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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

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. 43096 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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CHAPTER I

DEFINITIONS AND APPLICATION

Definitions

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

'adequate space' means not more than one person per one and a half metres of floor space;
'Alert Level' means the determination made under subregulation 3(2);
'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;
'COVID-19' means the Novel Coronavirus (2019-nCov2) which is an infectious disease caused by a virus that has previously not been scientifically identified 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. 51 of 1977);
'directions' means the directions contemplated in section 27(2) of the Act, issued by a Cabinet member relating to his or her line functions, after consultation with the Cabinet members responsible for cooperative governance and traditional affairs and justice and correctional services;
'donor' means an individual, corporation or organisation that is a contributor of cash, kind and/or other assets;
'enforcement officer' includes a member of the South African Police Service, the South African National Defence Force, metro police, traffic officers, immigration inspectors; and a peace officer as defined in section 1 of the Criminal Procedure Act;
'essential goods for import' means the goods listed in Annexure B;
'essential services' means the services listed in Annexure D;
'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; but excludes a workplace and a place of residence for those persons ordinarily residing at the residence;
'health protocols' means the COVID-19 health protocols determined 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 good or service as set out in the Table 1, or which regulates such supply or distribution, including professional regulatory bodies designated in directions made in terms of regulation 4 of the Regulations;
'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);
'isolation' means separating a sick individual with a contagious disease from healthy individuals

that are not infected with such disease in a manner that aims to prevent the spreading of infection or contamination;

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

'liquor' means—

(a) any liquor product, as defined in section 1 of the Liquor Products Act, 1989 (Act No. 60 of 1989);

(b) beer or traditional African beer; or

(c) any other substance or drink declared to be liquor under the Liquor Act, 2003 (Act No. 59 of 2003), but does not include methylated spirits;

'lockdown' means the period between 23H59 on 26 March 2020, until 23H59 on 30 April 2020,

'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.

'national state of disaster' means the national state of disaster declared by Government Notice No. R. 313 of 15 March 2020;

'permitted goods' means Part E in the Table 1;

'permitted goods for export' means the goods listed in Annexure C;

'**permitted services**' means the services permitted in Table1;

'quarantine' means the restriction of activities or separation of a person, who was or may potentially have been exposed, to COVID-19 and who could potentially spread the disease to other non-exposed persons, to prevent the possible spread of infection or contamination to healthy individuals;

'school' means a school as defined in section 1 of the South African Schools Act, 1984 (Act No. 84 of 1996);

'the Act' means the Disaster Management Act, 2002 (Act No. 57 of 2002); and

'WHO' means the World Health Organisation.

Repeal and transitional provisions

2. (1) The regulations published by Government Notice No. 318 of 18 March 2020, as amended by Government Notice Nos. R. 398 of 25 March 2020, R.419 of 26 March 2020, R. 446 of 2 April 2020, R. 465 of 16 April 2020 and R. 471 of 20 April 2020, are hereby repealed.

(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 or the appointment made in regulation 8(13), 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, varied, amended or withdrawn by the Cabinet member responsible for such directions.

Application of Regulations

3. (1) Chapters 1 and 2 of these Regulations will apply for the duration 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, declare which of the following alert levels apply, and the extent to which they apply at a national, provincial, metropolitan or district level:

(a) 'Alert Level 1' as determined by Cabinet;

(b) 'Alert Level 2' as determined by Cabinet;

(c) 'Alert Level 3' as determined by Cabinet;

(d) 'Alert Level 4' as determined by Cabinet; and

(e) 'Alert Level 5' as determined by Cabinet.

(3) The Cabinet member responsible for health shall issue directions on the criteria that will guide the determination of alert levels;

(4) The detail of permissions and prohibitions for each Alert Level will be set out in the different Alert levels.

CHAPTER 2
GENERAL PROVISIONS APPLICABLE DURING NATIONAL STATE OF DISASTER

Authority to issue directions

4. (1) The Cabinet member responsible for health may—

(a) issue directions to address, prevent and combat the spread of COVID-19 in any area of the Republic of South Africa, which directions may include the—

(i) recruitment and training of human resources from the Department of Health, and other entities responsible for the handling of COVID-19 mortal remains;

(ii) deployment of human resources from the Department of Health to identified sites to render services;

(iii) sourcing of human resources from the Expanded Public Works Programme, retired health professionals and Non-Governmental Organisations to render services in identified sites;

(iv) provision of health equipment, sanitation materials and medical supplies;

(v) identification and establishment of mortuaries that will accommodate all COVID-19 mortal remains;

(vi) disposal of COVID-19 mortal remains; and

(b) vary the directions referred to in paragraph *(a)* as the circumstances require.

(2) The Cabinet member responsible for justice and correctional Services may—

(a) issue directions to address, prevent and combat the spread of COVID-19 in all Correctional Centres and Remand Detention Facilities in the Republic of South Africa;

(b) where appropriate, issue directions to address, prevent and combat the spread of COVID-19 in all courts and court precincts in the Republic of South Africa;

(c) issue directions for voluntary alternative dispute resolution mechanisms, pursuant to regulationn13, to resolve COVID-19 disputes and related matters; and

(d) vary the directions referred to in paragraphs (*a*) to (*c*) as the circumstances require.

(3) The Cabinet members responsible for basic and higher education may—

(a) issue directions to address, prevent and combat the spread of COVID-19 in all schools and institutions of higher learning; and

(b) vary the directions referred to in (a) as the circumstances require.

(4) The Cabinet member responsible for police may—

(a) issue directions to address, prevent and combat the spread of COVID-19 in all police stations, police precincts, and holding cells; and

(b) vary the directions referred to in paragraph (a) as the circumstances require.

(5) The Cabinet member responsible for social development may—

(a) issue directions to address, prevent and combat the spread of COVID-19 in all Department of Social Development facilities; and

(b) vary the directions referred to in paragraph (a) as the circumstances require.

(6) The Cabinet member responsible for trade, industry and competition may —

(a) issue directions to—

(i) protect consumers from excessive, unfair, unreasonable or unjust pricing of goods and services during the national state of disaster; and

(ii) maintain security and availability of the supply of goods and services during the national state of disaster;

(b) issue directions to address, prevent and combat the spread of COVID-19; and

(c) vary the directions referred to in paragraphs (a) and (b) as the circumstances require.

