

South Africa

Disaster Management Act, 2002

## Disaster Management Act: Regulations relating to COVID-19

Government Notice R480 of 2020

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# Disaster Management Act: Regulations relating to COVID-19

## Contents

Chapter 1 – Definitions and application .....	2
1. Definitions .....	2
2. Repeal and transitional provisions .....	4
3. Determination of Alert Level .....	4
Chapter 2 – General provisions applicable during national state of disaster .....	5
4. Authority to issue directions .....	5
5. General measures to contain the spread of COVID-19 .....	7
6. Refusal of medical examination, prophylaxis, treatment, isolation and quarantine .....	9
7. Isolation or quarantine of persons .....	9
8. COVID-19 Database .....	10
9. Release of resources .....	14
10. Shelters and sites identified by the State during national state of disaster .....	15
11. Emergency procurement procedures .....	15
12. Powers and indemnity .....	15
13. Resolution of disputes .....	16
14. Offences and penalties .....	16
Chapter 3 – Alert Level 4 .....	17
15. Determination of Alert Level .....	17
16. Movement of persons .....	17
17. Movement of children .....	18
18. Attendance of funerals .....	19
19. Prohibition on evictions .....	20
20. Public transport .....	20
21. Closure of borders .....	21
22. Transportation of cargo .....	21
23. Gatherings .....	21
24. Places and premises closed to the public .....	21
25. Controlled visits by members of the public .....	22
26. Sale, dispensing or transportation of liquor .....	22
27. Tobacco products, e-cigarettes and related products .....	23
28. Operation of economic sectors .....	23
29. Energy and petroleum products supply .....	23
30. Mining operations .....	23
31. Offences and penalties .....	24

Chapter 4 – Adjusted Alert Level 3 .....	24
32. Application of Alert Level .....	24
33. Movement of persons .....	24
33A. Opening and closing of schools .....	25
34. Mandatory protocols when in a public place .....	25
35. Attendance of funerals .....	26
36. Gatherings .....	27
37. Eviction and demolition of places of residence .....	29
38. Rental housing .....	30
39. Places and premises closed to the public .....	31
40. Initiation practice .....	31
41. Controlled visits by members of the public .....	31
42. Partial re-opening of borders .....	32
42A. Transportation of cargo .....	32
43. Public transport .....	33
44. Sale, dispensing, distribution and transportation of liquor .....	33
45. Operation of economic sector .....	34
46. Compliance officers .....	34
47. Offences and penalties .....	34
48. *** .....	35
Chapter 5 – Adjusted Alert Level 2 .....	35
49. Application of Alert Level .....	35
49A. Notification by district municipalities .....	35
49B. Compliance officers .....	35
49C. Mandatory protocols when in a public place .....	36
50. Movement of persons .....	37
51. Opening and closure of schools .....	38
52. Attendance of funerals .....	38
53. Gatherings .....	38
54. Eviction and demolition of places of residence .....	39
55. Rental housing .....	40
56. Places and premises closed to the public .....	41
57. Initiation practices .....	41
58. Controlled visits by members of the public .....	41
59. Partial re-opening of borders .....	42

60. Transportation of cargo .....	42
61. Public transport .....	43
62. Sale, dispensing and transportation of liquor .....	43
63. Operation of economic sector .....	43
64. Offences and penalties .....	44
Chapter 6 – Alert Level 1 .....	44
65. Application of Alert Level .....	44
66. Notification by district municipalities .....	44
67. Compliance officers .....	44
68. Movement of persons .....	45
69. Opening and closure of schools .....	46
70. Mandatory protocols when in a public place .....	46
71. Attendance of funerals .....	47
72. Gatherings .....	47
73. Eviction and demolition of places of residence .....	49
74. Rental housing .....	50
75. Places and premises closed to the public .....	50
76. Initiation practices .....	51
77. Controlled visits by members of the public .....	51
78. Partial re-opening of borders .....	51
79. Transportation of cargo .....	52
80. Public transport .....	52
80A. Definition and application .....	53
81. Sale, dispensing and transportation of liquor .....	53
82. Operation of economic sector .....	53
83. Offences and penalties .....	53
Chapter 7 – *** .....	54
84. *** .....	54
85. *** .....	54
86. *** .....	54
87. *** .....	54
Chapter 8 – COVID-19 Vaccine Injury No-Fault Compensation Scheme .....	54
88. Definitions .....	54
89. Establishment of COVID-19 Vaccine Injury No-Fault Compensation Scheme .....	55
90. Administration .....	55

91. Financial management and oversight .....	56
92. Appeal panel, adjudication panel, causality panel and quantum panel .....	56
93. Eligibility .....	57
94. Quantum and structure of compensation .....	57
95. Submission of claims and procedure .....	57
96. Effect of submission of claims on right to claim damages in court proceedings .....	58
97. Causality assessment .....	58
98. Quantum assessment .....	59
99. Adjudication of claims .....	59
100. Appeal and intervention by the Chairperson .....	59
101. Duration and termination of Scheme .....	60
102. Contact details of the Scheme .....	60
Table 1 .....	60
Table 2 .....	69
Table 3 .....	71
Table 4 .....	72
Annexure A .....	73
Annexure B (Regulation 22(1)) .....	86
Annexure C (Regulation 22(1)(e)) .....	87
Annexure D .....	87
Annexure E (Regulation 16(6)(b)) .....	89



## South Africa

### Disaster Management Act, 2002

# Disaster Management Act: Regulations relating to COVID-19

## Government Notice R480 of 2020

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*[Amended by [Disaster Management Act: Regulations relating to COVID-19: Amendment \(Government Notice R477 of 2021\)](#) on 30 May 2021]*

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 Nkosana Dlamini Zuma, MP

Minister of Cooperative Governance and Traditional Affairs

## Chapter 1 Definitions and application

### 1. Definitions

In these Regulations, unless the context otherwise indicates—

"**adequate space**" means not more than one person per one and a half metres of floor space;

"**Alert Level**" means the determination made under subregulation 3(2);

"**beach**" means the sandy, pebbly or rocky shore -

- (a) between the high-water mark and low-water mark adjacent to—
  - (i) the sea, or
  - (ii) an estuary mouth extending 1000 meters inland from the mouth; and
- (b) within 100 metres of the high -water mark, excluding private property, including the sea and estuary themselves adjacent to the beach.

*[definition of "beach" inserted by section 3(a) of [Government Notice R11 of 2021](#)]*

"**clinical case**" means a patient that presents with clinical signs and symptoms of COVID-19;

"**Constitution**" means the [Constitution of the Republic of South Africa, 1996](#);

"**COVID-19**" means the Novel Coronavirus (2019-nCov2) which is an infectious disease caused by a virus that has previously not been scientifically identified in humans, which emerged during and was declared a global pandemic by the WHO in 2020;

"**Criminal Procedure Act**" means the Criminal Procedure Act, 1977 ([Act No. 51 of 1977](#));

"**directions**" means the directions contemplated in section 27(2) of the Act, issued by a Cabinet member relating to his or her line functions, after consultation with the Cabinet members responsible for cooperative governance and traditional affairs and justice and correctional services;

"**donor**" means an individual, corporation or organisation that is a contributor of cash, kind and/or other assets;

**"enforcement officer"** includes a member of the South African Police Service, the South African National Defence Force, metro police, traffic officers, immigration inspectors; and a peace officer as defined in section 1 of the Criminal Procedure Act;

**"essential goods for import"** means the goods listed in Annexure B;

**"essential services"** means the services listed in Annexure D;

**"estuary"** means an estuary as defined in section 1 of the National Environmental Management: Integrated Coastal Management Act, 2008 ([Act No. 24 of 2008](#));

*[definition of "estuary" inserted by section 3(b) of [Government Notice R11 of 2021](#)]*

**"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;

*[definition of "face mask" inserted by section 4 of [Government Notice 891-B of 2020](#)]*

**"gathering"** means any assembly, concourse or procession in or on—

- (a) any public road, as defined in the National Road Traffic Act, 1996 ([Act No. 93 of 1996](#)); or
- (b) any other building, place or premises, including wholly or partly in the open air, and including, but not limited to, any premises or place used for any sporting, entertainment, funeral, recreational, religious, or cultural purposes; but excludes a workplace and a place of residence for those persons ordinarily residing at the residence;

**"health protocols"** means the COVID-19 health protocols determined by the Director General of Health;

**"head of an institution"** means the accounting officer of a public institution and the chief executive officer or the equivalent of a chief executive officer of a private institution;

**"hotspot"** means a geographical area or cluster of geographical areas;

*[definition of "hotspot" inserted by section 3 of [Government Notice 608-B of 2020](#)]*

**"institution"** means any public or private institution, including a sole practitioner and any other business owned and operated by a single person, that is engaged in the supply or distribution of a good or service as set out in the Table 1, or which regulates such supply or distribution, including professional regulatory bodies designated in directions made in terms of regulation 4 of the Regulations;

**"institutions of higher learning"** means "higher education college" and "higher education institution" as defined in section 1 of the Higher Education Act, 1997 ([Act No. 101 of 1997](#));

**"isolation"** means separating a sick individual with a contagious disease from healthy individuals that are not infected with such disease in a manner that aims to prevent the spreading of infection or contamination;

**"laboratory confirmed case"** means a patient who has been diagnosed with COVID-19 by means of a laboratory diagnostic method approved by the Department of Health;

**"liquor"** means—

- (a) any liquor product, as defined in section 1 of the Liquor Products Act, 1989 ([Act No. 60 of 1989](#));
- (b) beer or traditional African beer; or
- (c) any other substance or drink declared to be liquor under the Liquor Act, 2003 ([Act No. 59 of 2003](#)), but does not include methylated spirits;

**"lockdown"** means the period between 23H59 on 26 March 2020, until 23H59 on 30 April 2020;

**"movement"** means entering or leaving a place of residence or, in the case of people not ordinarily resident in the Republic, their place of temporary residence while in the Republic;

"**national state of disaster**" means the national state of disaster declared by Government Notice No. R. 313 of 15 March 2020;

"**permitted goods**" means Part E in the Table 1;

"**permitted goods for export**" means the goods listed in Annexure C;

"**permitted services**" means the services permitted in Table 1;

"**quarantine**" means the restriction of activities or separation of a person, who was or may potentially have been exposed, to COVID-19 and who could potentially spread the disease to other non-exposed persons, to prevent the possible spread of infection or contamination to healthy individuals;

"**school**" means a school as defined in section 1 of the South African Schools Act, 1984 ([Act No. 84 of 1996](#));

"**the Act**" means the Disaster Management Act, 2002 ([Act No. 57 of 2002](#)); and

"**WHO**" means the World Health Organisation.

## 2. Repeal and transitional provisions

- (1) The regulations published by Government Notice No. 318 of 18 March 2020, as amended by Government Notice Nos. R. 398 of 25 March 2020, R. 419 of 26 March 2020, R. 446 of 2 April 2020, R. 465 of 16 April 2020 and R. 471 of 20 April 2020, are hereby repealed.
- (2) Despite the repeal of the regulations referred to in subregulation (1), any regulation, for purposes of the disposal of any investigation, prosecution or any criminal or legal proceedings or the appointment made in regulation 8(13), remains in force as if such regulation had not been repealed.
- (3) Despite the repeal of the regulations referred to in subregulation (1), all directions issued in terms of those Regulations shall continue to apply unless, varied, amended or withdrawn by the Cabinet member responsible for such directions.

## 3. Determination of Alert Level

- (1) The Cabinet member responsible for cooperative governance and traditional affairs must upon the recommendation of the Cabinet member responsible for health and in consultation with Cabinet, determine by notice in the *Gazette*, which of the following Alert Levels apply at a national, provincial, metropolitan or district level or in a hotspot:
  - (a) 'Alert Level 1';
  - (b) 'Alert Level 2';
  - (c) 'Alert Level 3';
  - (d) 'Alert Level 4'; and
  - (e) 'Alert Level 5'.
- (2) The Alert Level determined to apply at a national level applies to all provinces, metropolitan areas and districts, unless a different alert level is otherwise determined.
- (3) Movement of persons may be restricted in and out of a hotspot.
- (4) The Cabinet member responsible for health must after consultation with the member of the Executive Council responsible for health of the relevant province identify a hotspot by taking into account—
  - (a) the number of active cases per 100,000 population;
  - (b) the rate of increase of active cases;

- (c) the availability of hospital beds and related resources; and
  - (d) any other factor relevant for the purposes of containment of COVID-19.
- (5) The Cabinet member responsible for cooperative governance and traditional affairs may upon the recommendation of the Cabinet member responsible for health, determine by notice in the *Gazette* a hotspot as identified, and the additional restrictions that may apply.
- (6) The Cabinet member for health shall oversee the implementation of a plan developed in consultation with the member of the Executive Council responsible for health in the relevant province to contain the spread of infection in a hotspot which shall include, but not be restricted to health measures such as intensive surveillance and intervention measures, increased deployment of personnel, increased testing, management of quarantine and isolation sites and increased resources for health services.

*[regulation 3 substituted by section 4 of [Government Notice 608-B of 2020](#)]*

## Chapter 2

### General provisions applicable during national state of disaster

#### 4. Authority to issue directions

- (1) The Cabinet member responsible for health may—
- (a) issue directions to address, prevent and combat the spread of COVID-19 in any area of the Republic of South Africa, which directions may include the—
    - (i) recruitment and training of human resources from the Department of Health, and other entities responsible for the handling of COVID-19 mortal remains;
    - (ii) deployment of human resources from the Department of Health to identified sites to render services;
    - (iii) sourcing of human resources from the Expanded Public Works Programme, retired health professionals and Non-Governmental Organisations to render services in identified sites;
    - (iv) provision of health equipment, sanitation materials and medical supplies;
    - (v) identification and establishment of mortuaries that will accommodate all COVID-19 mortal remains;
    - (vi) disposal of COVID-19 mortal remains; and
  - (b) vary the directions referred to in paragraph (a) as the circumstances require.
- (2) The Cabinet member responsible for justice and correctional Services may—
- (a) issue directions to address, prevent and combat the spread of COVID-19 in all Correctional Centres and Remand Detention Facilities in the Republic of South Africa;
  - (b) where appropriate, issue directions to address, prevent and combat the spread of COVID-19 in all courts and court precincts in the Republic of South Africa;
  - (c) issue directions for voluntary alternative dispute resolution mechanisms, pursuant to regulation 13, to resolve COVID-19 disputes and related matters; and
  - (d) vary the directions referred to in paragraphs (a) to (c) as the circumstances require.
- (3) The Cabinet members responsible for basic and higher education may—
- (a) issue directions to address, prevent and combat the spread of COVID-19 in all schools and institutions of higher learning; and

- (b) vary the directions referred to in (a) as the circumstances require.
- (4) The Cabinet member responsible for police may—
  - (a) issue directions to address, prevent and combat the spread of COVID-19 in all police stations, police precincts, and holding cells; and
  - (b) vary the directions referred to in paragraph (a) as the circumstances require.
- (5) The Cabinet member responsible for social development may—
  - (a) issue directions to address, prevent and combat the spread of COVID-19 in all Department of Social Development facilities; and
  - (b) vary the directions referred to in paragraph (a) as the circumstances require.
- (6) The Cabinet member responsible for trade, industry and competition may—
  - (a) issue directions to—
    - (i) protect consumers from excessive, unfair, unreasonable or unjust pricing of goods and services during the national state of disaster; and
    - (ii) maintain security and availability of the supply of goods and services during the national state of disaster;
  - (b) issue directions to address, prevent and combat the spread of COVID-19; and
  - (c) vary the directions referred to in paragraphs (a) and (b) as the circumstances require.
- (7) The Cabinet member responsible for transport may—
  - (a) issue directions to address, prevent and combat the spread of COVID-19 in matters falling within his or her mandate; and
  - (b) vary the directions referred to in paragraph (a) as the circumstances require.
- (8) The Cabinet member responsible for home affairs may issue directions to allow a person to enter or exit the Republic for emergency medical attention for a life-threatening condition, or for a South African, or foreign national to be repatriated to their country of nationality or permanent residence.
- (9) The Cabinet member responsible for small business may—
  - (a) issue directions to address, prevent and combat the spread of COVID-19 in matters falling within his or her mandate; and
  - (b) vary the directions referred to in paragraph (a) as the circumstances require.
- (10) Any Cabinet member may issue and vary directions, as required, within his or her mandate, to address, prevent and combat the spread of COVID-19, and its impact on matters relevant to their portfolio, from time to time, as may be required, including—
  - (a) disseminating information required for dealing with the national state of disaster;
  - (b) implementing emergency procurement procedures;
  - (c) taking any other steps that may be necessary to prevent an escalation of the national state of disaster, or to alleviate, contain and minimise the effects of the national state of disaster; or
  - (d) taking steps to facilitate international assistance.
- (11) 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.

