

**Private Bag X94 Pretoria 0001**

Verwysing Reference	3/5/2/293
Navrae Enquiries	Brig van der Walt/ Brig Calitz
Telefoon Telephone	082 778 2872 082 447 1647
E-pos Email	CalitzC@saps.gov.za

OFFICE OF THE DEPUTY NATIONAL**COMMISSIONER: POLICING****PRETORIA****0001**

- A. ALL PROVINCIAL COMMISSIONERS**
- B. ALL DIVISIONAL COMMISSIONERS**
- C. ALL DEPUTY PROVINCIAL COMMISSIONERS**
- D. All Provincial Heads
PROVINCIAL OPERATIONAL COORDINATION
- E. All Commanders
PROVINCIAL OPERATIONAL COMMAND CENTRES

NATIONAL CRIME COMBATING FORUM (NCCF) SUPPLEMENTARY INSTRUCTION 5 TO NCCF INSTRUCTION 3 OF 2020: CONTAINMENT AND MANAGEMENT OF COVID19: GUIDELINES ON THE IMPLEMENTATION AND ENFORCEMENT OF REGULATIONS AND DIRECTIVES ISSUED IN TERMS OF SECTION 27 OF THE DISASTER MANAGEMENT ACT, 2002 (ACT NO. 57 OF 2002): CONTAINMENT AND MANAGEMENT OF COVID-19

1. Following the announcement by His Excellency, the President of the Republic of South Africa, a national state of disaster was declared under the Disaster Management Act, 2002 (Act No. 57 of 2002) ("DMA") by the Minister of Cooperative Governance and Traditional Affairs ("COGTA") on 15 March 2020, in response to the worldwide coronavirus pandemic ("COVID-19").
2. On 18 March 2020, the Minister of COGTA promulgated regulations in terms of section 27(2) of the DMA regarding the manner in which the state of national disaster had to be implemented. These regulations were supplemented by additional Regulations on 25 March 2020.
3. The supplementary Regulations of 25 March 2020 (the "Lockdown Regulations") are specifically provided for a nationwide lockdown from 23:59 on 26 March 2020 until 23:59 on 16 April 2020. The Regulations are attached for easy reference.

4. In terms of the Regulations members of the South African Police Service (SAPS) have been designated as enforcement officers, together with members of the SANDF and peace officers. Enforcement officers are expected to enforce compliance with the Regulations. Enforcement officers are not empowered to authorise deviations or exceptions of the obligations created in terms of the Regulations and Directions.
5. The lockdown is aimed at containing and managing the COVID-19 virus and police action must support this aim. According to a speech delivered by His Excellency, the President of the Republic of South Africa, on 26 March 2020 at the Tshwane Police Academy, members of the SAPS are expected to be supportive, provide a service, help, give advice, guide and lead the community, in order to ensure that lives are saved. This is indeed the main objective of the Lockdown Regulations. The President specifically mentioned that those who want to challenge the State in these efforts must be dealt with.
6. **Restriction on the movement of persons [Regulation 11B(1)(a)]**
 - 6.1 The Regulations in essence aim to prevent or restrict the movement of persons to limit social interaction in order to contain the spread of the COVID-19 virus.
 - 6.2 The Regulations provide for the following:
 - 6.2.1 **Regulation 11B(1)(a)(i):** every person is confined to his or her place of residence, unless required to –
 - perform essential services;
 - obtain essential goods;
 - collect social grants; or
 - seek emergency, life-saving or chronic medical attention.
 - 6.2.1.1 **Discussion**
 - Confinement of a person to his or her residence entails that such a person may not leave the premises where the residence itself is situated in order to prevent or minimise social interaction. This means that no person is for instance allowed to jog, walk a dog or cycle outside the confines of his or her residence. Outings to places such as libraries, museums, the gym, parks or events of any nature are not permitted.
 - A person performing essential services may leave the confines of his or her residence. Only the essential services listed in Annexure B of the Regulations are regarded as essential services for purposes of this exemption. Such a person must be in possession of a permit issued by his or her employer in the form as set out in Annexure C of the Regulations in order to leave the confines of his or her residence and to perform such essential services. The permit is not an excuse to drive

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around, to visit friends, to do shopping, etc. An electronic permit e.g. on a phone, is acceptable as long as it substantially conforms to the requirements of Annexure C.

