

LEVEL 3: 20 MAY 2020

**GOVERNMENT NOTICE  
COOPERATIVE GOVERNANCE**

No. R.

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.

**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. 480 of 29 April 2020, as amended by Government Notice No. .... of.....

**Amendment of Classification of Regulations**

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

**"CHAPTER 4  
ALERT LEVEL 3**

- 32. Determination of Alert Level
- 33. Movement of persons
- 34. Movement of children
- 35. Attendance of funerals
- 36. Prohibition on evictions
- 37. Gatherings
- 38. Places and premises closed to the public
- 39. Controlled visits by members of the public

- 40. Sale, dispensing or transportation of liquor
- 41. Tobacco products, e-cigarettes and related products
- 42. Operation of economic sector
- 43. Offences and penalties"; and

(b) the addition of the following Table after "Table 1":

**"TABLE 2**

Alert Level 3".

**Addition of Chapter 5 to the Regulations**

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

**"CHAPTER 4  
ALERT LEVEL 3**

**Application of Alert Level**

32. The regulations set out in this Chapter apply during Alert Level 3.

**Movement of persons**

33. (1) Every person is confined to his or her place of residence.

(2) A person may not leave his or her place of residence unless

to—

(a) travel to work, and perform any service, as allowed in Alert Level 3

(b) buy goods or obtain services, except for those excluded as set out in Table 2;

(c) move children, as allowed;

(d) exercise, provided that this is not done in organised groups and adheres to health protocols and social distancing.

(3) Elderly persons (60 and above) and persons with co-morbidities are encouraged to self-isolate and only leave home for exceptional reasons.

**Movement of children**

34. (1) The 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), in areas where Alert Levels 3, 2 or 1 apply is allowed.

(2) The 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), to and from areas where Alert Levels 4 or 5 apply is allowed if the co-holders of parental responsibilities and rights or a caregiver is in possession of a permit, issued by a magistrate which corresponds with Form 3 of Annexure A.

(3) The household to which the child has to move, must be free of COVID-19.

(6) Any learner who is a child must be issued with a certificate that he or she attends a certain school or institute of higher learning for purposes of travel.

(7) The certificate referred to in subregulation (6) must contain the name and address of the school or institute of higher learning, as well as the particulars of the learner concerned.

(8) A magistrate issuing a permit in terms of this regulation may direct a person in Form 3 of Annexure A to transport the child referred to in the permit.

#### **Attendance of funerals**

35. (1) Attendance at a funeral is limited to 50 people and must adhere to social distancing, hygienic conditions and measures for the limitation of exposure of persons at the funeral to COVID-19. (3);

(2) Night vigils are prohibited;

(3) Movement to, from and between a province, metropolitan area or district on Alert Level 4 or 5, by a person wishing to attend a funeral, is not permitted unless the person so wishing to attend the funeral is a—

- (a) spouse or partner of the deceased;
- (b) child or grandchild of the deceased, whether biological, adopted or stepchild;
- (c) child-in-law of the deceased;
- (d) parent of the deceased whether biological, adopted or stepparent;
- (e) sibling, whether biological, adopted or stepbrother or sister of the deceased; or
- (f) grandparent of the deceased;

(5) Each person, whether traveling alone or not, wishing to attend a funeral and who has to travel to or from an area where Alert Levels 4, 5 applies to attend a funeral must obtain a permit which corresponds substantially

with Form 4 of Annexure A, from his or her nearest magistrate's office or police station to travel to the funeral and back.

(6) The head of court, or a person designated by him or her, or a station commander of a police station or a person designated by him or her, may issue the permit to travel to or from an area where Alert Levels 4, 5 applies to a funeral.

(7) Upon a request for a permit to attend a funeral, a person requesting a permit must produce a death certificate or a certified copy of the death certificate to the head of court, or a person designated by him or her, or a station commander of a police station or a person designated by him or her: Provided that where a death certificate is not yet available, and the funeral must be held within 24 hours in keeping with cultural and religious practices, the person requesting the permit must make a sworn affidavit which corresponds with Form 5 of Annexure A, together with a letter from a cultural or religious leader confirming the need for the funeral within 24 hours.

(8) Only two family members of the deceased may, with the required permits, be present in the vehicle transporting the mortal remains to the metropolitan or district area, or province where the funeral will take place: Provided that the cause of death of the deceased being transported is non-COVID-19 related; Provided further that the health protocols and social distancing measures are adhered to.

(9) The Regulations for the use of public transport must be strictly adhered to when travelling.

(10) A copy of the permit issued and the death certificate or sworn affidavit made, must be kept safely by the head of court, or station commander of a police station for record keeping for a period of three months after the national state of disaster has ended, where after it may be destroyed.

(11) 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.

#### **Prohibition on evictions**

36. A competent court may grant an order for the eviction of any person from land or a home in terms of the provisions of the Extension of Security of Tenure Act, 1997, (Act No. 62 of 1997) and the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act No. 19 of 1998): Provided that any order of eviction shall be stayed and suspended until the last day of Alert Level 3, unless a court decides that it is not just and equitable to stay and suspend the order until the last day of the Alert Level 3 period.

#### **Gatherings**

37. (1) All gatherings are prohibited except—

- (a) for funerals;
- (b) when at a workplace for work purposes
- (c) agricultural auctions; or
- (d) professional non-contact sports matches, which may only include players, match officials, medical and television crew and two journalists.

