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GOVERNMENT NOTICES • GOEWERMENSKENNISGEWINGS

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. 43098 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

NC Zuma
DR NKOSAZANA DLAMINI ZUMA, MP
MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
DATE: 29-04-2020

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Section 4

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ANNEXURE E

CHAPTER 1
DEFINITIONS AND APPLICATION

Definitions

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

'absentee ballot' means a ballot that is cast by one person on one and a full name of that voter;

'ball level' means the determination made under subregulation 5(2);

'ballot paper' means a paper that presents with correct signs and symbols of (COVID-19);

'Constitution' means the Constitution of the Republic of South Africa, 1996;

'COVID-19' means the Novel Coronavirus (2019-nCoV) which is an infectious disease caused by a virus that has been identified for the first time 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. 41 of 1977);

'electoral roll' means the electoral roll compiled in terms of section 27(2) of the Act, issued by a Electoral Commission relating to the of the the elections, after consultation with the Electoral Commission, responsible for cooperative government and national affairs and justice and constitutional affairs;

'elector' means an individual, corporation or organisation that is a member of a party, independent of the party;

'enforcement officer' includes a member of the South African Police Service, the South African National Defence Force, police officers, traffic officers, municipal members and a peace officer as defined in section 1 of the Criminal Procedure Act;

'essential goods for transport' means the goods listed in Annexure B;

'essential services' means the services listed in Annexure C;

'gathering' means any assembly, assembly or procession in or on—

- (a) any public road, as defined in the National Road Traffic Act, 1988 (Act No. 93 of 1988); 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, social, recreational, religious, or cultural purposes, but excludes a school and a place of residence for those persons ordinarily residing at the residence;

'health professional' means the health professionals mentioned 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 goods or services as set out in the Table 1, or which regulates such supply or distribution, including professional regulatory bodies designated in Schedule 1, in terms of regulation 4 of the Regulations;

'institutions of higher learning' means 'higher education colleges' and 'higher education institutions' as defined in section 1 of the Higher Education Act, 1997 (Act No. 101 of 1997);

'inhabitant' means occupying a post institution with a biological disease from healthy individuals;

the use of medical and other devices in a manner that obstructs the spreading of infection or contamination

laboratory confirmed case means a person who has been diagnosed with COVID-19 by means of a laboratory diagnostic method approved by the Department of Health

legal tender

(a) any bank product, as defined in section 1 of the South African Reserve Bank Act 1989 (Act No. 93 of 1989)

(b) any or traditional money order or

(c) any other instrument or note declared to be legal tender under the Liquor Act 2002 (Act No. 39 of 2002), but does not include non-physical notes

lockdown means the period between 20h30 on 23 March 2020 and 20h30 on 30 April 2020

lockdown zone means a place of residence or a place of residence or, in the case of people not ordinarily resident in the Republic, their place of temporary residence within the Republic

national state of disaster means the national state of disaster declared by Government Notice No. 432 of 16 March 2020

permitted goods means Part 2 of the Table 1

permitted goods for export means the goods listed in Annexure 2

permitted services means the services provided in Table 2

personnel means the collection of activities or operations of a person, who was or may potentially have been exposed to COVID-19 and who could potentially spread the disease to other individuals, persons or animals, the possible spread of infection or contamination or highly infectious

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

the Act means the Disease Management Act, 2002 (Act No. 67 of 2002) and

WHO means the World Health Organization

Notes and transitional provisions

4. (1) The regulations published by Government Notice No. 318 of 16 March 2020, as amended by Government Notice Nos. 4, 388 of 23 March 2020, 4 319 of 24 March 2020, 4 444 of 2 April 2020, 4 468 of 16 April 2020 and 4 471 of 20 April 2020, are hereby revoked

(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 in the administrative state in regulation 4(1), 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 stated otherwise or withdrawn by the Cabinet member responsible for health services

Application of Regulations

5. (1) Chapters 1 and 2 of these Regulations will apply to the control 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, decide which of the following set of levels shall apply to which areas of a national, provincial, metropolitan or local area:

- (a) Set Level 1 as determined by Cabinet
- (b) Set Level 2 as determined by Cabinet
- (c) Set Level 3 as determined by Cabinet
- (d) Set Level 4 as determined by Cabinet and
- (e) Set Level 5 as determined by Cabinet

(3) The Cabinet member responsible for health shall issue directions on the issue of the set of levels the determination of set levels.

(4) The detail of permissions and prohibitions for each set level will be set out in the relevant set level.

CHAPTER 3

GENERAL PROVISIONS APPLICABLE DURING NATIONAL STATE OF DISASTER

Authority to issue directions

8. (1) The Cabinet member responsible for health may—
- (a) issue directions to address, prevent and control the spread of COVID-19 in any area of the Republic of South Africa, which directions may include the—
 - (i) restriction and handling of human resources from the Department of Health, and other entities responsible for the handling of COVID-19 control services,
 - (ii) deployment of human resources from the Department of Health to assist other health services,
 - (iii) moving of human resources from the Expanded Public Works Programme, other health professionals and Non-Governmental Organisations to assist services in COVID-19 area,
 - (iv) provision of health equipment, personal protective and medical supplies,
 - (v) identification and establishment of facilities that will accommodate all COVID-19 control services,
 - (vi) disposal of COVID-19 control services, and
 - (b) only the directions referred to in paragraph (a) as the circumstances require.

(2) The Cabinet member responsible for justice and constitutional services may—

- (a) issue directions to address, prevent and control the spread of COVID-19 in all Constitutional Centres and Remedial Dispute Resolution Practices in the Republic of South Africa,
- (b) where appropriate—issue directions to address, prevent and control the spread of COVID-19 in structures and local processes in the Republic of South Africa,
- (c) issue directions for voluntary alternative dispute resolution mechanisms, provided it complies with the requirements of the COVID-19 measures and related matters, and
- (d) only the directions referred to in paragraph (a) to (c) as the circumstances require.

