GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF CO-OPERATIVE GOVERNANCE

NO. R. 1423 **29 DECEMBER 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, in Government Notice No. 313, published in Government *Gazette* No. 43096, 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, 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: 28.12.2020

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 and No. 1421 of 24 December 2020.

Amendment of Classification of Regulations

2. The Classification of the Regulations is hereby amended by the substitution for Chapter 4 of the following Chapter:

"CHAPTER 4"
ADJUSTED ALERT LEVEL 3

32. Application of Alert Level
33. Movement of persons
34. Mandatory protocols when in a public place
35. Attendance of funerals
36. Gatherings
37. Eviction and demolition of places of residence

38. Rental Housing
39. Places and premises closed to the public
40. Initiation practices
41. Controlled visits by members of the public
42. Partial re-opening of borders
43. Public transport
44. Sale and dispensing of liquor
45. Operation of economic sector
46. Compliance officers
47. Offences and penalties".

Substitution of Chapter 4 of the Regulations

3. Chapter 4 of the Regulations is hereby substituted for the following Chapter:

"CHAPTER 4
ADJUSTED ALERT LEVEL 3

Application of Alert Level

32. The regulations set out in this Chapter apply during Adjusted Alert Level 3.

Movement of persons

33. (1) Every person is confined to his or her place of residence from 21H00 until 06H00 daily, except in areas declared a hotspot, unless a person—

(a) has been granted permission through directions 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; or

(b) is attending to a security or medical emergency.

(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 20H00:

(a) Cinemas;
(b) theatres;
(c) casinos;
(d) museums, galleries and archives;
(e) gyms and fitness centres;
(f) restaurants;
(g) venues hosting auctions; and
(h) venues hosting professional sport.

Mandatory protocols when in a public place

34. (1) For the purposes of these Regulations, a **'face mask'** means a cloth face mask or a homemade item that covers the nose and mouth, or another appropriate item to cover the nose and mouth.

(2) The wearing of a face mask is mandatory for every person when in a public place, and any person who fails to comply with a verbal instruction by an enforcement officer to wear a face mask, 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) No person will be allowed to—

(a) use, operate, perform any service on any form of public transport;

(b) enter or be in a building, place or premises, including government buildings, places or premises, used by the public to obtain goods or services; or

(c) be in any public open space, if he or she is not wearing a face mask.

(4) The prohibition in subregulation (3)*(c)* shall not apply to a person who undertakes vigorous exercise in a public place, provided that the person maintains a distance of at least one and a half metres from any other person, and subject to directions on what is considered to be vigorous, issued by the Cabinet member responsible for health.

(5) An employer may not allow any employee to perform any duties or enter the employment premises if the employee is not wearing a face mask while performing his or her duties.

(6) 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, on the basis of providing for a social distance of one and a half metres between persons;

(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.

(7) Any business whose premises exceeds the maximum number of customers and employees determined in subregulation (6) 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.

(8) 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; and

(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.

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

(10) All courier and delivery services shall provide for minimal personal contact during delivery.

Attendance of funerals

35. (1) Attendance of a funeral is limited to a maximum of 50 persons, with persons observing a distance of at least one and a half metres from each other, and if the venue is too small to hold 50 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.

(2) Night vigils are not allowed.

(3) After-funeral gatherings, including "after-tears" gatherings, are not allowed.

(4) During a funeral, a person must wear a face mask and adhere to all health protocols and social distancing measures.

(5) The duration of a funeral is restricted to a maximum of two hours.

Gatherings

36. (1) Every person, when attending a gathering and in order to limit exposure to COVID-19 must—

(a) wear a face mask;

(b) adhere to all health protocols;

(c) maintain a distance of at least one and a half metres from each other; and

(d) adhere to any other health protocols and social distancing measures as provided for in directions issued by the relevant Cabinet member after consultation with the Cabinet member responsible for health.