(2) An enforcement officer must, where a prohibited gathering 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 arrest and detention.

### Places and premises closed to the public

38. (1) Any place or premises normally open to the public where religious, cultural, sporting, entertainment, recreational, exhibitional, organisational or similar activities may take place, is closed.

(2) The places referred to in subregulation (1) include—

- (a) gyms and fitness centres;
- (b) sports grounds and fields and swimming pools except for training of professional athletes and professional non-contact sports matches;
- (c) flea markets;
- (d) fêtes and bazaars;
- (e) night clubs;
- (f) casinos;
- (g) hotels, lodges, bed and breakfasts, private homes for paid leisure accommodation, timeshare facilities and resorts and guest houses, except to the extent that they are required for accommodation by—
  - (i) remaining tourists confined to hotels, lodges and guest houses;
  - (ii) persons for work purposes;
  - (iii) persons in quarantine or isolation;
- (h) private and public game reserves except to the extent that they are required for remaining tourists confined to private and public game reserves;
- (i) conference facilities;
- (j) any on-consumption premises, including bars, taverns and *shebeens*, or similar establishments;
- (k) theatres and cinemas; and
- (l) museums.

(3) Beaches and public parks are open for exercise purposes excluding braais, exercise equipment, playgrounds or ablutions, .

(4) Tourism attractions and entertainment venues shall remain closed except to provide private self-drive excursion activities.

(5) Persons rendering security and maintenance services may continue to perform these services at the places or premises listed in this regulation.

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

#### **Controlled visits by members of the public**

39. 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 in accordance with health protocols; and
  - (f) older persons residential facilities,
- are not allowed except to the extent and in the manner as directed by the Cabinet member responsible.

#### **Sale, dispensing or transportation of liquor**

40. (1) The sale, dispensing and distribution of liquor to on-consumption premises is prohibited.

(2) The transportation of liquor is allowed

(3) All on-consumption premises selling liquor, including taverns, restaurants and clubs, as well as premises selling liquor which provides accommodation, are prohibited from selling liquor.

(4) An off-consumption premises selling liquor may only operate between Monday to Thursday according to current liquor licence operating hours.

(5) No special or events liquor licenses may be approved for the duration of the national state of disaster.

#### **Tobacco products, e- cigarettes and related products**

41. The sale of tobacco, tobacco products, e-cigarettes and related products is prohibited.

#### **Operation of economic sector**

**42.** (1) All businesses and other entities may operate except those set out in Table 2.

(2) All operating businesses with more than 50 employees must, where possible, make provision for staggered working hours, to limit congestion in public transport and at the workplace.

(3) Relevant health protocols and social distancing measures must be adhered to, in addition to the occupational health and safety directions issued by the Cabinet member responsible for employment and labour.

(4) All construction and manufacturing firms with more than 500 employees must:

- (a) Provide transport to their employees coming to site, or, where this is not possible, consider staggered shift arrangements to reduce congestion in public transport;
- (b) stagger the return to work of employees to ensure workplace readiness and avoiding traffic congestion as a result of the return to work;
- (c) screen employees daily for symptoms of COVID 19 and refer those that display symptoms for medical examination and testing where necessary; and
- (d) submit data collected during the screening and testing programme to the authority referred to in regulation 8.

(5) Sector-specific health protocols must be developed by the Department of Health, in consultation with the relevant industry body, where such a body exists, which must include provisions for those circumstances where a firm cannot operate staggered working hours or provide transport to its employees.

#### **Offences and penalties**

**43.** (1) For the duration of the national state of disaster, any person who—

- (a) convenes a gathering; or
- (b) 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 regulation 33(1), 33(2), 33(3) or 33(4), 36, 41(1), 43(1), 43(4), 43(5) or 43(6), 44 or 45(3) 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 2 to the Regulations**

4. The following Table is hereby added to the Regulations after Table 1:

**"TABLE 2  
ALERT LEVEL 3**

All persons who are able to work from home must do so. However, persons in all industries and activities will be permitted to perform work outside the home, and to travel to and from work, under Alert Level 3, subject to-

- (a) strict health protocols, and social distancing rules;
- (b) return to work being phased in to enable measures to make the workplace COVID-ready;
- (c) return to work being done in a manner that avoids and reduces risks of infection; and
- (d) provided that they are not listed in this Table.

**This table must be read in conjunction with the regulations above, in particular the restrictions on movement of persons, places and premises and gatherings**

<b>SPECIFIC ECONOMIC EXCLUSIONS</b>
Consumption of food and beverages at or in the place of sale, including restaurants, retail outlets, convenience stores or informal traders.
On-site consumption of liquor.
Accommodation for recreational purposes.
Domestic passenger air travel for recreational purposes.
Passenger ships for recreational purposes.
Conferences and events, including sport events, except as provided for in the Regulations.
Personal care services, including hairdressing, beauty treatments, make-up and nail salons and piercing and tattoo parlours, where adequate social distance of at least one and a half meters between customers is not possible.
Domestic work, unless: <ul style="list-style-type: none"> <li>(a) the worker is live-in;</li> <li>(b) the service is provided to essential and permitted service workers, the sick, mentally ill, elderly, people with disabilities and children; or</li> <li>(c) the domestic worker is provided with private transport, either at the cost to the employer or without additional cost to the domestic worker.</li> </ul>
Exclusions relating to public transport services are in directions issued by the Cabinet member responsible for transport
Exclusions relating to education services are in directions issued by the Cabinet members responsible for education