- (12) Directions with regard to health and social services and trade, industry and competition may be issued to designate services which are necessary to provide or maintain essential health and social services and international trade or industrial activities.
- (13) Directions may be issued and varied, as required, to address, prevent and combat the spread of COVID-19, from time to time, including—
  - (a) disseminating information required for dealing with the national state of disaster;
  - (b) implementing emergency procurement procedures;
  - (c) taking any other steps that may be necessary to prevent an escalation of the national state of disaster, or to alleviate, contain and minimise the effects of the national state of disaster; or
  - (d) taking steps to facilitate international assistance.
- (14) 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.

## 5. General measures to contain the spread of COVID-19

- (1) The wearing of—
  - (a) a cloth face mask;
  - (b) a homemade item; or
  - (c) another appropriate item,that covers the nose and mouth, is mandatory for every person when in a public place.  
*[subregulation (1) substituted by section 3(a) of [Government Notice 763 of 2020](#)]*
- (2) No person will be allowed to—
  - (a) use, operate, perform any service on any form of public transport;
  - (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; or
  - (c) be in any public open space,if he or she is not wearing a cloth face mask, homemade item, or another appropriate item that covers the nose and mouth.  
*[subregulation (2) substituted by section 3(b) of [Government Notice 763 of 2020](#)]*
- (2A) The prohibition in subregulation (2)(c) shall not apply to a person who undertakes vigorous exercise in a public place, provided that the person maintains a distance of at least three metres from any other person, and subject to directions on what is considered to be vigorous, issued by the Cabinet member responsible for health.  
*[subregulation (2A) inserted by section 3(c) of [Government Notice 763 of 2020](#)]*
- (3)
  - (a) An employer must provide every employee with a cloth face mask, homemade item, or another appropriate item that covers the nose and mouth, when in the workplace.
  - (b) An employer may not allow any employee to perform any duties or enter the employment premises if the employee is not wearing a cloth face mask, homemade item, or another appropriate item that covers the nose and mouth while performing his or her duties.
  - (c) The principal of a school, or owner or manager of an early childhood development centre must take all reasonable steps to ensure the relevant authority supplies the school or early childhood development centre with sufficient cloth face masks, homemade items, or other appropriate items that covers the nose and mouth to provide to a learner of that school or

early childhood development centre who does not have a cloth face mask, homemade item, or another appropriate item that covers the nose and mouth.

- (d) Directions on the use of a cloth face mask, homemade item, or another appropriate item that covers the nose and mouth, in early childhood development centres, shall be issued by the Cabinet member responsible for social development after consultation with the Cabinet members responsible for cooperative governance and traditional affairs and health.
- (e) Should a learner arrive at school or early childhood development centre without a cloth face mask, homemade item, or another appropriate item that covers the nose and mouth—
  - (i) the learner may be provided with an appropriate item that covers the nose and mouth, if possible; or
  - (ii) if the school or early childhood development centre cannot provide such learner with an appropriate item that covers the nose and mouth, such learner must be isolated and his or her parent, guardian or care-giver must be contacted to, without delay—
    - (aa) bring, for the learner, a cloth face mask, homemade item, or another appropriate item that covers the nose and mouth to the school or early childhood development centre; or
    - (bb) arrange for safe transport for the learner back home.

*[subregulation (3) substituted by section 3(d) of [Government Notice 763 of 2020](#)]*

- (4) Every business premises, including, but not limited to, a supermarket, shop, grocery store, retail store, wholesale produce market or pharmacy shall—
  - (a) determine their area of floor space in square metres;
  - (b) based on the information contemplated in paragraph (a), determine the number of customers and employees that may be inside the premises at any time with adequate space available;
  - (c) take steps to ensure that persons queuing inside or outside the premises are able to maintain a distance of one and a half metres from each other;
  - (d) provide hand sanitisers for use by the public and employees at the entrance to the premises; and
  - (e) assign, in writing, an employee or any other suitable person, as the compliance employee, who must ensure—
    - (i) compliance with the measures provided for in paragraphs (a) to (d); and
    - (ii) that all directions in respect of hygienic conditions and limitation of exposure to persons with COVID-19 are adhered to.
- (5) All employers must, adopt measures to promote physical distancing of employees, including—
  - (a) enabling employees to work from home or minimising the need for employees to be physically present at the workplace;
  - (b) the provision for adequate space;
  - (c) restrictions on face to face meetings;
  - (d) special measures for employees with known or disclosed health issues or comorbidities, or with any condition which may place such employees at a higher risk of complications or death if they are infected with COVID-19;
  - (e) special measures for employees above the age of 60 who are at a higher risk of complications or death if they are infected with COVID-19.

- (6) The requirements as set out in subregulation (4) applies with the necessary changes, to any other building that is not provided for by subregulation (4).
- (7) All courier and delivery services shall provide for minimized personal contact during delivery.

## **6. Refusal of medical examination, prophylaxis, treatment, isolation and quarantine**

- (1) No person who has been confirmed as a clinical or a laboratory confirmed case as having contracted COVID-19, or who is suspected of having contracted COVID-19, or who has been in contact with a person who is a carrier of COVID-19, may refuse to—
  - (a) submit to a medical examination, including, but not limited to, the taking of any bodily sample which is authorised in law;
  - (b) be admitted to a health establishment or a quarantine or isolation site; or
  - (c) submit to mandatory prophylaxis, treatment, isolation or quarantine, in order to prevent transmission:

Provided that if a person does not comply with the instruction or order of the enforcement officer, that person must be placed in quarantine for a period not exceeding 48 hours, pending a warrant being issued by a competent Court, on application by an enforcement officer for the medical examination contemplated in paragraph (a).

- (2) A warrant contemplated in subregulation (1) may be issued by a magistrate, if it appears from information on oath or affirmation by an enforcement officer—
  - (a) that a person is confirmed as having been infected with COVID-19;
  - (b) who is on reasonable grounds suspected of having contracted COVID-19, or who has been in contact with, or who is on reasonable grounds suspected as having been in contact with a person who is a carrier of, or infected with COVID-19.
- (3) The warrant may impose restrictions on the powers of the enforcement officer as the magistrate may deem fit.
- (4) A warrant issued in terms of this regulation remains in force until—
  - (a) it is executed;
  - (b) it is cancelled by the person who issued it or, if such person is not available, by any other magistrate;
  - (c) the expiry of ninety days from the date of its issue; or
  - (d) the purpose for the issuing of the warrant has lapsed,whichever occurs first.

## **7. Isolation or quarantine of persons**

- (1) Any person who is a clinical case, or who is on reasonable grounds suspected to be infected or contaminated with COVID-19, or who has been in contact with a person who is infected or contaminated with COVID-19, must comply with—
  - (a) an oral instruction of, or a written direction, issued by a medical practitioner, a person authorised by the medical practitioner, a nurse or an enforcement officer to subject himself or herself to screening to determine his or her COVID-19 status; or

- (b) a written direction, issued by a medical practitioner, a person authorised by the medical practitioner, a nurse or an enforcement officer to—
  - (i) voluntarily travel to or be taken to a health establishment or any other place for purposes of isolation or quarantine; or
  - (ii) quarantine himself or herself in accordance with the instructions of such medical practitioner or person authorised by him or her, or a nurse,pending the determination of his or her COVID-19 status, as a precautionary measure to contain the transmission of COVID-19.
- (2) If a person refuses to quarantine himself or herself, or travel to a site of isolation or quarantined facility as directed, a magistrate in whose jurisdiction such a person is, must make an order as contemplated in Form 1 of Annexure A, to compel such a person to quarantine himself or herself, travel to such site of isolation, quarantined facility, or medical screening.
- (3) The—
  - (a) Cabinet member responsible for public works and infrastructure;
  - (b) member of the provincial Executive Council responsible for public works; or
  - (c) accounting officers of municipalities,must identify and make available sites to be used as isolation and quarantine facilities as the need arises and provide a list thereof to the Department of Health for resourcing.

## 8. COVID-19 Database

*[heading substituted by section 2(a) of [Government Notice 714 of 2020](#)]*

- (1) In this regulation—
  - (a) "COVID-19 Database" means the database established by the National Department of Health in terms of subregulation (2); and
  - (b) "COVID-19 Designated Judge" means a judge designated in terms of subregulation (13).
- (2) The National Department of Health shall develop and maintain a national database in order to guide appropriate responses in addressing, preventing or combatting the spread of COVID-19, including contact tracing and geospatial hotspot mapping.

*[subregulation (2) substituted by section 2(c) of [Government Notice 714 of 2020](#)]*

- (3) The COVID-19 Database may include all information considered necessary for the National Department of Health to guide appropriate responses in addressing, preventing or combatting the spread of COVID-19, including but not limited to:
  - (a) the first name and surname, identity or passport numbers, residential address and other address where such person could be located, and cellular phone numbers of all persons who have been tested for COVID-19;
  - (b) the COVID-19 test results of all such persons; and
  - (c) the details of the known or suspected contacts of any person who tested positive for COVID-19.

*[subregulation (3) substituted by section 2(d) of [Government Notice 714 of 2020](#)]*

- (4) The information contained in the COVID-19 Database and any information obtained through this regulation is confidential.

- (5) No person may disclose any information contained in the COVID-19 Database or any information obtained through this regulation unless authorized to do so and unless the disclosure is necessary for the purpose of addressing, preventing or combatting the spread of COVID-19.
- (6) Where any person is to be tested for COVID-19, the person taking the sample for purposes of testing must obtain as much of the following information as is available at the time of taking the sample—
- (a) the first name and surname, identity or passport number, residential address, and cellular phone numbers of the person tested; and
  - (b) a copy or photograph of the passport, driver's licence, identity card, identity book of the person tested:
- and promptly submit this information, along with any information it has regarding likely contacts of the person tested, to the Director-General: Health for inclusion in the COVID-19 Database.
- (7) Where any laboratory has tested a sample for COVID-19, the laboratory must promptly transmit to the Director-General: Health, for inclusion in the COVID-19 Database—
- (a) all details the laboratory has, including the first name and surname, identity or passport numbers, residential address and cellular phone numbers, regarding the person tested;
  - (b) the COVID-19 test result concerned.
- (8) The National Institute for Communicable Diseases (NICD) must transmit to the Director-General: Health, for inclusion in the COVID-19 Database—
- (a) all details the NICD has, including the first name and surname, identity or passport numbers, residential address and cellular phone numbers of any person tested for COVID-19;
  - (b) the results of the COVID-19 test concerned; and
  - (c) any information the NICD has regarding likely contacts of the person tested.
- (9) Every accommodation establishment must, promptly after the coming into force of this regulation, transmit to the Director-General: Health, for inclusion in the COVID-19 Database, the following information regarding every person staying at the accommodation establishment during the period of lockdown—
- (a) the first name and surname, identity or passport number, residential address and cellular phone numbers of the person concerned; and
  - (b) a copy or photograph of the passport, driver's licence, identity card or identity book of the person concerned.
- (10) The Director-General: Health may, in writing and without prior notice to the person concerned, direct an electronic communications service provider licensed under the Electronic Communications Act, 2005 ([Act No. 36 of 2005](#)) to provide him or her, for inclusion in the COVID-19 Database, with such information as that electronic communications service provider has available to it regarding—
- (a) the location or movements of any person known or reasonably suspected to have contracted COVID-19; and
  - (b) the location or movements of any person known or reasonably suspected to have come into contact, during the period 5 March 2020 to the date on which the national state of disaster has lapsed or has been terminated, with a person contemplated in subparagraph (a),
- and the electronic communications service provider must promptly comply with the directive concerned.

- (11) The information referred to in subregulation (10)—
- (a) may only be obtained in relation to the location or movements of persons during the period 5 March 2020 to the date on which the national state of disaster has lapsed or has been terminated;
  - (b) may only be obtained, used or disclosed by authorised persons and may only be obtained, used and disclosed when necessary for the purposes of addressing, preventing or combatting the spread of COVID-19 through the contact tracing process or geospatial hotspot mapping;  
*[paragraph (b) substituted by section 2(e) of [Government Notice 714 of 2020](#)]*
  - (c) where relevant to the contact tracing process, or geospatial hotspot mapping, must be included in the COVID-19 Database; and  
*[paragraph (c) substituted by section 2(f) of [Government Notice 714 of 2020](#)]*
  - (d) apart from what is included in the COVID-19 Database, may only be retained by the Director-General: Health for a period of six weeks after being obtained and shall thereafter be destroyed.
- (12) Nothing in this regulation entitles the Director-General: Health or any other person to intercept the contents of any electronic communication.
- (13) The Cabinet member responsible for justice and correctional services has, 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](#)), appointed 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.
- (14) The Director-General: Health must file a weekly report with the COVID-19 Designated Judge setting out the names and details of all persons whose location or movements were obtained in terms of subregulation (10)(a) and 10(b) respectively.
- (15) The COVID-19 Designated Judge may make such recommendations to the Cabinet members responsible for cooperative governance and traditional affairs, health and justice and correctional services as he or she deems fit regarding the amendment or enforcement of this regulation in order to safeguard the right to privacy while ensuring the ability of the Department of Health to engage in urgent and effective measures to address, prevent and combat the spread of COVID-19.  
*[subregulation (15) substituted by section 2(g) of [Government Notice 714 of 2020](#)]*
- (16) The Director-General: Health shall, within six weeks after the national state of disaster has lapsed, or has been terminated, notify every person whose information has been obtained in terms of subregulation (10) that information regarding their location or movements was obtained in terms of subregulation (10).
- (17) Within six weeks after the national state of disaster has lapsed or has been terminated—
- (a) the information on the COVID-19 Database shall be de-identified;
  - (b) the de-identified information on the COVID-19 Database shall be retained and used only for research, study and teaching purposes;
  - (c) all information on the COVID-19 Database which has not been de-identified shall be destroyed; and
  - (d) the Director-General: Health shall file a report with the COVID-19 Designated Judge recording the steps taken in this regard, and the steps taken pursuant to subregulation (16).
- (18) Upon receipt of the report in subregulation (17)(d), the COVID-19 Designated Judge shall be entitled to give directions as to any further steps to be taken to protect the right to privacy of those persons whose data has been collected, which directions must be complied with.

- (19) The report required by subregulation (17)(d) and any directions given in terms of subregulation (18) shall be tabled in Parliament.
- (20) The National Department of Health may develop and implement electronic systems or applications to be used on mobile devices or computers in order to collect, on a voluntary basis, information from members of the public for inclusion in the COVID-19 Database, provided that—
- (a) the information may only be collected and used in order to guide appropriate responses in addressing, preventing and combatting the spread of COVID-19, including for the purposes of geospatial hotspot mapping;
  - (b) the information concerned is only obtained from users of mobile devices and computers on a voluntary and opt-in basis;
  - (c) in order to obtain the necessary consent from the user of the mobile device or computer, the terms and conditions of the electronic system or application must explain and request the user's express consent regarding—
    - (i) which information will be collected and stored via the electronic system or application;
    - (ii) the means by which the information will be collected and stored;
    - (iii) the purposes for which any information will be collected and used;
    - (iv) the entities or persons to which that information will be transmitted, and under what conditions;
    - (v) whether the information will be kept on the user's mobile device or a centralised server;
    - (vi) the period for which the information will be retained; and
    - (vii) the notice that will be given to users when the information has been destroyed.

*[subregulation (20) added by section 2(h) of [Government Notice 714 of 2020](#)]*

- (21) The National Department of Health may receive, on a voluntary basis, information regarding members of the public from electronic systems or applications operated by private entities for inclusion in the COVID-19 Database, provided that—
- (a) the information may only be received and used in order to guide appropriate responses in addressing, preventing and combatting the spread of COVID-19, including for the purposes of geospatial hotspot mapping;
  - (b) the private entity concerned has obtained the information concerned from users of mobile devices and computers on a voluntary and opt-in basis; and
  - (c) the private entity concerned has obtained the express consent of the user concerned to transmit the information to the National Department of Health for inclusion on the COVID-19 Database.

*[subregulation (21) added by section 2(h) of [Government Notice 714 of 2020](#)]*

- (22) The Director-General of Health may, in writing and subject to the provisions of subregulation (23), appoint any organ of state outside the Department of Health or private entities to provide services necessary for the carrying out of his or her powers and functions under this regulation.

*[subregulation (22) added by section 2(h) of [Government Notice 714 of 2020](#)]*

- (23) The appointment of entities in terms of subregulation (22) may only take place where it is not reasonably possible for the services to be performed by the Department of Health itself due to the

Department of Health not having the necessary expertise, equipment or personnel available or due to the delays that would result from the Department of Health performing the services itself.