(3) The Cabinet member responsible for local government affairs may—

- (6) take directions to address, prevent and control the spread of COVID-19 in all places and institutions of higher learning; and
- (7) take the directions referred to in paragraph (6) as the circumstances require.
 - (a) The Cabinet member responsible for justice may—
- (8) take directions to address, prevent and control the spread of COVID-19 in all places relating to judicial processes and judicial staff; and
- (9) take the directions referred to in paragraph (8) as the circumstances require.
 - (a) The Cabinet member responsible for social development may—
- (10) take directions to address, prevent and control the spread of COVID-19 in all facilities of Social Development facilities; and
- (11) take the directions referred to in paragraph (10) as the circumstances require.
 - (a) The Cabinet member responsible for trade, industry and consumer—
- (12) take directions to—
 - (i) protect consumers from processes which compromise or impair pricing of goods and services during the national state of disaster; and
 - (ii) maintain security and continuity of the supply of goods and services during the national state of disaster;
- (13) take directions to address, prevent and control the spread of COVID-19; and
- (14) take the directions referred to in paragraphs (13) and (14) as the circumstances require.
 - (a) The Cabinet member responsible for transport may—
- (15) take directions to address, prevent and control the spread of COVID-19 in matters relating to air or sea transport; and
- (16) take the directions referred to in paragraph (15) as the circumstances require.
 - (a) The Cabinet member responsible for home affairs may take directions to—
 - (i) allow a person to enter or exit the Republic for emergency medical attention for a life-threatening condition, or for a family member, or foreign relations to be established in their country of nationality or permanent residence;
 - (ii) The Cabinet member responsible for small business may—
- (17) take directions to address, prevent and control the spread of COVID-19 in matters relating to air or sea transport; and
- (18) take the directions referred to in paragraph (17) as the circumstances require.
 - (a) Any Cabinet member may issue and vary directions, as reported, which he or she may, to address, prevent and control the spread of COVID-19, and to assist in matters referred to in this section, from time to time, as may be required, including—
 - (i) disseminating information required for dealing with the national state of disaster;
 - (ii) implementing emergency procurement procedures;
 - (iii) taking any other steps that may be necessary to prevent or minimise or to deal with the national state of disaster, or to alleviate, lessen and minimise the effects of the national state of disaster;
- (19) taking steps to facilitate international assistance.
 - (a) All directions issued in terms of these Regulations shall continue to apply unless, varied, amended or withdrawn by the Cabinet member responsible for each direction.

(10) Decisions with regard to health structures services and trade, industry and employment may be issued to designate services which are necessary to provide or facilitate essential health and social services and international trade or industrial activities.

(11) Decisions may be issued and varied, as required, to address prevent and control the spread of COVID-19. They may include, including—

- (a) disseminating information relevant to dealing with the national state of disaster;
- (b) implementing emergency containment 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;
- (d) taking steps to facilitate international assistance.

(12) All decisions issued in terms of these Regulations shall continue to apply unless varied, amended or withdrawn by the Cabinet member responsible for such decisions.

General measures to contain the spread of COVID-19

4. (1) A person must wear a cloth face mask in a conspicuous location covering 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, to enter a building, place or premises, if they do not wear a cloth face mask or a face-empirical 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 the nose and mouth or a face-empirical 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 restaurant, shop, grocery store, retail store, pharmacy, outdoor market or pharmacy shop,

- (a) measuring their area of floor space in square metres;
- (b) based on the information contemplated in paragraph (a), assessing the number of customers and employees that may be inside the premises at any time with physical 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 sanitiser for use by the public and employees at the entrance to the premises; and
- (e) display, in writing, in a conspicuous area other than behind glass, the compliance measures that must be followed.

(5) Compliance with the measures provided for in paragraphs (a) to (e) and (f) that all decisions in respect of hygiene conditions and limitation of exposure to persons with COVID-19 are referred to.

(6) All employers must, under measures to increase physical distancing of employees, including—

- (a) enabling employees to work from home or otherwise the need for employees to be physically present at the workplace;
- (b) the provision for adequate space;

- (c) remaining in line to the meetings;
 - (d) special measures for employees who work in defined high-risk areas or communities, or with any individual who may pose such employees at a higher risk of contracting or death if they are infected with COVID-19;
 - (e) special measures for employees above the age of 70 who are at a higher risk of contracting or death if they are infected with COVID-19.
- (6) The requirements set out in subregulation (4) apply with the necessary changes to any other listing that is not provided for by subregulation (5).
- (7) All courier and delivery services shall provide to relevant persons contact tracing services.

Release of medical examinations, prophylaxis, treatment, isolation and quarantine

6. (1) No person who has been confirmed as infected 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 release to—

- (a) result of a medical examination, including, but not limited to, the taking of any bodily sample which is submitted to law;
- (b) be admitted to a health establishment or a quarantine or isolation site; or
- (c) result to necessary prophylaxis, treatment, isolation or quarantine, in order to protect themselves.

Provided that if a person does not comply with the instruction or order of the enforcement officer, that person may be placed in quarantine for a period not exceeding 48 hours, pending a warrant being issued by a competent Court, or detention 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 a person 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 activities of the enforcement officer or the magistrate (by deed).

(4) A warrant issued in terms of this regulation remains in force until—

- (a) it is executed;
- (b) it is provided by the person who issued it, if such person is not excluded by any other regulation;
- (c) the expiry of ninety days from the date of its issue; or
- (d) the purpose for the issuing of the warrant has ceased, whichever occurs first.

Isolation or quarantine of persons

4. (1) Any person who is a clinical case, or who is, on reasonable grounds, suspected to be affected or contaminated with COVID-19, or who has been in contact with a person who is infected or contaminated with COVID-19, must comply with—

- (a) an oral instruction of, or a written direction issued by a medical practitioner, a person authorised by the medical practitioner, a member of an enforcement officer to contact himself or herself in accordance to determine his or her COVID-19 status, or
- (b) a written direction issued by a medical practitioner, a person authorised by the medical practitioner, a member of an enforcement officer to—
 - (i) voluntarily leave his or her home to a health establishment or any other place for purposes of isolation or quarantine, or
 - (ii) quarantine himself or herself in accordance with the instructions of such medical practitioner or person authorised by him or her, or a nurse
 pending the determination of his or her COVID-19 status, as a precautionary measure to control the transmission of COVID-19.
- (2) If a person refuses to quarantine himself or herself, or there is a site of isolation or quarantine facility as directed, a medical practitioner must issue a person a court order as contemplated in Part 1 of Schedule 4, to compel such a person to quarantine himself or herself, have to quarantine in a health establishment, or medical screening.

- 5. The—
 - (a) Cabinet member responsible for public works and infrastructure;
 - (b) member of the provincial Executive Council responsible for public works; or
 - (c) accounting officers of municipalities,
 must identify and make available sites to be used as isolation and quarantine facilities as far as practicable and provide a list thereof to the Department of Health, if necessary.

Contact tracing

- 6. (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 (3).
- (2) The National Department of Health shall develop and maintain a national database to enable the tracing of persons who are likely or reasonably suspected to have been in 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 full name and surname, identity or passport numbers, residential address, and other address where such person could be located, and default 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 contact 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 the register is confidential.

(5) No person may disclose any information contained in the COVID-19 Tracing Database or any information obtained through the register unless authorized to do so and unless the disclosure is necessary for the purpose of addressing, preventing or curbing the spread of COVID-19.

