

Offences and penalties

14. (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.

CHAPTER 3 ALERT LEVEL 4

Determination of Alert Level

15. (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.

Movement of persons

16. (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.

(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.

Movement of children

17. (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.

Attendance of funerals

18. (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.

Prohibition on evictions

19. 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.

Public transport

20. (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.

Closure of borders

21. 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.

Transportation of cargo

22. (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.

Gatherings

23. (1) All gatherings are banned, except—

- (a) for funerals;
- (b) when at a workplace; or