- In terms of the Directions issued by the Minister of Justice and Correctional Services on 26 March 2020 (Regulation Gazette No 11066 of 26 March 2020), enforcement officers must allow Judges, Magistrates, legal practitioners and Sheriffs to commute between their places of residence and the court within their area of jurisdiction for purposes of performing essential services upon presentation of proof of appointment to such office.
- The National Commissioner of the SAPS signed a circular with reference no.12/18/1 on 26 March 2020 in which it is directed in paragraph 1.1.10 that members of the SAPS who are on duty must at all times carry their appointment certificates in order to identify them as members of the SAPS. In terms of this circular, permits are not required to be issued for SAPS Act members. All Public Service employees who are rendering an essential service must be issued with a permit designating them as such. The permit must be completed by the employee's commander at workplace level.
- A person obtaining essential goods may leave the confines of his or her residence. Only goods listed in Annexure B of the Regulations are regarded as essential goods for purposes of this exemption. Such a person does not need a permit and the Regulations do not provide for a permit either. This office became aware of a "Form B: Declaration of Citizens Movement in Exceptional Cases" circulating on social media that purports to grant permission to move to places such as the bank, to help people who must be protected or are in quarantine, physical activity, weddings or for pet needs. This form is not authentic and is neither official, nor endorsed by the SAPS.
- Essential goods do not include furniture-, clothes-, liquor- or luxury goods purchases. Retail stores selling essential goods are prohibited from selling any other goods and must be closed for the duration of the lockdown. For example, Pick 'n Pay 'n Pay/Checkers/Game may not sell electronic goods, clothing, gardening accessories or any other goods that are not essential goods
- A retail store selling such non-essential goods commits an offence in terms of Regulation 11B(1)(c) and (e), read with Regulation 11G of the Regulations.
- Members must note that there is a prohibition on the selling of liquor during the lockdown. According to Annexure D of the Lockdown Regulations –
 - on-consumption premises, including taverns, shebeens and shisanyama where liquor is sold;
 - off-consumption premises, including bottle stores; and
 - off-consumption areas in supermarkets where liquor is sold, must be closed and are prohibited from selling liquor.
- The owners or managers of these premises may be charged in terms of Regulation 11B (4), read with Regulation 11G of the Regulations.

NATIONAL CRIME COMBATING FORUM (NCCF) SUPPLEMENTARY INSTRUCTION 5 TO NCCF INSTRUCTION 3 OF 2020: CONTAINMENT AND MANAGEMENT OF COVID19: GUIDELINES ON THE IMPLEMENTATION AND ENFORCEMENT OF REGULATIONS AND DIRECTIVES ISSUED IN TERMS OF SECTION 27 OF THE DISASTER MANAGEMENT ACT, 2002 (ACT NO. 57 OF 2002): CONTAINMENT AND MANAGEMENT OF COVID-19

- Consumption of liquor in public is addressed in terms of the relevant Provincial Liquor legislation and offenders must be charged in terms of these laws. In provinces where the liquor laws do not provide for an offence such as drinking in public, other measures such as municipal by-laws should be used (consult with local municipalities).
- Furthermore, if an instruction to cease the drinking in public is ignored and resisted, such a person must be charged with contravening Regulation 11(1)(c) of the Regulations promulgated on 18 March 2020 in that such person hinders, interferes with or obstructs an enforcement officer in the exercise of his or her duties in terms of the regulations.
- A person collecting a social grant or seeking emergency, life-saving or chronic medical attention may leave the confines of his or her residence for that purpose.
- All persons performing essential services, obtaining essential goods or seeking medical attention, may be subjected to screening for COVID-19 by an enforcement officer (Regulation 11B(5) of the Regulations).