(6) Where any person is to be tested for COVID-19, the person being so tested for purposes of testing must submit as much of the following information as is available at the time of testing 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 license, identity card, identity book or the person tested
- and promptly submit the information, along with any information a test regarding their 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 forward to the Director-General Health, for inclusion in the COVID-19 Tracing Database—

- (a) all details the laboratory has, including the test name and surname, identity or passport number, residential address and cellular phone numbers, regarding the person tested;
- (b) the COVID-19 test result concerned;

(8) The National Institute for Communicable Diseases (NICD) must forward to the Director-General Health, for inclusion in the COVID-19 Tracing Database—

- (a) all details the NICD has, including the test name and surname, identity or passport number, 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 their contacts of the person tested.

(9) Every accommodation establishment must, promptly after the expiry of the time of the register, forward 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 isolation—

- (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 license, identity card or identity book of the person concerned.

(10) The Director-General Health may, in writing and with prior notice to the person concerned, direct an electronic communications service provider licensed under the Electronic Communications Act, 2001 (Act No. 36 of 2001) to provide him or her, for inclusion in the COVID-19 Tracing Database, with such information as the 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 movement of any person issued an interdict is suspected to have come into contact, during the period 8 March 2020 to the date on which the national state of disaster has ended or has been terminated, with a person who has been a Designated Judge;

and the personal communication service provider (and possibly others) with the service provider;

(17) The information referred to in subregulation (16) –

(a) may only be obtained in relation to the location or movements of persons during the period 8 March 2020 to the date on which the national state of disaster has ended or has been terminated;

(b) may only be obtained, used or disclosed by authorized persons and may only be disclosed and be disclosed when necessary for the purposes of addressing, preventing or curbing 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) any data that 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;

(18) Nothing in this regulation restricts the Director-General: Health or any other person to inspect the contents of any personal communication;

(19) The Deputy member responsible for justice and constitutional services (as in terms of section 17(1)(a) read with paragraph 21 of the definition of ‘service’ in section 1(1) of Judges’ Remuneration and Conditions of Employment Act, 2001 (Act No. 47 of 2001), appointed a Constitutional Court Judge who has been discharged from actual service to perform service as a COVID-19 Designated Judge as provided for in the Regulations;

(20) 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 (16)(a) and (16)(b) respectively;

(21) The COVID-19 Designated Judge may issue such recommendations to the Deputy member responsible for cooperative governance and traditional affairs, health and justice and constitutional services as he or she deems fit regarding the enforcement or enforcement of the 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 curtail the spread of COVID-19;

(22) The Director-General: Health shall, within six weeks after the national state of disaster has ended, or has been terminated, notify every person whose information has been obtained in terms of subregulation (16) that information regarding their location or movements was obtained in terms of subregulation (16);

(23) Within six weeks after the national state of disaster has ended 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 learning purposes;
- (c) all information on the COVID-19 Tracing Database which has not been de-identified shall be destroyed, etc.

(d) the Director-General must file a report with the COVID-19 Designated Judge recording the work done in this regard, and the steps taken pursuant to subregulation (1b).

(1b) Upon receipt of the report in subregulation (1)(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.

(1c) The report required by subregulation (1)(d) and any directions given in terms of subregulation (1b) shall be given in the form of subregulation (1b) and appended to the report.

Release of resources

8. (1) The Department of Defence must, by the direction of the designated judge, make of its assets, either its available resources—

- (a) release and furnish available resources, including human resources, stores, equipment, stores, animal husbandry, services and facilities; and
 - (b) ensure the delivery of essential services;
- as may be required to prevent, limit, contain, control and manage the spreading of COVID-19.

(2) National organs of state must, either by or through their respective organs, be prepared for the rendering of emergency services, as contemplated in section 27(2)(b) of the Act.

(3) Institutions, either 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, either 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 28 to 33 of the Constitution, and funding, either its budget or treatment 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 assistance legislation to implement these Regulations and directions issued in terms of section 27(2) of the Act, in relation to the national state of disaster.

(6) Other funding received by institutions, except in the Public Finance Management Act, 1998 (Act No. 1 of 1998) or the Local Government Municipal Finance Management Act, 2003 (Act No. 56 of 2003), in regard to the national state of disaster must be—

- (a) paid into the Reconstruction and Development Fund, established by the Reconstruction and Development Fund Act, 2004 (Act No. 7 of 2004); 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.

Buildings and sites identified by the State during national state of disaster

48. (1) The State shall—
- temporary orders for temporary orders that comply with the necessary health protocols and measures during national state of disaster as provided for in guidelines published by the Director General of Health; and
 - temporary orders for quarantine and self-isolation that comply with the necessary health protocols and adequate spacing standards, as provided for in guidelines published by the Director General of Health for persons who cannot isolate or quarantine in their homes.
- (2) The powers of the State's measures contemplated in sub-section (1) shall be to the extent of the national state of disaster, and the use thereof will be subject to continue determined by the Cabinet member responsible for such measures.

Emergency Procurement Processes

49. Emergency procurement processes shall be—
- the Public Finance Management Act, 1998 (Act No. 1 of 1998), and the applicable emergency processes in the Regulations or instructions made under section 74 of that Act; and
 - the Municipal Finance Management Act, 2003 (Act No. 56 of 2003), and the applicable emergency processes in the Regulations made under that Act.

Process and substance

50. These Regulations do not limit any power or discretion of security services provided for in any law.

Resolution of disputes

51. (1) The parties to a dispute shall agree the terms of any order of State which may potentially result in litigation, viz—
- either before or after the commencement of litigation and before the granting of judgment by the court, agree to refer the dispute to mediation; or
 - before the commencement of litigation, agree to refer the dispute to arbitration.
- (2) Where the parties agree to mediation or arbitration—
- the Office of the Director General shall assist the parties in conducting and completing the process; and
 - the parties may agree that a judge who has retired from active service shall act as the mediator or arbitrator as the case may be, in which event it shall not be possible to call evidence or witnesses.
- (3) The Office of the State Attorney in whose case of proceedings a dispute arises shall, in addition to any knowledge of such dispute, engage the party raising the dispute or each party's legal representative in conducting mediation or arbitration.

Offences and penalties

14. (1) Any person who intentionally transgresses the 14, 15 or 16 of any other section in relation with COVID-19 is guilty of an offence and on conviction (subject 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 (subject to imprisonment for a period not exceeding six months or to both such fine and imprisonment)

(3) Any person who intentionally exposes another person to COVID-19 may be punished 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 4(1), 5(1), 6(1), 8(1), 9(1) or 10(1); or
 - (b) a direction issued in terms of regulation 4(2) or 9(2)
 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 32, hereinafter, 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 a different Alert Level for the duration of the national state of disaster.

(2) The regulatory period of 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 or other corresponding part 2 of Annexure A, has been issued;
 - (c) for permitted goods;
 - (d) attend services that are otherwise permitted as set out in Table 1 to the Regulations;
 - (e) move children, as allowed;
 - (f) walk, jog or cycle between the hours of 06:00 to 18:00, when a full recovery status of their place of residence. Permitted for the in not done in organized groups.

