

DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NO. 318

18 MARCH 2020

DISASTER MANAGEMENT ACT, 2002

REGULATIONS ISSUED IN TERMS OF SECTION 27(2) OF THE DISASTER MANAGEMENT ACT, 2002.

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, made the Regulations in the Schedule.

[Heading substituted by GN R 419 of 26 March 2020]

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

As amended by –

- **GN R 398 of 25 March 2020** and published in Government Gazette 43148 of 25 March 2020
- **GN R 419 of 26 March 2020** and published in Government Gazette 43168 of 26 March 2020
- **GN R 446 of 2 April 2020** and published in Government Gazette 43199 of 22 April 2020

SCHEDULE

CHAPTER 1

[Heading inserted by GN R 398 of 25 March 2020]

Definitions

1. In these Regulations, unless the context otherwise indicates—

‘adequate space’ means not more than one person per square meter of floor space;

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

[Definition added by GN 398 of 25 March 2020]

‘Constitution’ means the Constitution of the Republic of South Africa, 1996;

[Definition added by GN 398 of 25 March 2020]

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

‘Criminal Procedure Act’ means the Criminal Procedure Act, 1977 (Act No. 51 of 1977);

‘enforcement officer’ includes a member of the South African Police Service, the South African National Defence Force and a peace officer as defined in section 1 of the Criminal Procedure Act;

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

‘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;

[Definition of “gathering” substituted by GN 398 of 25 March 2020]

“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);

[Definition added by GN 398 of 25 March 2020]

‘laboratory confirmed case’ means a patient who has been diagnosed with COVID-19 through a Department of Health approved laboratory diagnostic method;

[Definition added by GN 398 of 25 March 2020]

'isolation' means separating a sick individual with a contagious disease from healthy individuals without that contagious disease in such a manner as to prevent the spread of infection or contamination;

'liquor' means—

(a) any liquor product, as defined in section 1 of the Liquor Products Act, 1979 (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;

'quarantine' means the restriction of activities or separation of a person, who was exposed, or potentially exposed, to COVID-19 and could be a possible source of the spread of the disease, from other non-exposed persons, in such a manner so as to prevent the possible spread of infection or contamination to healthy individuals;

[Definition added by GN 398 of 25 March 2020]

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

'partial care facility' means a facility offering partial care as defined in section 1 of the Children's Act, 2005 (Act No. 38 of 2005);

'quarantine' means separating asymptomatic individuals potentially exposed to a disease from non-exposed individuals in such a manner as to prevent the possible spread of infection or contamination;

'school' means a school as defined in section 1 of the South African Schools Act, 1996 (Act No. 84 of 1996);

[Definition of "school" substituted by GN 398 of 25 March 2020]

'the Act' means the Disaster Management Act, 2002 (Act No. 57 of 2002).

'WHO' means the World Health Organisation.

Application of Chapters 1 and 2

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

(2) Chapter 2 of these Regulations will apply as from 26 March 2020 at 24H00 until 16 April 2020 at 24H00, or on a date to be determined by the Cabinet member designated under section 3 of the Disaster Management Act.

[Reg. 1A inserted by GN 398 of 25 March 2020]

Release of resources

2. (1) The Department of Defence must, for the duration of the declared national state of disaster, within its available resources—

- (a) release and mobilise any 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 spread of COVID19.

(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 of the Republic of South Africa, 1996, 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 or directions issued in terms of section 27(2) of the Act, in relation to the national state of disaster.

(6) Donor funding received 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.

Prevention and prohibition of gatherings

3. (1) In order to contain the spread of COVID-19, a gathering is prohibited.

(2) An enforcement officer must, where a gathering takes place—

- (a) order the persons at the gathering to disperse immediately; and
- (b) if they refuse to disperse, take appropriate action, which may, subject to the Criminal Procedure Act, include arrest and detention.

(3) The assembly of more than 50 persons at premises where liquor is sold and consumed is prohibited.

