Movement of persons
67. Mandatory protocols when in a public place
68. Attendance of funerals
69. Gatherings
70. Eviction and demolition of places of residence
71. Rental housing
72. Places and premises closed to the public
73. Prohibition of initiation practices
74. Controlled visits by members of the public
75. Partial re-opening of borders
76. Public transport
77. Sale and dispensing of liquor
78. Operation of economic sector
79. Compliance officers
80. Offences and penalties"; and

(b) the addition of the following Table after Table 3:

"TABLE 4

Alert Level 1"; and

(c) the amendment of Annexure A by the addition of the following form after Form 6:
"7. Permit to travel to perform a service".

Addition of Chapter 6 to the Regulations

4. The following Chapter is hereby added to the Regulations after Chapter 5:

**"CHAPTER 6
ALERT LEVEL 1**

Application of Alert Level

65. The regulations set out in this Chapter apply during Alert Level 1.

Movement of persons

66. Every person is confined to his or her place of residence from 00H01 until 04H00 daily, except where a person—
- (a) has been granted a permission through directions by the relevant Cabinet member, or a permit which corresponds with Form 7 of Annexure A to perform a service other than a service related to an activity listed under Table 4;
 - (b) is attending to a security or medical emergency;

Mandatory protocols when in a public place

67. A person—
- (a) must, when in a public place, wear a face mask, except when undertaking vigorous exercise; and
 - (b) may not be allowed to be in a public place, use any form of public transport, or enter a public building, place or premises, if that person is not wearing a face mask.

Attendance of funerals

68. (1) Attendance at a funeral is limited to 100 persons or less: Provided that not more than 50 percent of the capacity of the venue is used, with persons observing a distance of least one and a half metres from each other.
- (2) Night vigils are not allowed.
 - (3) During a funeral, a person must wear a face mask and adhere to all health protocols and social distancing measures.

Gatherings

69. (1) Every person, when attending a gathering and in order to limit exposure to COVID-19 must—
- (a) wear a face mask;
 - (b) adhere to all health protocols;
 - (c) maintain a distance of least one and a half metres from each other; and
 - (d) adhere to any other health protocols and social distancing measures as provided for in directions issued by the relevant Cabinet member after consultation with the Cabinet member responsible for health.
- (2) 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.
- (3) Gatherings at faith-based institutions are limited to 250 persons or less in case of an indoor gathering and 500 persons or less in case of an outdoor gathering. Provided that no more than 50 percent of the capacity of the venue is used, with persons observing a distance of least one and a half metres from each other.
- (4) Gatherings at social events are limited to 250 persons or less in case of an indoor gathering and 500 persons or less in case of an outdoor gathering. Provided that no more than 50 percent of the capacity of the venue is used, with persons observing a distance of least one and a half metres from each other.
- (5) Gatherings at political events and traditional council meetings are limited to 250 persons or less in case of an indoor gathering and 500

persons or less in case of an outdoor gathering. Provided that no more than 50 percent of the capacity of the venue is used, with persons observing a distance of least one and a half metres from each other.

(6) Gatherings at a workplace for work purposes are allowed.

(7) Gatherings at conferences and meetings are limited to 250 persons or less in case of an indoor gathering and 500 persons or less in case of an outdoor gathering. Provided that no more than 50 percent of the capacity of the venue is used, with persons observing a distance of least one and a half metres from each other. Provided that persons participating through electronic platforms are not included in these limitations.

(8) Gatherings for recreational purposes at cinemas, theatres, concerts and live performances are limited to 250 persons or less in case of an indoor gathering and 500 persons or less in case of an outdoor gathering. Provided that no more than 50 percent of the capacity of the venue is used, with persons observing a distance of least one and a half metres from each other.

(9) Gatherings at casinos are limited to not more than 50 percent of the capacity of the venue, with persons observing a distance of least one and a half metres from each other. Provided that this percentage may be increased as provided for in directions issued by the relevant Cabinet member.