(1) Every person is confined to his or her place of residence from 20:00 until 05:00 each day, 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.

(2) 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 medical supplies; and
- (d) for learners who have to commute to and from schools or higher education institutions on a daily basis during periods when those institutions are permitted to operate.

(3) Any person who was not at their place of residence, or work before the restriction period and who could not travel between provinces, metropolitan and district areas during the restriction, will be considered, on a case-by-case basis, to return to their place of residence or work and will be required to stay in such place until the end of Level 4.

(4) All industrial businesses, entities, both private and in the public sector, which are permitted to operate during 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 proposed in return of their employees to the workplace, prior to reopening the workplace for business, which plan must conform with Annexure E and be retained for inspection and contain the following information:
 - (i) which employees are permitted to work;
 - (ii) what the plan for the proposed return of their employees to the workplace are;
 - (iii) what health protocols are in place to protect employees from COVID-19; and
 - (iv) the duties of the COVID-19 compliance officer;
- (c) assess the health 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 guidelines for the public emergency system, as required.

(5) The Cabinet member responsible for health affairs, or a person designated by him or her, may issue a permit to enter or leave 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 commencement of this section 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 Level 4, as the case may be, and may be subject to screening for COVID-19 and be quarantined or treated as required. Provided that the procurement of foreign tourists where arrangements, including an arrangement for the repatriation by or transfer, had been made by the relevant embassy, may be allowed. Provided further that a tourist is permitted to the point of exit where he or she may be screened again.

Movement of children

(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 institution, area or district municipality is allowed subject to the following if the conditions of parental responsibilities and rights or a caregiver is a condition of—

- (a) a birth certificate;
- (b) a parental responsibilities and rights agreement or parenting plan registered with the Family Advocate;
- (c) a permit issued by a magistrate where such conditions set forth in Part 2 of Schedule 8 of 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 institutions, areas, district municipalities or provinces is allowed if the conditions of parental responsibilities and rights or a caregiver is a condition of a permit issued by a magistrate which corresponds with Part 2 of Schedule 8.

(3) Any child who was not at the residence of their primary caregiver before the outbreak period and who would not have between provinces, municipalities and districts areas during the outbreak will be permitted, on a case-by-case basis, to return to the residence of their primary caregiver if the conditions of parental responsibilities and rights of a caregiver is a condition of a permit issued by a magistrate which corresponds with Part 2 of Schedule 8.

(4) The threshold at which the child has to move, must be low of COVID-19.

(5) (a) Before a magistrate issues a permit referred to in regulation 11(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 records why the movement of the child is necessary.

(b) Before a magistrate issues a permit referred to in 11(1)(c), he or she must be provided with—

- (i) a birth certificate;
- (ii) a parental responsibilities and rights agreement or parenting plan registered with the Family Advocate;
- (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 records why the movement of the child is necessary.

Attendance of deceased

(1) Absence between a province, municipality, area or district to a permit allowing to attend a funeral shall only be permitted if that person all 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 step-parent.

- (b) stating whether funeral, wedding or mourning services of the deceased or
- (c) performance of the deceased;
- (2) Attendance at a funeral is restricted to people who 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 avoidance of exposure of persons at the funeral to COVID-19;
- (5) Each person, whether travelling alone or not, wanting to attend a funeral and who has to travel between districts, or between provinces to attend a funeral must obtain a permit which corresponds automatically with Form 4 of Annexure A, from the or the nearest regional office or police station or travel to the funeral and back;
- (6) The head of coast, 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) When 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 coast, 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 medical or religious leader confirming the need for the funeral within 24 hours;
- (8) Only two family members of a person with a close affiliation to the deceased may, with the deceased person, be present in the vehicle transporting the mortal remains to the metropolitan or district level, 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 coast, or station commander of a police station, for record keeping for a period of three months after the normal date of issuance has passed, 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 regarded as invalid.

Prohibition on evictions

- (12) A competent court may grant an order for the eviction of any person from land or a thing in terms of the provisions of the Eviction of Squatters Act 102 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 of March 2020, unless a court decides that it is not just and equitable to stay, and suspend the order until the last day of the March 2020 period.

Public transport

20. (1) The Minister of Transport may, after consultation with the Cabinet member 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 and air services, bus 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 hygiene conditions that must be adhered to and steps to be followed for the resumption of services of members of the public using public transport in COVID-19.

Closure of borders

21. Members of the Republic remain closed during the period of that Level 4 except for goods of value designated by the Cabinet member responsible for foreign affairs and for the transportation of fuel, cargo and goods during the period of that Level 4.

Transportation of cargo

22. (1) For reasons set out in paragraph 4 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 export as set out in Annexure B to the Regulations;
- (b) the import of vehicles and components required for manufacturing activities allowed under that Level 4;
- (c) cargo at ports of entry;
- (d) goods cleared at ports of entry for removal to transit through the Republic enroute to neighbouring 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 Decisions by the relevant Cabinet member taking into account health risks, considered 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 for cooperative governance and traditional affairs, health, industry and competition, health, police 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) funerals;
- (b) what is a necessary or

- (c) when leaving or entering public premises, as stipulated in Table 1;
- (d) An enforcement officer must, when a gathering takes place—
 - (i) order the persons at the gathering to disperse immediately; and
 - (ii) if the persons refuse to disperse, take appropriate action, which may, subject to the Criminal Procedure Act, include arrest and removal.

Places and premises closed to the public

24 (1) Any place or premises normally open to the public which requires cultural, sporting, governmental, recreational, entertainment, representative or similar activities may, when closed—

(2) Any place or premises normally open to the public in which people may gather, are prohibited. These include—

- (a) public parks, sports grounds and lawns, beaches and swimming pools;
- (b) flea markets;
- (c) fairs and bazaars;
- (d) night clubs;
- (e) taverns;
- (f) hotels, lodges, bed and breakfasts, inns, guest houses, boarding houses, and guest houses, except to the extent that they are required for supplying services confined to hotels, lodges and guest houses;
- (g) private and public game reserves except to the extent that they are required for supplying services confined to private and public game reserves;
- (h) hobby sports except to the extent that they are required for supplying services confined to such hobby sports;
- (i) schools and universities, or similar establishments;
- (j) theatres and cinemas; and
- (k) museums.

(3) Persons rendering security and managerial services may continue to perform their services in the places or premises listed in this regulation.

(4) The Cabinet member responsible for cooperative government and traditional affairs may, by direction in the Gazette, determine any other places or premises that may be closed, if there is a risk to any person or members of the public being exposed to COVID-19.

