GOVERNMENT NOTICE
DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

No. R. 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 on 15 March 2020, hereby in terms of section 27(2) of the Disaster Management Act, 2002, after consultation with the Minister of Health, made the Regulations in the Schedule.

NC Zuma

DR NKOSAZANA DLAMINI ZUMA, MP
MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
DATE: 25.03.2020

SCHEDULE

Definitions

1. In these regulations, "the Regulations" means the regulations published by Government Notice No. 318 of 18 March 2020.

Insertion of heading in Regulations

2. The Regulations are hereby amended by the insertion of the following heading after the heading "SCHEDULE":

"CHAPTER 1".

Amendment of regulation 1 of the Regulations

3. Regulation 1 of the Regulations is hereby amended by the—

(a) insertion of the following definitions after the definition of "adequate space";

"**'clinical case'** means a patient that presents with clinical signs and symptoms of COVID-19;

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

(b) substitution for the definition of "gathering" for the following definition:

"**'gathering'** means any assembly, concourse or procession in or on—

(a) any public road, as defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996); or

(b) any other building, place or premises, including wholly or partly in the open air, and including, but not limited to, any premises or place used for any sporting, entertainment, funeral, recreational, religious, or cultural purposes;";

(c) the insertion of the following definitions after the definition of "gathering":
"'**institutions of higher learning**' means 'higher education college' and 'higher education institution' as defined in section 1 of the Higher Education Act, 1997 (Act No. 101 of 1997);
'**laboratory confirmed case**' means a patient who has been diagnosed with COVID-19 through a Department of Health approved laboratory diagnostic method;";

(d) insertion of the following definition after the definition of "liquor":
"'**quarantine**' means the restriction of activities or separation of a person, who was exposed, or potentially exposed, to COVID-19 and could be a possible source of the spread of the disease, from other non-exposed persons, in such a manner so as to prevent the possible spread of infection or contamination to healthy individuals;" and

(e) the substitution for the definition of "school" for the following definition:
"'**school**' means a school as defined in section 1 of the South African Schools Act, 1996 (Act No. 84 of 1996);".

Insertion of regulation 1A in Regulations

4. The following regulation is hereby inserted in the Regulations:

"**Application of Chapters 1 and 2**

1A. (1) Chapter 1 and any direction issued pursuant to the Regulations shall continue to be force and effect, save that if there are any inconsistencies between Chapter 1 and Chapter 2, Chapter 2 shall prevail to the extent of the inconsistency.

(2) Chapter 2 of these Regulations will apply as from 26 March 2020 at 24H00 until 16 April 2020 at 24H00, or on a date to be determined by the Cabinet member designated under section 3 of the Disaster Management Act.".

Amendment of Regulation 4 of the Regulations

5. Regulation 4 of the Regulations is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) No person who has been confirmed, as a clinical case or as a laboratory confirmed case as having contracted COVID-19, or who is suspected of having contracted COVID-19, or who has been in contact with a person who is a carrier of COVID–19, may refuse consent to—

(a) submission of that person to a medical examination, including but not limited to the taking of any bodily sample by a person authorised in law to do so;

(b) admission of that person to a health establishment or a quarantine or isolation site; or

(c) submission of that person to mandatory prophylaxis, treatment, isolation or quarantine, or isolation in order to prevent transmission:

Provided that if a person does not comply with the instruction or order of the enforcement officer, that person must be placed in isolation or quarantine for a period of 48 hours, as the case may be, pending a warrant being issued by a competent Court, on application by an enforcement officer for the medical examination contemplated in paragraph *(a)*.".

Amendment of Regulation 5 of the Regulations

6. Regulation 5 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

"(2) A member of the provincial Executive Council responsible for public works must identify and make available sites to be used as isolation and quarantine facilities within each province as the need arises: Provided that if a person refuses to go to such a site of isolation or quarantined facility a magistrate in whose jurisdiction such a person is, an order as contemplated in Annexure A, must be made by that magistrate to force such a person to go to such site of isolation, quarantined facility, or medical examination.".

Amendment of regulation 11 of the Regulations

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

"(2) A person is guilty of an offence if that person fails to comply with or contravenes the provisions of regulations 6 and 8 of these Regulations.".