*[subregulation (23) added by section 2(h) of [Government Notice 714 of 2020](#)]*

- (24) Where entities are appointed in terms of subregulation (22)-
- (a) the appointed entities are bound by these Regulations as if it were the Director-General of Health or an official appointed by him or her;
  - (b) the appointed entities shall conclude a written agreement with the Director-General of Health which records that the appointed entities have understood this regulation and accepts that it and its employees are bound to comply with it;
  - (c) every employee of an appointed entity who has access to any of the information or data obtained pursuant to the appointment of the entity shall sign an undertaking recording that she or he has understood this regulation and accept that he or she is bound to comply with it;
  - (d) information stored by the appointed entities or transferred to or from the appointed entities must be in an encrypted form, save where this is not be subject to password protection;
  - (e) logs of every person who has had access to the data in encrypted or unencrypted form must be kept by the appointed entities, including the possible in achieving the purposes of this regulation, and access must person's name, function, the date on which and the reason for which the data was accessed, which logs must be submitted by the appointed entities to Director-General of Health every two weeks;
  - (f) only personal data that is adequate, relevant and limited to what is necessary in relation to the purpose may be processed;
  - (g) the appointed entities will keep any information or data obtained pursuant to its appointment separate from any of the appointed entities other information or data;
  - (h) following the end of the appointment period, the appointed entities may not retain any of the information or data obtained pursuant to its appointment, whether in original or duplicate form;
  - (i) the appointed entities may not disclose any information or data obtained pursuant to their appointment with any other person or entity, other than where expressly permitted in writing by the Director-General of Health for the purposes of this regulation; and
  - (j) the Director-General of Health shall inform the COVID-19 Designated Judge of the appointment of entities concerned.

*[subregulation (24) added by section 2(h) of [Government Notice 714 of 2020](#)]*

*[regulation 8 amended by section 2(b) of [Government Notice 714 of 2020](#)]*

## 9. Release of resources

- (1) The Department of Defence must, for the duration of the declared national state of disaster, within its available resources—
  - (a) release and mobilise available resources, including human resources, stores, equipment, ships, aircraft platforms, vehicles and facilities; and
  - (b) ensure the delivery of essential services,as may be required, to prevent, limit, contain, combat and manage the spreading of COVID-19.
- (2) National organs of state must, within their available resources, release their personnel for the rendering of emergency services, as contemplated in section 27(2)(b) of the Act.

- (3) Institutions within national, provincial and local government must make resources, other than funding, available to implement these Regulations or directions issued in terms of section 27(2) of the Act regarding the national state of disaster.
- (4) Institutions within national, provincial and local government must—
  - (a) make funding available; and
  - (b) as far as possible, without affecting service delivery in relation to the realisation of the rights contemplated in [sections 26](#) to [29](#) of the [Constitution](#), shift funding, within its budget to implement these Regulations or directions issued in terms of section 27(2) of the Act, regarding the national state of disaster.
- (5) The National Treasury and provincial treasuries must take the necessary steps in terms of applicable legislation to implement these Regulations and directions issued in terms of section 27(2) of the Act, in relation to the national state of disaster.
- (6) Donor funding received by institutions, subject to the Public Finance Management Act, 1999 ([Act No. 1 of 1999](#)) or the Local Government: Municipal Finance Management Act, 2003 ([Act No. 56 of 2003](#)), to assist with the national state of disaster must be—
  - (a) paid into the Reconstruction and Development Fund, established by the Reconstruction and Development Fund Act, 1994 ([Act No. 7 of 1994](#)); and
  - (b) used strictly for purposes of implementing these Regulations and directions issued in terms of section 27(2) of the Act in relation to the national state of disaster.

## 10. Shelters and sites identified by the State during national state of disaster

- (1) The State shall identify—
  - (a) temporary shelters for homeless people that comply with the necessary health protocols and adequate spacing standards as provided for in guidelines published by the Director General of Health; and
  - (b) temporary sites for quarantine and self-isolation that comply with the necessary health protocols and adequate spacing standards, as provided for in guidelines published by the Director General of Health, for persons who cannot isolate or quarantine in their homes.
- (2) The provision of the State's resources contemplated in subregulation (1) shall be for the duration of the national state of disaster, and the use thereof will be subject to conditions determined by the Cabinet member responsible for such resources.

## 11. Emergency procurement procedures

Emergency procurement for institutions is subject to—

- (a) the Public Finance Management Act, 1999 ([Act No. 1 of 1999](#)), and the applicable emergency provisions in the Regulations or Instructions made under section 76 of that Act; and
- (b) the Municipal Finance Management Act, 2003 ([Act No. 56 of 2003](#)), and the applicable emergency provisions in the Regulations made under that Act.

## 12. Powers and indemnity

These Regulations do not limit any powers or indemnities of security services provided for in any law.

### 13. Resolution of disputes

- (1) The parties to a civil dispute against the State or any organ of State, which may potentially result in litigation, may—
  - (a) either before or after the commencement of litigation but before the granting of judgment by the court, agree to refer the dispute to mediation; or
  - (b) before the commencement of litigation, agree to refer the dispute to arbitration.
- (2) Where the parties agree to mediation or arbitration:
  - (a) the Office of the Solicitor General shall assist the parties in coordinating and overseeing the process; and
  - (b) the parties may agree that a judge who has retired from active service shall act as the mediator or arbitrator as the case may be, in which event no fees shall be payable to such mediator or arbitrator.
- (3) The Office of the State Attorney in whose area of jurisdiction a dispute arises shall immediately upon knowledge of such dispute engage the party raising the dispute, or such party's legal representative, in considering mediation or arbitration.

### 14. Offences and penalties

- (1) Any person who intentionally misrepresents that he, she or any other person is infected with COVID-19 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) Any person who publishes any statement, through any medium, including social media, with the intention to deceive any other person about—
  - (a) COVID-19;
  - (b) COVID-19 infection status of any person; or
  - (c) any measure taken by the Government to address COVID-19,commits an offence and is liable on conviction to a fine or imprisonment for a period not exceeding six months, or both such fine and imprisonment.
- (3) Any person who intentionally exposes another person to COVID-19 may be prosecuted for an offence, including assault, attempted murder or murder.
- (4) A person who fails to comply with—
  - (a) an obligation imposed in terms of regulation 8(5), 8(9), 8(11), 8(17); or
  - (b) a direction issued in terms of regulation 8(10) or 8(18);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.
- (5) A driver or operator of any form of public transport who fails to take reasonable steps to ensure compliance with regulation 5(2)(a) commits an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.  
*[subregulation (5) added by section 4 of [Government Notice 763 of 2020](#)]*
- (6) A manager or owner of a building, place or premises, including a government building place or premises, used by the public to obtain goods or services who fails to take reasonable steps to ensure

compliance with regulation 5(2)(b) commits an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

*[subregulation (6) added by section 4 of [Government Notice 763 of 2020](#)]*

- (7) An employer who fails to take reasonable steps to ensure compliance with regulation 5(3)(a) or (b) commits an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

*[subregulation (7) added by section 4 of [Government Notice 763 of 2020](#)]*

- (8) A principal of a school, or manager or owner of an early childhood development centre, who fails to take reasonable steps to ensure compliance with regulation 5(3)(c) or (e) commits an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

*[subregulation (8) added by section 4 of [Government Notice 763 of 2020](#)]*

## Chapter 3

### Alert Level 4

#### 15. Determination of Alert Level

- (1) The Cabinet member responsible for cooperative governance and traditional affairs, in terms of regulation 3(2), declares, upon the recommendation of the Cabinet member responsible for health, and in consultation with Cabinet, that Alert Level 4 will be applicable from 1 May 2020 in the Republic of South Africa and will remain in force up to the declaration of different Alert Levels for the duration of the national state of disaster.
- (2) The regulations set out in this Chapter apply during Alert Level 4.

#### 16. Movement of persons

- (1) Every person is confined to his or her place of residence.
- (2) A person may only leave their place of residence to—
- (a) perform an essential or permitted service, as allowed in Alert Level 4;
  - (b) go to work where a permit which corresponds with Form 2 of Annexure A, has been issued;
  - (c) buy permitted goods;
  - (d) obtain services that are allowed to operate as set out in Table 1 to the Regulations;
  - (e) move children, as allowed;
  - (f) walk, run or cycle between the hours of 06H00 to 09H00, within a five kilometre radius of their place of residence: Provided that this is not done in organised groups.
- (3) Every person is confined to his or her place of residence from 20H00 until 05H00 daily, except where a person has been granted a permit to perform an essential or permitted service as listed in Annexure D, or is attending to a security or medical emergency.
- (4) Movement between provinces, metropolitan areas and districts are prohibited except—
- (a) for workers who have a permit to perform an essential or permitted service who have to commute to and from work on a daily basis;
  - (b) the attendance of a funeral, as allowed;
  - (c) the transportation of mortal remains; and

- (d) for learners who have to commute to and from school or higher education institutions on a daily basis during periods when those institutions are permitted to operate.
- (5) Any person who was not at their place of residence, or work before the lockdown period and who could not travel between provinces, metropolitan and district areas during the lockdown, will be permitted, on a once-off basis, to return to their places of residence or work and will be required to stay in such place until the end of Alert Level 4.
- (6) All industries, businesses, entities, both private and in the public sector, which are permitted to operate during Alert Level 4, must—
  - (a) designate a COVID-19 compliance officer who will oversee the:
    - (i) implementation of the plan referred to in subregulation (b); and
    - (ii) adherence to the standards of hygiene and health protocols relating to COVID-19 at the workplace;
  - (b) develop a plan for the phased in return of their employees to the workplace, prior to reopening the workplace for business, which plan must correspond with Annexure E and be retained for inspection and contain the following information:
    - (i) which employees are permitted to work;
    - (ii) what the plans for the phased-in return of their employees to the workplace are;
    - (iii) what health protocols are in place to protect employees from COVID-19; and
    - (iv) the details of the COVID-19 compliance officer;
  - (c) phase in the return of their employees to work to manage the return of employees from other provinces, metropolitan and district areas; and
  - (d) develop 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.
- (5) The Cabinet member responsible for home affairs, or a person designated by him or her, may allow a person to enter or exit the Republic for emergency medical attention for a life-threatening condition, or for a South African, or foreign national to be repatriated to their country of nationality or permanent residence.

*[Please note: numbering as in original.]*

- (6) All foreign tourists who arrived in the Republic prior to the lockdown period, which ended on 30 April 2020, and who remained in the Republic, must remain in their place of temporary residence in the Republic for the duration of Alert Level 4, as the case may be, and may be subject to screening for COVID-19 and be quarantined or isolated as required. Provided that the evacuation of foreign tourists where arrangements, including an arrangement for the evacuation by air charter, has been made by the relevant embassy, may be allowed: Provided further that a tourist is escorted to the point of exit where he or she may be screened again.

*[Please note: numbering as in original.]*

## 17. Movement of children

- (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 the same metropolitan area or district municipality is allowed subject to the following if the co-holders of parental responsibilities and rights or a caregiver is in possession of—
  - (a) a court order; or

- (b) a parental responsibilities and rights agreement or parenting plan, registered with the family advocate;
  - (c) a permit issued by a magistrate where which corresponds with Form 3 of Annexure A if the documentation in paragraphs (a) and (b) is not available.
- (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](#)), between different metropolitan areas, district municipalities or provinces 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) Any child who was not at the residence of their primary caregiver before the lockdown period and who could not travel between provinces, metropolitan and district areas during the lockdown will be permitted, on a once-off basis, to return to the residence of their primary caregiver 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.
- (4) The household to which the child has to move, must be free of COVID-19.
- (5)
  - (a) Before a magistrate issues a permit referred to in regulation 17(1)(c), he or she must be provided with—
    - (i) 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; and
    - (ii) written reasons why the movement of the child is necessary.
  - (b) Before a magistrate issues a permit referred to in 17(2) or (3), he or she must be provided with—
    - (i) A court order;
    - (ii) a parental responsibilities and rights agreement or parenting plan registered with the family advocate; or
    - (iii) 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; and
    - (iv) written reasons why the movement of the child is necessary.

## 18. Attendance of funerals

- (1) Movement between a province, metropolitan area or district by a person wishing to attend a funeral shall only be permitted if that person so wishing to attend the funeral is a—
  - (a) spouse or partner of the deceased;
  - (b) child 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;
- (2) Attendance at a funeral is limited to 50 people and will not be regarded as a prohibited gathering.
- (3) Night vigils at a funeral is banned.

- (4) During a funeral, all hygienic conditions and distancing measures must be adhered to for the limitation of exposure of persons at the funeral to COVID-19.
- (5) Each person, whether traveling alone or not, wishing to attend a funeral and who has to travel between districts, or between provinces 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 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 or a person with a close affiliation to 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.
- (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.

## 19. Prohibition on evictions

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 62 of 1997](#) and the Prevention of Illegal Eviction from and Unlawful Occupation of Land [Act 19 of 1998](#): Provided that any order of eviction shall be stayed and suspended until the last day Alert Level 4, 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 4 period.

## 20. Public transport

- (1) The Minister of Transport must, after consultation with the Cabinet members responsible for cooperative governance and traditional affairs, health, police 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) rail, bus services, taxi services;
  - (b) e-hailing services; and
  - (c) private vehicles.
- (2) The directions to be issued by the cabinet member responsible for Transport must set out the hygienic conditions that must be adhered to and steps to be followed for the limitation of exposure of members of the public using public transport to COVID-19.

## 21. Closure of borders

All borders of the Republic remain closed during the period of Alert Level 4, except for ports of entry designated by the Cabinet member responsible for home affairs and for the transportation of fuel, cargo and goods during the period of Alert Level 4.

## 22. Transportation of cargo

- (1) Rail, ocean, air and road transport is permitted for the movement of cargo to other countries and within the Republic of South Africa, subject to national legislation, for the transportation of the following goods—
  - (a) essential goods for import as set out in Annexure B to the Regulations;
  - (b) the import of materials and components required for manufacturing activities allowed under Alert Level 4;
  - (c) cargo at ports of entry;
  - (d) goods cleared at ports of entry for removal in transit through the Republic destined for neighboring countries;
  - (e) permitted goods for export as set out in Annexure C to the Regulations;
  - (f) transport of goods within the Republic of South Africa; and
  - (g) any other goods as set out in Directions by the relevant Cabinet member; taking into account health risks, constrained capacity at ports of entry and other factors relevant to the health, public order and economic effects of Covid-19.
- (2) The Cabinet member responsible for transport, may, after consultation with the Cabinet members responsible cooperative governance and traditional affairs, trade, industry and competition, health, justice and correctional services and public enterprises, issue directions relating to sea cargo operations and air freight operations.

## 23. Gatherings

- (1) All gatherings are banned, except—
  - (a) for funerals;
  - (b) when at a workplace; or
  - (c) when buying or obtaining goods and services, as allowed in Table 1.
- (2) An enforcement officer must, where a 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, include arrest and detention.

## 24. Places and premises closed to the public

- (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) Any place or premises normally open to the public or where people may gather, are prohibited. These include—
  - (a) public parks, sports grounds and fields, beaches and swimming pools;

- (b) flea markets;
  - (c) fêtes and bazaars;
  - (d) night clubs;
  - (e) casinos;
  - (f) hotels, lodges, bed and breakfasts, *airbnbs*, timeshare facilities and resorts, and guest houses, except to the extent that they are required for remaining tourists confined to hotels, lodges and guest houses;
  - (g) private and public game reserves except to the extent that they are required for remaining tourists confined to private and public game reserves;
  - (h) holiday resorts except to the extent that they are required for remaining tourists confined to such holiday resort;
  - (i) taverns and shebeens, or similar establishments;
  - (j) theatres and cinemas; and
  - (k) museums.
- (3) Persons rendering security and maintenance services may continue to perform these services at the places or premises listed in this regulation.
- (4) The Cabinet member responsible for cooperative governance and traditional affairs may, by direction in the *Gazette*, 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.

## 25. Controlled visits by members of the public

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) Facilities controlled or managed by the Department of Social Development, including Child and Youth Care Centres, shelters, One Stop Centres, and Treatment Centres,

will be allowed to the extent and in the manner as directed by the Cabinet member responsible for cooperative governance and traditional affairs after consultation with the Cabinet members responsible for health, police and justice and correctional services.

## 26. Sale, dispensing or transportation of liquor

- (1) The sale, dispensing and distribution of liquor is prohibited.
- (2) 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.
- (3) The transportation of liquor for export purposes is permitted.
- (4) No special or events liquor licenses may be considered for approval during the duration of the national state of disaster.

**27. Tobacco products, e-cigarettes and related products**

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

**28. Operation of economic sectors**

- (1) Businesses and other entities as set out in Table 1 may commence operations.
- (2) Every 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 COVID-19, are adhered to; and
  - (b) designate a compliance official to ensure that the safety controls are strictly adhered to, and display the name of the official prominently in the store or in a visible area.
- (3) Retail stores selling goods as provided for the Table 1 are prohibited from selling other goods that are not permitted in terms of the Table 1.
- (4) Persons performing essential services or permitted services, must be duly designated in writing by the head of an institution, or a person designated by him or her, on a form that corresponds with Form 2 in Annexure A: Provided that Cabinet member responsible for small enterprises may issue directions in respect of small and micro enterprises, co-operatives, informal traders and spaza shops in respect of those entities.

