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## GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

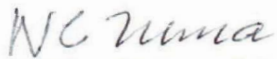
### DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NO. R. 480

29 APRIL 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, make the Regulations in the Schedule.



**DR NKOSAZANA DLAMINI ZUMA, MP**  
**MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**  
DATE: 29.04.2020.

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## CHAPTER I

### DEFINITIONS AND APPLICATION

#### Definitions

1. 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);
  - '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 2019 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;
  - '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;
  - '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.

### **Repeal and transitional provisions**

2. (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.

### **Application of Regulations**

3. (1) Chapters 1 and 2 of these Regulations will apply for the duration of the national state of disaster.

(2) The Cabinet member responsible for cooperative governance and traditional affairs shall, upon the recommendation of the Cabinet member responsible for health and in consultation with Cabinet, declare which of the following alert levels apply, and the extent to which they apply at a national, provincial, metropolitan or district level:

- (a) 'Alert Level 1' as determined by Cabinet;
- (b) 'Alert Level 2' as determined by Cabinet;
- (c) 'Alert Level 3' as determined by Cabinet;
- (d) 'Alert Level 4' as determined by Cabinet; and
- (e) 'Alert Level 5' as determined by Cabinet.

(3) The Cabinet member responsible for health shall issue directions on the criteria that will guide the determination of alert levels;

(4) The detail of permissions and prohibitions for each Alert Level will be set out in the different Alert levels.

## CHAPTER 2

### GENERAL PROVISIONS APPLICABLE DURING NATIONAL STATE OF DISASTER

#### Authority to issue directions

4. (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.

### **General measures to contain the spread of COVID-19**

5. (1) A person must wear a cloth face mask or a homemade item that covers the nose and mouth when in a public place, or another appropriate item to cover the nose and mouth

(2) No person will be allowed to use any form of public transport, or enter a building, place or premises, if they do not wear a cloth face mask or a homemade item that covers the nose and mouth when in a public place, or another appropriate item to cover the nose and mouth.

(3) An employer must provide every employee who may come into direct contact with members of the public as part of their duties with a cloth face mask to cover his or her nose and mouth or a homemade item that covers the nose and mouth when in a public place, or another appropriate item to cover the nose and mouth.

(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.

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

6. (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.