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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF CO-OPERATIVE GOVERNANCE

NO. R. 69

01 FEBRUARY 2021

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

I, Dr Nkosazana Dlamini Zuma, Minister of Cooperative Governance and Traditional Affairs, designated under section 3 of the Disaster Management Act, 2002 (Act No. 57 of 2002), having declared a national state of disaster published by Government Notice No. 313 of 15 March 2020, and extended by Government Notices Nos. 646 of 5 June 2020, 765 of 13 July 2020, 889 of 15 August 2020, 995 of 14 September 2020, 1090 of 14 October 2020, 1225 of 14 November 2020 and 1341 of 11 December 2020, No. R. 15 of 13 January 2021 hereby in terms of section 27(2) of the Disaster Management Act, 2002, after consultation with the relevant Cabinet members, make the Regulations in the Schedule.



DR NKOSAZANA DLAMINI ZUMA, MP
MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
DATE: 01.02.2021

SCHEDULE**Definitions**

1. In these Regulations, "the Regulations" means the regulations published by Government Notice No. R. 480 of 29 April 2020 as amended by Government Notices Nos. R. 608 of 28 May 2020, R. 714 of 25 June 2020, R. 763 of 12 July 2020, R. 846 of 31 July 2020, R. 891 of 17 August 2020, No. 999 of 18 September 2020, No. 1011 of 20 September 2020, No. 1053 of 1 October 2020, No. 1104 of 21 October 2020, No. 1199 of 11 November 2020, No. 1290 of 3 December 2020, No. 1346 of 15 December 2020, No. 1370 of 17 December 2020, No. 1421 of 24 December 2020, No. 1423 of 29 December 2020, No. 1435 of 29 December 2020 and No. R. 11 of 11 January 2021.

Amendment of Classification of Regulations

2. The Classification of the Regulations is hereby amended by—
(a) the insertion of the following item after item 33:

"33A. Opening and closing of schools"; and

(b) the deletion of Chapter 7.

Substitution of regulation 32 of the Regulations

3. Regulation 32 of the Regulations is hereby substituted for the following regulation:

"Application of Alert Level

- 32.** The regulations set out in this Chapter apply—
- (a) during Adjusted Alert Level 3 throughout the Republic; and
 - (b) in areas declared as hotspots."

Substitution of regulation 33 of the Regulations

4. Regulation 33 of the Regulations is hereby substituted for the following regulation:

"Movement of persons

33. (1) Every person is confined to his or her place of residence from 23H00 until 04H00 daily, unless a person—

- (a) has been granted permission through directions issued by the relevant Cabinet member or a permit, which corresponds with Form 7 of Annexure A, to perform a service other than a service related to an activity listed under Table 2;
- (b) is attending to a security or medical emergency; or
- (c) arrives on a flight or is travelling to or from an airport which necessitates travelling during restricted hours of movement: Provided that the person traveling is in possession of a valid boarding pass as proof of flight or a copy of the airline ticket.

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

(3) Closing time for the following establishments, whether indoors or outdoors, is 22H00:

- (a) cinemas;
- (b) theatres;
- (c) casinos;
- (d) museums, galleries and archives;
- (e) public swimming pools;
- (f) beaches and public parks;
- (g) game parks, botanical gardens, aquariums and zoos;
- (h) gyms and fitness centres;
- (i) restaurants;
- (j) establishments offering wine-tastings and other brew-tastings;
- (k) venues hosting auctions; and
- (l) venues hosting professional sport."

Insertion of regulation 33A in the Regulations

5. The following regulation is hereby inserted in the Regulations after regulation 33:

"Opening and closure of schools

33A. The Cabinet member responsible for basic education may by direction contemplated in regulation 4(3), determine the dates on which schools may be opened or closed, as defined in the South African Schools Act, 1996 (Act No.84 of 1996) and any matter related to the management of schools in the basic education sector, to address, prevent and combat the spread of COVID-19 in all schools."

Amendment of regulation 36 of the Regulations

6. Regulation 36 of the Regulations is hereby amended by—
(a) the substitution for subregulation (3) of the following subregulation:

"(3) (a) Gatherings at faith-based institutions, are permitted but limited to 50 persons or less for indoor venues and 100 persons or less for outdoor venues and if the venue is too small to hold the prescribed number of persons observing a distance of at least one and a half metres from each other, then not more than 50 percent of the capacity of the venue may be used: Provided that all health protocols and social distancing measures are adhered to as provided for in directions issued by the Cabinet member responsible for cooperative governance and traditional affairs: Provided further that there is strict adherence to the hours of curfew as provided for in regulation 33(1).