6.2.2 Every gathering is prohibited, except for a funeral not comprising of more than 50 persons;

6.2.2.1 Discussion

- “Gathering” means any assembly, concourse or procession in or on any –
 - public road, as defined in the National Road traffic Act, 1996 (Act No. 93 of 1996); or
 - 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.
- The only exception regarding this prohibition is a funeral. The total number of people that may be present at a funeral, including functionaries, workers, etc., **may not exceed 50 persons**. A funeral does not require a permit and the Regulations do not provide for a permit either. Night vigils may not be held (See Regulation 11B(1)(a)(ii) and 11B(8), read with Regulation 11G of the Regulations).
- According to the Directions issued by the Minister of COGTA in Government Gazette No. 43147 of 25 March 2020, this exception does not apply to weddings. Wedding receptions and celebrations must be cancelled for the duration of the lockdown. No permits can be issued to any person or entity for such an event.
- An enforcement officer must where a gathering, other than a funeral, takes place –
 - order the persons at the gathering to disperse immediately; and
 - if they refuse to disperse, take appropriate action, which may include arrest and detention in terms of the Criminal Procedure Act, 1977 (act No. 52 of 1977) (Dispersal is obviously preferred,

as arrest may contribute to overcrowding of police holding cells and defeat the purpose of the lockdown).

- Furthermore, if an instruction to disperse is ignored and resisted, such a person must be charged with contravening Regulation 11(1)(c) of the Regulations promulgated on 18 March 2020 in that such person hinders, interferes with or obstructs an enforcement officer in the exercise of his or her duties in terms of the regulations.

6.2.3 Movement between provinces and movement between the metropolitan and district areas are prohibited.

6.2.3.1 Discussion

In terms of Regulation 11B(1)(a)(iii) and (iv), read with Regulation 11G of the Regulations, such conduct constitutes a criminal offence.

6.3 International movement of persons and goods

6.3.1 All borders of the Republic are closed during the lockdown, except for transportation of fuel and essential goods.

6.3.2 Foreign tourists who arrived in the Republic prior to or after the lockdown must remain in their place of temporary residence for the duration of the lockdown or at least for 14 days. These persons must also be subjected to screening for COVID-19 and must be quarantined or isolated as required.

6.3.3 In accordance with a Direction issued by the Minister of Home Affairs in Government Gazette No. 43162 of 26 March 2020, no foreigner may be issued with a visa for travelling into the Republic and no person will be allowed entry into, or transit through, or departure from the Republic for the period of the lockdown.

7. Places that must be closed

7.1 The places and premises mentioned in Annexure D of the Regulations are closed to the public, except to those persons rendering security and maintenance services at those places or premises. Persons who operate any of these places and allow the public access to these places or premises commit an offence (Regulation 11B(4), read with Regulation 11G of the Regulations). An updated list is enclosed.

7.2 Public spaces and facilities under the control of a municipality that do not provide essential services, must be closed immediately by that municipality in terms of the Directions issued by the Minister of COGTA in Government Gazette No. 43147 of 25 March 2020.

NATIONAL CRIME COMBATING FORUM (NCCF) SUPPLEMENTARY INSTRUCTION 5 TO NCCF INSTRUCTION 3 OF 2020: CONTAINMENT AND MANAGEMENT OF COVID19: GUIDELINES ON THE IMPLEMENTATION AND ENFORCEMENT OF REGULATIONS AND DIRECTIVES ISSUED IN TERMS OF SECTION 27 OF THE DISASTER MANAGEMENT ACT, 2002 (ACT NO. 57 OF 2002): CONTAINMENT AND MANAGEMENT OF COVID-19

7.3 It needs to be noted that the Lockdown Regulations have been amended on 26 March 2020 in Government Gazette No 43168. In terms of this amendment, restaurants must also be closed.

8. Businesses and entities that may operate during the lockdown

8.1 Businesses or entities involved in the manufacturing, supply or provision of essential goods and services are allowed to carry on with their business. All other businesses and entities must cease their operations.

8.2 Essential goods are set out in Annexure B of the Regulations, which means that grocery stores, spaza shops and medical facilities may remain open. An updated list is enclosed.