(10) Gatherings at the following places are allowed, subject to the strict adherence to health protocols and social distancing measures, as set out in directions by the relevant Cabinet member—

- (a) sports grounds and fields;
- (b) beaches and public parks; and
- (c) museums, galleries, libraries and archives.

(11) Gatherings at gyms, fitness centres and swimming pools are allowed, subject to a limitation that not more than 50 percent of the capacity of the venue.

(12) Gatherings at the following places are allowed, subject to the limitations as set out below—

- (a) restaurants, subject to strict adherence to directions on the times of operation, the number of persons, health protocols and social distancing measures, as provided for in the directions that must be issued by the relevant Cabinet member, after consultation with the Cabinet member responsible for health;
- (b) bars, taverns, shebeens, and similar establishments subject to a restriction on the number of guests allowed in the venue to not more than 50 percent of the capacity of the venue, with guests observing a distance of least one and a half metres from each other; and
- (c) hotels, lodges, bed and breakfasts, timeshare facilities, resorts and guest houses subject to a restriction on the number of persons allowed in the hotel, lodge, bed and breakfast, timeshare facility, resort or guest house to not more than 50 percent of the capacity of the venue, with patrons observing a distance of least one and a half metres from each other.

Provided that this percentage may be increased as provided for in the directions issued by the relevant Cabinet member.

(13) Gatherings at auctions are allowed, subject to strict adherence to all health protocols, social distancing measures and directions issued by the relevant Cabinet member, in consultation with the Cabinet member responsible for health.

(14) Sporting activities, including both professional and non-professional matches, by recognised sporting bodies, are allowed, subject to the following:

- (a) Directions for sports matches issued by the Cabinet member responsible for sport after consultation with the Cabinet member responsible for health;
- (b) only journalists, radio, television crew, security personnel, emergency medical services, and the necessary employees employed by the owners of the venue of the sport match, are allowed at the venue of the sport match;
- (c) only the required number of players, match officials, support staff and medical crew required for the sport match, are allowed at the venue of the sport match;
- (d) no spectators are allowed at the venue of the sports match; and
- (e) no international sport events are allowed.

(15) An enforcement officer must, where a gathering in contravention of the regulations takes place—

- (a) order the persons at the gathering to disperse immediately; and
- (b) if the persons refuse to disperse, take appropriate action, which may, subject to the Criminal Procedure Act, 1977 (Act No. 51 of 1977), include the arrest and detention of any person at the gathering.

Eviction and demolition of places of residence

70. (1) A person may not be evicted from his or her land or home or have his or her place of residence demolished for the duration of the national state of disaster unless a competent court has granted an order authorising the eviction or demolition.

(2) A competent court may suspend or stay an order for eviction or demolition contemplated in subregulation (1) until after the lapse or termination of the national state of disaster unless the court is of the opinion that it is not just or equitable to suspend or stay the order having regard, in addition to any other relevant consideration, to—

- (a) the need, in the public interest for all persons to have access to a place of residence and basic services to protect their health and the health of others and to avoid unnecessary movement and gathering with other persons;
- (b) any restrictions on movement or other relevant restrictions in place at the relevant time in terms of these Regulations;
- (c) the impact of the disaster on the parties;

- (d) the prejudice to any party of a delay in executing the order and whether such prejudice outweighs the prejudice of the persons who will be subject to the order;
- (e) whether any affected person has been prejudiced in their ability to access legal services as a result of the disaster;
- (f) whether affected persons will have immediate access to an alternative place of residence and basic services;
- (g) whether adequate measures are in place to protect the health of any person in the process of a relocation;
- (h) whether any occupier is causing harm to others or there is a threat to life; and
- (i) whether the party applying for such an order has taken reasonable steps in good faith, to make alternative arrangements with all affected persons, including but not limited to payment arrangements that would preclude the need for any relocation during the national state of disaster.