**29. Energy and petroleum products supply**

To ensure the continuous supply of energy and petroleum products to society as referred to in Table 1—

- (a) collieries that supply Eskom may continue to operate at full capacity; and
- (b) refineries and other facilities providing energy and fuel may operate at full capacity to avoid shortage of fuel and energy, and such operations may include fuel storage, smelters, plants and furnaces.

**30. Mining operations**

- (1) Open-cast mining scaling up to a baseline of 50% and thereafter scaling up to full employment.
- (2) All other mining starting in batches scaling up towards 50% employment.
- (3) Mining operations, must be conducted at a reduced capacity of not more than 50%, and thereafter at increasing capacity as determined by direction issued by the Cabinet member responsible for mineral resources and energy.
- (4) The following conditions apply to the starting and increasing of capacity:
  - (a) Appropriate measures to protect the health and safety of workers must be implemented by mining companies in accordance with the directions issued from time to time by the Cabinet member responsible for mineral resources and energy, in consultation with the Cabinet member responsible for health.
  - (b) a rigorous screening and testing programme must be implemented as employees return to work;
  - (c) the mining industry must provide quarantine facilities for employees who have tested positive for the COVID-19;
  - (d) data collected during the screening and testing programme must be submitted to the authority referred to in regulation 8;

- (e) mining companies must make arrangements to transport their South African employees from their homes to their respective areas of operations;
- (5) The monitoring and impact assessment of seismicity through the Council for Geoscience must be intensified with immediate effect.

### 31. Offences and penalties

- (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 the provisions of regulations 16(1), 16(2), 16(3) and 16(4), 19, 24(1) and 24(2), 26(1) and 26(2), 27 and 28(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.

## Chapter 4 Adjusted Alert Level 3

### 32. Application of Alert Level

The regulations set out in this Chapter apply -

- (a) during Adjusted Alert Level 3 throughout the Republic; and
- (b) in areas declared as hotspots.

*[regulation 32 substituted by section 3 of [Government Notice R69 of 2021](#)]*

### 33. Movement of persons

- (1) Every person is confined to his or her place of residence from 23H00 until 04H00 daily, unless a person -
  - (a) has been granted permission through directions issued 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 2;
  - (b) is attending to a security or medical emergency; or
  - (c) arrives on a flight or is travelling to or from an airport which necessitates travelling during restricted hours of movement: Provided that the person traveling is in possession of a valid boarding pass as proof of flight or a copy of the airline ticket.
- (2) Any person who fails to abide by the curfew referred to in subregulation (1) commits an offence and is, on conviction, liable to a fine or a period of imprisonment not exceeding six months, or to both such fine and imprisonment.
- (3) Closing time for the following establishments, whether indoors or outdoors, is 22H00:
  - (a) cinemas;
  - (b) theatres;

- (c) casinos;
- (d) museums, galleries and archives;
- (e) public swimming pools;
- (f) beaches and public parks;
- (g) game parks, botanical gardens, aquariums and zoos;
- (h) gyms and fitness centres;
- (i) restaurants;
- (j) establishments offering wine-tastings and other brew-tastings;
- (k) venues hosting auctions; and
- (l) venues hosting professional sport.

*[regulation 33 substituted by section 4 of [Government Notice R69 of 2021](#)]*

### 33A. Opening and closing of schools

The Cabinet member responsible for basic education may by direction contemplated in regulation 4(3), determine the dates on which schools may be opened or closed, as defined in the South African Schools Act, 1996 ([Act No.84 of 1996](#)) and any matter related to the management of schools in the basic education sector, to address, prevent and combat the spread of COVID-19 in all schools.

*[regulation 33A inserted by section 5 of [Government Notice R69 of 2021](#)]*

### 34. Mandatory protocols when in a public place

- (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 a public place, excluding a child under the age of six years, and any person who fails to comply with a verbal instruction by an enforcement officer to wear a face mask, commits an offence and is, on conviction, liable to a fine or a period of imprisonment not exceeding six months, or to both such fine and imprisonment.
- (3) No person will be allowed to-
  - (a) use, operate, perform any service on any form of public transport;
  - (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; or
  - (c) be in any public open space, if he or she is not wearing a face mask.
- (4) The prohibition in subregulation (3)(c) shall not apply to a person who undertakes vigorous exercise in a public place, provided that the person maintains a distance of at least one and a half metres from any other person, and subject to directions on what is considered to be vigorous, issued by the Cabinet member responsible for health.
- (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.
- (6) Every business premises, including, but not limited to, a supermarket, shop, grocery store, retail store, wholesale produce market or pharmacy shall-
  - (a) determine their area of floor space in square metres;

- (b) based on the information contemplated in paragraph (a), determine the number of customers and employees that may be inside the premises in order to comply with the limitation as provided for in regulation 36(15)(c) of the Regulations and subject to strict adherence to all health protocols and social distancing measures:
- (c) take steps to ensure that persons queuing inside or outside the premises are able to maintain a distance of one and a half metres from each other;
- (d) take steps to ensure that persons queuing inside or outside the premises are able to maintain a distance of one and a half metres from each other;
- (e) assign, in writing, an employee or any other suitable person, as the compliance employee, who must ensure-
  - (i) compliance with the measures provided for in paragraphs (a) to (d); and
  - (ii) that all directions in respect of hygienic conditions and limitation of exposure to persons with COVID-19 are adhered to.
- (7) Any business whose premises exceeds the maximum number of customers and employees determined in subregulation (6) 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.
- (8) All employers must, adopt measures to promote physical distancing of employees, including-
  - (a) enabling employees to work from home or minimising the need for employees to be physically present at the workplace;
  - (b) the provision for adequate space;
  - (c) restrictions on face to face meetings;
  - (d) special measures for employees with known or disclosed health issues or comorbidities, or with any condition which may place such employees at a higher risk of complications or death if they are infected with COVID-19; and
  - (e) special measures for employees above the age of 60 who are at a higher risk of complications or death if they are infected with COVID-19.
- (9) The requirements as set out in subregulation (6) applies with the necessary changes, to any other building that is not provided for by subregulation (6).
- (10) All courier and delivery services shall provide for minimal personal contact during delivery.
- (11) All banks as defined in the Banks Act, 1990 ([Act No. 94 of 1990](#)) and financial institutions as defined in the Financial Sector Regulation Act, 2017 ([Act No. 9 of 2017](#)), must -
  - (a) ensure that all automated teller machines of that bank or financial institution, if any in the case of a financial institution, that is not a bank, have hand sanitisers for use by the public at each automated teller machine; and
  - (b) take steps to ensure that persons queuing at the automated teller machine maintain a distance of one and a half metres from each other.

### 35. Attendance of funerals

- (1) Attendance of a funeral is limited to a maximum of 50 persons, with persons observing a distance of at least one and a half metres from each other, and if the venue is too small to hold 50 persons observing a distance of at least one and a half metres from each other then not more than 50 percent of the capacity of the venue may be, used.
- (2) Night vigils are not allowed.
- (3) After-funeral gatherings, including "after-tears" gatherings, are not allowed.

- (4) During a funeral, a person must wear a face mask and adhere to all health protocols and social distancing measures.
- (5) The duration of a funeral is restricted to a maximum of two hours.

### 36. Gatherings

- (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 at 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)
  - (a) Gatherings at faith-based institutions, are permitted but limited to 50 persons or less for indoor venues and 100 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 and a half metres from each other, then not more than 50 percent of the capacity of the venue may be used: Provided that all health protocols and social distancing measures are adhered to as provided for in directions issued by the Cabinet member responsible for cooperative governance and traditional affairs: Provided further that there is strict adherence to the hours of curfew as provided for in regulation 33(1).
  - (b) All social gatherings are prohibited.

*[subregulation (3) substituted by section 6(a) of [Government Notice R69 of 2021](#)]*

- (4) Gatherings at-
  - (a) political events; and
  - (b) traditional community meetings (*izimbizo*),are prohibited.

*[subregulation (4) substituted by section 2 of [Government Notice R92 of 2021](#)]*

- (5) Gatherings at a workplace for work purposes are allowed, subject to strict adherence to all health protocols and social distancing measures.
- (6) Gatherings at cinemas and theatres are limited to 50 persons or less for indoor venues and 100 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 and a half metres from each other, then not more than 50 percent of the capacity of the venue may be used.
- (7) Gatherings at casinos are limited to 50 persons or less for indoor venues and 100 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 and a half metres from each other, then not more than 50 percent of the capacity of the venue may be used.
- (8)
  - (a) Gatherings at museums, galleries, libraries and archives are limited to 50 persons or less and if the venue is too small to hold the prescribed number of persons observing a distance of at least one and a half metres from each other, then not more than 50 percent of the capacity of the venue may be used subject to the strict adherence to the times of operation provided for

in regulation 33(3), and further subject to health protocols and social distancing measures, as set out in directions by the relevant Cabinet member.

(b) Gatherings at sports grounds and fields are prohibited.

- (9) All beaches, dams, lakes and rivers, inclusive of all recreational facilities at these places are open to the public: Provided that all health protocols and social distancing measures are adhered to.

*[subregulation (9) substituted by section 6(b) of [Government Notice R69 of 2021](#)]*

- (10) All public swimming pools, including recreational facilities at such places, are open to the public subject -

(a) to a limitation of 50 persons or less for indoor facilities and 100 persons or less for outdoor facilities and if the venue is too small to hold the prescribed number of persons observing a distance of at least one and a half metres from each other, then not more than 50 percent of the capacity of the venue may be used; and

(b) that all health protocols and social distancing measures are adhered to.

*[subregulation (10) substituted by section 6(b) of [Government Notice R69 of 2021](#)]*

- (11) *[subregulation (11) deleted by section 6(c) of [Government Notice R69 of 2021](#)]*

- (12) (a) Game parks, botanical gardens, aquariums and zoos where access control measures and entry limitations are already in place, will remain open to the public.

(b) Botanical gardens, aquariums and zoos that are open to the public shall-

(i) be open between 09H00 and 18H00; and

(ii) be monitored for compliance with all health protocols, wearing of face-masks and social distancing measures.

(c) Game parks that are open to the public shall-

(i) be open between 06H00 and 18H00; and

(ii) be monitored for compliance with all health protocols, wearing of face-masks and social distancing measures.

- (13) Gatherings at public parks are not permitted.

- (14) Gatherings at gyms and fitness centres are limited to 50 persons or less for indoor venues and 100 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 and a half metres from each other, then not more than 50 percent of the capacity of the venue may be used.

- (15) Gatherings at the following places are allowed, subject to the limitations set out below-

(a) restaurants, subject to a maximum of 50 persons or less for indoor venues and 100 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 and a half metres from each other, then not more than 50 percent of the capacity of the venue may be used, subject further to strict adherence to the times of operation provided for in regulation 33(3), health protocols and social distancing measures, as provided for in the directions issued by the relevant Cabinet member, after consultation with the Cabinet member responsible for health;

(b) (i) hotels, lodges bed and breakfasts, timeshare facilities, resorts and guest houses are allowed full capacity of the available rooms for accommodation, with patrons observing a distance of at least one and a half metres from each other when in common spaces; and

(ii) conferencing, dining and entertainment facilities are subject to a limitation of a maximum of 50 persons or less for indoor venues and 100 persons or less for outdoor

venues and if the venue is too small to hold 50 persons observing a distance of at least one and a half metres from each other, then not more than 50 percent of the capacity of the venue may be used; and

- (c) every business premises, including but not limited to supermarkets, shops, grocery stores, produce markets and pharmacies, are subject to a limitation of 50 percent of the floor space, which includes customers and employees, and subject to strict adherence to all health protocols, social distancing measures.
- (16) Gatherings at auctions are allowed, subject to a maximum of 50 persons or less for indoor venues and 100 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 and a half metres from each other, then not more than 50 percent of the capacity of the venue may be used and further, 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.
- (17) Sporting activities, including both professional and non-professional matches, by recognised sporting bodies are allowed, subject to strict adherence to the times of operation as provided for in regulation 33(3) and 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) international sport events involving countries with a low or medium COVID-19 infection and transmission rate are allowed.
- (18) 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.

### 37. Eviction and demolition of places of residence

- (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.

### 38. Rental housing

- (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.

### 39. Places and premises closed to the public

- (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.

*[regulation 39 substituted by section 7 of [Government Notice R69 of 2021](#)]*

### 40. Initiation practice

- (1) Initiation practices are prohibited nationally except for remaining new initiates in the Eastern Cape Province, who will be allowed to complete initiation school.
- (2) Where initiation practices are prohibited-
  - (a) a person may not arrange or hold an initiation school or conduct an initiation practice;
  - (b) a prospective initiate may not attend an initiation school;
  - (c) an owner of land may not provide consent for the use of his or her land for the holding of an initiation school; and
  - (d) a traditional surgeon or medical practitioner may not perform circumcision as part of an initiation practice.
- (3)
  - (a) Where initiation practices are allowed for remaining new initiates, there must be strict adherence to all 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.
  - (b) All post-initiation celebrations ("*imigidi*") are prohibited.
- (4) 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.
- (5) Failure to adhere to these regulations and any directions that are issued in respect of initiation schools, will result in the closure of initiation schools by the relevant authorities.

### 41. Controlled visits by members of the public

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.

## 42. Partial re-opening of borders

- (1) The 20 land borders which were partially operational will be fully operational and the 33 land borders which were closed will remain closed.
- (2) Traveling to and from the Republic is allowed, subject to subregulation (3).
- (3) 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, are 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.
- (4)
  - (a) International air travel is restricted to the following airports -
    - (i) OR Tambo International Airport;
    - (ii) King Shaka International Airport; and
    - (iii) Cape Town International Airport;
  - (b) Long-haul flight departures and landings at the airports listed in paragraph (a) are permitted during the hours of curfew as provided for in regulation 33(1).
  - (c) All international travellers arriving at the airports listed in paragraph (a) must 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.
  - (d) 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.
- (5) All commercial seaports will remain open and small crafts will be allowed entry into seaports, in-line with all health and border law enforcement protocols.

*[regulation 42 amended by section 8 of [Government Notice R69 of 2021](#) and substituted by section 2 of [Government Notice R93 of 2021](#)]*

## 42A. Transportation of cargo

- (1) Rail, ocean, air and road transport is permitted for the movement of cargo to and from other countries and within the Republic, subject to national legislation and any directions issued in terms of subregulation (2), for the transportation of goods for export and for import.

- (2) The Cabinet member responsible for trade, industry and competition may, after consultation with the Cabinet members responsible for transport and finance, issue directions that provide for the management, administration and prioritisation of exports or imports, taking into account the need to prevent and limit the spread of COVID-19 and to deal with the destructive and other effects of the COVID-19 pandemic.
- (3) The Cabinet member responsible for transport may, after consultation with the Cabinet members responsible for cooperative governance and traditional affairs, trade, industry and competition, health, justice and correctional services, finance and public enterprises, issue directions relating to health protocols applicable to sea cargo operations and air freight operation.

#### **43. Public transport**

- (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 percent of the licensed capacity for long distance travel; and
  - (b) may carry 100 percent 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.

#### **44. Sale, dispensing, distribution and transportation of liquor**

- (1) The sale of liquor -
  - (a) by a licensed premises for off-site consumption, is permitted from 10h00 to 18h00, from Mondays to Thursdays, excluding Fridays, Saturdays, Sundays and public holidays; and
  - (b) by a licensed premises for on-site consumption is permitted, from 10h00 to 22h00.
- (2) The provisions of subregulation (1)(a) do not apply to duty-free shops, registered wineries, wine farms, micro-breweries and micro-distilleries.
- (3) The consumption of liquor in public places, except in licensed on-site consumption premises, is prohibited.
- (4) Registered wineries, wine farms, micro-breweries and micro-distilleries may continue to operate in offering wine-tastings and other brew and the selling of wine and other brews to the public for offsite consumption is permitted, subject to strict adherence to the curfew provided for in regulation 33(1) and regulation 33(3) and strict adherence to social distancing measures and health protocols.

- (5) The transportation of liquor is permitted.
- (6) The sale and consumption of liquor in contravention of subregulations (1) and (3) is an offence.

*[regulation 44 substituted by section 9 of [Government Notice R69 of 2021](#)]*

#### **45. Operation of economic sector**

- (1) Businesses may operate except for those set out in Table 2.
- (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 issued 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.

#### **46. Compliance officers**

- (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.

#### **47. Offences and penalties**

- (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 33(1) and (3), 34(2), (3) and (7); 40(1), (2) and (3)(b), 43(3)(a), and 44(1) and (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.