8.3 Retail shops and shopping malls must be closed, but grocery stores, pharmacies and medical facilities inside a shop or mall may remain open: Provided that the person or entity in control of the business must put in place controls to ensure that customers keep a distance of at least of one square meter from each other, and that all directions in respect of hygienic conditions and the exposure of persons to COVID-19 are adhered to.

8.4 As stated above, retail stores selling essential goods may not sell any other product or goods (see Regulation 11B(1)(c)). Spaza shops and convenience stores at filling stations may, for example, sell essential goods such as food or beverages while non-essential goods such as luxury goods may not be sold. In view of the latest amendments to the Lockdown Regulations, they may carry on business but may also not operate as a restaurant (inclusive of take-away meals sold from within the convenience store by Take-Away outlets).

8.5 Disaster management is identified as an essential service. In accordance with the definition of disaster management as contained in section 1 of the Disaster Management Act, 2002 (Act No. 57 of 2002) an entity such as Gift of the Givers, which is easily distinguishable by means of their trucks and uniforms, renders an essential service and is excluded from the restrictions on movement.

8.6 In terms of the amendment of 26 March to the Lockdown Regulations, the following essential services have been added to the list contained in Part B of Annexure B:

8.6.1 Tow trucks and vehicle recovery services;

8.6.2 Call centres necessary to provide health, safety, social support, government and financial services;

- 8.6.3 Harvesting and storage activities essential to prevent the wastage of primary agricultural goods;
- 8.6.4 Implementation of payroll systems to the extent that such arrangement has not been made for the lockdown, to ensure timeous payments to workers; and
- 8.6.5 Critical maintenance services which cannot be delayed for more than 21 days and are essential to resume operations after the lockdown.

9. Prohibition of public transport

- 9.1 In terms of Regulation 11C(1), all commuter transport services are prohibited. Bus services, taxi services, e-hailing services (e.g. Uber and Taxify) and private motor vehicles are excluded from the prohibition, on condition that they are used in rendering essential services, obtaining essential goods, seeking medical attention, funeral services and the receiving of the payment of grants. This is subject thereto that such vehicle carries no more than 50 % of the licensed capacity and that all directions in respect of hygienic conditions and the limitation of exposure of persons to COVID-19 are adhered to.
- 9.2 In terms of the Public Transport Services Directions, 2020 (Government Gazette 43157 dated 26 March 2020), public transport is permitted to ferry essential services workers and are only authorised to operate from 5H00 to 9H00 and again from 16H00 to 20H00.
- 9.3 According to paragraph 8 of the above Directions:
 - 9.3.1 A vehicle licensed to carry up to 4 passengers is only be permitted to carry 1 passenger.
 - 9.3.2 A Minibus licensed to carry up to 8 passengers is only be permitted to carry a maximum of 3 passengers.
 - 9.3.3 All Minibuses must reduce seating capacity by 50% of its seating capacity to mitigate the spread of the virus.
 - 9.3.4 All public transport operators should put measures in place to adhere to social distancing to curb the spread of the virus.
 - 9.3.5 All public transport operating outside of the above prescripts must be stopped and ordered to cease the activity immediately and remove the vehicle off the road. Although the prohibitions set out in paragraphs 9.1 to 9.3 are not criminalised in the Lockdown Regulations, offences in terms of the National Land Transport Act, 2009 (Act No. 5 of 2009) are applicable to public road transport. Where the driver –
 - wilfully obstructs or hinders an authorised officer (which includes a member of SAPS) who is discharging his or her duties such a driver commits an offence in terms of section 90(1)(i) of the said Act; or

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- refuses or fails to comply with the lawful order, direction or demand made by an authorised officer in the discharge or performance of any function or duty entrusted to the officer, such a driver commits an offence in terms of section 90(1)(j) of the said Act.
10. The offences relating to the National State of Disaster, as created by the Regulations issued on 18 and 25 March 2020, are available on the Crime Administration System (CAS) under code 502 550 (the keyword "COVID-19" can be used to search for such offences).
 11. The content of this Instruction must be brought to the attention of all members of the SAPS.