Insertion of Chapter 2 into the Regulations

8. The following Chapter is hereby inserted into the Regulations after regulation 11:

"CHAPTER 2

Definitions

11A. For purposes of this Chapter, unless the context otherwise indicates—

'**essential goods**' means the goods referred to in paragraph A of Annexure B, as may be amended from time to time by the Cabinet member designated under section 3 of the Disaster Management Act;

'**essential services**' means the services as defined in section 213 of the Labour Relations Act, 1995 (Act No. 66 of 1995), and designated in terms of section 71(8) of the Labour Relations Act, 1995 (and which designation remains valid as at the date of publication of this regulation), and as listed in paragraph B of Annexure B, as may be amended from time to time;

'**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 that is engaged in the supply or distribution of an essential good or service;
'**lockdown**' means the restriction of movement of persons during the period for which this regulation is in force and effect namely from 23H59 on Thursday, 26 March 2020, until 23H59 on Thursday 16 April 2020, and during which time the movement of persons is restricted; and
'**movement**' means entering or leaving a place of residence or, in the case of people not ordinarily resident in the Republic, their place of temporary residence while in the Republic.

Restriction on the movement of persons and goods

11B. (1)*(a)* For the period of lockdown-

(i) every person is confined to his or her place of residence, unless strictly for the purpose of performing an essential service, obtaining an essential good or service, collecting a social grant, or seeking emergency, life-saving, or chronic medical attention;

(ii) every gathering, as defined in regulation 1 is hereby prohibited, except for funeral as provided for in subregulation (8);

(iii) movement between provinces is prohibited; and

(iv) movement between the metropolitan and district areas, is prohibited.

(b) All businesses and other entities shall cease operations during the lockdown, save for any business or entity involved in the manufacturing, supply, or provision of an essential good or service.

(c) Retail shops and shopping malls must be closed, except where essential goods are sold and on condition that the person in control of the said store must put in place controls to ensure that customers keep a distance of at least one square meter from each other, and that all directions in respect of hygienic conditions and the exposure of persons to COVID-19 are adhered to.

(c) Retail stores selling essential goods is prohibited from selling any other goods.

(d) The Cabinet member designated under section 3 of the Act may amend the list contemplated in paragraph *(c)* as required from time to time.

(e) Any place not involved in the provision of an essential good or service must remain closed to all persons for the duration of the lockdown.

(2) The head of an institution must determine essential services to be performed by his or her institution, and must determine the essential staff who will perform those services: Provided that the head of an institution may delegate this function, as may be required in line with the complexity and size of the business operation.

(3) Persons performing essential services as determined in subregulation (2), must be duly designated in writing by the head of an institution, on a form that corresponds substantially with Form 1 in Annexure C.

(4) All places or premises provided for in Annexure D must be closed to the public except to those persons rendering security and maintenance services at those places or premises.

(5) All persons performing essential services, obtaining essential goods or seeking medical attention, may be subjected to screening for COVID-19 by an enforcement officer.

(6)*(a)* All borders of the Republic are closed during the period of lockdown, except for transportation of fuel, and essential goods.

(b) The Cabinet member responsible for home affairs, or a person designated by him or her, may allow a person who requires to enter the Republic for emergency medical attention for a life-threatening condition.

(c) All foreign tourists who arrived in the Republic prior to, or after, the lockdown, and who remain in the Republic, must remain in their place of temporary residence in the Republic for the duration of the lockdown or 14 days, as the case may be, and may be subject to screening for COVID-19 and be quarantined or isolated as required.

(7) The Minister may issue directions to provide further conditions that will apply to activities referred to in subregulation (1), or other activities, and may vary the directions as the circumstances require.

(8) Attendance at a funeral is limited to 50 people and will for purposes of these Regulations not be regarded as a prohibited gathering: Provided that no night vigil shall be held and that all safety measures are strictly adhered to.

Prohibition of public transport

11C. (1) All commuter transport services including passenger rail services, bus services, taxi services, e-hailing services, maritime and air passenger transport is prohibited, except bus services, taxi services, e-hailing services and private motor vehicles for purposes of rendering essential services, obtaining essential goods, seeking medical attention, funeral services and to receive payment of grants: Provided that such vehicle carries no more than 50% of the licensed capacity and all directions in respect of hygienic conditions and the limitation of exposure of persons to COVID-19, are adhered to.