Excluded visits by members of the public

25 (1) All visits by members of the public are—

- (a) funerals; and
- (b) funerals, burials, cremations, and other religious or cultural activities, including visits to graves, monuments or memorials, in accordance with health protocols; and

(2) Facilities constructed or managed by the Department of Basic Education, including (but not limited to) Day Care Centres, schools, One Stop Centres, and Treatment Centres, will be allowed to the extent and in the manner as directed by the Cabinet member responsible for education, governance and traditional affairs after consultation with the Cabinet member responsible for health, police and justice and correctional services.

Safe, cleaning or transportation of liquor

- (20) (1) The safe cleaning and maintenance of liquor is permitted.
- (2) The transportation of liquor is permitted, except where alcohol is destined for industries producing hard liquors, distilleries, wine, grapes for industrial use and medicinal cleaning products.
- (3) The transportation of liquor for social purposes is permitted.
- (4) No special or special liquor licenses may be considered for approval during the duration of the national state of disaster.

Tobacco products, e-cigarettes and related products

(21) The use of tobacco, tobacco products, e-cigarettes and related products is permitted.

Operation of economic activities

- (22) (1) Businesses and other entities as set out in Table 1 may continue operating.
 - (2) Every person in control of a retail store or institution must—
- (a) take steps to ensure that customers keep a distance of at least one and a half metres apart from other, and that all dealings in respect of health products and social distancing measures COVID-19 are adhered to; and
- (b) designate a compliance official to ensure that the safety controls are strictly adhered to, and display the name of the official prominently in the store or in a visible way.
- (3) Restrictions relating to goods as provided for in Table 1 are prohibited when selling other goods that are not permitted in terms of the Table 1.
 - (4) Persons performing essential activities or permitted services, must be fully designated in writing by the head of an institution, or a person designated by him or her, on a form that corresponds with Form 2 in Annexure 4. Provided that Cabinet member responsible for social development may issue directions in respect of such any other institutions, institutions, informal traders and social groups in respect of these entities.

Energy and petroleum products supply

- (23) To ensure the continuous supply of energy and petroleum products to energy as referenced in Table 1,
 - (a) ensure that supply (including services to operate as far as possible with

- (b) reserves and other facilities providing energy and fuel may operate at full capacity to avoid shortage of fuel and energy; and such operations may include fuel storage, transfer, intake and financing.

Mining Operations

26. (1) Operations mining starting up to a maximum of 50% and thereafter mining up to full employment.

(2) All other mining starting or recommencing mining up to a maximum of 50% employment.

(3) Mining operations must be conducted in a reduced capacity of not more than 50% and thereafter at increasing capacity as determined by direction issued by the Cabinet member responsible for mineral resources and energy.

(4) The following conditions apply to the starting and increasing of capacity:

- (a) Appropriate measures to protect the health and safety of workers must be implemented by mining companies in accordance with the directions issued from time to time by the Cabinet member responsible for mineral resources and energy, in consultation with the Cabinet member responsible for health;
- (b) a rigorous screening and testing programme must be implemented as employees return to work;
- (c) the mining industry must provide quarantine facilities for employees and their family members in the COVID-19;
- (d) data collected during the screening and testing programme must be submitted to the authority referred to in regulation 8;
- (e) mining companies must make arrangements to transport their South African employees from their homes to their respective areas of operations;

(5) The monitoring and impact assessment of economic strength through the Council for Economic Development must be conducted with increased effect.

Offences and penalties

27. (1) For the purposes of the various acts of treason, any person who—

- (a) commits a gathering of;
 - (b) incites, abets, aids, 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) For the purposes of this Chapter, any person who fails to comply with or contravenes the provisions of regulations 16(1), 16(2), 16(3) and 16(4), 18, 24(1) and 24(2), 25(1) and 25(2), 27 and 28(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.

**TABLE 1
ALERT LEVEL 4**

- All persons who are able to work from home should do so.
- Persons in the following list of industries and activities will be permitted to perform work outside the home, and to travel to and from work, under Alert Level 4 subject to—
- (a) strict health screening and social distancing rules;
 - (b) return to work to be phased in to enable measures to reduce the workplace COVID-19 risk;
 - (c) return to work to be done in a manner that results and reduces rates of infection.

| PERMISSIONS AND PROHIBITIONS | |
|------------------------------|--|
| PART A | AGRICULTURE, HUNTING, FORESTRY AND FISHING |
| 1 | All agriculture, hunting, forestry and fishing, including processing, distribution, harvesting, storage, transport of live animals and sections (subject to health screening) and related agricultural infrastructure and services including research, inspection, certification and quality control. All fishing, operation of fish hatcheries and fish farms, on-land operations as may be allowed in facilities by the national members responsible for the environment, forestry and fisheries. Processing and storage activities necessary to prevent the wastage of primary agricultural, fishing and forestry goods. Export of agricultural, agro-processing, fishing and forestry products. |
| PART B | ELECTRICITY, GAS AND WATER SUPPLY |
| 1 | All essential gas and water supply is permitted. |
| PART C | MANUFACTURING |
| 1 | Manufacture of automobiles and other products permitted under Alert Level 4 and all input processes permitted leading up to full employment, except where otherwise indicated, and subject to strict health protocols. |
| 2 | Manufacture of paper and paper products, including recovery, permitted leading up to full employment and subject to strict health protocols. |
| 3 | Manufacture of plastics and packaging, including glass, plastic bottles and containers, permitted leading up to full employment and subject to strict health protocols. |
| 4 | Transport vehicles, tractors and farm-tract, permitted leading up to full employment and subject to strict health protocols. |
| 5 | Manufacture of other clothing, footwear, sewing and repairs (and all input processes) including leather, permitted commencing at 20% and leading up to 50% employment and subject to strict health protocols. |
| 6 | Manufacturing of aluminium, steel and other metals, oil and shipbuilding (including components), leading up in phases to 60% employment and subject to strict health protocols. |
| 7 | Textile production, leading up in phases to 50% employment and subject to strict health protocols. |
| 8 | Furniture, other construction material and hardware, leading up in phases to 50% employment and subject to strict health protocols. |
| 9 | All other manufacturing, leading up to 30% employment and subject to strict health protocols. |