(7) The Cabinet member responsible for transport may—

(a) issue directions to address, prevent and combat the spread of COVID-19 in matters falling within his or her mandate; and

(b) vary the directions referred to in paragraph (a) as the circumstances require.

(8) The Cabinet member responsible for home affairs may issue directions to allow a person to enter or exit the Republic for emergency medical attention for a life-threatening condition, or for a South African, or foreign national to be repatriated to their country of nationality or permanent residence.

(9) The Cabinet member responsible for small business may—

(a) issue directions to address, prevent and combat the spread of COVID-19 in matters falling within his or her mandate; and

(b) vary the directions referred to in paragraph (a) as the circumstances require.

(10) Any Cabinet member may issue and vary directions, as required, within his or her mandate, to address, prevent and combat the spread of COVID-19, and its impact on matters relevant to their portfolio, from time to time, as may be required, including—

(a) disseminating information required for dealing with the national state of disaster;

(b) implementing emergency procurement 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; or

(d) taking steps to facilitate international assistance.

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

(12) Directions with regard to health and social services and trade, industry and competition may be issued to designate services which are necessary to provide or maintain essential health and social services and international trade or industrial activities.

(13) Directions may be issued and varied, as required, to address, prevent and combat the spread of COVID-19, from time to time, including—

(a) disseminating information required for dealing with the national state of disaster;

(b) implementing emergency procurement 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; or

(d) taking steps to facilitate international assistance.

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

General measures to contain the spread of COVID-19

5. (1) A person must wear a cloth face mask or a homemade item that covers 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, or enter a building, place or premises, if they do not wear a cloth face mask or a homemade 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 his or her nose and mouth or a homemade 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 supermarket, shop, grocery store, retail store, wholesale produce market or pharmacy shall–

(a) determine their area of floor space in square metres;

(b) based on the information contemplated in paragraph *(a)*, determine the number of customers and employees that may be inside the premises at any time with adequate 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 sanitisers for use by the public and employees at the entrance to the premises; and

(e) assign, in writing, an employee or any other suitable person, as the compliance employee, who must ensure—

(i) compliance with the measures provided for in paragraphs *(a)* to *(d)*; and

(ii) that all directions in respect of hygienic conditions and limitation of exposure to persons with COVID-19 are adhered to.

(5) All employers must, adopt measures to promote physical distancing of employees, including—

(a) enabling employees to work from home or minimising the need for employees to be physically present at the workplace;

(b) the provision for adequate space;

(c) restrictions on face to face meetings;

(d) special measures for employees with known or disclosed health issues or comorbidities, or with any condition which may place such employees at a higher risk of complications or death if they are infected with COVID-19;

(e) special measures for employees above the age of 60 who are at a higher risk of complications or death if they are infected with COVID-19.

(6) The requirements as set out in subregulation (4) applies with the necessary changes, to any other building that is not provided for by subregulation (4).

(7) All courier and delivery services shall provide for minimized personal contact during delivery.

Refusal of medical examination, prophylaxis, treatment, isolation and quarantine

6. (1) No person who has been confirmed as a clinical 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 refuse to—

(a) submit to a medical examination, including, but not limited to, the taking of any bodily sample which is authorised in law;

(b) be admitted to a health establishment or a quarantine or isolation site; or

(c) submit to mandatory prophylaxis, treatment, isolation or quarantine, 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 quarantine for a period not exceeding 48 hours, pending a warrant being issued by a competent Court, on application 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 it appears 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 powers of the enforcement officer as the magistrate may deem fit.

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

(a) it is executed;

(b) it is cancelled by the person who issued it or, if such person is not available, by any other magistrate;

(c) the expiry of ninety days from the date of its issue; or

(d) the purpose for the issuing of the warrant has lapsed,

whichever occurs first.

Isolation or quarantine of persons

7. (1) Any person who is a clinical case, or who is on reasonable grounds suspected to be infected 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 nurse or an enforcement officer to subject himself or herself to screening 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 nurse or an enforcement officer to—

(i) voluntarily travel to or be taken 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 contain the transmission of COVID-19.

(2) If a person refuses to quarantine himself or herself, or travel to a site of isolation or quarantined facility as directed, a magistrate in whose jurisdiction such a person is, must make an order as contemplated in Form 1 of Annexure A, to compel such a person to quarantine himself or herself, travel to such site of isolation, quarantined facility, or medical screening.

(3) 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 the need arises and provide a list thereof to the Department of Health for resourcing.

Contact tracing

8. (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 (13).

(2) The National Department of Health shall develop and maintain a national database to enable the tracing of persons who are known or reasonably suspected to have come into 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 first name and surname, identity or passport numbers, residential address and other address where such person could be located, and cellular 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 known 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 this regulation is confidential.

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

(6) Where any person is to be tested for COVID-19, the person taking the sample for purposes of testing must obtain as much of the following information as is available at the time of taking 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 licence, identity card, identity book of the person tested;

and promptly submit this information, along with any information it has regarding likely 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 transmit to the Director-General: Health, for inclusion in the COVID-19 Tracing Database—

(a) all details the laboratory has, including the first name and surname, identity or passport numbers, 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 transmit to the Director-General: Health, for inclusion in the COVID-19 Tracing Database—

(a) all details the NICD has, including the first name and surname, identity or passport numbers, 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 likely contacts of the person tested.

(9) Every accommodation establishment must, promptly after the coming into force of this regulation, transmit 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 lockdown—

(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 licence, identity card or identity book of the person concerned.

(10) The Director-General: Health may, in writing and without prior notice to the person concerned, direct an electronic communications service provider licensed under the Electronic Communications Act, 2005 (Act No. 36 of 2005) to provide him or her, for inclusion in the COVID-19 Tracing Database, with such information as that 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 movements of any person known or reasonably suspected to have come into contact, during the period 5 March 2020 to the date on which the national state of disaster has lapsed or has been terminated, with a person contemplated in subparagraph *(a)*,

and the electronic communications service provider must promptly comply with the directive concerned.

(11) The information referred to in subregulation (10)—

(a) may only be obtained in relation to the location or movements of persons during the period 5 March 2020 to the date on which the national state of disaster has lapsed or has been terminated;

(b) may only be obtained, used or disclosed by authorised persons and may only be obtained, used and disclosed when necessary for the purposes of addressing, preventing or combatting 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) apart from what 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.