(2) Where a person rendering essential services is unable to travel to and from his or her place of employment, the employer must make the necessary transport arrangements: Provided that no more than 50% of the licensed capacity of the vehicle or vessel is exceeded and all directions in respect of hygienic conditions and the limitation of exposure to persons with COVID-19, are adhered to.

(3) The Cabinet member responsible for transport must issue directions for the transportation of persons who must obtain essential goods or services and where such person has no other means of transport except public

transport as contemplated in subregulation (1), provided that no more than 50% of the licensed capacity of the vehicle or vessel is exceeded and all directions in respect of hygienic conditions and the limitation of exposure to persons with COVID-19, are adhered to.

Resources by the State during lockdown

11D. (1) For the period of the declaration of a lockdown, a person refusing to be evacuated from any place subject to lockdown, may be evacuated by an enforcement officer to a temporary shelter, if such action is necessary for the preservation of life.

(2) The State shall identify—

(a) temporary shelters that meet the necessary hygiene standards for homeless people; and

(b) temporary sites for quarantine and self-isolation that meet the necessary hygiene standards for people who cannot isolate or quarantine in their homes.

(3) The provision of the State's resources listed herein shall be for the duration of the lockdown, and the use thereof will be subject to conditions determined by the Cabinet member responsible for such resources.

Loss or damage

11E. No person is entitled to compensation for any loss or damage arising out of any *bona fide* action or omission by an enforcement officer under these regulations.

Powers and indemnity

11F. These Regulations do not limit any powers or indemnities of security services provided for in any law.

Offences and penalties

11G. For purposes of this Chapter any person who contravenes regulation 11B(1) and (4), 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.".

Addition of Annexures to the Regulations

9. The following Annexures are hereby added to the Regulations:

"ANNEXURE A
ORDER FOR A PERSON TO GO TO A SITE OF ISOLATION, QUARANTINED FACILITY, OR FOR A PERSON TO GO FOR MEDICAL EXAMINATION
Regulation 5(2)

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

BEFORE ME _____ MAGISTRATE FOR THE AFOREMENTIONED DISTRICT IN CHAMBERS

WHEREAS it appears that _____ (name of person)
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 consent for the—

☐ submission to a medical examination, including but not limited to the taking of any bodily sample by a person authorised in law to do so

☐ admission to a site to be used as isolation or a quarantine facility

☐ submission to mandatory prophylaxis, treatment, isolation or quarantine or isolation in order to prevent transmission.

I hereby issue a warrant for the submission of the said person to a medical examination, including but not limited to the taking of any bodily sample by a person authorised in law to do so.

..... **DATE** .....
MAGISTRATE

NOTE: *This warrant remains in force until one of the following occurs:*
(a) it is executed;
(b) it is cancelled by the person who issued it or, if such person is not available, by any person with like authority;
(c) the expiry of ninety days from the date of its issue; or
(d) the purpose for the issuing of the warrant has lapsed.

ANNEXURE B
CATEGORISATION OF ESSENTIAL GOODS AND SERVICES DURING LOCKDOWN
Regulation 11A

A. GOODS

1. Food
   - (i) Any food product, including non-alcoholic beverages;
   - (ii) Animal food; and
   - (iii) Chemicals, packaging and ancillary products used in the production of any food product.
2. Cleaning and Hygiene Products
   - (i) Toilet Paper, sanitary pads, sanitary tampons, condoms;
   - (ii) Hand sanitiser, disinfectants, soap, alcohol for industrial use, household cleaning products, and personal protective equipment; and
   - (iii) Chemicals, packaging and ancillary products used in the production of any of the above.
3. Medical:
   - (i) Medical and Hospital Supplies, equipment and personal protective equipment; and
   - (ii) Chemicals, packaging and ancillary products used in the production of any of the above.
4. Fuel, including coal and gas
5. Basic goods, including airtime and electricity.