*[subregulation (2) substituted by section 10 of [Government Notice R69 of 2021](#)]*

#### 48. \*\*\*

*[Chapter 4 added by section 5 of [Government Notice 608-B of 2020](#), amended by sections 3(a), 3(b), 4, 5(a) and 5(b) of [Government Notice 714 of 2020](#), by sections 5, 6, 7(a), 7(b), 7(c), 8, 9, 10 and 11 of [Government Notice 763 of 2020](#), by sections 2, 3, 4(a), 4(b), 4(c) and 5 of [Government Notice 846 of 2020](#), by sections 2(a) and 2(b) of [Government Notice R1435 of 2020](#) and substituted by section 3 of [Government Notice R1423 of 2020](#) and by section 4 of [Government Notice R11 of 2021](#)]*

## Chapter 5 Adjusted Alert Level 2

### 49. Application of Alert Level

The regulations set out in this Chapter apply during Adjusted Alert Level 2.

#### 49A. Notification by district municipalities

All district municipalities must, after consultation with its local municipalities in its area—

- (a) alert communities within that district of the increasing number of infections;
- (b) publish on their websites and in the local media, areas with high infection rates within the district; and
- (c) update the information as and when it becomes available.

#### 49B. Compliance officers

- (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.

#### **49C. Mandatory protocols when in a public place**

- (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 a public place, excluding a child under the age of six years, and any person who fails to comply with a verbal instruction by an enforcement officer to wear a face mask, commits an offence and is, on conviction, liable to a fine or a period of imprisonment not exceeding six months, or to both such fine and imprisonment.
- (3) No person will be allowed to—
  - (a) use, operate, perform any service on any form of public transport;
  - (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; or
  - (c) be in any public open space,if he or she is not wearing a face mask.
- (4) The prohibition in subregulation (3)(c) shall not apply to a person who undertakes vigorous exercise in a public place, provided that the person maintains a distance of at least one and a half metres from any other 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.
- (6) Every business premises, including, but not limited to, a supermarket, shop, grocery store, retail store, wholesale produce market or pharmacy shall—
  - (a) determine their area of floor space in square metres;
  - (b) based on the information contemplated in paragraph (a), determine the number of customers and employees that may be inside the premises in order to comply with the limitation as provided for in regulation 53(5)(c) of the Regulations and subject to strict adherence to all health protocols and social distancing measures;
  - (c) take steps to ensure that persons queuing inside or outside the premises are able to maintain a distance of one and a half metres from each other;
  - (d) provide hand sanitisers for use by the public and employees at the entrance to the premises; and
  - (e) assign, in writing, an employee or any other suitable person, as the compliance employee, who must ensure—
    - (i) compliance with the measures provided for in paragraphs (a) to (d); and
    - (ii) that all directions in respect of hygienic conditions and limitation of exposure to persons with COVID-19 are adhered to.
- (7) Any business whose premises exceeds the maximum number of customers and employees determined in subregulation (6) 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.
- (8) All employers must, adopt measures to promote physical distancing of employees, including—
  - (a) enabling employees to work from home or minimising the need for employees to be physically present at the workplace;

- (b) the provision for adequate space;
  - (c) restrictions on face to face meetings;
  - (d) special measures for employees with known or disclosed health issues or comorbidities, or with any condition which may place such employees at a higher risk of complications or death if they are infected with COVID-19; and
  - (e) special measures for employees above the age of 60 who are at a higher risk of complications or death if they are infected with COVID-19.
- (9) The requirements as set out in subregulation (6) applies with the necessary changes, to any other building that is not provided for by subregulation (6).
- (10) All courier and delivery services shall provide for minimal personal contact during delivery.
- (11) All banks as defined in the Banks Act, 1990 ([Act No. 94 of 1990](#)) and financial institutions as defined in the Financial Sector Regulation Act, 2017 ([Act No. 9 of 2017](#)), must—
- (a) ensure that all automated teller machines of that bank or financial institution, if any in the case of a financial institution, that is not a bank, have hand sanitisers for use by the public at each automated teller machine; and
  - (b) take steps to ensure that persons queuing at the automated teller machine maintain a distance of one and a half metres from each other.

## 50. Movement of persons

- (1) Every person is confined to his or her place of residence from 23H00 until 04H00 daily, unless a person—
- (a) has been granted permission through directions issued 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 3;
  - (b) is attending to a security or medical emergency; or
  - (c) arrives on a flight or is travelling to or from an airport which necessitates travelling during restricted hours of movement; Provided that the person traveling is in possession of a valid boarding pass as proof of flight or a copy of the airline ticket.
- (2) Any person who fails to abide by the curfew referred to in subregulation (1) commits an offence and is, on conviction, liable to a fine or a period of imprisonment not exceeding six months, or to both such fine and imprisonment.
- (3) Closing time for the following establishments, whether indoors or outdoors, is 22H00:
- (a) cinemas;
  - (b) theatres;
  - (c) casinos;
  - (d) museums, galleries and archives;
  - (e) public swimming pools;
  - (f) beaches and public parks;
  - (g) game parks, botanical gardens, aquariums and zoos;
  - (h) gyms and fitness centres;
  - (i) restaurants bars, shebeens and taverns;

- (j) venues hosting auctions;
  - (k) venues hosting professional sport; and
  - (l) venues hosting faith-based, or religious gatherings; and
  - (m) social, political and cultural gatherings.
- (4) Inter-provincial travel is permitted.

## 51. Opening and closure of schools

The Cabinet member responsible for basic education may by direction contemplated in regulation 4(3), determine the dates on which schools may be opened or closed, as defined in the South African Schools Act, 1996 ([Act No.84 of 1996](#)) and any matter related to the management of schools in the basic education sector, to address, prevent and combat the spread of COVID-19 in all schools.

## 52. Attendance of funerals

- (1) Attendance of a funeral is limited to 100 persons or less and if the venue is too small to hold the prescribed number of persons observing a distance of at least one and a half metres 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 all persons maintaining a distance of one and a half metres from each other.
- (2) Night vigils are not allowed.
- (3) After-funeral gatherings, including "after-tears" gatherings, are not allowed.
- (4) During a funeral, a person must wear a face mask and adhere to all health protocols and social distancing measures.
- (5) The duration of a funeral is restricted to a maximum of two hours.

## 53. Gatherings

- (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 at least one and a half metres from each other;
  - (d) adhere to the curfew hours as provided for in regulation 50; and
  - (e) 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) All—
  - (i) faith-based or religious gatherings; and
  - (ii) social, political and cultural gatherings,

are permitted but limited to 100 persons or less for indoor venues and 250 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 and a half metres 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.
- (4) Gatherings at a workplace for work purposes are allowed, subject to strict adherence to all health protocols and social distancing measures.
  - (5)
    - (a) 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 and a half metres from each other when in common spaces.
    - (b) Restaurants, bars, shebeens and taverns are subject to a limitation of a maximum of 100 persons or less for indoor venues and 250 persons or less for outdoor venues and if the venue is too small to hold 100 persons indoors or 250 persons outdoors observing a distance of at least one and a half metres from each other, then not more than 50 percent of the capacity of the venue may be used.
    - (c) Conferencing, dining and entertainment facilities are subject to a limitation of a maximum of 100 persons or less for indoor venues and 250 persons or less for outdoor venues and if the venue is too small to hold 100 persons indoors or 250 persons outdoors observing a distance of at least one and a half metres from each other, then not more than 50 percent of the capacity of the venue may be used.
    - (d) Every business premises, including but not limited to supermarkets, shops, grocery stores, produce markets and pharmacies, are subject to a limitation of 50 percent of the floor space, which includes customers and employees, and subject to strict adherence to all health protocols including wearing of face masks, sanitising and social distancing measures.
  - (6) Sporting activities, including both professional and nonprofessional matches, by recognised sporting bodies are allowed, subject to strict adherence to the times of operation as provided for in regulation 50(3) and 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) international sport events involving countries with a low or medium COVID-19 infection and transmission rate are allowed.
  - (7) 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.

## 54. Eviction and demolition of places of residence

- (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.

## 55. Rental housing

- (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.

## **56. Places and premises closed to the public**

- (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.

## **57. Initiation practices**

- (1) Initiation practices are permitted, subject to the submission of a risk adjusted plan for the conducting of initiation practices to the relevant Cabinet members by the provincial executive responsible for traditional affairs and strict adherence to all 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) Post-initiation celebrations ("*imigidi*") are permitted, subject to a limitation of 100 persons or less for indoor venues and 250 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 and a half metres from each other, then not more than 50 percent of the capacity of the venue may be used.

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

- (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 permitted 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.

## 59. Partial re-opening of borders

- (1) The 20 land borders which are fully operational, will remain as such and the 33 land borders which were closed, will remain closed.
- (2) Traveling to and from the Republic is allowed, subject to subregulation (3).
- (3) 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, are 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.
- (4)
  - (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) Long-haul flight departures and landings at the airports listed in paragraph (a) are permitted during the hours of curfew as provided for in regulation 50(1).
  - (c) All international travellers arriving at the airports listed in paragraph (a) must 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.
  - (d) 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.
- (5) All commercial seaports will remain open and small crafts will be allowed entry into seaports, in-line with all health and border law enforcement protocols.

## 60. Transportation of cargo

- (1) Rail, ocean, air and road transport is permitted for the movement of cargo to and from other countries and within the Republic, subject to national legislation and any directions issued in terms of subregulation (2), for the transportation of goods for export and for import.
- (2) The Cabinet member responsible for trade, industry and competition may, after consultation with the Cabinet members responsible for transport and finance, issue directions that provide for the management, administration and prioritisation of exports or imports, taking into account the need

to prevent and limit the spread of COVID-19 and to deal with the destructive and other effects of the COVID-19 pandemic.

- (3) The Cabinet member responsible for transport may, after consultation with the Cabinet members responsible for cooperative governance and traditional affairs, trade, industry and competition, health, justice and correctional services, finance and public enterprises, issue directions relating to health protocols applicable to sea cargo operations and air freight operation.

## **61. Public transport**

- (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 percent of the licensed capacity for long distance travel; and
  - (b) may carry 100 percent 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.

## **62. Sale, dispensing and transportation of liquor**

- (1) The sale of liquor
  - (a) by a licensed premises for off-site consumption, is permitted during licenced trading hours, subject to the laws governing such licences; and
  - (b) by a licensed premises for on-site consumption is permitted, subject to strict adherence to the curfew contemplated in regulation 50(3).
- (2) The transportation of liquor is permitted.
- (3) The consumption of liquor in public places, except in licensed on-site consumption premises, is not permitted.
- (4) The sale and consumption of liquor in contravention of subregulation (1)(b) and (3), is an offence.

## **63. Operation of economic sector**

- (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.

#### **64. Offences and penalties**

- (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 49C(2), (3) and (7), 50(1) and (3), 61(3)(a), 62(1)(b) and 62(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.

*[Chapter 5 added by section 5 of [Government Notice 891-B of 2020](#) and substituted by section 3 of [Government Notice R477 of 2021](#)]*

### **Chapter 6**

#### **Alert Level 1**

#### **65. Application of Alert Level**

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

#### **66. Notification by district municipalities**

All district municipalities must, after consultation with its local municipalities in its area–

- (a) alert communities within that district of the increasing number of infections that could lead to that district being declared a hotspot;
- (b) publish on their websites and in the local media, areas with high infection rates within the district; and
- (c) update the information as and when it becomes available.

#### **67. Compliance officers**

- (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.

## 68. Movement of persons

- (1) Every person is confined to his or her place of residence from 00H00 until 04H00 daily, unless a person–
  - (a) has been granted permission through directions issued 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; or
  - (c) arrives on a flight or is travelling to or from an airport which necessitates travelling during restricted hours of movement: Provided that the person traveling is in possession of a valid boarding pass as proof of flight or a copy of the airline ticket.
- (2) Any person who fails to abide by the curfew referred to in subregulation (1) commits an offence and is, on conviction, liable to a fine or a period of imprisonment not exceeding six months, or to both such fine and imprisonment.
- (3) Closing time for the following establishments, whether indoors or outdoors, is 23H00:
  - (a) cinemas;
  - (b) theatres;
  - (c) casinos;
  - (d) museums, galleries and archives;
  - (e) public swimming pools;
  - (f) beaches and public parks;
  - (g) game parks, botanical gardens, aquariums and zoos;
  - (h) gyms and fitness centres;
  - (i) restaurants, bars, shebeens and taverns;
  - (j) venues hosting auctions;
  - (k) venues hosting professional sport;
  - (l) venues hosting faith-based or religious gatherings; and
  - (j) social, political and cultural gatherings.

*[Please note: numbering as in original.]*

- (4) Inter-provincial travel is permitted.

*[regulation 68 substituted by section 2 of [Government Notice R284 of 2021](#)]*

## 69. Opening and closure of schools

The Cabinet member responsible for basic education may by direction contemplated in regulation 4(3), determine the dates on which schools may be opened or closed, as defined in the South African Schools Act, 1996 ([Act No. 84 of 1996](#)) and any matter related to the management of schools in the basic education sector, to address, prevent and combat the spread of COVID-19 in all schools.

## 70. Mandatory protocols when in a public place

- (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 a public place, excluding a child under the age of six years, and any person who fails to comply with a verbal instruction by an enforcement officer to wear a face mask, commits an offence and is, on conviction, liable to a fine or a period of imprisonment not exceeding six months, or to both such fine and imprisonment.
- (3) No person will be allowed to—
  - (a) use, operate, perform any service on any form of public transport;
  - (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; or
  - (c) be in any public open space, if he or she is not wearing a face mask.
- (4) The prohibition in subregulation (3)(c) shall not apply to a person who undertakes vigorous exercise in a public place, provided that the person maintains a distance of at least one and a half metres from any other 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.
- (6) Every business premises, including, but not limited to, a supermarket, shop, grocery store, retail store, wholesale produce market or pharmacy shall—
  - (a) determine their area of floor space in square metres;
  - (b) based on the information contemplated in paragraph (a), determine the number of customers and employees that may be inside the premises in order to comply with the limitation as provided for in regulation 72(5)(c) of the Regulations and subject to strict adherence to all health protocols and social distancing measures;
  - (c) take steps to ensure that persons queuing inside or outside the premises are able to maintain a distance of one and a half metres from each other;
  - (d) provide hand sanitisers for use by the public and employees at the entrance to the premises; and
  - (e) assign, in writing, an employee or any other suitable person, as the compliance employee, who must ensure—
    - (i) compliance with the measures provided for in paragraphs (a) to (d); and
    - (ii) that all directions in respect of hygienic conditions and limitation of exposure to persons with COVID-19 are adhered to.

- (7) Any business whose premises exceeds the maximum number of customers and employees determined in subregulation (6) 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.
- (8) All employers must, adopt measures to promote physical distancing of employees, including–
  - (a) enabling employees to work from home or minimising the need for employees to be physically present at the workplace;
  - (b) the provision for adequate space;
  - (c) restrictions on face to face meetings;
  - (d) special measures for employees with known or disclosed health issues or comorbidities, or with any condition which may place such employees at a higher risk of complications or death if they are infected with COVID-19; and
  - (e) special measures for employees above the age of 60 who are at a higher risk of complications or death if they are infected with COVID-19.
- (9) The requirements as set out in subregulation (6) applies with the necessary changes, to any other building that is not provided for by subregulation (6).
- (10) All courier and delivery services shall provide for minimal personal contact during delivery.
- (11) All banks as defined in the Banks Act, 1990 ([Act No. 94 of 1990](#)) and financial institutions as defined in the Financial Sector Regulation Act, 2017 ([Act No. 9 of 2017](#)), must–
  - (a) ensure that all automated teller machines of that bank or financial institution, if any in the case of a financial institution, that is not a bank, have hand sanitisers for use by the public at each automated teller machine; and
  - (b) take steps to ensure that persons queuing at the automated teller machine maintain a distance of one and a half metres from each other.

## 71. Attendance of funerals

- (1) Attendance of a funeral is limited to 100 persons or less and if the venue is too small to hold the prescribed number of persons observing a distance of at least one and a half metres 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 all persons maintaining a distance of one and a half metres from each other.
- (2) Night vigils are not allowed.
- (3) After-funeral gatherings, including "after-tears" gatherings, are not allowed.
- (4) During a funeral, a person must wear a face mask and adhere to all health protocols and social distancing measures.
- (5) The duration of a funeral is restricted to a maximum of two hours.