(12) Nothing in this regulation entitles the Director-General: Health or any other person to intercept the contents of any electronic communication.

(13) The Cabinet member responsible for justice and correctional services has, in terms of section 7(1)*(a)* read with paragraph *(d)* 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 active service to perform service as a COVID-19 Designated Judge as provided for in the Regulations.

(14) 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 (10)*(a)* and 10*(b)* respectively.

(15) The COVID-19 Designated Judge may make such recommendations to the Cabinet members responsible for cooperative governance and traditional affairs, health and justice and correctional services as he or she deems fit regarding the amendment or enforcement of this 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 combat the spread of COVID-19.

(16) The Director-General: Health shall, within six weeks after the national state of disaster has lapsed, or has been terminated, notify every person whose information has been obtained in terms of subregulation (10) that information regarding their location or movements was obtained in terms of subregulation (10).

(17) Within six weeks after the national state of disaster has lapsed 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 teaching purposes;

(c) all information on the COVID-19 Tracing Database which has not been de-identified shall be destroyed; and

(d) the Director-General: Health shall file a report with the COVID-19 Designated Judge recording the steps taken in this regard, and the steps taken pursuant to subregulation (16).

(18) Upon receipt of the report in subregulation (17)*(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.

(19) The report required by subregulation (17)*(d)* and any directions given in terms of subregulation (18) shall be tabled in Parliament.

Release of resources

9. (1) The Department of Defence must, for the duration of the declared national state of disaster, within its available resources—

(a) release and mobilise available resources, including human resources, stores, equipment, ships, aircraft platforms, vehicles and facilities; and

(b) ensure the delivery of essential services,

as may be required, to prevent, limit, contain, combat and manage the spreading of COVID-19.

(2) National organs of state must, within their available resources, release their personnel for the rendering of emergency services, as contemplated in section 27(2)*(b)* of the Act.

(3) Institutions within 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 within 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 26 to 29 of the Constitution, shift funding, within its budget to implement 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 applicable 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) Donor funding received by institutions, subject to the Public Finance Management Act, 1999 (Act No. 1 of 1999) or the Local Government: Municipal Finance Management Act, 2003 (Act Np. 56 of 2003), to assist with the national state of disaster must be—

(a) paid into the Reconstruction and Development Fund, established by the Reconstruction and Development Fund Act, 1994 (Act No. 7 of 1994); 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.

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

10. (1) The State shall identify—

(a) temporary shelters for homeless people that comply with the necessary health protocols and adequate spacing standards as provided for in guidelines published by the Director General of Health; and

(b) temporary sites 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 provision of the State's resources contemplated in subregulation (1) shall be for the duration of the national state of disaster, and the use thereof will be subject to conditions determined by the Cabinet member responsible for such resources.

Emergency Procurement Procedures

11. Emergency procurement for institutions is subject to—

(*a*) the Public Finance Management Act, 1999 (Act No. 1 of 1999), and the applicable emergency provisions in the Regulations or Instructions made under section 76 of that Act; and

(*b*) the Municipal Finance Management Act, 2003 (Act No. 56 of 2003), and the applicable emergency provisions in the Regulations made under that Act.

Powers and indemnity

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

Resolution of disputes

13. (1) The parties to a civil dispute against the State or any organ of State, which may potentially result in litigation, may—

(a) either before or after the commencement of litigation but before the granting of judgment by the court, agree to refer the dispute to mediation; or

(b) before the commencement of litigation, agree to refer the dispute to arbitration.

(2) Where the parties agree to mediation or arbitration:

(a) the Office of the Solicitor General shall assist the parties in coordinating and overseeing the process; and

(b) 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 no fees shall be payable to such mediator or arbitrator.

(3) The Office of the State Attorney in whose area of jurisdiction a dispute arises shall immediately upon knowledge of such dispute engage the party raising the dispute, or such party's legal representative, in considering mediation or arbitration.

Offences and penalties

14. (1) Any person who intentionally misrepresents that he, she or any other person is infected with COVID-19 is guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(2) Any person who publishes any statement, through any medium, including social media, with the intention to deceive any other person about—

(*a*) COVID-19;

(*b*) COVID-19 infection status of any person; or

(*c*) any measure taken by the Government to address COVID-19,

commits an offence and is liable on conviction to a fine or imprisonment for a period not exceeding six months, or both such fine and imprisonment.

(3) Any person who intentionally exposes another person to COVID-19 may be prosecuted for an offence, including assault, attempted murder or murder.

(4) A person who fails to comply with—

(*a*) an obligation imposed in terms of regulation 8(5),8 (9), 8(11), 8(17); or

(*b*) a direction issued in terms of regulation 8(10) or 8(18);

of these Regulations commits an offence and is, on conviction, liable to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

CHAPTER 3
ALERT LEVEL 4

Determination of Alert Level

15. (1) The Cabinet member responsible for cooperative governance and traditional affairs, in terms of regulation 3(2), declares, upon the recommendation of the Cabinet member responsible for health, and in consultation with Cabinet, that Alert Level 4 will be applicable from 1 May 2020 in the Republic of South Africa and will remain in force up to the declaration of different Alert Levels for the duration of the national state of disaster.

(2) The regulations set out in this Chapter apply during Alert Level 4.

Movement of persons

16. (1) Every person is confined to his or her place of residence.

(2) A person may only leave their place of residence to—

(*a*) perform an essential or permitted service, as allowed in Alert Level 4;

(*b*) go to work where a permit which corresponds with Form 2 of Annexure A, has been issued;

(*c*) buy permitted goods;

(*d*) obtain services that are allowed to operate as set out in Table 1 to the Regulations;

(*e*) move children, as allowed;

(*f*) walk, run or cycle between the hours of 06H00 to 09H00, within a five kilometre radius of their place of residence: Provided that this is not done in organised groups.

(3) Every person is confined to his or her place of residence from 20H00 until 05H00 daily, except where a person has been granted a permit to perform an essential or permitted service as listed in Annexure D, or is attending to a security or medical emergency.

(4) Movement between provinces, metropolitan areas and districts are prohibited except—

(a) for workers who have a permit to perform an essential or permitted service who have to commute to and from work on a daily basis;

(b) the attendance of a funeral, as allowed;

(c) the transportation of mortal remains; and

(d) for learners who have to commute to and from school or higher education institutions on a daily basis during periods when those institutions are permitted to operate.

