

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF CO-OPERATIVE GOVERNANCE

NO. R. 284

30 March 2021

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 by Government Notice No. 313 of 15 March 2020, and extended by Government Notices Nos. 646 of 5 June 2020, 765 of 13 July 2020, 889 of 15 August 2020, 995 of 14 September 2020, 1090 of 14 October 2020, 1225 of 14 November 2020, No. 1341 of 11 December 2020, No. R. 15 of 13 January 2021, No. R. 86 of 11 February 2021 and No. R. 193 of 11 March 2021 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: 30.03.2021

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 Notices Nos. R. 608 of 28 May 2020, R. 714 of 25 June 2020, R. 763 of 12 July 2020, R. 846 of 31 July 2020, R. 891 of 17 August 2020, No. 999 of 18 September 2020, No. 1011 of 20 September 2020, No. 1053 of 1 October 2020, No. 1104 of 21 October 2020, No. 1199 of 11 November 2020, No. 1290 of 3 December 2020, No. 1346 of 15 December 2020, No. 1370 of 17 December 2020, No. 1421 of 24 December 2020, No. 1423 of 29 December 2020, No. 1435 of 29 December 2020, No. R. 11 of 11 January 2021, No. R. 69 of 1 February 2021, No. R. 92 of 13 February 2021, No. R. 93 of 13 February 2021 and No. R. 152 of 28 February 2021.

Substitution of regulation 68 of the Regulations

2. Regulation 68 of the Regulations is hereby substituted for the following regulation:

"Movement of persons

68. (1) Every person is confined to his or her place of residence from 00H00 until 04H00 daily, unless a person—

- (a) has been granted permission through directions issued by the relevant Cabinet member or a permit, which corresponds with Form 7 of Annexure A, to perform a service other than a service related to an activity listed under Table 4;
- (b) is attending to a security or medical emergency; or
- (c) arrives on a flight or is travelling to or from an airport which necessitates travelling during restricted hours of movement: Provided that the person traveling is in possession of a valid boarding pass as proof of flight or a copy of the airline ticket.

(2) Any person who fails to abide by the curfew referred to in subregulation (1) commits an offence and is, on conviction, liable to a fine or a period of imprisonment not exceeding six months, or to both such fine and imprisonment.

(3) Closing time for the following establishments, whether indoors or outdoors, is 23H00:

- (a) cinemas;
- (b) theatres;
- (c) casinos;
- (d) museums, galleries and archives;
- (e) public swimming pools;
- (f) beaches and public parks;
- (g) game parks, botanical gardens, aquariums and zoos;
- (h) gyms and fitness centres;
- (i) restaurants, bars, shebeens and taverns;
- (j) venues hosting auctions;
- (k) venues hosting professional sport;
- (l) venues hosting faith-based or religious gatherings; and
- (j) social, political and cultural gatherings.

(4) Inter-provincial travel is permitted."

Substitution of regulation 71 of the Regulations

3. Regulation 71 of the Regulations is hereby substituted for the following regulation:

"Attendance of funerals

71. (1) Attendance of a funeral is limited to 100 persons or less and if the venue is too small to hold the prescribed number of persons observing a distance of at least one and a half metres from each other, then not more than 50 percent of the capacity of the venue may be used, subject to strict adherence to all health protocols and all persons maintaining a distance of one and a half metres from each other.

(2) Night vigils are not allowed.

(3) After-funeral gatherings, including "after-tears" gatherings, are not allowed.

(4) During a funeral, a person must wear a face mask and adhere to all health protocols and social distancing measures.

(5) The duration of a funeral is restricted to a maximum of two hours."

Substitution of regulation 72 of the Regulations

4. Regulation 72 of the Regulations is hereby substituted for the following regulation:

"Gatherings

72. (1) Every person, when attending a gathering and in order to limit exposure to COVID-19, must—

- (a) wear a face mask;
- (b) adhere to all health protocols;
- (c) maintain a distance of at least one and a half metres from each other;
- (d) adhere to the curfew hours as provided for in regulation 68; and
- (e) adhere to any other health protocols and social distancing measures as provided for in directions issued by the relevant Cabinet member after consultation with the Cabinet member responsible for health.