| | |
|---------------|---|
| PART D | CONSTRUCTION AND RELATED SERVICES INC. TRADES PERSONS |
| 1 | Civil engineering for public works projects including water, sewage, sanitation, public works and engineering and construction work |
| 2 | Road and bridge works, including civil and road works |
| 3 | Other engineering and related |
| PART E | WHOLESALE AND RETAIL TRADE, COVERING STORES, SPAIN MERCHANTS, COMMERCE AND INFORMAL TRADING |
| 1 | Food products, including non-alcoholic beverages and animal feed |
| 2 | The sale of hot cooked food, only for home delivery |
| 3 | Toilet Paper, sanitary linen, sanitary napkins, and nappies |
| 4 | Plant nurseries, florists and other outlets for household and household cleaning products, and general provisions equipment |
| 5 | Produce for the sale of homes and markets |
| 6 | Personal services including hairdressing, beauty and hairdressing, manicure, nail art, pedicure, skin care products |
| 7 | Medical and health products, medical equipment and general provisions equipment |
| 8 | Fuel and lighting, including coal, wood, petrol and gas |
| 9 | Books and electronics |
| 10 | Hardware, components and systems |
| 11 | Construction for projects involving construction work |
| 12 | Chemicals, packaging and auxiliary products used in the production of any other products listed in Part E |
| 13 | Trucks, trailers and other motor vehicles and other personal provisions equipment and other related |
| 14 | Other printing, books, binding and related and the components and related hardware manufacture from |
| 15 | Construction printing and related and components related to construction from |
| 16 | Printing and educational books |
| 17 | Personal ICT equipment including computers, mobile telephones and other related and related |
| 18 | The sale of used vehicles |
| 19 | Activities that permit the temporary retention of e-Commerce using the internet to assist the sale of and the export of imported on the internet, internet related goods, information services and the export of other business |
| PART F | INFORMATION AND COMMUNICATION SERVICES |
| 1 | Information and communication services and related |
| 2 | Information and Communication Technology services for all groups and business categories |
| 3 | Other services and related services for all categories and Level 4 services |
| PART G | MEDIA AND ENTERTAINMENT SERVICES |
| 1 | Other services |
| 2 | Activities for social interaction and the delivery of content related services in support of COVID-19 related activities |
| 3 | Management and consultancy |
| PART H | FINANCIAL AND BUSINESS SERVICES |
| 1 | Activities related with financial services |
| 2 | Financial services, including the following services necessary to finance the functioning of a financial system as defined in section 1(1) of the Financial |

| | |
|---------------|---|
| | <p>Basic Regulation Act, and when the operation of a place of business or entity is necessary to continue to perform these services:</p> <ol style="list-style-type: none"> 1. the banking subsector, including the operation of mutual banks, co-operative banks, co-operative financial institutions and Paasikant; 2. the payments subsector; 3. the financial markets, including market infrastructures licensed under the Financial Markets Act, 2017 (Act No. 96 of 2017); 4. the insurance subsector; 5. the savings and investment subsector; 6. pension fund administration; 7. investment administration; 8. pension schemes administration; and 9. additional services designated in terms of regulation 119 (44) of the <p>The services listed above may not include self-insurance schemes.</p> |
| 1 | Services necessary for the provision of these goods. |
| 2 | Postal services, including the services. |
| 3 | Administration of postal matters. |
| 4 | Car and other public transport services. |
| 5 | Chartered services, used or from vehicles, ocean services, machinery and equipment, and of goods to support other Part 4 services. |
| 6 | Cell services for land and air communication networks. This service is subject to conditions imposed by the relevant cellular network. |
| 7 | Other professional services that are used only where such services are not available, and only to support other Part 4 services. |
| PART 1 | ACCOMMODATION AND FOOD SERVICE ACTIVITIES PERMITTED |
| 1 | Accommodation not permitted, except for quarantine and essential services. |
| 2 | Restaurants only for food delivery services (DND, Home) and subject to restriction of maximum 20% of seats or part of street. |
| PART 2 | TRANSPORT, STORAGE AND COMMUNICATION SERVICES PERMITTED |
| 1 | Trucks, rail, road and air transport of goods permitted only for activities set out in Regulation 102. |
| 2 | Public rail, inland sea and air services and repairs in Part 4 and air services as will be set out in Directions, based on the progressive increase in cumulative numbers during the various stages. |
| 3 | E-filing services subject to conditions or capacity and time, and for permitted periods only. |
| 4 | Transport and logistics included or excluded cargo specified in 21, and permitted local goods in neighbouring countries, which shall include all goods imported via all ports of entry, to be used in neighbouring countries. |
| PART 3 | MINING AND QUARRYING |
| 1 | Coal production for power, mining up to 50% employment. |
| 2 | Coalmining mining mining up to a maximum of 50% and thereafter mining up to 50% employment. |
| 3 | Hardhat mining mining in mining mining up to 50% employment. |
| PART 4 | REPAIR AND RELATED EMERGENCY SERVICES PERMITTED |
| 1 | Truck repair and vehicle recovery services. |
| 2 | Emergency repair work, including plumbing, electrical, mechanical, gas and roof work. |
| 3 | Emergency maintenance services for all sectors. |
| PART 5 | SUPPLY CHAINS |

| | |
|---------------|--|
| 1 | Production, manufacturing, supply, repairs, transport, services and other maintenance and repair of goods and services including components and equipment required for the production or rendering of specified goods and services. |
| 2 | Any enterprise or business that has been previously determined to be essential to the prevention of the destruction or significant impairment of existing water, gas, electricity or sewerage, or to assist water, waste disposal arrangements, or such conditions as may be issued by means of directions by the relevant cabinet member. |
| PART H | PRIVATE HOUSEHOLD EMPLOYMENT |
| 1 | Employment of staff providing care to the sick, elderly or persons with disabilities and others. |
| PART I | PUBLIC ADMINISTRATION, GOVERNMENT SERVICES AND OTHER AGENCIES OF THE STATE |
| 1 | City executive government and metropolitan municipalities, including: <ul style="list-style-type: none"> 1.1 Waste management services; 1.2 Learning, training, skills, careers offices, and other such activities; equipment maintenance services; 1.3 Any other services designated by the Executive Authority, 1000, Heads of Courts and Heads of other Chapter 9 Institutions; 1.4 Essential municipal services; 1.5 Services related to the functioning of courts, the State Council Commission; 1.6 Essential SARS services related to the Commission of SARS; 1.7 State police officers, traffic officers, military medical personnel and similar professional services, officials and traffic management services; 1.8 Services rendered by the Executive members of Parliament, Members of the Provincial Legislative Assemblies, Local Councils, the Judiciary, National Heads and National Office Bearers of Political Parties, Government of Parliament, Commissioners of the South African Human Rights Commission, Gender Commission, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, the Public Protector and Heads of State Promote and the Independent Electoral Commission; |
| PART J | HEALTH, SOCIAL AND PERSONAL SERVICES |
| 1 | Medical and primary services centres; <ul style="list-style-type: none"> 1.1 Cleaning, ventilation and control, maintenance, water and refuse removal services; 1.2 Recycling of glass, paper, plastic, metal, tyres and such others as determined by structures, and permitted at NCRs usually, normal structures will be permitted to receive glass; 1.3 All kinds work - including, services supporting general social services, care and social services permitted; 1.4 Health Management, first-aid, home care and veterinary services; 1.5 Funeral services, including mortuary services and the transportation of dead animals; 1.6 These work essential staff for services rendered by Head of a school or Chapter 9 Institution; |
| PART Q | EDUCATION SERVICES |
| 1 | Services as listed and provided in the schedule. |

ANNEXURE A
FORM 1
ORDER FOR A PERSON TO GO TO A SITE OF ISOLATION, QUARANTINE FACILITY, OR
FOR A PERSON TO GO FOR MEDICAL EXAMINATION
 Regulation 12D

IN THE MAGISTRATES COURT FOR THE DISTRICT OF _____ HELD
 AT _____ ON THE _____ DAY OF _____ 2020.