Refusal of medical examination, prophylaxis, treatment, isolation and quarantine

4(1) No person who has been confirmed, as a clinical case or as 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 consent to—

- (a) submission of that person to a medical examination, including but not limited to the taking of any bodily sample by a person authorised in law to do so;
- (b) admission of that person to a health establishment or a quarantine or isolation site; or
- (c) submission of that person to mandatory prophylaxis, treatment, isolation or quarantine, or isolation 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 isolation or quarantine for a period of 48 hours, as the case may be, pending a warrant being issued by a competent Court, on application by an enforcement officer for the medical examination contemplated in paragraph (a).

[Reg.4(1) substituted by GN 398 of 25 March 2020]

- (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 on reasonable grounds suspected to have been in contact with a person who is a carrier 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 person with like authority;
 - (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.

(5) No person is entitled to compensation for any loss or damage arising out of any bona fide action or omission by an enforcement officer under this regulation.

Places of quarantine and isolation

5. (1) The Minister of Public Works and Infrastructure must identify and make available sites to be used as isolation and quarantine facilities as the need arises.

(2) A member of the provincial Executive Council responsible for public works must identify and make available sites to be used as isolation and quarantine facilities within each province as the need arises: Provided that if a person refuses to go to such a site of isolation or quarantined facility a magistrate in whose jurisdiction such a person is, an order as contemplated in Annexure A, must be made by that magistrate to force such a person to go to such site of isolation, quarantined facility, or medical examination.

[Reg.4(1) substituted by GN 398 of 25 March 2020]

(3) The accounting officers of municipalities must identify and make available sites to be used as isolation and quarantine facilities within their local areas, and provide the list to the Department of Health for resourcing.

Closure of schools and partial care facilities

6. Schools and partial care facilities must be closed by 18 March 2020 until 15 April 2020, which period may be extended for the duration of the national state of disaster by the cabinet member responsible.

Suspension of visits

7. All visits by members of the public to—

- (a) Correctional Centres;
 - (c) Remand Detention Facilities;
 - (d) Holding Cells;
 - (d) Military Detention Facilities; and
 - (e) Department of Social Development facilities, including Child and Youth Care Centres, shelters, One Stop Centres, and Treatment Centres,
- are suspended for a period of 30 days from the date of publication of this Notice, which period may be extended for any period, but not beyond the duration of the national state of disaster by the cabinet member responsible.

Limitation on the sale, dispensing or transportation of liquor

8. (1) All on-consumption premises selling liquor, including taverns, restaurants and clubs, must be closed with immediate effect, or must accommodate no more than 50 persons at any time: Provided that adequate space is available and that all directions in respect of hygienic conditions and limitation of exposure to persons with COVID-19, are adhered to.

(2) All premises selling liquor which provide accommodation must implement measures to stop the spread of COVID-19: Provided that adequate space is available and that all directions in respect of hygienic conditions and limitation of exposure to persons with COVID-19 are adhered to.

(3) No special or events liquor licenses may be considered for approval during the duration of the national state of disaster.

(4) All on-consumption premises selling liquor referred to in subregulation (1) must be closed —

- (i) between 18:00 and 09:00 the next morning on weekdays and Saturdays; and
- (ii) from 13:00 on Sundays and public holidays.

(5) All off-consumption premises selling liquor must be closed —

- (i) between 18:00 and 09:00 the next morning on weekdays and Saturdays; and
- (ii) from 13:00 on Sundays and public holidays.

Emergency Procurement Procedures

9. 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.

Authority to issue directions

10. (1) The Minister of 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 Minister of 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) after consultation with the Chief Justice, 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; and
- (c) vary the directions referred to in paragraphs (a) and (b) as the circumstances require.

(3) The Ministers of 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 Minister of 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 Minister of 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 Minister of Trade and Industry 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 Minister of Transport may—

- (a) issue directions to address, prevent and combat the spread of COVID-19 in matters falling within his mandate; and
- (b) vary the directions referred to in paragraph (a) as the circumstances require.

(8) Any Minister may issue and vary directions, as required, within his or her mandate, to address, prevent and combat the spread of COVID-19, 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.

Offences and penalties

11. (1) For purposes of regulation 3, any person who—

- (a) convenes a gathering;
- (b) permits more than 50 persons at premises where liquor is sold and consumed; or
- (c) 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) A person is guilty of an offence if that person fails to comply with or contravenes the provisions of regulations 6 and 8 of these Regulations.