(5) Any person who was not at their place of residence, or work before the lockdown period and who could not travel between provinces, metropolitan and district areas during the lockdown, will be permitted, on a once-off basis, to return to their places of residence or work and will be required to stay in such place until the end of Alert Level 4.

(6) All industries, businesses, entities, both private and in the public sector, which are permitted to operate during Alert Level 4, must—

(a) designate a COVID-19 compliance officer who will oversee the:

(i) implementation of the plan referred to in subregulation (*b*); and

(ii) adherence to the standards of hygiene and health protocols relating to COVID-19 at the workplace;

(b) develop a plan for the phased in return of their employees to the workplace, prior to reopening the workplace for business, which plan must correspond with Annexure E and be retained for inspection and contain the following information:

(i) which employees are permitted to work;

(ii) what the plans for the phased-in return of their employees to the workplace are;

(iii) what health protocols are in place to protect employees from COVID-19; and

(iv) the details of the COVID-19 compliance officer;

(c) phase in the return of their employees to work to manage the return of employees from other provinces, metropolitan and district areas; and

(d) develop measures to ensure that the workplace meets the standards of health protocols, adequate space for employees and social distancing measures for the public and service providers, as required.

(5) The Cabinet member responsible for home affairs, or a person designated by him or her, may allow a person to enter or exit the Republic for emergency medical attention for a life-threatening condition, or for a South African, or foreign national to be repatriated to their country of nationality or permanent residence.

(6) All foreign tourists who arrived in the Republic prior to the lockdown period, which ended on 30 April 2020, and who remained in the Republic, must remain in their place of temporary residence in the Republic for the duration of Alert Level 4, as the case may be, and may be subject to screening for COVID-19 and be quarantined or isolated as required: Provided that the evacuation of foreign tourists where arrangements, including an arrangement for the evacuation by air charter, has been made by the relevant embassy, may be allowed: Provided further that a tourist is escorted to the point of exit where he or she may be screened again.

Movement of children

17. (1) The movement of children between co-holders of parental responsibilities and rights or a caregiver, as defined in section 1(1) of the Children's Act, 2005 (Act No. 38 of 2005), in the same metropolitan area or district municipality is allowed subject to the following if the co-holders of parental responsibilities and rights or a caregiver is in possession of—

(a) a court order; or

(b) a parental responsibilities and rights agreement or parenting plan, registered with the family advocate

(c) a permit issued by a magistrate where which corresponds with Form 3 of Annexure A if the documentation in paragraphs (a) and (b) is not available.

(2) The movement of children between co-holders of parental responsibilities and rights or a caregiver, as defined in section 1(1) of the Children's Act, 2005 (Act No. 38 of 2005), between different metropolitan areas, district municipalities or provinces is allowed if the co-holders of parental responsibilities and rights or a caregiver is in possession of a permit, issued by a magistrate which corresponds with Form 3 of Annexure A.

(3) Any child who was not at the residence of their primary caregiver before the lockdown period and who could not travel between provinces, metropolitan and district areas during the lockdown will be permitted, on a once-off basis, to return to the residence of their primary caregiver if the co-holders of parental responsibilities and rights or a caregiver is in possession of a permit issued by a magistrate which corresponds with Form 3 of annexure A.

(4) The household to which the child has to move, must be free of COVID-19.

(5) *(a)* Before a magistrate issues a permit referred to in regulation 17(1)*(c)*, he or she must be provided with—

(i) a birth certificate or certified copy of a birth certificate of the child or children to prove a legitimate relationship between the co-holders of parental responsibilities and rights; and

(ii) written reasons why the movement of the child is necessary.

(b) Before a magistrate issues a permit referred to in 17(2) or (3), he or she must be provided with—

(i) A court order

(ii) a parental responsibilities and rights agreement or parenting plan registered with the family advocate or

(iii) a birth certificate or certified copy of a birth certificate of the child or children to prove a legitimate relationship between the co-holders of parental responsibilities and rights; and

(iv) written reasons why the movement of the child is necessary.

Attendance of funerals

18. (1) Movement between a province, metropolitan area or district by a person wishing to attend a funeral shall only be permitted if that person so wishing to attend the funeral is a—

(a) spouse or partner of the deceased;

(b) child of the deceased, whether biological, adopted or stepchild;

(c) child-in-law of the deceased;

(d) parent of the deceased whether biological, adopted or stepparent;

(e) sibling, whether biological, adopted or stepbrother or sister of the deceased; or

(f) grandparent of the deceased;

(2) Attendance at a funeral is limited to 50 people and will not be regarded as a prohibited gathering.

(3) Night vigils at a funeral is banned.

(4) During a funeral, all hygienic conditions and distancing measures must be adhered to for the limitation of exposure of persons at the funeral to COVID-19.

(5) Each person, whether traveling alone or not, wishing to attend a funeral and who has to travel between districts, or between provinces to attend a funeral must obtain a permit which corresponds substantially with Form 4 of Annexure A, from his or her nearest magistrate's office or police station to travel to the funeral and back.

(6) The head of court, or a person designated by him or her, or a station commander of a police station or a person designated by him or her, may issue the permit to travel to a funeral.

(7) Upon a request for a permit to attend a funeral, a person requesting a permit must produce a death certificate or a certified copy of the death certificate to the head of court, or a person designated by him or her, or a station commander of a police station or a person designated by him or her: Provided that where a death certificate is not yet available, and the funeral must be held within 24 hours in keeping with cultural and religious practices, the person requesting the permit must make a sworn affidavit which corresponds with Form 5 of Annexure A, together with a letter from a cultural or religious leader confirming the need for the funeral within 24 hours.

(8) Only two family members or a person with a close affiliation to the deceased may, with the required permits, be present in the vehicle transporting the mortal remains to the metropolitan or district area, or province where the funeral will take place: provided that the cause of death of the deceased being transported is non-COVID-19 related.

(9) The Regulations for the use of public transport must be strictly adhered to when travelling.

(10) A copy of the permit issued and the death certificate or sworn affidavit made, must be kept safely by the head of court, or station commander of a police station for record keeping for a period of three months after the national state of disaster has ended, where after it may be destroyed.

(11) All forms must be completed in full, including full names, identification or passport numbers and full contact details as required in the form and failure to do so will result in the form being rejected as invalid.