(2) An owner or operator of any indoor or outdoor facility where gatherings are held must display the certificate of occupancy which sets out the maximum number of persons the facility may hold.

(3) All social gatherings, including faith-based gatherings are prohibited for two weeks, after which this provision will be reviewed.

(4) Gatherings at political events and traditional council meetings are prohibited for two weeks, after which this provision will be reviewed.

(5) Gatherings at a workplace for work purposes are allowed, subject to strict adherence to all health protocols and social distancing measures.

(6) Gatherings at cinemas and theatres are 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.

(7) Gatherings at casinos are 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.

(8) *(a)* Gatherings at museums, galleries, libraries and archives are limited to 50 persons or less 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, subject to the strict adherence to the times of operation provided for in regulation 33(3), and further subject to health protocols and social distancing measures, as set out in directions by the relevant Cabinet member.

(b) Gatherings at sports grounds and fields are prohibited for two (2) weeks, after which this provision will be reviewed.

(9) All beaches, dams, lakes and rivers, inclusive of all recreational facilities at these places, are closed to the public in all the areas declared as hotspots.

(10) *(a)* Beaches that are open to the public in non-hotspots (i.e. Northern Cape) shall—

(i) only be open between 06H00 and 19H00; and

(ii) be monitored for compliance with all health protocols and social distancing measures.

(b) The closure of beaches and restrictions on times of operation do not apply to fishermen for fishing purposes, who are in possession of a permit or exemption granted in terms of the Marine Living Resources Act, 1998 (Act No. 18 of 1998).

(c) Non-compliance with the prohibitions, conditions and hours of opening of beaches will result in the closure of those beaches throughout the festive season.

(11) All public swimming pools, including recreational facilities at such places, are closed to the public.

(12) *(a)* Game parks, botanical gardens, aquariums and zoos where access control measures and entry limitations are already in place, will remain open to the public.

(b) Game parks, botanical gardens, aquariums and zoos that are open to the public shall—

(i) be open between 09H00 and 18H00; and

(ii) be monitored for compliance with all health protocols, wearing of face-masks and social distancing measures.

(13) Gatherings at public parks are not permitted.

(14) Gatherings at gyms and fitness centres are 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.

(15) Gatherings at the following places are allowed, subject to the limitations set out below—

(a) restaurants, subject to a maximum of 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, subject further to strict adherence to the times of operation provided for in regulation 33(3), health protocols and social distancing measures, as provided for in the directions issued by the relevant Cabinet member, after consultation with the Cabinet member responsible for health;

(b) (i) hotels, lodges, bed and breakfasts, timeshare facilities, resorts and guest houses are allowed full capacity of the available rooms for accommodation, with patrons observing a distance of at least one and a half metres from each other when in common spaces; and

(ii) conferencing, dining and entertainment facilities are subject to a limitation of a maximum of 50 persons or less for indoor venues and 100 persons or less for outdoor venues and if the venue is too small to hold 50 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

(c) every business premises, including but not limited to supermarkets, shops, grocery stores, produce markets and pharmacies, are subject to a limitation of 50 percent of the floor space, which includes customers and employees, and subject to strict adherence to all health protocols, social distancing measures.

(16) Gatherings at auctions are allowed, subject to a maximum of 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 and further, subject to strict adherence to all health protocols, social distancing measures and directions issued by the relevant Cabinet member, in consultation with the Cabinet member responsible for health.

(17) Sporting activities, including both professional and non-professional matches, by recognised sporting bodies are allowed, subject to

strict adherence to the times of operation as provided for in regulation 33(3) and the following:

(a) Directions for sports matches issued by the Cabinet member responsible for sport after consultation with the Cabinet member responsible for health;

(b) only journalists, radio, television crew, security personnel, emergency medical services, and the necessary employees employed by the owners of the venue of the sport match, are allowed at the venue of the sport match;

(c) only the required number of players, match officials, support staff and medical crew required for the sport match, are allowed at the venue of the sport match;

(d) no spectators are allowed at the venue of the sports match; and

(e) international sport events involving countries with a low or medium COVID-19 infection and transmission rate are allowed.