[Reg.11(2) substituted by GN 398 of 25 March 2020]

(3) A person convicted of an offence mentioned in subregulation (2) liable on conviction to a fine or to imprisonment not exceeding six months or to both a fine and imprisonment.

(4) 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.

(5) 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.

(6) Any person who intentionally exposes another person to COVID-19 may be prosecuted for an offence, including assault, attempted murder or murder.

CHAPTER 2

[Chapter 2 inserted by GN 398 of 25 March 2020]

Definitions

11A. For purposes of this Chapter, unless the context otherwise indicates—

'essential goods' means the goods referred to in paragraph A of Annexure B, as may be amended from time to time by the Cabinet member designated under section 3 of the Disaster Management Act;

'directions' means the directions contemplated in section 27(2) of the Act and regulation 10 of the Regulations, issued by a Cabinet member in regard to his or her line functions, after consultation with the Cabinet members responsible for cooperative governance and traditional affairs and justice and correctional services;

[Definition of "directions" added by GN R 446 of 2 April 2020]

'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 in paragraph B of Annexure B, as may be amended from time to time;

'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;

'institution' means any public or private institution that is engaged in the supply or distribution of an essential good or service;

'lockdown' means the restriction of movement of persons during the period for which this regulation is in force and effect namely from 23H59 on Thursday, 26 March 2020, until 23H59 on Thursday 16 April 2020, and during which time the movement of persons is restricted; and

'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.

Restriction on the movement of persons and goods

11B. (1)(a) For the period of lockdown—

- (i) every person is confined to his or her place of residence, unless strictly for the purpose of performing an essential service, obtaining an essential good or service, collecting a social grant, pension or seeking emergency, life-saving, or chronic medical attention;
- (ii) every gathering, as defined in regulation 1 is hereby prohibited, except for a funeral as provided for in subregulation (8); and
- (iii) movement between provinces and between metropolitan and district areas is prohibited except—
 - (aa) for essential workers who have to travel to and from work;
 - (bb) transportation of cargo from ports of entry to their intended destination, on condition that necessary precautions have been taken to sanitise and disinfect such cargo;
 - (cc) for the transportation of the mortal remains; and
 - (dd) attendance of a funeral as provided for and on the conditions set out in subregulation (8).

[Reg. 11B(1)(a) substituted by GN R 446 of 2 April 2020]

(b) During the lockdown, all businesses and other entities shall cease operations, except for any business or entity involved in the manufacturing, supply, or provision of an essential good or service, save where operations are provided from outside of the Republic or can be provided remotely by a person from their normal place of residence.

[Reg. 11B(1)(b) substituted by GN R 419 of 26 March 2020]

(c) Retail shops and shopping malls must be closed, except where essential goods are sold and on condition that the person in control of the said store must put in place controls to ensure that customers keep a distance of at least one square meter from each other, and that all directions in respect of hygienic conditions and the exposure of persons to COVID-19 are adhered to.

(d) Retail stores selling essential goods is prohibited from selling any other goods.

[Renumbering by GN R 446 of 2 April 2020]

(e) The Cabinet member designated under section 3 of the Act may amend the list contemplated in paragraph (c) as required from time to time.

[Renumbering by GN R 446 of 2 April 2020]

(f) Any place not involved in the provision of an essential good or service must remain closed to all persons for the duration of the lockdown.

[Renumbering by GN R 446 of 2 April 2020]

(2) The head of an institution must determine essential services to be performed by his or her institution, and must determine the essential staff who will perform those services: Provided that the head of an institution may delegate this function, as may be required in line with the complexity and size of the business operation.

(3) Persons performing essential services as determined in subregulation (2), must be duly designated in writing by the head of an institution, on a form that corresponds substantially with Form 1 in Annexure C.

(4) All places or premises provided for in Annexure D must be closed to the public except to those persons rendering security and maintenance services at those places or premises.

(4A) (a) 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 shutdown arrangements, on such

conditions as may be issued by means of directions by the Cabinet members responsible for trade, industry and for employment and labour.

[Reg. 11B(4A)(a) inserted by GN R 419 of 26 March 2020]

(b) The Cabinet members responsible for health and social services may by directions designate services which are necessary to provide or maintain essential health and social services listed in Annexure B to the Regulations.