Prohibition on evictions

19. A competent court may grant an order for the eviction of any person from land or a home in terms of the provisions of the Extension of Security of Tenure Act 62 of 1997 and the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998: Provided that any order of eviction shall be stayed and suspended until the last day Alert Level 4, unless a court decides that it is not just and equitable to stay and suspend the order until the last day of the Alert Level 4 period.

Public transport

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

(a) rail, bus services, taxi services;

(b) e-hailing services; and

(c) private vehicles.

(2) The directions to be issued by the cabinet member responsible for Transport must set out the hygienic conditions that must be adhered to and steps to be followed for the limitation of exposure of members of the public using public transport to COVID-19.

Closure of borders

21. All borders of the Republic remain closed during the period of Alert Level 4, except for ports of entry designated by the Cabinet member responsible for home affairs and for the transportation of fuel, cargo and goods during the period of Alert Level 4.

Transportation of cargo

22. (1) Rail, ocean, air and road transport is permitted for the movement of cargo to other countries and within the Republic of South Africa, subject to national legislation, for the transportation of the following goods—

(a) essential goods for import as set out in Annexure B to the Regulations;

(b) the import of materials and components required for manufacturing activities allowed under Alert Level 4;

(c) cargo at ports of entry;

(d) goods cleared at ports of entry for removal in transit through the Republic destined for neighboring countries;

(e) permitted goods for export as set out in Annexure C to the Regulations;

(f) transport of goods within the Republic of South Africa; and

(g) any other goods as set out in Directions by the relevant Cabinet member; taking into account health risks, constrained capacity at ports of entry and other factors relevant to the health, public order and economic effects of Covid-19.

(2) The Cabinet member responsible for transport, may, after consultation with the Cabinet members responsible cooperative governance and traditional affairs, trade, industry and competition, health, justice and correctional services and public enterprises, issue directions relating to sea cargo operations and air freight operations.

Gatherings

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

(a) for funerals;

(b) when at a workplace; or

(c) when buying or obtaining goods and services, as allowed in Table 1.

(2) An enforcement officer must, where a gathering takes place—

(a) order the persons at the gathering to disperse immediately; and

(b) if the persons refuse to disperse, take appropriate action, which may, subject to the Criminal Procedure Act, include arrest and detention.

Places and premises closed to the public

24. (1) Any place or premises normally open to the public where religious, cultural, sporting, entertainment, recreational, exhibitional, organisational or similar activities may take place, is closed.

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

(a) public parks, sports grounds and fields, beaches and swimming pools;

(b) flea markets;

(c) fêtes and bazaars;

(d) night clubs;

(e) casinos;

(f) hotels, lodges, bed and breakfasts, *airbnbs*', timeshare facilities and resorts, and guest houses, except to the extent that they are required for remaining tourists confined to hotels, lodges and guest houses;

(g) private and public game reserves except to the extent that they are required for remaining tourists confined to private and public game reserves;

(h) holiday resorts except to the extent that they are required for remaining tourists confined to such holiday resort;

(i) taverns and *shebeens*, or similar establishments;

(j) theatres and cinemas; and

(k) museums.

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

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

Controlled visits by members of the public

25. All visits by members of the public to—

(a) Correctional Centres;

(b) Remand Detention Facilities;

(c) Police Holding Cells;

(d) Military Detention Facilities;

(e) Health establishments and facilities, except to receive treatment or medication in accordance with health protocols; and

(f) Facilities controlled or managed by the Department of Social Development, including Child and Youth Care Centres, shelters, One Stop Centres, and Treatment Centres,

will be allowed to the extent and in the manner as directed by the Cabinet member responsible for cooperative governance and traditional affairs after consultation with the Cabinet members responsible for health, police and justice and correctional services.

Sale, dispensing or transportation of liquor

26. (1) The sale, dispensing and distribution of liquor is prohibited.

(2) The transportation of liquor is prohibited, except where alcohol is required for industries producing hand sanitizers, disinfectants, soap, alcohol for industrial use and household cleaning products.

(3) The transportation of liquor for export purposes is permitted.

(4) No special or events liquor licenses may be considered for approval during the duration of the national state of disaster.

Tobacco products, e-cigarettes and related products

27. The sale of tobacco, tobacco products, e-cigarettes and related products is prohibited.

Operation of economic sectors

28. (1) Businesses and other entities as set out in Table 1 may commence operations.

(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 from each other, and that all directions in respect of health protocols 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 area.

(3) Retail stores selling goods as provided for the Table 1 are prohibited from selling other goods that are not permitted in terms of the Table 1.

(4) Persons performing essential services or permitted services, must be duly 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 A: Provided that Cabinet member responsible for small enterprises may issue directions in respect of small and micro enterprises, co-operatives, informal traders and *spaza* shops in respect of those entities.

Energy and petroleum products supply

29. To ensure the continuous supply of energy and petroleum products to society as referred to in Table 1—

(a) collieries that supply Eskom may continue to operate at full capacity; and

(b) refineries 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, smelters, plants and furnaces.

Mining Operations

30. (1) Open-cast mining scaling up to a baseline of 50% and thereafter scaling up to full employment.

(2) All other mining starting in batches scaling up towards 50% employment.

(3) Mining operations, must be conducted at 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 who have tested positive for 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 seismicity through the Council for Geoscience must be intensified with immediate effect.

Offences and penalties

31. (1) For the duration of the national state of disaster, any person who—

(*a*) convenes a gathering; or

(*b*) hinders, interferes with, 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), 19, 24(1) and 24(2), 26(1) and 26(2), 27 and 28(3) 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 protocols, and social distancing rules;

(b) return to work to be phased in to enable measures to make the workplace COVID-ready; and

(c) return to work to be done in a manner that avoids and reduces risks of infection.

