

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NO. 763

12 JULY 2020

DISASTER MANAGEMENT ACT, 2002: AMENDMENT OF REGULATIONS ISSUED IN TERMS OF SECTION 27(2)

I, Dr Nkosazana Dlamini Zuma, Minister of Cooperative Governance and Traditional Affairs, designated under section 3 of the Disaster Management Act, 2002 (Act No. 57 of 2002), having declared a national state of disaster, published in *Government Gazette* No. 43096 of 15 March 2020, and extended by Government Notice No. R. 646 of 5 June 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: 12.07.2020

SCHEDULE**Definitions**

1. In these Regulations, "the Regulations" means the regulations published by Government Notice No. R. 480 of 29 April 2020 as amended by Government Notice No. R. 608 of 28 May 2020 and Government Notice No. R. 714 of 25 June 2020.

Deletion of declaration of geographical area or cluster of geographical areas as hotspots

2. The declaration of a geographical area or cluster of geographical areas as hotspots for COVID-19 as determined in the Regulations published in Government Notice No. R. 608 of 28 May 2020, is hereby deleted.

Amendment of regulation 5 of the Regulations

3. Regulation 5 of the Regulations is hereby amended by—
(a) the substitution for subregulation (1) of the following subregulation:

"(1) The wearing of—

- (a) a cloth face mask;
- (b) a homemade item; or
- (c) another appropriate item,

that covers the nose and mouth, is mandatory for every person when in a public place.";

- (b) the substitution for subregulation (2) of the following subregulation:

"(2) No person will be allowed to—
(a) use, operate, perform any service on any form of public transport;
(b) enter or be in a building, place or premises, including government buildings, places or premises, used by the public to obtain goods or services; or
(c) be in any public open space,
if he or she is not wearing a cloth face mask, homemade item, or another appropriate item that covers the nose and mouth.";

- (c) the insertion of the following subregulation after subregulation (2):

"(2A) The prohibition in subregulation (2)(c) shall not apply to a person who undertakes vigorous exercise in a public place, provided that the person maintains a distance of at least three metres from any other person, and subject to directions on what is considered to be vigorous, issued by the Cabinet member responsible for health."; and

- (d) the substitution for subregulation (3) of the following subregulation:

"(3) (a) An employer must provide every employee with a cloth face mask, homemade item, or another appropriate item that covers the nose and mouth, when in the workplace.

(b) An employer may not allow any employee to perform any duties or enter the employment premises if the employee is not wearing a cloth face mask, homemade item, or another appropriate item that covers the nose and mouth while performing his or her duties.

(c) The principal of a school, or owner or manager of an early childhood development centre must take all reasonable steps to ensure the relevant authority supplies the school or early childhood development centre with sufficient cloth face masks, homemade items, or other appropriate items that covers the nose and mouth to provide to a learner of that school or early childhood development centre who does not have a cloth face mask, homemade item, or another appropriate item that covers the nose and mouth.

(d) Directions on the use of a cloth face mask, homemade item, or another appropriate item that covers the nose and mouth, in early childhood development centres, shall be issued by the Cabinet member responsible for social development after consultation with the Cabinet members responsible for cooperative governance and traditional affairs and health.

(e) Should a learner arrive at school or early childhood development centre without a cloth face mask, homemade item, or another appropriate item that covers the nose and mouth—

- (i) the learner may be provided with an appropriate item that covers the nose and mouth, if possible; or
(ii) if the school or early childhood development centre cannot provide such learner with an appropriate item that covers the nose and mouth, such learner must be isolated and his or her parent, guardian or care-giver must be contacted to, without delay—

- (aa) bring, for the learner, a cloth face mask, homemade item, or another appropriate item that covers the nose and mouth to the school or early childhood development centre; or
- (bb) arrange for safe transport for the learner back home."

Amendment of regulation 14 of the Regulations

4. Regulation 14 of the Regulations is hereby amended by the addition after subregulation (4) of the following subregulations:

"(5) A driver or operator of any form of public transport who fails to take reasonable steps to ensure compliance with regulation 5(2)(a) commits an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(6) A manager or owner of a building, place or premises, including a government building place or premises, used by the public to obtain goods or services who fails to take reasonable steps to ensure compliance with regulation 5(2)(b) commits an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

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

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

Amendment of regulation 33 of the Regulations

5. Regulation 33 of the Regulations is hereby amended by the insertion of the following subregulation after subregulation (1):

"(1A) Every person is confined to his or her place of residence from 21H00 until 04H00 daily, except where a person has been granted a permit, which corresponds with Form 2 of Annexure A, to perform a service permitted under Alert Level 3, or is attending to a security or medical emergency."

Amendment of regulation 37 of the Regulations

6. Regulation 37 of the Regulations is hereby amended by the substitution in subregulation (1) for paragraph (h) of the following paragraph:

"(h) all auctions, subject to strict adherence to all health protocols and social distancing measures and directions issued by the responsible Cabinet members and;"

Amendment of regulation 39 of the Regulations

7. Regulation 39 of the Regulations is hereby amended by—
- (a) the substitution in subregulation (2) for paragraph (e) of the following paragraph:
- "(e) hotels, lodges, bed and breakfasts, timeshare facilities and resorts and guest houses, except to the extent that these facilities are required for accommodation by—
- (i) the remaining tourists confined to such facilities;
 - (ii) persons for work purposes; and
 - (iii) persons in quarantine or isolation;"
- (b) the substitution in subregulation (2) for paragraph (h) of the following paragraph:
- "(h) beaches;"
- (c) the addition of the following paragraph in subregulation (2) after paragraph (h):
- "(i) public parks, except for exercising and subject to health protocols."