BEFORE ME _____ MAGISTRATE FOR THE
 APPOINTED DISTRICT IN CHARGE

WHEREAS I appear that _____ (hereinafter
 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 to—
- submit to a medical examination, including but not limited to the taking of any bodily
 sample by a person authorized to do so;
- be admitted to a site to be used as isolation or a quarantine facility; or
- submit to mandatory prophylaxis, treatment, control 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
 the taking of any bodily sample by a person authorized to do so.

_____ DATE _____
MAGISTRATE

- NOTE:** The undersigned is hereby notified—
- (a) it is essential
 - (b) it is mandated by the person who issued it, that anyone who receives an order must do
 the work
 - (c) a number of copies of this order have been issued from the date of issuance of
 the order for the issuing of the order has expired.

Signed at _____ on the _____ day of _____
 2020



FORM 1
PERMIT TO REMOVE OR DEMOLISH OR REVERSE ENGINEER
Regulation 15(2)(a) and (b)

- Please note that the permit is valid for a period of 12 months from the date of issue and a fee of R10000 (Ten thousand Rand) is payable on the date of issue. The permit is subject to the conditions of the permit and the relevant legislation.

1. Name of applicant: _____

| City | Township | Suburb | Postal address |
|------|----------|--------|----------------|
| | | | |
| | | | |

2. Name of contractor: _____

3. Details of the proposed work: _____

4. Details of the proposed work: _____

5. Name of applicant: _____

6. Name of contractor: _____



FORM 3
PERMIT FOR THE MOVEMENT OF CHILDREN TO TRAVEL TO ANOTHER
PROVINCIAL METROPOLITAN AREA DISTRICT
Regulation 15(1)(g)

Note: This permit is a pre-emptive measure in the absence of the parent or guardian for the child concerned.

In the METROPOLITAN AREA DISTRICT FOR THE PROVINCE OF _____ WARD _____
OF _____ ON THE _____ DAY OF _____ 2020.

BEFORE ME _____ MAGISTRATE FOR THE
APPOINTED METROPOLITAN DISTRICT IN CHARGE.

I hereby issue this permit to travel to the following places:

| | Date | To Whom | Area visited |
|----------------------------|------|---------|--------------|
| Name of child | | | |
| Name of parent/guardian | | | |
| Address of parent/guardian | | | |
| Address of child | | | |
| Name of school | | | |
| Name of institution | | | |
| Name of club | | | |
| Name of other place | | | |
| Name of other place | | | |
| Name of other place | | | |
| Name of other place | | | |
| Name of other place | | | |
| Name of other place | | | |
| Name of other place | | | |
| Name of other place | | | |
| Name of other place | | | |
| Name of other place | | | |
| Name of other place | | | |

I hereby declare that the above-mentioned person concerned is the parent or guardian of the child named in this permit.

Signature of _____ Date _____
Signature of _____
Signature of _____

Official Seal

FORM 4
PERMIT TO TRAVEL TO ANOTHER PROVINCE'S METROPOLITAN AREA(S) FOR A FUNERAL
Regulation 1(3)

(To be completed by the head of court or a court commissioner of a province designated by the relevant government.)

I, _____, the holder of the court of record of a province designated by law or the relevant government of a province of a province designated by law or the relevant government.

(a) the Metropolitan area for the address of _____

(b) the police station at _____

to allow the permit for travel to another metropolitan area in the following manner:

| | | | |
|-------------------|--|--|--|
| Province | | | |
| Metropolitan area | | | |
| Police station | | | |
| From | | | |
| To | | | |
| On | | | |
| Off | | | |
| Valid until | | | |

I also declare that the above mentioned permit presented by the holder of the court of record to me.

Signed at _____ this _____ day of _____ 2020.



FORM 9
SWORN AFFIDAVIT BY PERSON WHO WISHES TO ATTEND A FUNERAL IN ANOTHER PROVINCE/METROPOLITAN AREA/DISTRICT
 Regulation 14(2)

- 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.
- Note 2:** This affidavit may only be used in or in relation to a funeral of a deceased person or other matter.

| | | | |
|----------------------------|-----|----|----------------|
| Name of deceased | | | |
| Address of deceased | | | |
| Address of place of burial | | | |
| Name of funeral home | | | |
| Name of funeral parlour | | | |
| Name of funeral home | Yes | No | Not Applicable |
| Name of funeral parlour | Yes | No | Not Applicable |
| Name of funeral home | | | |
| Name of funeral parlour | | | |

Notes: Deceased (insert name with regard to the deceased)

| | | | |
|-------------------------|-----|----|----------------|
| Name of deceased | | | |
| Address of deceased | | | |
| Name of funeral home | | | |
| Name of funeral parlour | | | |
| Name of funeral home | Yes | No | Not Applicable |
| Name of funeral parlour | Yes | No | Not Applicable |
| Name of funeral home | | | |
| Name of funeral parlour | | | |

AFFIRMATION

I, _____, do hereby declare under oath that the above mentioned information is true and correct.

Signed at _____ on the _____ day of _____ 2020

Signature of person making affidavit

CERTIFICATION

I hereby certify that before administering the oath to the affiant, I asked the affiant the following questions and noted the answers in the spaces provided below:

(a) Do you know and understand the contents of the above declaration?

Answer: _____

(b) Do you have any objection to using the affidavit?

Answer: _____

(c) Do you consider the affidavit to be true to your knowledge?

Answer: _____

I hereby certify that the deponent has acknowledged that he/she knows and understands the contents of this declaration which was read to him/her before me, and the deponent's signature was placed thereon in my presence.