PERMISSIONS AND PROHIBITIONS	
PART A	**AGRICULTURE, HUNTING, FORESTRY AND FISHING**
1	All agriculture, hunting, forestry and fishing, bee-keeping, including preparation, cultivation, harvesting, storage, transport of live animals and auctions (subject to health directions) and related agricultural infrastructure and services (including research, inspection, certification and quality control). All fishing, operation of fish hatcheries and fish farms, on such conditions as may be issued in directions by the cabinet members responsible for the environment, forestry and fisheries. Harvesting and storage activities essential to prevent the wastage of primary agricultural, fishing and forestry goods. Export of all agricultural, agro-processed, fishing and forestry products.
PART B	**ELECTRICITY, GAS AND WATER SUPPLY**
1.	All electricity, gas and water supply is permitted.
PART C	**MANUFACTURING**
1	Manufacture of wholesale and retail products permitted to be sold under Alert Level 4, and all input products, permitted scaling up to full employment, except where otherwise indicated, and subject to strict health protocols.
2	Manufacture of paper and paper products, excluding stationery, permitted scaling up to full employment and subject to strict health protocols.
3	Manufacture of plastics and packaging, including glass, plastic bottles and containers, permitted scaling up to full employment and subject to strict health protocols.
4	Petroleum refineries, smelters, and furnaces, permitted scaling up to full employment and subject to strict health protocols.
5	Manufacture of winter clothing, footwear, bedding and heaters (and all inputs required, including textiles) permitted, commencing at 25% and scaling up to 50% employment and subject to strict health protocols.
6	Manufacturing of automotives, steel and other metals, rail and ship-building (including components), scaling up in phases to 50% employment and subject to strict health protocols.
7	Stationery production, scaling up in phases to 50% employment and subject to strict health protocols.
8	Cement, other construction material, and hardware, scaling up in phases to 50% employment and subject to strict health protocols.
9	All other manufacturing, scaling 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, energy, sanitation).
2	Public works civil engineering and construction works.
3	Road and bridge projects, including local road repairs
4	Critical maintenance and repairs.
PART E	**WHOLESALE AND RETAIL TRADE, COVERING STORES, *SPAZA* SHOPS, E-COMMERCE AND INFORMAL TRADERS**
1	Food products, including non-alcoholic beverages and animal food.
2	The sale of hot cooked food, only for home delivery.
3	Toilet Paper, sanitary pads, sanitary tampons, and condoms.
4	Hand sanitiser, disinfectants, soap, alcohol for industrial use, household cleaning products, and personal protective equipment.
5	Products for the care of babies and toddlers.
6	Personal toiletries, including haircare, body, face, hand and foot care products, roll-ons, deodorants, dental care products.
7	Medical and Hospital Supplies, medicine, equipment and personal protective equipment.
8	Fuel and lighting, including coal, wood, paraffin and gas.
9	Airtime and electricity.
10	Hardware, components and supplies.
12	Components for vehicles undergoing emergency repairs
13	Chemicals, packaging and ancillary products used in the production of any these products listed in Part E.
14	Textiles required to produce face masks and other personal protective equipment and winter clothing.
15	Winter clothing, footwear, bedding and heaters and the components and fabrics required to manufacture these.
16	Children's clothing and fabrics and components required to manufacture these.
17	Stationery and educational books.
18	Personal ICT equipment including computers, mobile telephones and other home office equipment.
19	No sale of liquor permitted.
20	Directions may permit the incremental expansion of e-Commerce, taking into account the need to limit the extent of movement on the road, contact between people, law-enforcement challenges and the impact on other businesses.
PART F	**INFORMATION AND COMMUNICATION SERVICES**
1	All telecommunication services and infrastructure.
2	Information and Communication Technology services for all private and business customers.
3	Postal services and courier services for all permitted Alert Level 4 services.
PART G	**MEDIA AND ENTERTAINMENT SERVICES**
1	Online services.
2	Productions for local broadcast and live streaming of creative sector services in support of COVID-19 subject to directions.
3	Newspapers and broadcasting.
PART H	**FINANCIAL AND BUSINESS SERVICES**
1	Employees should work from home where possible.
2	Essential financial services may operate, subject to directions issues by the relevant Cabinet member, including the following services necessary to maintain the functioning of a financial system as defined in section 1(1) of the Financial

	Sector Regulation Act, only when the operation of a place of business or entity is necessary to continue to perform those services: i. the banking environment (including the operations of mutual banks, co-operative banks, co-operative financial institutions and the Postbank); ii. the payments environment; iii. the financial markets (including market infrastructures licensed under the Financial Markets Act, 2012 (Act No. 19 of 2012); iv. the insurance environment; v. the savings and investment environment; vi. pension fund administration; vii. outsourced administration; viii. medical schemes administration; and ix. additional services designated in terms of regulation 11B (4A) (c) (i). The services listed above may not include debt collection services.
3	Services necessary for the provision of social grants.
4	Private security services may operate.
5	Implementation of payroll systems.
6	Car sales under specific directions
7	Chauffeur services, rental of motor vehicles, driven vehicles, machinery and equipment, and of goods to support other Alert Level 4 services.
8	Call centres, for local and all international markets, may operate subject to directions issues by the relevant cabinet members.
9	Other professional services may operate only where work-from-home is not possible, and only to support other Alert Level 4 services.
PART I	**ACCOMMODATION AND FOOD SERVICE ACTIVITIES PERMITTED**
1	Accommodation not permitted, except for quarantine and essential services
2	Restaurants only for food delivery services (9H00-19H00) and subject to restriction on movement (no sit down or pick-up allowed).
PART J	**TRANSPORT, STORAGE AND COMMUNICATION SERVICES PERMITTED**
1	Ocean, rail, road and air transport of goods permitted only for activities set out in Regulation 22(1).
2	Public rail, minibus taxi and bus services will resume at Alert Levels and on terms as will be set out in Directions, based on the progressive increase in commuter numbers during the various phases.
3	E-hailing services subject to restrictions on capacity and times, and for permitted activities only.
4	Transport and logistics in respect of specified cargo specified in J1, and permitted retail goods to neighbouring countries, which shall include all goods imported via SA ports of entry, for re-export to neighbouring countries.
PART K	**MINING AND QUARRYING**
1	Coal production for Eskom scaling up to full employment.
2	Open-cast mining scaling up to a baseline of 50% and thereafter scaling up to full employment.
3	All other mining starting in batches scaling up towards 50% employment.
PART L	**REPAIR AND RELATED EMERGENCY SERVICES PERMITTED**
1	Tow trucks and vehicle recovery services.
2	Emergency repair work, including plumbers, electricians, locksmiths, glaziers, roof repair work.
3	Emergency automobile repairs for all persons.
PART M	**SUPPLY CHAINS**