[Reg. 11B(4A)(b) inserted by GN R 419 of 26 March 2020]

[Reg. 11B(4A)(b) substituted by GN R 446 of 2 April 2020]

(c) The Cabinet member responsible for finance may by direction designate services, excluding debt collection services, in relation to the financial system, as defined in section 1(1) of the Financial Sector Regulation Act, 2017 (Act No. 9 of 2017), generally, which are necessary to—

- (i) provide or maintain essential financial services listed in paragraph 3.1 of Part B of Annexure B; and
- (ii) provide social grants by banks, mutual banks, co-operative banks and the Postbank in terms of paragraph 3.2 of Part B of Annexure B.

[Reg. 11B(4A)(c) inserted by GN R 446 of 2 April 2020]

(d) The Prudential Authority, the Financial Sector Authority and the Reserve Bank may exercise their functions in terms of the Financial Sector Regulation Act, 2017, the financial sector laws as defined in section 1(1) of that Act, and the National Payment System Act, 1998 (Act No. 78 of 1998) in the regulation, supervision and oversight of essential financial services as referred to in paragraph 3.1 and 3.2 of Part B of Annexure B and services in respect of which directions are issued in terms of paragraph (c).

[Reg. 11B(4A)(d) inserted by GN R 446 of 2 April 2020]

(e) The Prudential Authority, the Financial Sector Conduct Authority and the Reserve Bank—

- (i) must issue directives to institutions under their respective jurisdictions to take appropriate precautionary measures when performing essential financial services in terms of these Regulations to limit staff at offices to the minimum and to take other precautionary measures to limit the spread of COVID-19.
- (ii) may issue guidance and other directives in relation to the performance of essential financial services in terms of these Regulations.

[Reg. 11B(4A)(e) inserted by GN R 446 of 2 April 2020]

(5) All persons performing essential services, obtaining essential goods or seeking medical attention, may be subjected to screening for COVID-19 by an enforcement officer.

(6)(a) All borders of the Republic are closed during the period of lockdown, except for ports of entry designated by the responsible Cabinet member for the transportation of fuel, cargo and goods during the period of lockdown.

(b) 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.

(c) The Cabinet member responsible for transport may issue directions with regard to sea cargo operations and air freight operations.

(d) All foreign tourists who arrived in the Republic prior to, or after, the lockdown,

and who remain in the Republic, must remain in their place of temporary residence in the Republic for the duration of the lockdown or 14 days, 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.

[Reg. 11B(6) substituted by GN R 446 of 2 April 2020]

(7) Any Cabinet member may, after consultation with Ministers of Cooperative Governance and Traditional Affairs and Justice and Correctional Services, issue directions which fall within his or her line functions to provide for further conditions that will apply to activities referred to in subregulation (1), or other activities provided for in these Regulations, for the protection and safety of any person, including essential workers from COVID-19, provide reasonable measures for persons with disabilities and may vary the directions as the circumstances require.

[Reg. 11B(7) substituted by GN R 446 of 2 April 2020]

(8)(a) Movement between a metropolitan or district area, or province by a person wishing to attend a funeral shall only be permitted if the person so wishing to attend the funeral is a—

- (i) spouse or partner of the deceased;
- (ii) child of the deceased, whether biological, adopted or stepchild;
- (iii) child-in-law of the deceased;
- (iv) parent of the deceased whether biological, adopted or stepparent;
- (v) sibling, whether biological, adopted or stepbrother or sister of the deceased;
- (vi) grandparent of the deceased; and
- (vii) person closely affiliated to the deceased.

(b) For purposes of this subregulation, closely affiliated means:

- (i) a person with parental responsibilities and rights in respect of the deceased; or
- (ii) a person who had developed a significant relationship based on care-giving, psychological or emotional attachment to the deceased.

(c) Notwithstanding paragraph (a), attendance at a funeral or cremation is limited to 50 people and will for purposes of these Regulations not be regarded as a prohibited gathering: Provided that no night vigil shall be held and that all safety hygiene measures are strictly adhered to.