Signed at _____ on the _____ day of _____ 2020

Signature of the Peace Commissioner of Oaths

Full name: _____

Designation: _____

Business address: _____

(Delete which is not applicable)

**ANNEXURE B
ESSENTIAL GOODS FOR EXPORT
Regulation 12(1)**

| ESSENTIAL GOODS FOR EXPORT | |
|----------------------------|---|
| 1 | Food products, including raw agricultural commodities and animal feeds. |
| 2 | Sanitary and medical supplies, including: |
| 3 | Hand sanitizer, disinfectants, soap, alcohol for medical use, household cleaning products, and personal protective equipment, including cloth face masks. |
| 4 | Products for the care of babies and toddlers. |
| 5 | Personal hygiene, including hand soap, tooth and face care products, shampoos, deodorants, and hair care products. |
| 6 | Medical and health supplies, including equipment and personal protective equipment, including cloth face masks. |
| 7 | Fuel, including coal, wood, paraffin and gas. |
| 8 | Vehicle components and spares. |
| 9 | Components for alternative vehicles or uses. |
| 10 | Chemicals, packaging and auxiliary products used in the production of any these products. |
| 11 | Tools required to produce face masks, and other personal protective equipment. |
| 12 | ICT equipment to facilitate work from home arrangements, including computers, mobile telephones and other home office equipment. |

**ANNEXURE C
PROHIBITED GOODS FOR EXPORT
Regulation 12(2)**

| PROHIBITED GOODS FOR EXPORT | |
|-----------------------------|---|
| 1 | Agricultural agro-processing, livestock and fishing products. |
| 2 | Manufacturing products and mining products, permitted for production under the Basic Level 4 tariff, subject to directions issued by the relevant Minister. |

**ANNEXURE B
ESSENTIAL SERVICES**

- A** Essential and permitted services referred to in section 10(2) of the Regulation shall include:
- (a) the list of essential services as set out in B below, and
 - (b) such other services as are set out in Part 4 and where the technological, technical, structural or similar requirements of the service necessitates a continuous or other essential service set out in Part 4, as set out below.
- B** Essential services means the services as defined in section 2(1) of the Public Health Act 1957 (Act No. 61 of 1957), and designated in terms of section 7(1)(b) of the Public Health Act 1957 (and where designation remains valid as at the date of publication of the regulation) and set out below:
- 1. Police, health (including Mental Health), Law Enforcement and Medical services and the National Institute for Communicable Diseases;
 - 2. Disease Management, Fire Prevention, Fire Fighting and Emergency services;
 - 3.1 The following services necessary to maintain the functioning of a financial system as defined in section 1(1) of the Financial Sector Regulation Act, 2017 (and the operation of a place of business or entity as necessary to continue to perform those services):
 - (a) the banking sub-sector (including the operations of mutual banks, co-operative banks, deposit-taking financial institutions and the Postbank);
 - (b) the payments ecosystem;
 - (c) the financial markets (including market infrastructures licensed under the Financial Markets Act, 2017 (Act No. 15 of 2017));
 - (d) the insurance ecosystem;
 - (e) the savings and investment ecosystem;
 - (f) pension fund administration;
 - (g) retirement administration;
 - (h) medical schemes administration; and
 - (i) additional services set out in Part 4.
 - 3.2 The services listed in paragraph (a) may not be performed through telecommunication services;
 - 3.3 Services necessary for the provision of social grants:
 - a. Production and sale of the grants listed in Annexure B;
 - b. Value added and retail stores for re-stocking;
 - c. Electricity (including vital government management services), water, gas and fuel production, supply and maintenance;
 - d. Critical jobs for essential government services as determined by heads of national or provincial Departments in accordance with the guidance of the Department of Public Service and Administration, including Social Grant Payments and related payments;
 - e. Essential financial services;

- 6 Care services and associated services provided to other persons, namely to persons with disabilities, the poor, and others;
- 66 Funeral and cremation services, including mortuary services and the transportation of bodies abroad;
- 71 Waste Management, Air-polluting, Animal Care and Veterinary services;
- 72 Sewerage, Wastewater and Sanitation/communication infrastructure and services, including all services critical to the support of such services;
- 73 Production and sale of any chemicals, hygiene products, pharmaceuticals for the medical or retail sector;
- 74 Cleaning, ventilation, pest-control, sewage, water and other essential services;
- 75 Services needed in the essential functioning of courts, judicial officers, the Magistrate of the High Court, Sheriff and legal practitioners required by those services;
- 76 Essential utility services defined by the Commissioner of SARS;
- 77 Police, police officers, traffic officers, military, medical personnel, prosecutors, corrections services officers and public management services;
- 78 Postal services and courier services including a network of medical products;
- 79 Postal delivery services;
- 80 Airports, Airspace, Civil Aviation Authority, air operators, Cargo shipping and related services;
- 81 Call your utility, gas and water;
- 82 Accommodation used for persons rendering essential services, quarantine, isolation and the like;
- 83 Production, manufacturing, supply, logistics, transport, delivery, critical maintenance and repair or related to the rendering of essential services including components and equipment;
- 84 Transport services for persons rendering essential services and goods, and management of patients;
- 85 Services rendered by the Executive members of Parliament, Members of the Provincial Legislatures, Members of Local Councils, the Judiciary, traditional leaders and National Office Bearer of Political Parties constituted in Parliament;
- 86.1 Commissioners of the South African Human Rights Commission, Gender Commission, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, the Public Protector and Deputy Public Protector and the Independent Electoral Commission; and
- 86.2 Services rendered by the institutions referred to in item 86.1;
- 87 Transport and logistics in respect of cargo and goods as set out in Part A to neighbouring countries;
- 88 Fuel trucks and other necessary services;
- 89 Call centres necessary to provide health, safety, social support, government and financial services, and necessary to consumers of services, and access to government financial services as a result of reduced income or loss of income;
- 90 Harvesting and storage activities essential to prevent the wastage of primary agricultural goods;
- 91 Implementation of payroll systems by the extent that such arrangements have not been made to ensure timely payments to workers; and

- (1) Critical maintenance services which cannot be delayed for more than 24 hours and are essential to public safety;
- (2) Tasks necessary for the functioning of emergency services which include fire-fighting, ambulance services, law enforcement, and other such work;
- (3) Tasks necessary for emergency maintenance repairs for persons receiving essential services;
- (4) Activities and Communications Technology services necessary to ensure the continued support of following essential services in terms of their operations;

ANNEXURE E WORKPLACE PLAN Regulation 10(2)(c)

A COVID-19 Workplace Plan must be developed prior to the resumption of an enterprise employing persons or among the public.

For small businesses, the plan may be based on reducing the size of the business, while for medium and large businesses, a more detailed written plan should be developed given the larger number of persons at the workplace.

The Plan for medium and large businesses must include the following:

1. The date the business will open and the hours of opening;
2. The complete writing out the present status/work of employees, to enable appropriate measures to be taken to avoid and reduce the spread of the virus in the workplace;
3. The steps taken to get the workplace COVID-19 ready;
4. A list of persons who can work from home, staff who are 60 years or older, and staff with comorbidities who will be required to stay at home or work from home;
5. Arrangements for staff in the establishment:
 - (a) sanitary and social distancing measures and facilities at the entrance and exit to the workplace;
 - (b) temporary facilities and systems;
 - (c) the physical management system and infrastructure;
 - (d) the work areas of employees;
 - (e) any designated area where the public is served;
 - (f) waiting and bathroom facilities;
 - (g) waiting facilities for establishments with more than 500 employees;
 - (h) staff rotation arrangements for establishments where fewer than 100% of employees will be permitted to work;
6. Arrangements for catering or provision of the public, including sanitation and social distancing measures.

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