1	Production, manufacturing, supply, logistics, transport, delivery and critical maintenance and repair of goods and services (including components and equipment) required for the production or rendering of permitted goods and services
2	All workplaces or premises must have care and maintenance that is essential to the prevention of the destruction or significant impairment of working areas, plant, machinery or inventory, or to permit orderly wind down arrangements, on such conditions as may be issued by means of directions by the relevant cabinet members.
PART N	**PRIVATE HOUSEHOLDS' EMPLOYMENT**
1	Live-in staff, and staff providing care to the sick, mentally ill, elderly, people with disabilities and children.
PART O	**PUBLIC ADMINISTRATION, GOVERNMENT SERVICES AND OTHER ARMS OF THE STATE** Only essential government and administration services may operate, including:
1	Disaster management services.
2	Licensing, permitting, deeds, masters offices, birth and death certificates, replacement identification documents
3	Any other service designated by the Executive Authority, HODs, Heads of Courts, and Heads of other Chapter 9 Institutions.
4	Essential municipal services.
5	Services related to the functioning of courts; the State Capture Commission.
6	Essential SARS services defined by the Commissioner of SARS.
7	Police, peace officers, traffic officers, military medical personnel and soldiers, correctional services officials and traffic management services.
8	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.
9	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.
PART P	**HEALTH, SOCIAL AND PERSONAL SERVICES**
1	Medical and veterinary services permitted.
2	Cleaning, sanitation, pest control, sewerage, waste and refuse removal services.
3	Recycling of glass, paper, plastic, metal, tyres and such others as determined by directions, are permitted at 50% capacity. Informal recyclers will be permitted to resume operations.
4	All Social work, counselling, services supporting gender based violence, care and relief activities permitted.
5	Wildlife Management, Anti-poaching, Animal Care and Veterinary services.
6	Funeral services, including mortuaries services and the transportation of mortal remains.
7	Trade union essential staff for workers covered by Alert Level 4, subject to Directions.
PART Q	**EDUCATION SERVICES**
1	Permitted on dates and schedule set out separately.

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 7(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 to —

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

☐ be admitted to a site to be used as isolation or a quarantine facility; or

☐ submit to mandatory prophylaxis, treatment, isolation 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 authorised in law.

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

NOTE: *This order remains in force until —*
(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) a period of ninety days has lapsed from the date of its issue; or
(d) the purpose for the issuing of the order has lapsed.

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

Official stamp of Institution

FORM 2

PERMIT TO PERFORM AN ESSENTIAL OR PERMITTED SERVICE

Regulations 16(2)(*b*) and 28(4)

- *Please note that the person to whom the permit is issued must at all times present a form of identification together with this permit. If no identification is presented, the person to whom the permit is issued will have to return to his or her place of residence during Alert Level 4.*

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

Surname				
Full names				
Identity number				
Contact details	**Cell nr.**	**Tel Nr(W)**	**Tel Nr(H)**	**e-mail address**
Physical Address of Institution				

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

Surname	
Full names	
Identity number	
Place of residence of employee	

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

_____

Signature of Head of Institution

Official stamp of Institution

FORM 3

PERMIT FOR THE MOVEMENT OF CHILDREN TO TRAVEL TO ANOTHER PROVINCE/METROPOLITAN AREA/DISTRICT

Regulation 17(1)*(c)*

Note: This permit and any form of identification must be in the possession of the person to whom this permit is issued

IN THE MAGISTRATES COURT FOR THE DISTRICT OF _____ HELD AT_____ON THIS _____DAY OF _____2020.

BEFORE ME _____ MAGISTRATE FOR THE AFOREMENTIONED DISTRICT IN CHAMBERS

I, hereby issue this permit for travel to the following person:

Full names:						
Surname:						
Identity number:						
Address of place of residence:						
Province of residence:						
Contact details:	Cell nr		Tel No (h)		e-mail address	
Metropolitan area/district travelling to:						
Province travelling to:						
Date of travel to:						
Date of return travel:						
Name of child concerned (*must correspond with the birth certificate*):						
Reason for movement of child(ren):						

I also declare that the above-mentioned person presented the documentation as required by *regulation 17(5).

Signed at_____this _____ day of _____ 2020.

_____

Magistrate issuing

Official stamp

FORM 4

PERMIT TO TRAVEL TO ANOTHER PROVINCE/METROPOLITAN AREA/DISTRICT FOR A FUNERAL

Regulations 18(5)

(To be completed by the head of court or a station commander or a person designated by him or her respectively.)

I,_____*(full names of *head of court, or a person designated by him or her / station commander of a police station or a person designated by him or her)* for—

(a) the Magistrate's court for the district of _____;

(b) the police station at _____,

hereby issue this permit for travel to another district/province, to the following person:

Full names:						
Surname:						
Identity number						
Address of place of residence:						
Province of residence:						
Contact details:	Cell nr		Tel No (h)		e-mail address	
Metropolitan area/district travelling to:						
Province travelling to:						
Date of funeral:						

I also declare that the above-mentioned person presented the *death certificate/certified copy of the death certificate/affidavit to me.

Signed at_____this _____ day of _____ 2020.

_____

**Person issuing permit*

Official stamp

FORM 5

SWORN AFFIDAVIT BY PERSON WHO WISHES TO ATTEND A FUNERAL IN ANOTHER PROVINCE/METROPOLITAN AREA/DISTRICT

Regulations 18(7)

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.*

2. This affidavit may only be sworn to or affirmed at a magistrate's court or police station.

I,

Full names:						
Surname:						
Identity number						
Address of place of residence:						
Province of residence:						
Contact details:	Cell nr		Tel No (h)		e-mail address	
District of funeral:						
Province in which funeral will take place:						

Hereby declare under oath with regards to the deceased:

Names of deceased:				
Surname of deceased:				
Relationship/Affiliation to the deceased*(eg spouse/parent)*				
I am not in possession of the death certificate for the reasons set out, and a copy of the letter from a cultural or religious leader is attached:	**Yes**		**No**	
Date of funeral:				
Province in which funeral will take place:				
*City/town/village of funeral:				

***OATH/AFFIRMATION**

I,_____(full names), identity number _____, hereby declare under *oath/affirmation that the above-mentioned information is true and correct.

Signed at_____on this _____day of _____2020.

_____

Signature of person making affidavit

CERTIFICATION

I hereby certify that before administering the *oath/taking the affirmation, I asked the deponent the following questions and noted *his/her answers in *his/her presence as indicated below:

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

Answer: _____

(b) Do you have any objection to taking the *oath/affirmation?