(d) Each person, whether traveling alone or not, wishing to attend a funeral or cremation and who has to travel between metropolitan and district areas, or between provinces to attend a funeral, or a cremation must obtain a permit which corresponds substantially with Form 2 of Annexure C, from his or her nearest magistrate's office or police station to travel to the funeral or cremation and back.

(e) A Magistrate who is the head of office or a station commander of a police station or a person designated by him or her, may issue the permit contemplated in paragraph (d).

(f) Upon a request for a permit contemplated in paragraph (d), a person requesting a permit must produce a death certificate or a certified copy of the death certificate to the Magistrate who is the head of office 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 the person requesting the permit must make a sworn affidavit which corresponds substantially with Form 3 of Annexure C.

(g) Before a permit contemplated in paragraph (d) may be issued the Magistrate who is the head of office or a station commander of a police station or a person designated by him or her, must be provided with a death certificate, a certified copy of a death certificate or a sworn affidavit contemplated in paragraph (f).

(h) A person issued with a permit contemplated in paragraph (d), traveling to another metropolitan or district area, or province and who has to be in that metropolitan or district area, or province for the duration of the funeral or cremation, but not for more than 48 hours, and cannot stay at the place of residence of a relative or friend, may stay at a hotel, lodge or guest house for the period of 48 hours: Provided that the permit issued in terms of paragraph (d) is presented to the owner or manager of the hotel, lodge or guest house.

(i) Only 2 family members or a person with a close affiliation to the deceased may, with the required permits, accompany the vehicle transporting the mortal remains to the metropolitan or district area, or province where the burial or cremation will take place.

(j) The provisions of regulation 11C(1) must be strictly adhered to when travelling.

(k) A copy of the permit issued and the death certificate or sworn affidavit made, must be kept by the Magistrate who is the head of office or station commander of a police station in a file opened for each person for a period of three months after the lockdown has lapsed, whereafter it may be destroyed.

[Reg. 11B(8) substituted by GN R 446 of 2 April 2020]

Prohibition of public transport

11C. (1) All commuter transport services including passenger rail services, bus services, taxi services, e-hailing services, maritime and air passenger transport are prohibited, except bus services, taxi services, e-hailing services and private motor vehicles necessary for purposes of rendering essential services, obtaining essential goods or services, seeking medical attention, funeral services and for collecting payment of grants and pensions: Provided that—

(a) bus services and e-hailing services shall not carry more than 50% of the licensed capacity;

(b) taxi services shall not carry more than 70% of the licensed capacity; and

(c) private vehicles shall not carry more than 60% of the licensed capacity, and that all directions in respect of hygienic conditions and the limitation of exposure of persons to COVID-19, are adhered to.

[Reg.11C(1) substituted by GN R 419 of 26 March 2020]

[Reg. 11C(1) substituted by GN R 446 of 2 April 2020]

(2) Where a person rendering essential services is unable to travel to and from his or her place of employment, the employer must make the necessary transport arrangements: Provided that no more than 50% of the licensed capacity of the vehicle or vessel is exceeded and all directions in respect of hygienic conditions and the limitation of exposure to persons with COVID-19, are adhered to.

(3) The Cabinet member responsible for transport must issue directions for the transportation of persons who must obtain essential goods or services where such person has no other means of transport except public transport, as contemplated in subregulation (1).

[Reg. 11C(3) substituted by GN R 446 of 2 April 2020]

Resources by the State during lockdown

11D. (1) For the period of the declaration of a lockdown, a person refusing to be evacuated from any place subject to lockdown, may be evacuated by an enforcement officer to a temporary shelter, if such action is necessary for the preservation of life.

(2) The State shall identify—

(a) temporary shelters that meet the necessary hygiene standards for homeless people; and

(b) temporary sites for quarantine and self-isolation that meet the necessary hygiene standards for people who cannot isolate or quarantine in their homes.

(3) The provision of the State's resources listed herein shall be for the duration of the lockdown, and the use thereof will be subject to conditions determined by the Cabinet member responsible for such resources.

Loss or damage

11E.

[Reg. 11E deleted by GN R 419 of 26 March 2020]

Powers and indemnity

11F. These Regulations do not limit any powers or indemnities of security services provided for in any law.