(b) All social gatherings are prohibited.";

(b) the substitution for subregulations (9) and (10) of the following subregulations:

"(9) All beaches, dams, lakes and rivers, inclusive of all recreational facilities at these places are open to the public: Provided that all health protocols and social distancing measures are adhered to.

(10) All public swimming pools, including recreational facilities at such places, are open to the public subject—

(a) to a limitation of 50 persons or less for indoor facilities and 100 persons or less for outdoor facilities and if the venue is too small to hold the prescribed number of persons observing a distance of at least one and a half metres from each other, then not more than 50 percent of the capacity of the venue may be used; and

(b) that all health protocols and social distancing measures are adhered to.";

(c) the deletion of subregulation (11).

Substitution of regulation 39 of the Regulations

7. Regulation 39 of the Regulations is hereby substituted for the following regulation:

"Places and premises closed to the public

- 39.** (1) Night clubs are closed to the public.
- (2) The Cabinet member responsible for cooperative governance and traditional affairs may, by directions, determine a place or premises that must be closed, if there is a risk of any members of the public being exposed to COVID-19 at such a place or premises."

Amendment of regulation 42 of the Regulations

8. Regulation 42 of the Regulations is hereby amended by the substitution for subregulation (4) of the following subregulation:

"(4) (a) International air travel is restricted to the following airports—

- (i) OR Tambo International Airport;
- (ii) King Shaka International Airport; and
- (iii) Cape Town International Airport.

(b) Long-haul flight departures and landings at the airports listed in paragraph (a) are permitted during the hours of curfew as provided for in regulation 33(1).

(c) All international travellers arriving at the airports listed in paragraph (a) must provide a valid certificate of a negative COVID-19 test, recognised by the World Health Organisation, which was obtained not more than 72 hours before the date of travel.

(d) In the event of the traveller's failure to submit a certificate as proof of a negative COVID-19 test, the traveller will be required to do an antigen test on arrival at his or her own cost and in the event of a traveller testing positive for COVID-19, he or she will be required to isolate him or herself at his or her own cost, for a period of 10 days."

Substitution of regulation 44 of the Regulations

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

"Sale, dispensing or transportation of liquor

- 44.** (1) The sale of liquor—
- (a) by a licensed premises for off-site consumption, is permitted from 10h00 to 18h00, from Mondays to Thursdays, excluding Fridays, Saturdays, Sundays and public holidays; and
 - (b) by a licensed premises for on-site consumption is permitted, from 10h00 to 22h00.

(2) The provisions of subregulation (1)(a) do not apply to duty - free shops, registered wineries, wine farms, micro-breweries and micro-distilleries.

(3) The consumption of liquor in public places, except in licensed on-site consumption premises, is prohibited.

(4) Registered wineries, wine farms, micro-breweries and micro-distilleries may continue to operate in offering wine-tastings and other brew-

tastings and the selling of wine and other brews to the public for offsite consumption is permitted, subject to strict adherence to the curfew provided for in regulation 33(1) and regulation 33(3) and strict adherence to social distancing measures and health protocols.

- (5) The transportation of liquor is permitted.
- (6) The sale and consumption of liquor in contravention of subregulations (1) and (3) is an offence."

Amendment of regulation 47 of the Regulations

10. Regulation 47 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

"(2) For the purposes of this Chapter, any person who fails to comply with or contravenes a provision of regulations 33(1) and (3), 34(2), (3) and (7); 40(1), (2) and (3)(b), 43(3)(a), and 44(1) and (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."

Deletion of Chapter 7 of the Regulations

11. Chapter 7 of the Regulations is hereby deleted.

Substitution of Table 2 of the Regulations

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

"TABLE 2

ADJUSTED ALERT LEVEL 3 AND AREAS DECLARED AS HOTSPOTS

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

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

SPECIFIC EXCLUSIONS	
1.	Night vigils.
2.	After-funeral gatherings including "after-tears" gatherings.
3.	All social gatherings.
4.	Night clubs.
5.	The land borders that remain closed, excluding the land borders contemplated in regulation 42(1).
6.	Initiation practices except as specifically allowed in regulations 40 and 85.
7.	Post-initiation practices (<i>imigidi</i>).
8.	Passenger ships for international leisure purposes, excluding small crafts, in line with health and border law enforcement.
9.	Attendance of any sporting event by spectators.
10.	Exclusions relating to public transport services as set out in the directions issued by the Cabinet member responsible for transport.
11.	Exclusions relating to education services as set out in the directions issued by the Cabinet members responsible for education."

Commencement

13. This amendment to the Regulations will come into operation on publication in the *Gazette*.