**LIEUTENANT GENERAL
F/DEPUTY NATIONAL COMMISSIONER: POLICING
NS MKHWANAZI**

Date: 2020-03-27



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DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NO. R. 398

25 MARCH 2020

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

I, Dr Nkosazana Dlamini Zuma, Minister of Cooperative Governance and Traditional Affairs, designated under section 3 of the Disaster Management Act, 2002 (Act No. 57 of 2002), having declared a national state of disaster, published in Government Gazette No. 43096 on 15 March 2020, hereby in terms of section 27(2) of the Disaster Management Act, 2002, after consultation with the Minister of Health, made the Regulations in the Schedule.

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

SCHEDULE**Definitions**

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

Insertion of heading in Regulations

2. The Regulations are hereby amended by the insertion of the following heading after the heading "SCHEDULE":
"CHAPTER 1".

Amendment of regulation 1 of the Regulations

3. Regulation 1 of the Regulations is hereby amended by the—
- (a) insertion of the following definitions after the definition of "adequate space":
"clinical case" means a patient that presents with clinical signs and symptoms of COVID-19;
"Constitution" means the Constitution of the Republic of South Africa, 1996;"
 - (b) substitution for the definition of "gathering" for the following definition:
"gathering" means any assembly, concourse or procession in or on—
 - (a) any public road, as defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996); or

- (b) any other building, place or premises, including wholly or partly in the open air, and including, but not limited to, any premises or place used for any sporting, entertainment, funeral, recreational, religious, or cultural purposes;”;
- (c) the insertion of the following definitions after the definition of “gathering”:
“**Institutions of higher learning**’ means ‘higher education college’ and ‘higher education institution’ as defined in section 1 of the Higher Education Act, 1997 (Act No. 101 of 1997);
‘**laboratory confirmed case**’ means a patient who has been diagnosed with COVID-19 through a Department of Health approved laboratory diagnostic method;”;
- (d) insertion of the following definition after the definition of “liquor”:
“**quarantine**’ means the restriction of activities or separation of a person, who was exposed, or potentially exposed, to COVID-19 and could be a possible source of the spread of the disease, from other non-exposed persons, in such a manner so as to prevent the possible spread of infection or contamination to healthy individuals;” and
- (e) the substitution for the definition of “school” for the following definition:
“**school**’ means a school as defined in section 1 of the South African Schools Act, 1996 (Act No. 84 of 1996);”.

Insertion of regulation 1A in Regulations

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

"Application of Chapters 1 and 2

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

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

Amendment of Regulation 4 of the Regulations

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

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

- (a) submission of that person to a medical examination, including but not limited to the taking of any bodily sample by a person authorised in law to do so;
- (b) admission of that person to a health establishment or a quarantine or isolation site; or

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

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

Amendment of Regulation 5 of the Regulations

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

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

Amendment of regulation 11 of the Regulations

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

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

Insertion of Chapter 2 into the Regulations

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

"CHAPTER 2

Definitions

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

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

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

'**head of an institution**' means the accounting officer of a public institution and the chief executive officer or the equivalent of a chief executive officer of a private institution;

'**institution**' means any public or private institution that is engaged in the supply or distribution of an essential good or service;

'**lockdown**' means the restriction of movement of persons during the period for which this regulation is in force and effect namely from 23H59 on Thursday, 26 March 2020, until 23H59 on Thursday 16 April 2020, and during which time the movement of persons is restricted; and

'**movement**' means entering or leaving a place of residence or, in the case of people not ordinarily resident in the Republic, their place of temporary residence while in the Republic.

Restriction on the movement of persons and goods

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

- (i) every person is confined to his or her place of residence, unless strictly for the purpose of performing an essential service, obtaining an essential good or service, collecting a social grant, or seeking emergency, life-saving, or chronic medical attention;
- (ii) every gathering, as defined in regulation 1 is hereby prohibited, except for funeral as provided for in subregulation (8);
- (iii) movement between provinces is prohibited; and
- (iv) movement between the metropolitan and district areas, is prohibited.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Prohibition of public transport

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

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

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

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

Resources by the State during lockdown

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

(2) The State shall identify—

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

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

Loss or damage

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

Powers and indemnity

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

Offences and penalties

11G. For purposes of this Chapter any person who contravenes regulation 11B(1) and (4), shall be guilty of an offence and, on conviction, liable to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment."