Offences and penalties

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

(a) regulation 11B(1)(a), (b), (c), (e), (4), (6)(a), (8)(d), (i) and (j); or

(b) 11C(1),

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.

[Reg. 11G substituted by GN R 446 of 2 April 2020]

CHAPTER 3

[Chapter inserted by GN R 446 of 2 April 2020]

Contact tracing

11H. (1) In this regulation—

(a) “*COVID-19 Tracing 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 to enable the tracing of persons who are known or reasonably suspected to have come into contact with any person known or reasonably suspected to have contracted COVID-19.

(3) The COVID-19 Tracing Database shall include all information considered necessary for the contact tracing process to be effective, 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.

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

(5) No person may disclose any information contained in the COVID-19 Tracing 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 or 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 Tracing 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 Tracing 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; and
- (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 Tracing 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 referred to in subparagraphs (c)(vii) to (c)(ix) of Annexure D to these Regulations must, promptly after the coming into force of this regulation, transmit to the Director- General: Health, for inclusion in the COVID-19 Tracing 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 Tracing 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;
- (c) where relevant to the contact tracing process, must be included in the COVID-19 Tracing Database; and
- (d) apart from what is included in the COVID-19 Tracing 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 shall designate a judge who has been discharged from active service under section 3(2) of the Judges' Remuneration and Conditions of Employment, 2001 (Act No. 47 of 2001) or a retired High Court judge as the COVID-19 Designated Judge.

(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 contact tracing to address, prevent and combat the spread of COVID-19.

(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 Tracing Database shall be de-identified;
- (b) the de-identified information on the COVID-19 Tracing Database shall be retained and used only for research, study and teaching purposes;
- (c) all information on the COVID-19 Tracing 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.

Offences and penalty

11I. Any person who fails to comply with their obligations under regulation 11H 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.

Commencement

12. These Regulations come into operation on the date of publication.

ANNEXURES

Annexure A.

Order for a person to go to a site of isolation, quarantined facility, or for a person to go for medical examination - Regulation 5(2)

Annexure B.

Categorisation of essential goods and services during lockdown - Regulation 11A

Annexure C.

Form 1 Permit to perform essential service - Regulation 11B(3)

Form 2 Permit to travel to another metropolitan area, district or province -
Regulation 11B(8)(d)

Form 3 Sworn affidavit by person who wishes to attend a funeral in
another metropolitan area, district or province - Regulation
11B(8)(d)

Annexure D.

Places and premises closed to the public - Regulation 11B(4)

[Annexure A inserted by GN 398 of 25 March 2020]

[substitution for the word "warrant" wherever it appears with the word "order" by GN R 419 of 26 March 2020]

ANNEXURE A

ORDER FOR A PERSON TO GO TO A SITE OF ISOLATION, QUARANTINED FACILITY, OR FOR A PERSON TO GO FOR MEDICAL EXAMINATION

Regulation 5(2)

IN THE MAGISTRATES COURT FOR THE DISTRICT OFHELD ATON 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 consent for the—

- submission to a medical examination, including but not limited to the taking of any bodily sample by a person authorised in law to do so
- admission to a site to be used as isolation or a quarantine facility
- submission 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 but not limited to the taking of any bodily sample by a person authorised in law to do so.

..... DATE MAGISTRATE

NOTE: This order remains in force until one of the following occurs:

- (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) the expiry of ninety days from the date of its issue; or
- (d) the purpose for the issuing of the order has lapsed.