(3) A court hearing an application to authorise an eviction or demolition may, where appropriate and in addition to any other report that is required by law, request a report from the responsible member of the executive regarding the availability of emergency accommodation or quarantine or isolation facilities pursuant to these Regulations.

Rental housing

71. (1) During the national state of disaster, the Rental Housing Tribunals established under the Rental Housing Act, 1999 (Act No. 50 of 1999)—

- (a) must determine fair procedures for the urgent hearing of disputes; or
- (b) may grant an urgent *ex parte* spoliation order including to restore the occupation of a dwelling or access to services provided that an affected party may, on 24 hours' notice, require that a hearing be promptly convened.

(2) During the national state of disaster and without derogating from the protections afforded by the Rental Housing Act, 1999 or any provincial unfair practice regulation in place or the duty to consider the interests of both the landlord and tenant on a just and equitable basis, the following conduct is presumed to be an unfair practice for purposes of the Act:

- (a) The termination of services in circumstances where—
 - (i) the landlord has failed to provide reasonable notice and an opportunity to make representations;
 - (ii) the landlord has failed, reasonably and in good faith, to make the necessary arrangements including to reach an agreement regarding alternative payment arrangements, where applicable; or
 - (iii) no provision has been made for the ongoing provision of basic services during the national state of disaster.

- (b) The imposition of any penalty for the late payment of rental where the default is caused by the disaster, whether or not the penalty takes the form of an administrative charge or any other form other than interest.
- (c) The failure of a landlord or tenant to engage reasonably and in good faith to make arrangements to cater for the exigencies of the disaster.
- (d) Any other conduct prejudicing the ongoing occupancy of a place of residence, prejudicing the health of any person or prejudicing the ability of any person to comply with the applicable restrictions on movement that is unreasonable or oppressive having regard to the prevailing circumstances.

(3) Where the protections afforded by any Unfair Practice Regulations in force in any province are greater than those provided in this regulation, the provisions of the provincial Unfair Practice Regulations shall apply.

(4) The Cabinet member responsible for human settlements must, after consulting with the Rental Housing Tribunals, issue directions disseminating information about the manner in which the Tribunals will conduct their proceedings during the national state of disaster including, but not limited to—

- (a) the manner in which Tribunals will facilitate expeditious access to any aggrieved person; and
- (b) the convening of remote hearings or the convening of hearings at any suitable place.

Places and premises closed to the public

72. (1) Night clubs are closed to the public.

(2) The Cabinet member responsible for cooperative governance and traditional affairs may, by directions, determine a place or premises that must be closed, if there is a risk of any members of the public being exposed to COVID-19 at such a place or premises.

Prohibition of initiation practices

73. (1) For the duration of the national state of disaster—

- (a) male and female initiation practices are prohibited;
- (b) a person may not arrange or hold an initiation school or conduct an initiation practice;
- (c) a prospective initiate may not attend an initiation school;
- (d) an owner of land may not provide consent for the use of his or her land for the holding of an initiation school; and
- (e) a traditional surgeon or medical practitioner may not perform circumcision as part of an initiation practice.

(2) The National House of Traditional Leaders and provincial houses of traditional leaders must take steps to ensure that traditional leaders are aware of the content of this regulation.

Controlled visits by members of the public

74. (1) All visits by members of the public to—

- (a) correctional centres;
 - (b) remand detention facilities;
 - (c) police holding cells;
 - (d) military detention facilities;
 - (e) health establishments and facilities, except to receive treatment or medication, subject to strict adherence to health protocols; and
 - (f) older persons' residential facilities,
- are prohibited except to the extent and in the manner directed by the relevant Cabinet member.

(2) The Independent Electoral Commission will be allowed to visit the institutions referred to in subregulation (1), where required for the purposes of voter registration, or special voting, to the extent and in the manner set out in Directions by the relevant Cabinet member.

Partial re-opening of borders

75. (1) The 18 land borders which were partially operational, will be fully operational, and the 35 land borders currently closed, will remain closed.