Addition of Annexures to the Regulations

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

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

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

BEFORE ME _____ MAGISTRATE FOR THE
AFOREMENTIONED DISTRICT IN CHAMBERS

WHEREAS it appears that _____ (name of person)
Being a person:

- who has been clinically, or by a laboratory, confirmed as having COVID-19
- who is suspected of having contracted COVID-19
- who has been in contact with a person who is a carrier of COVID-19

and who has refused consent for the—

- submission to a medical examination, including but not limited to the taking of any bodily sample by a person authorised in law to do so
- admission to a site to be used as isolation or a quarantine facility
- submission to mandatory prophylaxis, treatment, isolation or quarantine or isolation in order to prevent transmission.

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

.....
MAGISTRATE

DATE

NOTE: This warrant remains in force until one of the following occurs:

- (a) it is executed;
- (b) it is cancelled by the person who issued it or, if such person is not available, by any person with like authority;
- (c) the expiry of ninety days from the date of its issue; or
- (d) the purpose for the issuing of the warrant has lapsed.

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

A. GOODS

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

B. SERVICES

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

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

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

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

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

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

Physical Address of Institution	
--	--

Hereby certify that:

Surname	
Full names	
Identity number	

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

Signature of Head of Institution

Official stamp
of Institution

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

The following places and premises are closed to the public:

- (a) Any place or premises normally open to the public where religious, cultural, sporting, entertainment, recreational, exhibitional, organisational or similar activities may take place;
- (b) any place or premises normally open to the public where goods other than essential goods are procured, acquired, disposed of or sold;
- (c) any place or premises normally open to the public such as—
 - (i) public parks, beaches and swimming pools;
 - (ii) flea markets;
 - (iii) open air food markets;
 - (iv) fêtes and bazaars;
 - (v) night clubs;
 - (vi) casinos;
 - (vii) hotels, lodges and guest houses, except to the extent that they are required for remaining tourists confined to hotels, lodges and guest houses;
 - (viii) private and public game reserves except to the extent that they are required for remaining tourists confined to private and public game reserves;
 - (ix) holiday resorts except to the extent that they are required for remaining tourists confined to such holiday resort;

-
- (x) on-consumption premises, including taverns, shebeens, *shisanyama* where liquor is sold;
 - (xi) off-consumption premises, including bottle stores, where liquor is sold
 - (xii) off-consumption areas in supermarkets where liquor is sold;
 - (xiii) theatres and cinemas;
 - (xiv) shopping malls and centres (excluding grocery stores and pharmacies); and
 - (xv) taxi ranks, bus depots, train stations and airports; and
- (d) any other place or premises determined by the Cabinet member responsible for cooperative governance and traditional affairs by direction in the *Gazette*."

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ANNEXURE B

CATEGORIES OF ESSENTIAL GOODS AND SERVICES DURING LOCKDOWN

Regulation 11A

A. GOODS

1. Food
 - (i) Any food product, including non-alcoholic beverages;
 - (ii) Animal food; and
 - (iii) Chemicals, packaging and ancillary products used in the production of any of food product.
2. Cleaning and Hygiene Products
 - (i) Toilet Paper, sanitary pads, sanitary tampons, condoms;
 - (ii) Hand sanitiser, disinfectants, soap, alcohol, for industrial use, household cleaning products, and personal protective equipment;
 - (iii) Chemicals, packaging and ancillary products used in the production of any of the above;
 - (iv) Products for care of babies and toddlers; and
 - (v) Personal toiletries, including haircare, body and face wash, roll-ons, deodorants, toothpaste.
3. Medical:
 - (i) Medical and hospital supplies, equipment and personal protective equipment; and
 - (ii) Chemicals, packaging and ancillary products used in the production of any of the above.
4. Fuel, including coal and gas.
5. Basic goods, including airtime and electricity.