ANNEXURE B

CATEGORISATION OF ESSENTIAL GOODS AND SERVICES DURING LOCKDOWN Regulation 11A

A. GOODS

1. Food
 - (i) Any food product, including non-alcoholic beverages;
 - (ii) Animal food; and
 - (iii) Chemicals, packaging and ancillary products used in the production of any food product.
2. Cleaning and Hygiene Products
 - (i) Toilet Paper, sanitary pads, sanitary tampons, condoms;
 - (ii) Hand sanitiser, disinfectants, soap, alcohol for industrial use, household cleaning products, and personal protective equipment; and
 - (iii) Chemicals, packaging and ancillary products used in the production of any of the above.
 - (iv) Products for the care of babies and toddlers.
[sub-item (iv) inserted by GN R 419 of 26 March 2020]
 - (v) Personal toiletries, including haircare, body and face washes, roll-ons, deodorants, toothpaste.
[sub-item (v) inserted by GN R 419 of 26 March 2020]
3. Medical:
 - (i) Medical and Hospital Supplies, medicine, equipment and personal protective equipment; and
[sub-item (i) substituted by GN R 446 of 2 April 2020]
 - (ii) Chemicals, packaging and ancillary products used in the production of any of the above.
4. Fuel, including coal, wood and gas
[item 4 substituted by GN R 446 of 2 April 2020]
5. Basic goods, including airtime, electricity and the withdrawal of cash
[item 5 substituted by GN R 446 of 2 April 2020]

B. SERVICES

Categories of essential services shall be confined to the following services:

1. Medical, Health (including Mental Health), Laboratory and Medical services and the National Institute for Communicable Diseases;
[item 1 substituted by GN R 419 of 26 March 2020]
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 designated in terms of regulation 11B(4A)(c)(i).

(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 designated in terms of regulation 11B(4A)(c)(ii);

[item 3 substituted by GN R 419 of 26 March 2020]

[item 3 substituted by GN R 446 of 2 April 2020]

4. Production and sale of the goods listed in category A, above;

5. Grocery stores and wholesale produce markets, including *spaza* shops and informal food traders, with written permission from a municipal authority to operate being required in respect of informal foodtraders;

[item 5 substituted by GN R 446 of 2 April 2020]

6. Electricity (including vital demand management services), water gas and fuel production, supply and maintenance;

[item 6 inserted by GN R 419 of 26 March 2020]

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;

[item 7 substituted by GN R 446 of 2 April 2020]

8. Birth and death certificates, and replacement identification documents;

9. Essential municipal services;

10. Care services and social relief of distress provided to older persons, mentally ill, persons with disabilities, the sick, and children;

11. Funeral and cremation services, including mortuaries services and the transportation of mortal remains;

[item 11 substituted by GN R 446 of 2 April 2020]

12. Wildlife Management, Anti-poaching, Animal Care and Veterinary services;

13. Newspaper, broadcasting and telecommunication infrastructure and services, including call centres critical for the support of such services;

[item 13 substituted by GN R 446 of 2 April 2020]

14. Production and sale of any chemicals, hygiene products, pharmaceuticals for the medical or retail sector;

15. Cleaning, sanitation, pest control, sewerage, waste and refuse removal services;

[item 15 substituted by GN R 446 of 2 April 2020]

16. Services related to the essential functioning of courts, judicial officers, the Master of the High Court, Sheriffs and legal practitioners required for those services;
17. Essential SARS services defined by the Commissioner of SARS;
18. Police, peace officers, traffic officers, military medical personnel and soldiers, correctional services officials and traffic management services;
19. Postal services and courier services related to transport of medical products;
20. Private security services;
21. Air-traffic Navigation, Civil Aviation Authority, air charters, Cargo Shipping and dockyard services;
[item 21 substituted by GN R 446 of 2 April 2020]
22. Gold, gold refinery, coal and essential mining;
23. Accommodation used for persons rendering essential services, quarantine, isolation and the lockdown;
24. Production, manufacturing, supply, logistic, transport, delivery, critical maintenance and repair in relation to the rendering of essential services including components and equipment;
25. Transport services for persons rendering essential services and goods, and transportation of patients;
26. Services rendered by the Executive, members of Parliament, Members of the Provincial Legislature, Members of Local Council, the Judiciary, traditional leaders and National Office Bearers of Political Parties represented in Parliament;
27. Commissioners of the South African Human Rights Commission, Gender Commission, and the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Community, and the Public Protector and Deputy Public Protector; and
28. Transport and logistics in respect of cargo and goods as set out in Part A to neighbouring countries;
[item 28 substituted by GN R 446 of 2 April 2020]
29. Tow trucks and vehicle recovery services;
[item 29 inserted by GN R 419 of 26 March 2020]
30. Call centres necessary to provide health, safety, social support, government and financial services;
[item 30 inserted by GN R 419 of 26 March 2020]
31. Harvesting and storage activities essential to prevent the wastage of primary agricultural goods;
[item 31 inserted by GN R 419 of 26 March 2020]
32. Implementation of payroll systems to the extent that such arrangement has not been made for the lockdown, to ensure timeous payments to workers; and
[item 32 inserted by GN R 419 of 26 March 2020]
33. Critical maintenance services which cannot be delayed for more than 21 days and are essential to resume operations after the lockdown.
[item 33 inserted by GN R 419 of 26 March 2020]