Substitution of Regulation 43 of the Regulations

8. Regulation 43 is hereby substituted for the following regulation:

"Public transport

43. (1) For purposes of this regulation "long distance travel" is a trip of 200 km or more whether the travel is within a province or inter-provincial.

(2) The Cabinet member responsible for transport must, after consultation with the Cabinet members responsible for cooperative governance and traditional affairs, health, police, trade, industry and competition, and justice and correctional services, issue directions for the resumption of different modes of public transport to cater for the gradual return to work of people, in respect of—

- (a) domestic air travel;
- (b) rail, bus services, taxi services;
- (c) e-hailing services; and
- (d) private vehicles.

(3) Bus and taxi services may operate under the following conditions:

- (a) May not carry more than 70% of the licensed capacity for long distance intra-provincial and permitted inter-provincial travel; and
- (b) may carry 100% of the licensed capacity for any trip not regarded as long distance travel in terms of subregulation (1).

(4) A driver, owner or operator of public transport may not allow any member of the public not wearing a cloth face mask, homemade item, or another appropriate item that covers the nose and mouth, to board or be conveyed in public transport owned or operated by him or her.

(5) The directions to be issued by the Cabinet member responsible for transport must set out the health protocols that must be adhered to and steps to be followed for the limitation of the exposure of members of the public using public transport to COVID-19."

Substitution of regulation 44 of the Regulations

9. Regulation 44 of the Regulations is hereby substituted for the following regulation:

"Sale, dispensing or transportation of liquor

44. (1) The sale, dispensing and distribution of liquor is prohibited.
- (2) The transportation of liquor is prohibited, except where the transportation of liquor is —
- (a) in relation to alcohol required for industries producing hand sanitizers, disinfectants, soap or alcohol for industrial use and household cleaning products;
 - (b) for export purposes; or
 - (c) from manufacturing plants to storage facilities.
- (3) No special or events liquor licenses may be considered for approval during the duration of the national state of disaster.
- (4) The Cabinet member responsible for transport must, after consultation with the Cabinet members responsible for cooperative governance and traditional affairs, health, police and trade, industry and competition, issue directions for the transportation and storage of liquor."

Substitution of regulation 45 of the Regulations

10. Regulation 45 of the Regulations is hereby substituted for the following regulation:

"Tobacco products, e-cigarettes and related products

45. (1) The sale of tobacco, tobacco products, e-cigarettes and related products to members of the public and to persons including retailers who sell directly to the members of the public, is prohibited.
- (2) The sale of tobacco, tobacco products, e-cigarettes and related products for export, is permitted.
- (3) The sale of tobacco from farmers to local processors or local manufacturers, and from processors to manufacturers, is permitted."

Amendment of regulation 48 of the Regulations

11. Regulation 48 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

"(2) For the purposes of this Chapter, any person who fails to comply with or contravenes a provision of regulations 33(1A), 35(3), 36(1), 38(1), 39(1), 39(2), 43(3)(a), 44(1), 44(2), and 45(1) 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."

Substitution of Table 2 of the Regulations

12. Table 2 of the Regulations is hereby substituted for the following Table:

**"TABLE 2
ALERT LEVEL 3**

All persons who are able to work from home must do so. However, persons will be permitted to perform any type of work outside the home, and to travel to and from work and for work purposes under Alert Level 3, subject to—

- (a) strict compliance with health protocols and social distancing measures;
- (b) the return to work being phased-in in order to put in place measures to make the workplace COVID-19 ready;
- (c) the return to work being done in a manner that avoids and reduces the risk of infection; and
- (d) the work not being listed under the specific economic exclusions in this Table.2

| | SPECIFIC ECONOMIC EXCLUSIONS |
|----|---|
| 1. | Sale, dispensing or transportation of liquor except as provided for in regulation 44. |
| 2. | Sale of tobacco, tobacco products, e-cigarettes and related products to members of the public and to persons including retailers who sell directly to the members of the public, except as provided for in regulation 45. |
| 3. | Hotels, lodges, bed and breakfasts, timeshare facilities and resorts and guest houses, for leisure purposes. |
| 4. | Short term home-sharing/letting/leasing/rental. |
| 5. | Domestic passenger air travel for leisure purposes. |
| 6. | Passenger ships for leisure purposes. |
| 7. | Sporting events, except as provided for in Chapter 4 of the Regulations. |
| 8. | Exclusions relating to public transport services as set out in the directions issued by the Cabinet member responsible for transport. |
| 9. | Exclusions relating to education services as set out in the directions issued by the Cabinet members responsible for education." |

Commencement

13. These amendments to the Regulations come into operation on 12 July 2020, except for regulation 33(1A), which will come into operation on 13 July 2020 at 21H00.

Amendment of Form 2 of Annexure A to the Regulations

14. Form 2 of Annexure A is hereby substituted for the following Form:

"FORM 2***PERMIT TO PERFORM AN ESSENTIAL/PERMITTED SERVICE**

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

- Please note that the person to whom the permit is issued must at all times present a form of identification together with this permit. If no identification is presented, the person to whom the permit is issued will have to return to his or her place of residence.

I, being the head of institution, with the below mentioned details,

| | | | | |
|--|-----------------|------------------|------------------|-----------------------|
| Surname | | | | |
| Full names | | | | |
| Identity number | | | | |
| Contact details | cell nr. | tel nr(w) | tel nr(h) | e-mail address |
| | | | | |
| Physical Address of Institution | | | | |

Hereby certify that the below mentioned official/employee is performing services in my institution

| | |
|---------------------------------------|--|
| Surname | |
| Full names | |
| Identity number | |
| Place of residence of employee | |

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

Signature of Head of Institution

Official stamp of
Institution

* Delete whichever is not applicable".