*[regulation 71 substituted by section 3 of [Government Notice R284 of 2021](#)]*

## 72. Gatherings

- (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 at least one and a half metres from each other;

- (d) adhere to the curfew hours as provided for in regulation 68; and
  - (e) 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)
  - (a) All-
    - (i) faith-based or religious gatherings; and
    - (ii) social, political and cultural gatherings,  
are permitted but limited to 250 persons or less for indoor venues and 500 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 and a half metres 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.
  - (b) Persons attending faith-based or religious gatherings are not permitted to-
    - (i) sleep-over, after a service, at the place of worship; and
    - (ii) gather outside of the designated places of worship.
- (4) Gatherings at a workplace for work purposes are allowed, subject to strict adherence to all health protocols and social distancing measures.
- (5)
  - (a) 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 and a half metres from each other when in common spaces.
  - (b) Restaurants, bars, shebeens and taverns are subject to a limitation of a maximum of 250 persons or less for indoor venues and 500 persons or less for outdoor venues and if the venue is too small to hold 250 persons indoors or 500 persons outdoors observing a distance of at least one and a half metres from each other, then not more than 50 percent of the capacity of the venue may be used.
  - (c) Conferencing, dining and entertainment facilities are subject to a limitation of a maximum of 250 persons or less for indoor venues and 500 persons or less for outdoor venues and if the venue is too small to hold 250 persons indoors or 500 persons outdoors observing a distance of at least one and a half metres from each other, then not more than 50 percent of the capacity of the venue may be used.
  - (d) Every business premises, including but not limited to supermarkets, shops, grocery stores, produce markets and pharmacies, are subject to a limitation of 50 percent of the floor space, which includes customers and employees, and subject to strict adherence to all health protocols including wearing of face masks, sanitising and social distancing measures.
- (6) Sporting activities, including both professional and non-professional matches, by recognised sporting bodies are allowed, subject to strict adherence to the times of operation as provided for in regulation 68(3) and 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) international sport events involving countries with a low or medium COVID-19 infection and transmission rate are allowed.
- (7) 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.
- (8) The provisions of this regulation shall be reviewed and amended where necessary, within fifteen days from the date of publication of this regulation in the *Gazette*.

*[regulation 72 substituted by section 4 of [Government Notice R284 of 2021](#)]*

### **73. Eviction and demolition of places of residence**

- (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.

#### 74. Rental housing

- (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.

#### 75. Places and premises closed to the public

- (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.

## 76. Initiation practices

- (1) Initiation practices are permitted, subject to the submission of a risk adjusted plan for the conducting of initiation practices to the relevant Cabinet members by the provincial executive responsible for traditional affairs and strict adherence to all 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) Post-initiation celebrations ("*imigidi*") are permitted, subject to a limitation of 100 persons or less for indoor venues and 250 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 and a half metres from each other, then not more than 50 percent of the capacity of the venue may be used.

## 77. Controlled visits by members of the public

- (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 permitted 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.

## 78. Partial re-opening of borders

- (1) The 20 land borders which are fully operational, will remain as such and the 33 land borders which were closed, will remain closed.
- (2) Traveling to and from the Republic is allowed, subject to subregulation (3).
- (3) 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, are 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.
- (4)
  - (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) Long-haul flight departures and landings at the airports listed in paragraph (a) are permitted during the hours of curfew as provided for in regulation 68(1).
  - (c) All international travellers arriving at the airports listed in paragraph (a) must 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.
  - (d) 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.
- (5) All commercial seaports will remain open and small crafts will be allowed entry into seaports, in-line with all health and border law enforcement protocols.

## **79. Transportation of cargo**

- (1) Rail, ocean, air and road transport is permitted for the movement of cargo to and from other countries and within the Republic, subject to national legislation and any directions issued in terms of subregulation (2), for the transportation of goods for export and for import.
- (2) The Cabinet member responsible for trade, industry and competition may, after consultation with the Cabinet members responsible for transport and finance, issue directions that provide for the management, administration and prioritisation of exports or imports, taking into account the need to prevent and limit the spread of COVID-19 and to deal with the destructive and other effects of the COVID-19 pandemic.
- (3) The Cabinet member responsible for transport may, after consultation with the Cabinet members responsible for cooperative governance and traditional affairs, trade, industry and competition, health, justice and correctional services, finance and public enterprises, issue directions relating to health protocols applicable to sea cargo operations and air freight operation.

## **80. Public transport**

- (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 percent of the licensed capacity for long distance travel; and
  - (b) may carry 100 percent 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.

#### **80A. Definition and application**

- (1) For purposes of these regulations, "Easter period" means Friday 2 April 2021 from 00H01 until Monday 5 April 2021 at 23H59.
- (2) Regulation 81 as substituted by these Regulations, will only apply during the Easter period, where after the provisions of regulation 81 as published by Government Notice No. R. 152 of 28 of February 2021, will resume.

*[regulation 80A inserted by section 5 of [Government Notice R284 of 2021](#)]*

#### **81. Sale, dispensing and transportation of liquor**

- (1) For the duration of the Easter period, the sale of liquor—
  - (a) by a licensed premises for off-site consumption, is prohibited; and
  - (b) by a licensed premises for on-site consumption is permitted, subject to strict adherence to the curfew contemplated in regulation 68(3).
- (2) The consumption of liquor in public places, except in licensed on-site consumption premises, is not permitted.
- (3) Any person who fails to comply with, or contravenes a provision of subregulations (1) and (2), 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.

*[regulation 81 substituted by section 6 of [Government Notice R284 of 2021](#) on 2 April 2021]*

#### **82. Operation of economic sector**

- (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.

#### **83. Offences and penalties**

- (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 68(1) and (3), 70(2), (3) and (7); 80(3)(a), 81(1)(b) and 81(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.

*[Chapter 6 added by section 4 of [Government Notice 999 of 2020](#), amended by section 2(a) and (b) of [Government Notice 1011 of 2020](#), by section 2(a) and (b) of [Government Notice 1053 of 2020](#), by section 2 of [Government Notice 1104 of 2020](#), by sections 2, 3 and 4 of [Government Notice 1199 of 2020](#), by sections 3, 4, 5, 6, 7, 8, 9, 10 and 11 of [Government Notice 1346 of 2020](#), by sections 2, 3 and 4 of [Government Notice 1370 of 2020](#), by sections 2 and 3 of [Government Notice 1421 of 2020](#) and substituted by section 3 of [Government Notice 1290 of 2020](#) and by section 3 of [Government Notice R152 of 2021](#)]*

## Chapter 7

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*[Chapter 7 added by section 4 of [Government Notice 1290 of 2020](#), amended by section 12(a), 12(b), 12(c), 12(d) and 12(e) of [Government Notice 1346 of 2020](#), by sections 5 and 7 of [Government Notice 1370 of 2020](#), by section 4(a), 4(b), 4(c), 4(d), 4(e) and 4(f) of [Government Notice R1423 of 2020](#), by section 3(a) and 3(b) of [Government Notice R1423 of 2020](#), substituted by section 5 of [Government Notice R11 of 2021](#) and deleted by section 11 of [Government Notice R69 of 2021](#)]*

84. \*\*\*

85. \*\*\*

86. \*\*\*

87. \*\*\*

## Chapter 8

### COVID-19 Vaccine Injury No-Fault Compensation Scheme

#### 88. Definitions

For the purposes of this Chapter, unless the context otherwise indicates-

"claim" means a claim made in terms of regulation 95;

"claimant" means a person who makes a claim in terms of regulation 95;

"Promotion of Administrative Justice Act, 2000" means the Promotion of Administrative Justice Act, 2000 ([Act No. 3 of 2000](#));

"Public Finance Management Act, 1999" means the Public Finance Management Act, 1999 ([Act No. 1 of 1999](#)); and

"Scheme" means the COVID-19 Vaccine Injury No-Fault Compensation Scheme established by regulation 89.

*[section 88 added by section 3 of [Government Notice 376 of 2021](#)]*

**89. Establishment of COVID-19 Vaccine Injury No-Fault Compensation Scheme**

- (1) A COVID-19 Vaccine Injury No-Fault Compensation Scheme is hereby established in terms of section 27(2)(c), (m) and (n) of the Act.
- (2) The Scheme is an essential part of the COVID-19 vaccination roll-out, which is a critical component of the national plan and response to alleviate, contain and minimise the effects of the disaster, and ultimately to end the State of National Disaster.
- (3) The purpose of the Scheme is to provide expeditious and easy access to compensation for persons who suffer harm, loss or damage as a result of vaccine injury referred to in regulation 93(3) and (4) (a) caused by the administration of a COVID-19 vaccine specified in terms of regulation 93(4)(b), at a facility within the Republic specified in terms of regulation 93(4)(c).
- (4) In order to ensure the effective and efficient administration of the Scheme in a manner that ensures fairness in the assessment and administration of claims, and respects the constitutional rights of claimants, the Cabinet member responsible for Health must issue directions in terms of regulation 4 in consultation with the Cabinet member responsible for Finance in respect of-
  - (a) the requirements relating to the administration of the Scheme;
  - (b) the policy in respect of the administration of the Scheme;
  - (c) the reporting of vaccine injuries;
  - (d) the claims system;
  - (e) the size of the causality panel, quantum panel and adjudication panel;
  - (f) the qualifications for appointment of assessors on the causality panel, assessors on the quantum panel and members of the adjudication panel; and
  - (g) any other matter relevant to the effective, efficient and fair administration of the Scheme.

*[section 89 added by section 3 of [Government Notice 376 of 2021](#)]*

**90. Administration**

- (1) The National Department of Health is responsible for the administration of the Scheme and its funds.
- (2)
  - (a) The Director-General of the National Department of Health may appoint a service provider to perform the administration, or certain administrative functions, of the Scheme, which has the necessary expertise and capacity to perform the functions efficiently, effectively, competently and fairly.
  - (b) The applicable procurement procedures in terms of the Public Finance Management Act, 1999 and any other relevant legislation must be followed when appointing a service provider referred to in paragraph (a).
  - (c) A service provider appointed in terms of paragraph (a) is accountable to the Director-General of the National Department of Health as the accounting officer of the Scheme.
  - (d) The terms and conditions of employment of the employees of a service provider appointed in terms of paragraph (a) are determined in terms of their contracts of employment with the service provider.
  - (e) Accounting by a service provider appointed in terms of paragraph (a) must be in accordance with directions issued by the Cabinet member responsible for Finance in terms of regulation 4.

*[section 90 added by section 3 of [Government Notice 376 of 2021](#)]*

## 91. Financial management and oversight

- (1) The funds of the Scheme consist of-
  - (a) funds appropriated by an Act of Parliament to the vote of Health or from contingencies in terms of appropriation legislation or the Public Finance Management Act; and
  - (b) funds donated to the Scheme.
- (2) The Cabinet member responsible for Finance may, after consultation with the Cabinet member responsible for Health, issue directions in terms of regulation 4 in respect of the requirements relating to the financial management and oversight of the Scheme that are in accordance with the Public Finance Management Act, 1999.
- (3) The funds of the Scheme shall be ring-fenced and shall not be utilised for purposes other than payment of compensation in terms of the Scheme, and the implementation and administration of the Scheme.

*[section 91 added by [section 3 of Government Notice 376 of 2021](#)]*

## 92. Appeal panel, adjudication panel, causality panel and quantum panel

- (1) The functionaries of the Scheme hereby established are:
  - (a) The appeal panel;
  - (b) The adjudication panel;
  - (c) The causality panel; and
  - (d) The quantum panel.
- (2)
  - (a) The Chairperson of the appeal panel must be a retired Judge and is appointed by the Cabinet member responsible for Health, after consultation with the Cabinet member responsible for Cabinet member responsible for Justice and Correctional Services.
  - (b) The retired Judge referred to in paragraph (a) must be appointed in terms of the Judges' Remuneration and Conditions of Employment Act, 2001 ([Act No. 47 of 2001](#)).
- (3)
  - (a) The Cabinet member responsible for Health must appoint:
    - (i) the assessors of the causality panel;
    - (ii) the assessors of the quantum panel;
    - (iii) the members of adjudication panel; and
    - (iv) after consultation with the Chairperson of the appeal panel, the remaining members of the appeal panel.
  - (b) The assessors of the causality panel and the quantum panel must possess medical expertise or other appropriate expertise to fulfil their functions in respect of the Scheme.
  - (c) The members of the adjudication panel and the members of the appeal panel must be independent and possess appropriate expertise to fulfil their functions in respect of the Scheme.
  - (d) The assessors of the causality panel, the members of the quantum panel, the members of the adjudication panel and the members of the appeal panel are appointed for the period, and on the terms and conditions, determined in writing by the Cabinet member responsible for Health.
  - (e) The necessary administrative support shall be provided to the adjudication panel and appeal panel.

- (4) The appeal panel, adjudication panel, causality panel and quantum panel must take decisions and make assessments in accordance with-
  - (a) the eligibility requirements contained in regulation 93 and the directions issued in terms of regulation 93; and
  - (b) the directions regarding the quantum and structure of compensation issued in terms of regulation 94.

*[section 92 added by section 3 of [Government Notice 376 of 2021](#)]*

### **93. Eligibility**

- (1) A person who has suffered harm, loss or damage caused by a vaccine injury referred to in subregulations (3) and (4)(a) resulting from the administration of a COVID-19 vaccine specified in terms of in subregulation (4)(b), at a facility within the Republic specified in terms of subregulation (4)(c), is eligible for compensation from the Scheme.
- (2) A dependant of a deceased person, who has suffered harm, loss or damage caused by the death of the deceased person, whose death was caused by a vaccine injury referred to in subregulations (3) and (4)(a) resulting from the administration of a COVID-19 vaccine specified in terms of in subregulation (4)(b), at a facility within the Republic specified in terms of subregulation (4)(c), is eligible for compensation from the Scheme.
- (3) Vaccine injuries that are covered by the Scheme are severe injuries resulting in permanent or significant injury, serious harm to a person's health, other serious damage or death, as specified in directions issued in terms of subregulation (4)(a).
- (4) The Cabinet member responsible for Health, in consultation with the Cabinet member responsible for Finance, must issue directions in terms of regulation 4 specifying-
  - (a) the vaccine injuries covered;
  - (b) the specific vaccines to be covered, which must be registered or otherwise approved by the South African Health Products Regulatory Authority and procured and distributed by the National Government;
  - (c) facilities in the Republic where COVID-19 vaccinations are officially administered;
  - (d) the timeline and duration of injury and the period of vaccinations that the Scheme will cover;
  - (e) the types of claims that may be made; and
  - (f) the period in respect of which claims may be instituted with the Scheme.

*[section 93 added by section 3 of [Government Notice 376 of 2021](#)]*

### **94. Quantum and structure of compensation**

The Cabinet member responsible for Health, in consultation with the Cabinet member responsible for Finance, must issue directions in terms of regulation 4 specifying the quantum and structure of compensation that will be provided under the Scheme to eligible persons and dependants in terms of regulations 93(1) and 93(2).

*[section 94 added by section 3 of [Government Notice 376 of 2021](#)]*

### **95. Submission of claims and procedure**

- (1) Any person who maintains that they meet the requirements for claiming compensation from the Scheme in terms of regulation 93(1) or regulation 93(2) may submit a claim to the Scheme.

- (2) The claim shall be submitted by the claimant in accordance with the form determined by the Cabinet member responsible for Health, which form shall be specified in directions issued in terms of regulation 4.
- (3) The Cabinet member responsible for Health must, after consultation with the Chairperson of the appeal panel, issue directions in terms of regulation 4 setting out -
  - (a) procedures for instituting and submitting claims to the Scheme, including the form to be used for submitting claims;
  - (b) procedures for claims to be assessed by assessors of the causality and quantum panels, and adjudicated by the adjudication panel; and
  - (c) procedures for appealing any decision of the adjudication panel.
- (4) Whenever necessary for purposes of dealing with a claim, the Director-General: Health shall designate:
  - (a) One or more assessors of the causality panel to assess the claim in terms of regulation 97;
  - (b) one or more assessors of the quantum panel to assess the claim in terms of regulation 98; and
  - (c) the required number of members of the adjudication panel to adjudicate the claim in terms of regulation 99.

*[section 95 added by section 3 of [Government Notice 376 of 2021](#)]*

## **96. Effect of submission of claims on right to claim damages in court proceedings**

- (1) Any person who elects to submit a claim to the Scheme thereby waives and abandons his or her right to institute legal proceedings in a Court against any party for a claim arising from harm, loss or damage allegedly caused by a vaccine injury referred to in regulations 93(3) and (4)(a), caused by the administration of a COVID-19 vaccine specified in terms of regulation 93(4)(b), at a facility within the Republic specified in terms of regulation 93(4)(c).
- (2) The Cabinet member responsible for Health must ensure that the form for submitting a claim contemplated in regulation 95(3)(a) explains in plain language that a claimant who submits a claim waives and abandons the rights set out in subregulation (1).

*[section 96 added by section 3 of [Government Notice 376 of 2021](#)]*

## **97. Causality assessment**

- (1) A claim submitted to the Scheme in the prescribed form will be assessed by the designated assessor or assessors of the causality panel.
- (2) The assessor or assessors must make a recommendation as to whether the claim meets the requirements for eligibility.
- (3)
  - (a) If the assessor or assessors recommend that the claim does meet the requirements for eligibility, the quantum of the claim will then be assessed by the quantum panel in terms of regulation 98(1).
  - (b) If the assessor or assessors recommend that the claim does not meet the requirements for eligibility, the claim will then be referred to the adjudication panel for adjudication in terms of regulation 99(1).