B. SERVICES

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

1. Medical, health (including mental health), laboratory, medical services and the National Institute for Communicable Diseases;
2. Disaster Management, Fire Prevention, Fire Fighting and Emergency Services;

3. Financial services necessary to maintain the functioning of the banking and payment environment, including Johannesburg Stock Exchange and similar exchanges, as well as insurance services and medical scheme administration;
4. Production and sale of the essential goods as defined;
5. Grocery stores, including spaza shops;
6. Electricity (including vital demand management services), water, gas and fuel production, supply and maintenance;
7. Critical jobs for essential government services determined by a Head of a National or a Provincial Departments, in accordance with the guidance by the DPSA, including Social Grant Payments;
8. Birth and death certificates and replacement identification documents;
9. Essential municipal services;
10. Care services and social relief of distress provided to older persons, mentally ill, persons with disabilities, the sick, and children;
11. Funeral services, including mortuaries;
12. Wildlife Management, Anti-poaching, Animal Care and Veterinary Services;
13. Newspaper, broadcasting and telecommunication infrastructure and services;
14. Production and sale of any chemicals, hygiene products, pharmaceuticals to the medical or retail sectors;
15. Cleaning, sanitation, sewerage, waste and refuse removal services;
16. Services related to the essential functioning of courts, judicial officers, the Master of the High Court, Sheriffs, and legal practitioners required for those services;
17. Essential SARS services defined by the Commissioner of SARS;
18. Police, peace officers, traffic officers, military medical personnel and soldiers, correctional services officials and traffic management services;
19. Postal services and courier services related to transport of medical products
20. Private security services;
21. Air traffic navigation, civil aviation authority, cargo shipping and dockyard services;
22. Gold, gold refinery, coal and essential mining;
23. Accommodation used for persons rendering essential services and quarantine, isolation and lockdown;
24. Production, manufacturing, supply, logistics, transport, delivery, critical

- maintenance and repair in relation to the rendering of essential services including components and equipment;
25. Transport services for persons rendering essential services and goods and transportation of patients;
 26. Services rendered by the Executive, members of Parliament, Members of the Provincial Legislature, and Members of Local Councils, the judiciary, traditional leaders and national office bearers of political parties represented in Parliament;
 27. Commissioners of the South African Human Rights Commission, Gender Commission, and the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities and Public Protector and Deputy Public Protector;
 28. Transport and logistics in respect of essential goods as defined above to neighbouring countries. Medical, health (including mental health), laboratory and medical services;
 29. Tow trucks and vehicle recovery services;
 30. Call centres necessary to provide health, safety, social support, government and financial services;
 31. Harvesting and storage activities essential to prevent the wastage of primary agricultural goods;
 32. Implementation of payroll systems to the extent that such arrangement has not been made for the lockdown, to ensure timeous payments to workers; and
 33. Critical maintenance services which cannot be delayed for more than 21 days and are essential to resume operations after the lockdown.

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

The following places and premises are closed to the public:

- (a) Any place or premises normally open to the public where religious, cultural, sporting, entertainment, recreational, exhibitional, organisational or similar activities may take place;
- (b) any place or premises normally open to the public where goods other than essential goods are procured, acquired, disposed of or sold;
- (c) any place or premises normally open to the public such as—
 - (i) public parks, beaches and swimming pools;
 - (ii) flea markets;
 - (iii) open air food markets;
 - (iiiA) restaurants;
 - (iv) fêtes and bazaars;
 - (v) night clubs;
 - (vi) casinos;
 - (vii) hotels, lodges and guest houses, except to the extent that they are required for remaining tourists confined to hotels, lodges and guest houses;
 - (viii) private and public game reserves, except to the extent that they are required for remaining tourists confined to private and public game reserves;
 - (ix) holiday resorts, except to the extent that they are required for remaining tourists confined to such holiday resort,
 - (x) on-consumption premises, including taverns, shebeens, *shisanyama* where liquor is sold;
 - (xi) off-consumption premises, including bottle stores, where liquor is sold;
 - (xii) off-consumption areas in supermarkets where liquor is sold;
 - (xiii) theatres and cinemas;
 - (xiv) shopping malls and centres (excluding grocery stores and pharmacies);
and
 - (xv) taxi ranks, bus depots, train stations and airports; and

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