(2) An owner or operator of any indoor or outdoor facility where gatherings are held must display the certificate of occupancy which sets out the maximum number of persons the facility may hold.

(3) (a) All—

- (i) faith-based or religious gatherings; and
 - (ii) social, political and cultural gatherings,
- are permitted but limited to 250 persons or less for indoor venues and 500 persons or less for outdoor venues and if the venue is too small to hold the prescribed number of persons observing a distance of at least one and a half metres from each other, then not more than 50 percent of the capacity of the venue may be used, subject to strict adherence to all health protocols and social distancing measures.

(b) Persons attending faith-based or religious gatherings are not permitted to—

- (i) sleep-over, after a service, at the place of worship; and
- (ii) gather outside of the designated places of worship.

(4) Gatherings at a workplace for work purposes are allowed, subject to strict adherence to all health protocols and social distancing measures.

(5) (a) Hotels, lodges, bed and breakfasts, timeshare facilities, resorts and guest houses are allowed full capacity of the available rooms for accommodation, with patrons wearing face masks and observing a distance of at least one and a half metres from each other when in common spaces.

(b) Restaurants, bars, shebeens and taverns are subject to a limitation of a maximum of 250 persons or less for indoor venues and 500 persons or less for outdoor venues and if the venue is too small to hold 250 persons indoors or 500 persons outdoors observing a distance of at least one and a half metres from each other, then not more than 50 percent of the capacity of the venue may be used.

(c) Conferencing, dining and entertainment facilities are subject to a limitation of a maximum of 250 persons or less for indoor venues and 500 persons or less for outdoor venues and if the venue is too small to hold 250 persons

indoors or 500 persons outdoors observing a distance of at least one and a half metres from each other, then not more than 50 percent of the capacity of the venue may be used.

(d) Every business premises, including but not limited to supermarkets, shops, grocery stores, produce markets and pharmacies, are subject to a limitation of 50 percent of the floor space, which includes customers and employees, and subject to strict adherence to all health protocols including wearing of face masks, sanitising and social distancing measures.

(6) Sporting activities, including both professional and non-professional matches, by recognised sporting bodies are allowed, subject to strict adherence to the times of operation as provided for in regulation 68(3) and the following:

- (a) Directions for sports matches issued by the Cabinet member responsible for sport after consultation with the Cabinet member responsible for health;
- (b) only journalists, radio, television crew, security personnel, emergency medical services, and the necessary employees employed by the owners of the venue of the sport match, are allowed at the venue of the sport match;
- (c) only the required number of players, match officials, support staff and medical crew required for the sport match, are allowed at the venue of the sport match;
- (d) no spectators are allowed at the venue of the sports match; and
- (e) international sport events involving countries with a low or medium COVID-19 infection and transmission rate are allowed.

(7) An enforcement officer must, where a gathering in contravention of the regulations takes place—

- (a) order the persons at the gathering to disperse immediately; and
- (b) if the persons refuse to disperse, take appropriate action, which may, subject to the Criminal Procedure Act, 1977 (Act No. 51 of 1977), include the arrest and detention of any person at the gathering.

(8) The provisions of this regulation shall be reviewed and amended where necessary, within fifteen days from the date of publication of this regulation in the *Gazette*."

Insertion of regulations 80A in the Regulations

5. The following regulation is hereby inserted in the Regulations after regulation 80:

"Definition and application

80A. (1) For purposes of these regulations, "Easter period" means Friday 2 April 2021 from 00H01 until Monday 5 April 2021 at 23H59.

(2) Regulation 81 as substituted by these Regulations, will only apply during the Easter period, where after the provisions of regulation 81 as published by Government Notice No. R. 152 of 28 February 2021, will resume."

Substitution of regulation 81 of the Regulations

6. Regulation 81 of the Regulations is hereby substituted for the following regulation:

"Sale, dispensing and transportation of liquor

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

Commencement

7. (1) Regulation 2,3,4 and 5 will come into operation on the date of publication of these regulations in the *Gazette*.

(2) Regulation 6 which substitutes regulation 81 of the Regulations, will come into operation on 2 April 2021 at 00H01.