*[section 97 added by section 3 of [Government Notice 376 of 2021](#)]*

**98. Quantum assessment**

- (1)
  - (a) A claim contemplated by regulation 97(3)(a) will be assessed by the designated assessor or assessors of the quantum panel.
  - (b) The assessor or assessors must make a recommendation as to the quantum and structure of compensation for the claim.
  - (c) The claim will then be referred to the adjudication panel for adjudication in terms of regulation 99(2).
- (2)
  - (a) A claim contemplated by regulation 99(1)(a) will be assessed by the designated assessor or assessors of the quantum panel.
  - (b) The assessor or assessors must make a recommendation as to the quantum and structure of compensation for the claim.
  - (c) The claim will then be referred to the adjudication panel for adjudication of quantum in terms of regulation 99(3).

*[section 98 added by section 3 of [Government Notice 376 of 2021](#)]*

**99. Adjudication of claims**

- (1) A claim contemplated in regulation 97(3)(b) will be adjudicated by the designated members of the adjudication panel, who must consider the recommendation made and make a decision on whether to-
  - (a) uphold the claim as complying with the requirements for eligibility and refer it for a quantum assessment in terms of [section 97\(2\)](#); or
  - (b) reject the claim as not complying with the requirements for eligibility.
- (2) A claim contemplated in regulation 98(1)(c) will be adjudicated by the designated members of the adjudication panel, who must consider the recommendations and make a decision on whether to-
  - (a) uphold the claim as complying with the requirements for eligibility and determine the quantum and structure of compensation for the claim; or
  - (b) reject the claim as not complying with the requirements for eligibility.
- (3) A claim contemplated in regulation 98(2)(c) will be adjudicated by the designated members of the adjudication panel, who must consider the recommendation and determine the quantum and structure of compensation for the claim.

*[section 99 added by section 3 of [Government Notice 376 of 2021](#)]*

**100. Appeal and intervention by the Chairperson**

- (1) A claimant who is dissatisfied by:
  - (a) the rejection of a claim by the adjudication panel; or
  - (b) the quantum and structure of compensation determined by the adjudication panel, may appeal such decision to the appeal panel.
- (2) Any claim rejected by the adjudication panel in terms of regulations 99(1)(b) or 99(2)(b) shall automatically be lodged with the Chairperson, who shall have the power to *mero motu* intervene in such decision and refer it to the appeal panel, which may adjudicate the claim as though it had been appealed.

- (3) The appeal panel hearing an appeal in terms of subregulation (1) or intervening in terms of subregulation (2) has wide powers to adjudicate the claim, including to-
  - (a) confirm, vary or set aside the decision of the adjudication panel;
  - (b) call for and receive new information or evidence relevant to the claim; and
  - (c) appoint appropriately qualified persons to assist in the exercise of the powers under this regulation.
- (4) Any decision of the appeal panel is final and binding, save for where a party seeks to review the decision in terms of the Promotion of Administrative Justice Act, 2000.

*[section 100 added by section 3 of [Government Notice 376 of 2021](#)]*

## 101. Duration and termination of Scheme

- (1) This Chapter, the directions issued in terms hereof and the existence of the Scheme-
  - (a) will not cease to operate or cease to be of force and effect merely because the State of National Disaster comes to an end; and
  - (b) will continue to operate and be of force and effect until a notice is published by the Cabinet member responsible for Health, in consultation with the Cabinet member responsible for Finance, in the *Government Gazette* terminating the Scheme.
- (2) The Scheme shall not be terminated until-
  - (a) the period for the lodgement of claims with the Scheme has expired; and
  - (b) all claims lodged with the Scheme have been finalized.
- (3) Any funds which remain in the Scheme immediately before it is terminated shall be deposited into the National Revenue Fund, or shall otherwise be dealt with in terms of an Act of Parliament.

*[section 101 added by section 3 of [Government Notice 376 of 2021](#)]*

## 102. Contact details of the Scheme

The contact details of the Scheme are as follows:

Council for Medical Schemes  
 Block A Ecogrades Office Park  
 420 Witch-Hazel Road  
 Eco Park  
 Centurion  
 e-mail: [info@nfcfund.co.za](mailto:info@nfcfund.co.za)  
 Telephone: 0861123267.

*[section 102 added by section 3 of [Government Notice 376 of 2021](#)]*

*[Chapter 8 added by section 3 of [Government Notice 376 of 2021](#)]*

## Table 1

### Alert Level 4

All persons who are able to work from home should do so.

Persons in the following list of industries and activities will be permitted to perform work outside the home, and to travel to and from work, under Alert Level 4, subject to—

- (a) strict health protocols, and social distancing rules;
- (b) return to work to be phased in to enable measures to make the workplace COVID-ready; and
- (c) return to work to be done in a manner that avoids and reduces risks of infection.

<b>Permissions and prohibitions</b>	
<b>Part A</b>	<b>Agriculture, hunting, forestry and fishing</b>
1	<p>All agriculture, hunting, forestry and fishing, bee-keeping, including preparation, cultivation, harvesting, storage, transport of live animals and auctions (subject to health directions) and related agricultural infrastructure and services (including research, inspection, certification and quality control).</p> <p>All fishing, operation of fish hatcheries and fish farms, on such conditions as may be issued in directions by the cabinet members responsible for the environment, forestry and fisheries.</p> <p>Harvesting and storage activities essential to prevent the wastage of primary agricultural, fishing and forestry goods.</p> <p>Export of all agricultural, agro-processed, fishing and forestry products.</p>
<b>Part B</b>	<b>Electricity, gas and water supply</b>
1	All electricity, gas and water supply is permitted.
<b>Part C</b>	<b>Manufacturing</b>
1	Manufacture of wholesale and retail products permitted to be sold under Alert Level 4, and all input products, permitted scaling up to full employment, except where otherwise indicated, and subject to strict health protocols.
2	Manufacture of paper and paper products, excluding stationery, permitted scaling up to full employment and subject to strict health protocols.
3	Manufacture of plastics and packaging, including glass, plastic bottles and containers, permitted scaling up to full employment and subject to strict health protocols.
4	Petroleum refineries, smelters, and furnaces, permitted scaling up to full employment and subject to strict health protocols.

5	Manufacture of winter clothing, footwear, bedding and heaters (and all inputs required, including textiles) permitted, commencing at 25% and scaling up to 50% employment and subject to strict health protocols.
6	Manufacturing of automobiles, steel and other metals, rail and ship-building (including components), scaling up in phases to 50% employment and subject to strict health protocols.
7	Stationery production, scaling up in phases to 50% employment and subject to strict health protocols.
8	Cement, other construction material, and hardware, scaling up in phases to 50% employment and subject to strict health protocols.
9	All other manufacturing, scaling up to 30% employment and subject to strict health protocols.
<b>Part D</b>	<b>Construction and related services (inc. trades persons)</b>
1	Civil engineering for public works projects (including water, energy, sanitation).
2	Public works civil engineering and construction works.
3	Road and bridge projects, including local road repairs.
4	Critical maintenance and repairs.
<b>Part E</b>	<b>Wholesale and retail trade, covering stores, spaza shops, e-commerce and informal traders</b>
1	Food products, including non-alcoholic beverages and animal food.
2	The sale of hot cooked food, only for home delivery.
3	Toilet paper, sanitary pads, sanitary tampons, and condoms.

4	Hand sanitiser, disinfectants, soap, alcohol for industrial use, household cleaning products, and personal protective equipment.
5	Products for the care of babies and toddlers.
6	Personal toiletries, including haircare, body, face hand and foot care products, roll-ons, deodorants, dental care products.
7	Medical and Hospital Supplies, medicine, equipment and personal protective equipment.
8	Fuel and lighting, including coal, wood, paraffin and gas.
9	Airtime and electricity.
10	Hardware, components and supplies.
11	<i>[item 11 is missing in the original gazette notice]</i>
12	Components for vehicles undergoing emergency repairs.
13	Chemicals, packaging and ancillary products used in the production of any these products listed in Part E.
14	Textiles required to produce face masks and other personal protective equipment and winter clothing.
15	Winter clothing, footwear, bedding and heaters and the components and fabrics required to manufacture these.
16	Children's clothing and fabrics and components required to manufacture these.
17	Stationery and educational books.
18	Personal ICT equipment including computers, mobile telephones and other home office equipment.
19	No sale of liquor permitted.

20	Directions may permit the incremental expansion of e-Commerce, taking into account the need to limit the extent of movement on the road, contact between people, law-enforcement challenges and the impact on other businesses.
<b>Part F</b>	<b>Information and communication services</b>
1	All telecommunication services and infrastructure.
2	Information and Communication Technology services for all private and business customers.
3	Postal services and courier services all permitted Alert Level 4 services.
<b>Part G</b>	<b>Media and entertainment services</b>
1	Online services.
2	Productions for local broadcast and live streaming of creative sector services in support of COVID-19 subject to directions.
3	Newspapers and broadcasting.
<b>Part H</b>	<b>Financial and business services</b>
1	Employees should work from home where possible.
2	<p>Essential financial services may operate, subject to directions issues by the relevant Cabinet member, including the following services necessary to maintain the functioning of a financial system as defined in section 1(1) of the Financial Sector Regulation Act, only when the operation of a place of business or entity is necessary to continue to perform those services:</p> <ul style="list-style-type: none"> <li>i. the banking environment (including the operations of mutual banks, co-operative banks, co-operative financial institutions and the Postbank);</li> <li>ii. the payments environment;</li> <li>iii. the financial markets (including market infrastructures licensed under the Financial Markets Act, 2012 (<a href="#">Act No. 19 of 2012</a>);</li> </ul>

	<p>iv. the insurance environment;</p> <p>v. the savings and investment environment;</p> <p>vi. pension fund administration;</p> <p>vii. outsourced administration;</p> <p>viii. medical schemes administration; and</p> <p>ix. additional services designated in terms of regulation 11B (4A) (c) (i).</p> <p>The services listed above may not include debt collection services.</p>
3	Services necessary for the provision of social grants.
4	Private security services may operate.
5	Implementation of payroll systems
6	Car sales under specific directions.
7	Chauffeur services, rental of motor vehicles, driven vehicles, machinery and equipment, and of goods to support other Alert Level 4 services.
8	Call centres, for local and all international markets, may operate subject to directions issued by the relevant cabinet members.
9	Other professional services may operate only where work-from-home is not possible, and only to support other Alert Level 4 services.
<b>Part I</b>	<b>Accommodation and food service activities permitted</b>
1	Accommodation not permitted, except for quarantine and essential services.
2	Restaurants only for food delivery services (9H00-19H00) and subject to restriction on movement (no sit down or pick-up allowed).
<b>Part J</b>	<b>Transport, storage and communication services permitted</b>

1	Ocean, rail, road and air transport of goods permitted only for activities set out in Regulation 22(1).
2	Public rail, minibus taxi and bus services will resume at Alert Levels and on terms as will be set out in Directions, based on the progressive increase in commuter numbers during the various phases.
3	E-hailing services subject to restrictions on capacity and times, and for permitted activities only.
4	Transport and logistics in respect of specified cargo specified in J1, and permitted retail goods to neighbouring countries, which shall include all goods imported via SA ports of entry, for re-export to neighbouring countries.
<b>Part K</b>	<b>Mining and quarrying</b>
1	Coal production for Eskom scaling up to full employment
2	Open-cast mining scaling up to a baseline of 50% and thereafter scaling up to full employment.
3	All other mining starting in batches scaling up towards 50% employment.
<b>Part L</b>	<b>Repair and related emergency services permitted</b>
1	Tow trucks and vehicles recovery services.
2	Emergency repair work, including plumbers, electricians, locksmiths, glaziers, roof repair work.
3	Emergency automobile repairs for all persons.
<b>Part M</b>	<b>Supply chains</b>
1	Production, manufacturing, supply, logistics, transport, delivery and critical maintenance and repair of goods and services (including components and equipment) required for the production or rendering of permitted goods and services.

2	All workplaces or premises must have care and maintenance that is essential to the prevention of the destruction or significant impairment of working areas, plant, machinery or inventory, or to permit orderly wind down arrangements, on such conditions as may be issued by means of directions by the relevant cabinet members.
<b>Part N</b>	<b>Private households' employment</b>
1	Live-in staff, and staff providing care to the sick, mentally ill, elderly, people with disabilities and children.
<b>Part O</b>	<b>Public administration, government services and other arms of the State</b> Only essential government and administration services may operate, including:
1	Disaster management services.
2	Licensing, permitting, deeds, masters offices, birth and death certificates, replacement identification documents.
3	Any other service designated by the Executive Authority, HODs, Heads of Courts, and Heads of other Chapter 9 Institutions.
4	Essential municipal services.
5	Services related to the functioning of courts; the State Capture Commission.
6	Essential SARS services defined by the Commissioner of SARS.
7	Police, peace officers, traffic officers, military medical personnel and soldiers, correctional services officials and traffic management services.
8	Services rendered by the Executive, members of Parliament, Members of the Provincial Legislature, Members of Local Councils, the Judiciary, traditional leaders and National Office Bearers of Political Parties represented in Parliament.

9	Commissioners of the South African Human Rights Commission, Gender Commission, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, the Public Protector and Deputy Public Protector and the Independent Electoral Commission.
<b>Part P</b>	<b>Health, social and personal services</b>
1	Medical and veterinary services permitted.
2	Cleaning, sanitation, pest control, sewerage, waste and refuse removal services.
3	Recycling of glass, paper, plastic, metal, tyres and such others as determined by directions, are permitted at 50% capacity. Informal recyclers will be permitted to resume operations.
4	All Social work, counselling, services supporting gender based violence, care and relief activities permitted.
5	Wildlife Management, Anti-poaching, Animal Care and Veterinary services.
6	Funeral services, including mortuaries services and the transportation of mortal remains.
7	Trade union essential staff for workers covered by Alert Level 4, subject to Directions.
<b>Part Q</b>	<b>Education services</b>
1	Permitted on dates and schedule set out separately.

**Table 2****Adjusted Alert Level 3 and areas declared as hotspots**

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 3, subject to-

- (a) strict compliance with 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 economic exclusions in this Table.

	<b>Specific exclusions</b>
1.	Night vigils.
2.	After-funeral gatherings including "after-tears" gatherings.
3.	All social gatherings.
4.	Political events and traditional community meetings ( <i>izimbizo</i> ).
5.	Night clubs.
6.	The 33 land borders that remain closed.
7.	Initiation practices except as specifically allowed in regulations 40 and 85.
8.	Post-initiation practices ( <i>imigidi</i> ).
9.	Passenger ships for international leisure purposes, excluding small crafts, in line with health and border law enforcement
10.	Attendance of any sporting event by spectators.
11.	Exclusions relating to public transport services as set out in the directions issued by the Cabinet member responsible for transport.
12.	Exclusions relating to education services as set out in the directions issued by the Cabinet members responsible for education.

[Table 2 substituted by section 6 of [Government Notice 714 of 2020](#), by section 12 of [Government Notice 763 of 2020](#), by section 6 of [Government Notice 846 of 2020](#), by section 5 of [Government Notice R1423 of 2020](#), by section 6 of [Government Notice R11 of 2021](#), by section 12 of [Government Notice R69 of 2021](#), by section 3 of [Government Notice R92 of 2021](#) and by section 3 of [Government Notice R93 of 2021](#)]

**Table 3**  
**Adjusted Alert Level 2**

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 Adjusted Alert Level 2, subject to—

- (a) strict compliance with 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 economic exclusions in this Table.

	<b>Specific economic exclusions</b>
1	Night vigils.
2	After-funeral gatherings including 'after-tears' gatherings.
3	Night clubs.
4	The land borders that remain closed, excluding the land borders contemplated in regulation 59(1).
5	Passenger ships for international leisure purposes, excluding small crafts, in line with health and border law enforcement.
6	Attendance of any sporting event by spectators.
7	Exclusions relating to public transport services as set out in the directions issued by the Cabinet member responsible for transport.
8	Exclusions relating to education services as set out in the directions issued by ' the Cabinet members responsible for education.

*[Table 3 added by section 6 of [Government Notice 891-B of 2020](#) and substituted by section 4 of [Government Notice R477 of 2021](#)]*

**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 compliance with 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 economic exclusions in this Table.

Specific exclusions		
1.	Night vigils.	
2.	After-funeral gatherings including "after- tears" gatherings.	
3.	Night clubs.	
4.	The land borders that remain closed, excluding the land borders contemplated in regulation 78(1).	
5.	Passenger ships for international leisure purposes, excluding small crafts, in line with health and border law enforcement.	
6.	Attendance of any sporting event by spectators.	
7.	Exclusions relating to public transport services as set out in the directions issued by the Cabinet member responsible for transport.	
8.	Exclusions relating to education services as set out in the directions issued by the Cabinet members responsible for education.	