(2) Traveling to and from the Republic is allowed, subject to subregulations (3) and (4).

(3) From 1 October 2020, all travelers from the African Continent and from countries outside the African Continent with a low rate of COVID-19 infection and transmission, will resume subject to—

- (a) the traveler providing a valid certificate of a negative test which was obtained not more than 72 hours before the date of travel; and
- (b) in the event of the traveler's failure to submit a certificate as proof of a negative test, the traveler will be required to quarantine at his or her own costs.

(4) To temporarily control entry into the Republic from countries outside the African Continent, the relevant Cabinet members shall, after consultation with the Cabinet member responsible for health, determine in directions—

- (a) criteria for controlling entry into the Republic, from such countries with a high COVID-19 infection and transmission rate;
- (b) the list of such countries with a high COVID-19 infection and transmission rate, which list may, from time to time, be amended.

(5) International travel from countries listed as having a high COVID-19 infection and transmission rate, will remain prohibited except for business travel which may be allowed with the approval of the Cabinet member responsible for home affairs.

(6) Daily commuters from neighbouring countries who attend or teach at a school in the Republic, and who are allowed entry into and exit from the Republic, subject to compliance with protocols relating to—

- (a) screening for COVID-19 and quarantine or isolation, where necessary;
- (b) the wearing of a face mask;
- (c) transportation; and
- (d) sanitisation and social distancing measures as per the relevant health protocols on safety and prevention of the spread of COVID-19.

(7) All commercial seaports will be opened.

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

- (a) OR Tambo International Airport;
- (b) King Shaka International Airport; and
- (c) Cape Town International Airport.

(9) The resumption of services for visa applications shall be determined in directions issued by the Cabinet member responsible for home affairs.

(10) The Cabinet member responsible for home affairs in consultation with the Cabinet members responsible for health and transport must develop International Travel Containment Protocols to be issued in directions, to ensure that entry into South African ports of entry will only be allowed subject to adherence to ensure COVID-19 positive travelers are not allowed into the Republic.

Public transport

76. (1) For purposes of this regulation "long distance travel" is a trip of 200 km or more.

(2) The Cabinet member responsible for transport must, after consultation with the Cabinet members responsible for cooperative governance and traditional affairs, health, police, trade, industry and competition, and justice and correctional services, issue directions for the resumption of different modes of public transport to cater for the gradual return to work of people, in respect of—

- (a) domestic air travel;
- (b) rail, bus services, taxi services;
- (c) e-hailing services; and
- (d) private vehicles.

(3) Bus and taxi services—

- (a) may not carry more than 70% of the licensed capacity for long distance travel; and
- (b) may carry 100% of the licensed capacity for any trip not regarded as long distance travel in terms of subregulation (1).

(4) A driver, owner or operator of public transport may not allow any member of the public who is not wearing a face mask, to board or be conveyed in a public transport owned or operated by him or her.

(5) The directions to be issued by the Cabinet member responsible for transport must set out the health protocols that must be adhered to and the steps to be followed for the limitation of the exposure of members of the public using public transport to COVID-19.

Sale and dispensing of liquor

77. (1) The sale of liquor—
- (a) by a licensed premises for off-site consumption, is permitted from 09h00 to 17h00, from Mondays to Fridays, excluding weekends and public holidays; and
 - (b) by a licensed premises for on-site consumption is permitted, subject to strict adherence to the curfew contemplated in regulation 66.
- (2) The sale of liquor in contravention of subregulation (1)(a) and (b) is an offence.