B. SERVICES

Categories of essential services shall be confined to the following services:

1. Medical, Health (including Mental Health), Laboratory and Medical services;
2. Disaster Management, Fire Prevention, Fire Fighting and Emergency services;
3. Financial services necessary to maintain the functioning of the banking and payments environment, including the JSE and similar exchanges, as well as Insurance services;
4. Production and sale of the goods listed in category A, above;
5. Grocery stores, including spaza shops;
6. Electricity, water, gas and fuel production, supply and maintenance;
7. Critical jobs for essential government services as determined by Head of National or Provincial Departments in accordance with the guidance by the DPSA, including Social Grant Payments;
8. Birth and death certificates, and replacement identification documents;
9. Essential municipal services;
10. Care services and social relief of distress provided to older persons, mentally ill, persons with disabilities, the sick, and children;
11. Funeral services, including mortuaries;
12. Wildlife Management, Anti-poaching, Animal Care and Veterinary services;
13. Newspaper, broadcasting and telecommunication infrastructure and services;
14. Production and sale of any chemicals, hygiene products, pharmaceuticals for the medical or retail sector;
15. Cleaning, sanitation, sewerage, waste and refuse removal services;

16. Services related to the essential functioning of courts, judicial officers, the Master of the High Court, Sheriffs and legal practitioners required for those services;
17. Essential SARS services defined by the Commissioner of SARS;
18. Police, peace officers, traffic officers, military medical personnel and soldiers, correctional services officials and traffic management services;
19. Postal services and courier services related to transport of medical products;
20. Private security services;
21. Air-traffic Navigation, Civil Aviation Authority, Cargo Shipping and dockyard services;
22. Gold, gold refinery, coal and essential mining;
23. Accommodation used for persons rendering essential services, quarantine, isolation and the lockdown;
24. Production, manufacturing, supply, logistics, transport, delivery, critical maintenance and repair in relation to the rendering of essential services including components and equipment;
25. Transport services for persons rendering essential services and goods, and transportation of patients;
26. Services rendered by the Executive, members of Parliament, Members of the Provincial Legislature, Members of Local Councils, the Judiciary, traditional leaders and National Office Bearers of Political Parties represented in Parliament;
27. Commissioners of the South African Human Rights Commission, Gender Commission, and the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, and the Public Protector and Deputy Public Protector; and
28. Transport and logistics in respect of essential goods as set out in A above to neighboring countries.

ANNEXURE C
FORM 1
PERMIT TO PERFORM ESSENTIAL SERVICE
Regulation 11B(3)

- *Please note that the person to whom the permit is issued must at all times a form of identification to be presented 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 during the lockdown*

I,

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:

Surname	
Full names	
Identity number	

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

_____
Signature of Head of Institution

Official stamp of Institution

ANNEXURE D
PLACES AND PREMISES CLOSED TO THE PUBLIC
Regulation 11B(4)

The following places and premises are closed to the public:

(a) Any place or premises normally open to the public where religious, cultural, sporting, entertainment, recreational, exhibitional, organisational or similar activities may take place;

(b) any place or premises normally open to the public where goods other than essential goods are procured, acquired, disposed of or sold;

(c) any place or premises normally open to the public such as—

(i) public parks, beaches and swimming pools;
(ii) flea markets;
(iii) open air food markets;
(iv) fêtes and bazaars;
(v) night clubs;
(vi) casinos;
(vii) hotels, lodges and guest houses, except to the extent that they are required for remaining tourists confined to hotels, lodges and guest houses;
(viii) private and public game reserves except to the extent that they are required for remaining tourists confined to private and public game reserves;
(ix) holiday resorts except to the extent that they are required for remaining tourists confined to such holiday resort;

(x) on-consumption premises, including taverns, shebeens, *shisanyama* where liquor is sold;

(xi) off-consumption premises, including bottle stores, where liquor is sold

(xii) off-consumption areas in supermarkets where liquor is sold;

(xiii) theatres and cinemas;

(xiv) shopping malls and centres (excluding grocery stores and pharmacies); and

(xv) taxi ranks, bus depots, train stations and airports; and

(d) any other place or premises determined by the Cabinet member responsible for cooperative governance and traditional affairs by direction in the *Gazette*.".