*[Table 4 added by section 5 of [Government Notice 999 of 2020](#), amended by section 3 of [Government Notice 1053 of 2020](#), by section 3 of [Government Notice 1104 of 2020](#), by section 5 of [Government Notice 1199 of 2020](#), by section 9 of [Government Notice 1370 of 2020](#) and by section 5 of [Government Notice 1421 of 2020](#) and substituted by section 5*

of [Government Notice 1290 of 2020](#), by section 13 of [Government Notice 1346 of 2020](#) and by section 4 of [Government Notice R152 of 2021](#)

## Annexure A

### Form 1 (Regulation 7(2))

#### **Order for a person to go to a site of isolation, quarantine facility, or a person to go for medical examination**

In the Magistrates Court for the district of \_\_\_\_\_ held at \_\_\_\_\_ on this \_\_\_\_ day of \_\_\_\_\_ 2020.

Before me \_\_\_\_\_ magistrate for the aforementioned district in chambers

Whereas it appears that \_\_\_\_\_ (name of person)

Being a person:

# who has been clinically, or by a laboratory, confirmed as having COVID-19

# who is suspected of having contracted COVID-19 who has been in contact with a person who is a carrier of COVID-19 and who has refused to —

# submit to a medical examination, including but not limited to the taking of any bodily sample by a person authorised in law to do so;

# be admitted to a site to be used as isolation or a quarantine facility; or

# submit to mandatory prophylaxis, treatment, isolation or quarantine or isolation in order to prevent transmission.

I hereby issue an order for the submission of the said person to a medical examination, including the taking of any bodily sample by a person authorised in law.

\_\_\_\_\_ Date \_\_\_\_\_

Magistrate

Note: This order remains in force until—

- (a) it is executed;
- (b) it is cancelled by the person who issued it or, if such person is not available, by any person with like authority;
- (c) a period of ninety days has lapsed from the date of its issue; or
- (d) the purpose for the issuing of the order has lapsed.

Signed at \_\_\_\_\_ on this the \_\_\_\_\_ day of \_\_\_\_\_ 2020.

*Official stamp of Institution*

### Form 2 (Regulations \*16(2)(b)/28(4)/33(1A))

#### **\*Permit to perform an essential or permitted service**

• 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

*Official stamp of Institution*

*\*Delete whichever is not applicable*

*[Form 2 substituted by section 14 of [Government Notice 763 of 2020](#)]*

### **Form 3 (Regulation 17(1)(c))**

#### ***Permit for the movement of children to travel to another province/metropolitan area/district***

Note: This permit and any form of identification must be in the possession of the person to whom this permit is issued

In the Magistrates Court for the district of \_\_\_\_\_ held at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

Before me \_\_\_\_\_ magistrate for the aforementioned district in chambers

I, hereby issue this permit for travel to the following person:

Full names:						
Surname:						
Identity number:						
Address of place of residence:						
Province of residence:						
Contact details:	Cell nr		Tel no (h)		e-mail address	
Metropolitan area/district travelling to:						
Province travelling to:						
Date of travel to:						
Date of return travel:						
Name of child concerned (must correspond with the birth certificate)						
Reason for movement of child(ren)						

--	--

I also declare that the above-mentioned person presented the documentation as required by \*regulation 17(5).

Signed at \_\_\_\_\_ this \_\_\_\_ day of 2020.

\_\_\_\_\_  
Magistrate issuing

*Official stamp*

### ***Form 3A (Regulation 34(5))***

#### ***Certificate for learners or students to travel to another province/metropolitan area/district***

Note: This certificate and an identity document/drivers licence must be in the possession of the learner/student to whom this certificate is issued

I,

Full names:						
Surnames:						
Identity number:						
Name of school/institution						
Address of school/institution						
Province of school/institution						
Metropolitan area/district of school/institution						
Contact details:	Cell nr		Tel No (h)		e-mail address	

In my capacity as \*Head/delegated person of the above-mentioned \*school/institution, hereby declare that the undermentioned \*learner/student, is a \*learner/student at this \*school/institution, and needs to travel between different 'provinces/metropolitan areas/districts for education

Full names of learner/student:						
Surname of learner/student:						
Residential address:						
Province of residence:						
Metropolitan area/district of residence:						
Full names of primary caregiver:						
Contact details of primary caregiver:	Cell nr		Tel No (h)		e-mail address	

Signed at \_\_\_\_\_ on this \_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
 \*Head/delegated person of \*school/institution

*Official stamp*

[Form 3A inserted by section 7(a) of [Government Notice 608-B of 2020](#)]

### **Form 3B (Regulation 34(7))**

#### ***Permit to transport learners or students to another province/metropolitan area/district***

Note: This permit and an identification document/drivers licence must be in the possession of the person to whom this permit is issued

I,

Full names:						
Surnames:						
Identity number:						
Name of school/ institution						
Address of school/ institution						
Province of school/ institution						
Metropolitan area/district of school/ institution						
Contact details:	Cell nr		Tel No (h)		e-mail address	

In my capacity as \*Head/delegated person of the above-mentioned \*school/institute, hereby declare that the undermentioned person, transports learners or students from this \*school/institute between different \*provinces/metropolitan areas/districts.

Full names:						
Surnames:						
Province travelling from:						
Metropolitan area/district travelling from:						
Vehicle registration number:						
Contact details of driver:	Cell nr		Tel No (h)		e-mail address	

Signed at \_\_\_\_\_ on this \_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
 \*Head/delegated person of \*school/institute

*Official stamp*

[Form 3B inserted by section 7(a) of *Government Notice 608-B of 2020*]

### **Form 4 (Regulations 18(5))**

#### **Permit to travel to another province/metropolitan area/district for a funeral**

*(To be completed by the head of court or a station commander or a person designated by him or her respectively.)*

I, \_\_\_\_\_ (full names of \*head of court, or a person designated by him or her / station commander of a police station or a person designated by him or her) for—

(a) the Magistrate's court for the district of \_\_\_\_\_;

(b) the police station at \_\_\_\_\_,

hereby issue this permit for travel to another district/province, to the following person:

Full names:						
Surname:						
Identity number:						
Address of place of residence:						
Province of residence:						
Contact details:	Cell nr		Tel no (h)		e-mail address	
Metropolitan area/district travelling to:						
Province travelling to:						
Date of funeral:						

I also declare that the above-mentioned person presented the \*death certificate/certified copy of the death certificate/affidavit to me.

Signed at \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_

\*Person issuing permit

Official stamp

### **Form 5 (Regulations 18(7))**

#### ***Sworn by affidavit by person who wishes to attend a funeral in another province/metropolitan area/district***

Note:

1. A person giving false information on this affidavit shall be 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. This affidavit may only be sworn to or affirmed at a magistrate's court or police station.

I,

Full names:						
Surname:						
Identity number:						
Address of place of residence:						
Province of residence:						
Contact details:	Cell nr		Tel no (h)		E-mail address	
District of funeral:						
Province in which funeral will take place:						

Hereby declare under oath with regards to the deceased:

Names of deceased:				
Surname of deceased:				
Relationship/ Affiliation to the deceased (eg spouse/parent)				
I am not in possession of the death certificate for the reasons set out, and a copy of the letter from a cultural or religious leader is attached:	Yes		No	
Date of funeral:				
Province in which funeral will take place:				
* City/town/village of funeral:				

**\*Oath/Affirmation**

I, \_\_\_\_\_ (full names), identity number \_\_\_\_\_, hereby declare under \*oath/affirmation that the above-mentioned information is true and correct.

Signed at \_\_\_\_\_ on this \_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
Signature of person making affidavit

**Certification**

I hereby certify that before administering the \*oath/taking the affirmation, I asked the deponent the following questions and noted \*his/her answers in \*his/her presence as indicated below:

(a) Do you know and understand the contents of the above declaration?

Answer: \_\_\_\_\_

(b) Do you have any objection to taking the \*oath/affirmation?

Answer: \_\_\_\_\_

Do you consider the \*oath/affirmation to be binding on your conscience?

Answer: \_\_\_\_\_

I hereby certify that the deponent has acknowledged that \*he/she knows and understands the content of this declaration which was \*sworn to/affirmed before me, and the deponent's signature was placed thereon in my presence.

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 2020\_\_

\*Justice of the Peace/Commissioner of Oaths

Full names: \_\_\_\_\_

Designation: \_\_\_\_\_

Business address: \_\_\_\_\_

*\*Delete which is not applicable".*

### **Form 6 (Regulation 33(4)(b))**

#### ***Sworn affidavit by person who intends to travel to and from another province during Alert Level 3***

Note: 1. This affidavit may only be sworn to or affirmed at a magistrate's court or police station.

I,

Full names:						
Surname:						
Identity number:						
Address of place of residence:						
Province of residence:						
Contact details:	Cell nr		Tel No (h)		E-mail address	

Hereby declare under oath that I am moving to a new place of residence that requires travel across provinces during Alert Level 3.

#### ***\*Oath/Affirmation***

I, \_\_\_\_\_ (full names), identity number \_\_\_\_\_, hereby declare under \*oath/affirmation that the above-mentioned information is true and correct.

Signed at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
Signature of deponent

### ***Certification***

I hereby certify that before administering the \*oath/taking the affirmation, I asked the deponent the following questions and noted \*his/her answers in \*his/her presence as indicated below:

- (a) Do you know and understand the contents of the above declaration?

Answer: \_\_\_\_\_

- (b) Do you have any objection to taking the \*oath/affirmation?

Answer: \_\_\_\_\_

Do you consider the \*oath/affirmation to be binding on your conscience?

Answer: \_\_\_\_\_

I hereby certify that the deponent has acknowledged that \*he/she knows and understands the content of this declaration which was \*sworn to/affirmed before me, and the deponent's signature was placed thereon in my presence.

Signed at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
\*Justice of the Peace/Commissioner of Oaths

Full names: \_\_\_\_\_

Designation: \_\_\_\_\_

Business address: \_\_\_\_\_

*\*Delete which is not applicable*

[Form 6 added by section 7(b) of [Government Notice 608-B of 2020](#)]

### ***Form 7 (Regulation 68)***

#### ***Permit to travel to perform a service***

- 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 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Head of Institution

*Official stamp of Institution*

*[Form 7 added by section 6 of [Government Notice 999 of 2020](#) and substituted by section 7 [Government Notice R11 of 2021](#), by section 6 of [Government Notice R152 of 2021](#) and by section 5 of [Government Notice R477 of 2021](#)]*

**Annexure B (Regulation 22(1))****Essential goods for import**

	<b>Essential goods for import</b>
1.	Food products, including non-alcoholic beverages and animal feed.
2.	Sanitary pads, sanitary tampons, condoms.
3.	Hand sanitiser, disinfectants, soap, alcohol for industrial use, household cleaning products, and personal protective equipment, excluding cloth face masks.
4.	Products for the care of babies and toddlers.
5.	Personal toiletries, including haircare, body and face care products, roll-ons, deodorants, and dental care products.
6.	Medical and hospital supplies, medicine, equipment and personal protective equipment (excluding cloth face masks).
7.	Fuel, including coal, wood, paraffin and gas.
8.	Hardware, components and supplies.
9.	Components for aftersales vehicles services.
10.	Chemicals, packaging and ancillary products used in the production of any these products.
11.	Textiles required to produce face masks, and other personal protective equipment.
12.	ICT equipment to facilitate work-from-home arrangements including computers, mobile telephones and other home office equipment.

**Annexure C (Regulation 22(1)(e))****Permitted goods for export**

	<b>Permitted goods for export</b>
1.	Agricultural, agro-processing, forestry and fishing products
2.	Manufacturing products and mining products permitted for production under the Alert Level 4 table subject to directions issued by the relevant Minister

**Annexure D****Essential services**

- A: Essential and permitted services referred to in section 16(3) of the Regulation shall refer to:
- (a) the list of essential services as set out in B below; and
  - (b) such other service as are set out in Alert Level 4 and where the technological, industrial, structural or similar requirement of the service necessitates a continuous or shift operation, as set out in directions, as set out below.
- B: Essential services means the services as defined in section 213 of the Labour Relations Act, 1995 ([Act No. 66 of 1995](#)), and designated in terms of section 71(8) of the Labour Relations Act, 1995 (and which designation remains valid as at the date of publication of this regulation), and as listed below:
1. Medical, Health (including Mental Health), Laboratory and Medical services and the National Institute for Communicable Diseases;
  2. Disaster Management, Fire Prevention, Fire Fighting and Emergency services;
  - 3.1 (a) The following services necessary to maintain the functioning of a financial system as defined in section 1(1) of the Financial Sector Regulation Act, only when the operation of a place of business or entity is necessary to continue to perform those services:
    - (i) the banking environment (including the operations of mutual banks, co-operative banks, co-operative financial institutions and the Postbank);
    - (ii) the payments environment;
    - (iii) the financial markets (including market infrastructures licensed under the Financial Markets Act, 2012 ([Act No. 19 of 2012](#));
    - (iv) the insurance environment;
    - (v) the savings and investment environment;
    - (vi) pension fund administration;
    - (vii) outsourced administration;
    - (viii) medical schemes administration; and

- (ix) additional services set out in directions.
- (b) The services listed in paragraph (a) may not be construed to include debt collection services.
- 3.2 Services necessary for the provision of social grants.
4. Production and sale of the goods listed in Annexure B;
5. Whole sale and retail stores for re-stocking;
6. Electricity (including vital demand management services), water, gas and fuel production, supply and maintenance;
7. Critical jobs for essential government services as determined by Head of National or Provincial Departments in accordance with the guidance of the Department of Public Service and Administration, including Social Grant Payments and pension payments;
8. Essential municipal services;
9. Care services and social relief of distress provided to older persons, mentally ill, persons with disabilities, the sick, and children;
10. Funeral and cremation services, including mortuaries services and the transportation of mortal remains;
11. Wildlife Management, Anti-poaching, Animal Care and Veterinary services;
12. Newspaper, broadcasting and telecommunication infrastructure and services, including call centres critical for the support of such services;
13. Production and sale of any chemicals, hygiene products, pharmaceuticals for the medical or retail sector;
14. Cleaning, sanitation, pest control, sewerage, waste and refuse removal services;
15. Services related to the essential functioning of courts, judicial officers, the Master of the High Court, Sheriffs and legal practitioners required for those services;
16. Essential SARS services defined by the Commissioner of SARS;
17. Police, peace officers, traffic officers, military medical personnel and soldiers, correctional services officials and traffic management services;
18. Postal services and courier services related to transport of medical products;
19. Private security services;
20. Air-traffic Navigation, Civil Aviation Authority, air charters, Cargo Shipping and dockyard services;
21. Gold, gold refinery, coal and mining;
22. Accommodation used for persons rendering essential services, quarantine, isolation and the lockdown;
23. Production, manufacturing, supply, logistics, transport, delivery, critical maintenance and repair in relation to the rendering of essential services including components and equipment;
24. Transport services for persons rendering essential services and goods, and transportation of patients;
25. Services rendered by the Executive, members of Parliament, Members of the Provincial Legislature, Members of Local Councils, the Judiciary, traditional leaders and National Office Bearers of Political Parties represented in Parliament;
- 26.1 Commissioners of the South African Human Rights Commission, Gender Commission, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, the Public Protector and Deputy Public Protector and the Independent Electoral Commission; and
- 26.2 Services rendered by the institutions referred to in item 26.1
27. Transport and logistics in respect of cargo and goods as set out in Part A to neighbouring countries;

28. Tow trucks and vehicle recovery services;
29. 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;
30. Harvesting and storage activities essential to prevent the wastage of primary agricultural goods;
31. Implementation of payroll systems to the extent that such arrangement has not been made, to ensure timeous payments to workers; and
32. Critical maintenance services which cannot be delayed for more than 21 days and are essential to resume operations;
33. Trades necessary for the rendering of emergency repair work, including plumbers, electricians, locksmiths, glaziers, roof repair work;
34. Trades necessary for emergency automobile repairs for persons rendering essential services;
35. Information and Communication Technology services rendered to entities and institutions engaged in delivering essential services in terms of these Regulations.

### **Annexure E (Regulation 16(6)(b))**

#### **Workplace plans**

A COVID-ready Workplace Plan must be developed prior to the reopening of an enterprise employing persons or serving the public.

For small businesses, the plan can be basic reflecting the size of the business, while for medium and larger businesses, a more detailed written plan should be developed given the larger numbers of persons at the workplace.

The Plan for medium and large businesses must include the following:

1. The date the business will open and the hours of opening,
2. The timetable setting out the phased return-to-work of employees, to enable appropriate measures to be taken to avoid and reduce the spread of the virus in the workplace;
3. The steps taken to get the workplace COVID-19 ready;
4. A list of staff who can work from home; staff who are 60 years or older; and staff with comorbidities who will be required to stay at home or work from home;
5. Arrangements for staff in the establishment:
  - (a) sanitary and social distancing measures and facilities at the entrance and exit to the workplace;
  - (b) screening facilities and systems;
  - (c) the attendance-record system and infrastructure;
  - (d) the work-area of employees;
  - (e) any designated area where the public is served;
  - (f) canteen and bathroom facilities;
  - (g) testing facilities (for establishments with more than 500 employees);
  - (h) staff rotational arrangements (for establishments where fewer than 100% of employees will be permitted to work).

6. Arrangements for customers or members of the public, including sanitation and social distancing measures.