Answer: _____

I Do you consider the *oath/affirmation to be binding on your conscience?

Answer: _____

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

Signed at_____this_____day of_____2020__

*Justice of the Peace/Commissioner of Oaths

Full names: _____

Designation: _____

Business address: _____

_____

_____

*Delete which is not applicable".

ANNEXURE B
ESSENTIAL GOODS FOR IMPORT
Regulation 22(1)

	ESSENTIAL GOODS FOR IMPORT
1.	Food products, including non-alcoholic beverages and animal feed .
2.	Sanitary pads, sanitary tampons, condoms.
3.	Hand sanitiser, disinfectants, soap, alcohol for industrial use, household cleaning products, and personal protective equipment, excluding cloth face masks.
4.	Products for the care of babies and toddlers.
5.	Personal toiletries, including haircare, body and face care products, roll-ons, deodorants, and dental care products.
6.	Medical and hospital supplies, medicine, equipment and personal protective equipment (excluding cloth face masks).
7.	Fuel, including coal, wood, paraffin and gas.
8.	Hardware, components and supplies.
9.	Components for aftersales vehicles services.
10.	Chemicals, packaging and ancillary products used in the production of any these products.
11.	Textiles 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
PERMITTED GOODS FOR EXPORT
Regulation 22(1)(*e*)

	PERMITTED GOODS FOR EXPORT
1.	Agricultural, agro-processing, forestry and fishing products
2.	Manufacturing products and mining products permitted for production under the Alert Level 4 table subject to directions issued by the relevant Minister

ANNEXURE D
ESSENTIAL SERVICES

A: Essential and permitted services referred to in section 16(3) of the Regulation shall refer to:

(a) the list of essential services as set out in B below; and

(b) such other service as are set out in Alert Level 4 and where the technological, industrial, structural or similar requirement of the service necessitates a continuous or shift operation, as set out in directions, as set out below.

B 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 below:

1. Medical, Health (including Mental Health), Laboratory and Medical services and the National Institute for Communicable Diseases;
2. Disaster Management, Fire Prevention, Fire Fighting and Emergency services;

3.1 *(a)* The following services necessary to maintain the functioning of a financial system as defined in section 1(1) of the Financial Sector Regulation Act, only when the operation of a place of business or entity is necessary to continue to perform those services:

(i) the banking environment (including the operations of mutual banks, co-operative banks, co-operative financial institutions and the Postbank);

(ii) the payments environment;

(iii) the financial markets (including market infrastructures licensed under the Financial Markets Act, 2012 (Act No. 19 of 2012);

(iv) the insurance environment;

(v) the savings and investment environment;

(vi) pension fund administration;

(vii) outsourced administration;

(viii) medical schemes administration; and

(ix) additional services set out in directions.

(b) The services listed in paragraph *(a)* may not be construed to include debt collection services.

3.2 Services necessary for the provision of social grants.

4. Production and sale of the goods listed in Annexure B;
5. Whole sale and retail stores for re-stocking;
6. Electricity (including vital demand management services), 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 of the Department of Public Service and Administration, including Social Grant Payments and pension payments;
8. Essential municipal services;

9. Care services and social relief of distress provided to older persons, mentally ill, persons with disabilities, the sick, and children;
10. Funeral and cremation services, including mortuaries services and the transportation of mortal remains;
11. Wildlife Management, Anti-poaching, Animal Care and Veterinary services;
12. Newspaper, broadcasting and telecommunication infrastructure and services, including call centres critical for the support of such services;
13. Production and sale of any chemicals, hygiene products, pharmaceuticals for the medical or retail sector;
14. Cleaning, sanitation, pest control, sewerage, waste and refuse removal services;
15. Services related to the essential functioning of courts, judicial officers, the Master of the High Court, Sheriffs and legal practitioners required for those services;
16. Essential SARS services defined by the Commissioner of SARS;
17. Police, peace officers, traffic officers, military medical personnel and soldiers, correctional services officials and traffic management services;
18. Postal services and courier services related to transport of medical products;
19. Private security services;
20. Air-traffic Navigation, Civil Aviation Authority, air charters, Cargo Shipping and dockyard services;
21. Gold, gold refinery, coal and mining;
22. Accommodation used for persons rendering essential services, quarantine, isolation and the lockdown;
23. Production, manufacturing, supply, logistics, transport, delivery, critical maintenance and repair in relation to the rendering of essential services including components and equipment;
24. Transport services for persons rendering essential services and goods, and transportation of patients;
25. 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;

26.1 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

26.2 Services rendered by the institutions referred to in item 26.1

27. Transport and logistics in respect of cargo and goods as set out in Part A to neighbouring countries;
28. Tow trucks and vehicle recovery services;
29. Call centres necessary to provide health, safety, social support, government and financial services, debt restructuring for consumers of retailers, and access to short-term insurance policies as a result of reduced income or loss of income;
30. Harvesting and storage activities essential to prevent the wastage of primary agricultural goods;
31. Implementation of payroll systems to the extent that such arrangement has not been made, to ensure timeous payments to workers; and

32. Critical maintenance services which cannot be delayed for more than 21 days and are essential to resume operations;
33. Trades necessary for the rendering of emergency repair work, including plumbers, electricians, locksmiths, glaziers, roof repair work;
34. Trades necessary for emergency automobile repairs for persons rendering essential services;
35. Information and Communication Technology services rendered to entities and institutions engaged in delivering essential services in terms of these Regulations.

ANNEXURE E
WORKPLACE PLANS
Regulation 16(6)(*b*)

A COVID-ready Workplace Plan must be developed prior to the reopening of an enterprise employing persons or serving the public.

For small businesses, the plan can be basic reflecting the size of the business, while for medium and larger businesses, a more detailed written plan should be developed given the larger numbers 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 timetable setting out the phased return-to-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 staff 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) screening facilities and systems;
   (c) the attendance-record system and infrastructure;
   (d) the work-area of employees;
   (e) any designated area where the public is served;
   (f) canteen and bathroom facilities;
   (g) testing facilities (for establishments with more than 500 employees);
   (h) staff rotational arrangements (for establishments where fewer than 100% of employees will be permitted to work).
6. Arrangements for customers or members of the public, including sanitation and social distancing measures.

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