Operation of economic sector

78. (1) Businesses may operate except for those set out in Table 4.
- (2) Relevant health protocols and social distancing measures for persons employed in private residences must be adhered to.
- (3) Relevant health protocols and social distancing measures set out in directions must be adhered to, in addition to the occupational health and safety directions issued by the Cabinet member responsible for employment and labour, and applicable labour legislation.
- (4) (a) Firms must adhere to any sector-specific health protocols intended to limit the spread of COVID-19 in the sector concerned.
- (b) Sector-specific health protocols may address matters such as work rotation, staggered working hours, shift systems, remote working arrangements, special measures affecting persons with greater vulnerabilities or similar measures, in order to achieve social distancing, protect employees or limit congestion in public transport and at the workplace.
- (c) Sector-specific health protocols, where these are still to be developed, must be developed and issued by Cabinet members responsible for a sector in consultation with the Cabinet member responsible for health.

Compliance officers

79. (1) Industries, businesses and entities, both private and in the public sector, must—

- (a) designate a COVID-19 compliance officer who must oversee—
 - (i) the implementation of the plan referred to in paragraph (b); and
 - (ii) strict adherence to the standards of hygiene and health protocols relating to COVID-19 at the workplace;
- (b) develop a plan containing measures to ensure that the workplace meets the standards of health protocols, adequate space for employees and social distancing measures for the public and service providers, as required; and
- (c) retain a copy of the plan for inspection, which plan must also contain the details of the COVID-19 Compliance officer.

(2) A person in control of a retail store or institution must—

- (a) take steps to ensure that customers keep a distance of at least one and a half metres from each other and that all directions in respect of health protocols and social distancing measures are strictly adhered to; and
- (b) designate a compliance officer to ensure that safety controls are strictly adhered to and display the name of the compliance officer prominently in the store or institution in a visible area.

Offences and penalties

80. (1) For the duration of the national state of disaster, any person who hinders, interferes with, or obstructs an enforcement officer in the exercise of his or her powers, or the performance of his or her duties in terms of these Regulations, is guilty of an offence and, on conviction, liable to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(2) For the purposes of this Chapter, any person who fails to comply with or contravenes a provision of regulations 66, 72(1), 73(1), 76(3)(a) and 77(1)(a) and (b) of these Regulations 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."

Addition of Table 4 to the Regulations

5. The following Table is hereby added to the Regulations after Table 3:

**"TABLE 4
ALERT LEVEL 1**

All persons who are able to work from home must do so. However, persons will be permitted to perform any type of work outside the home, and to travel to and from work, and for work purposes, under Alert Level 1, subject to—

- (a) strict adherence to health protocols and social distancing measures;
- (b) the return to work being phased-in in order to put in place measures to make the workplace COVID-19 ready;
- (c) the return to work being done in a manner that avoids and reduces risks of infection; and
- (d) the work not being listed under the specific exclusions in this Table.

	SPECIFIC EXCLUSIONS
1.	Night vigils.
2.	Night clubs.
3.	The 35 land borders that remain closed.
4.	Initiation practices.
5.	Passenger ships for international leisure purposes.
6.	Attendance of any sporting event by spectators.
7.	International sports events.
8.	Exclusions relating to public transport services as set out in the directions issued by the Cabinet member responsible for transport.
9.	Exclusions relating to education services as set out in the directions issued by the Cabinet members responsible for education."

Amendment of Annexure A to the Regulations

6. Annexure A to the Regulations is hereby amended by the addition of the following form after Form 6:

"FORM 7
PERMIT TO TRAVEL TO PERFORM A SERVICE
 Regulations 66

- Please note that the person to whom the permit is issued must at all times present a form of identification together with this permit. If no identification is presented, the person to whom the permit is issued will have to return to his or her place of residence.

I, being the head of institution, with the below mentioned details,

Surname				
Full names				
Identity number				
Contact details	cell nr.	tel nr(w)	tel nr(h)	e-mail address
Physical Address of Institution				

hereby certify that the below mentioned official/employee is performing services in my institution

Surname	
Full names	
Identity number	
Place of residence of employee	

Signed at _____, on this the _____ day of _____ 2020.

Signature of Head of Institution



Commencement

7. These Regulations come into operation at 00H01 on 21 September 2020.