ANNEXURE C

**FORM 1
PERMIT TO PERFORM ESSENTIAL SERVICE
Regulation 11B(3)**

• Please note that the person to whom the permit is issued must at all times have a form of identification to be presented 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 during the lockdown

I,

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:

Surname	
Full names	
Identity number	

are required to perform essential service.

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

Signature of Head of Institution

Official stamp of Institution

[Form 2 inserted by GN R 446 of 2 April 2020]

FORM 2
PERMIT TO TRAVEL TO ANOTHER METROPOLITAN AREA, DISTRICT OR PROVINCE

Regulation 11B(8)(d)

(To be completed by the Magistrate who is the Head of Office or a station commander of a police station or a person designated by him or her.)

I, _____ (full names of * Magistrate / 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 _____,

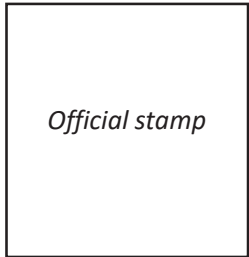
hereby issue this permit for travel to another metropolitan *area/district/province, to the following person:

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/cremation:					

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*



* *Delete whichever is not applicable*

[Form 3 inserted by GN R 446 of 2 April 2020]

FORM 3

SWORN AFFIDAVIT BY PERSON WHO WISHES TO ATTEND A FUNERAL IN ANOTHER METROPOLITAN AREA, DISTRICT OR PROVINCE

Regulation 11B(8)(d)

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	
Metropolitan area/district of funeral/cremation:						
Province in which funeral/cremation 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/friend etc)				
I am the person making the funeral arrangements/applies for the issue of a death certificate (mark with an X):	Yes		No	
Date of funeral/cremation:				
Province in which funeral/cremation 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 sheriff(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: _____
- (c) Do you consider the *oath/affirmation to be binding on your conscience? Answer: __

I hereby certify that the sheriff (deponent) has acknowledged that *he/she knows and understands the content of this declaration which was *sworn to/affirmed before me, and the sheriff's(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".

[Annexure D inserted by GN 398 of 25 March 2020]

ANNEXURE D
PLACES AND PREMISES CLOSED TO THE PUBLIC
Regulation 11B(4)

The following places and premises are closed to the public:

(a) Any place or premises normally open to the public where religious, cultural, sporting, entertainment, recreational, exhibitional, organisational or similar activities may take place;

(b) any place or premises normally open to the public where goods other than essential goods are procured, acquired, disposed of or sold;

(c) any place or premises normally open to the public such as—

(i) public parks, beaches and swimming pools;

(ii) flea markets;

(iii) open air food markets;

(iiiA) restaurants;

[item (c)(iiiA) inserted by GN R 419 of 26 March 2020]

(iv) fetes and bazaars;

(v) night clubs;

(vi) casinos;

(vii) hotels, lodges and guest houses, except to the extent that they are required for remaining tourists confined to hotels, lodges and guest houses and for purposes of regulation 11B(8)(h) to the extent that they are required for persons from another metropolitan area, district, or province;

[item (c)(vii) substituted by GN R 446 of 2 April 2020]

(viii) private and public game reserves except to the extent that they are required for remaining tourists confined to private and public game reserves;

(ix) holiday resorts except to the extent that they are required for remaining tourists confined to such holiday resort;

(x) on-consumption premises, including taverns, shebeens, shisanyama where liquor is sold;

(xi) off-consumption premises, including bottle stores, where liquor is sold (xii) off-consumption areas in supermarkets where liquor is sold; (xiii) theatres and cinemas;

(xiv) shopping malls and centres (excluding grocery stores and pharmacies); and

(xv) taxi ranks, bus depots, train stations and airports; and

(d) any other place or premises determined by the Cabinet member responsible for cooperative governance and traditional affairs by direction in the Gazette.