(18) An enforcement officer must, where a gathering in contravention of the regulations 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, 1977 (Act No. 51 of 1977), include the arrest and detention of any person at the gathering.

Eviction and demolition of places of residence

37. (1) A person may not be evicted from his or her land or home or have his or her place of residence demolished for the duration of the national state of disaster unless a competent court has granted an order authorising the eviction or demolition.

(2) A competent court may suspend or stay an order for eviction or demolition contemplated in subregulation (1) until after the lapse or termination of the national state of disaster unless the court is of the opinion that it is not just or equitable to suspend or stay the order having regard, in addition to any other relevant consideration, to—

(a) the need, in the public interest for all persons to have access to a place of residence and basic services to protect their health and the health of others and to avoid unnecessary movement and gathering with other persons;

(b) any restrictions on movement or other relevant restrictions in place at the relevant time in terms of these Regulations;

(c) the impact of the disaster on the parties;

(d) the prejudice to any party of a delay in executing the order and whether such prejudice outweighs the prejudice of the persons who will be subject to the order;

(e) whether any affected person has been prejudiced in their ability to access legal services as a result of the disaster;

(f) whether affected persons will have immediate access to an alternative place of residence and basic services;

(g) whether adequate measures are in place to protect the health of any person in the process of a relocation;

(h) whether any occupier is causing harm to others or there is a threat to life; and

(i) whether the party applying for such an order has taken reasonable steps in good faith, to make alternative arrangements with all affected persons, including but not limited to payment arrangements that would preclude the need for any relocation during the national state of disaster.

(3) A court hearing an application to authorise an eviction or demolition may, where appropriate and in addition to any other report that is required by law, request a report from the responsible member of the executive regarding the availability of emergency accommodation or quarantine or isolation facilities pursuant to these Regulations.

Rental housing

38. (1) During the national state of disaster, the Rental Housing Tribunals established under the Rental Housing Act, 1999 (Act No. 50 of 1999)—

(a) must determine fair procedures for the urgent hearing of disputes; or

(b) may grant an urgent *ex parte* spoliation order including to restore the occupation of a dwelling or access to services provided that an affected party may, on 24 hours' notice, require that a hearing be promptly convened.

(2) During the national state of disaster and without derogating from the protections afforded by the Rental Housing Act, 1999 or any provincial unfair practice regulation in place or the duty to consider the interests of both the landlord and tenant on a just and equitable basis, the following conduct is presumed to be an unfair practice for purposes of the Act:

(a) The termination of services in circumstances where—

(i) the landlord has failed to provide reasonable notice and an opportunity to make representations;

(ii) the landlord has failed, reasonably and in good faith, to make the necessary arrangements including to reach an agreement regarding alternative payment arrangements, where applicable; or

(iii) no provision has been made for the ongoing provision of basic services during the national state of disaster.

(b) The imposition of any penalty for the late payment of rental where the default is caused by the disaster, whether or not the penalty takes the form of an administrative charge or any other form other than interest.

(c) The failure of a landlord or tenant to engage reasonably and in good faith to make arrangements to cater for the exigencies of the disaster.

(d) Any other conduct prejudicing the ongoing occupancy of a place of residence, prejudicing the health of any person or prejudicing the ability of any person to comply with the applicable restrictions on

movement that is unreasonable or oppressive having regard to the prevailing circumstances.

(3) Where the protections afforded by any Unfair Practice Regulations in force in any province are greater than those provided in this regulation, the provisions of the provincial Unfair Practice Regulations shall apply.

(4) The Cabinet member responsible for human settlements must, after consulting with the Rental Housing Tribunals, issue directions disseminating information about the manner in which the Tribunals will conduct their proceedings during the national state of disaster including, but not limited to—

(a) the manner in which Tribunals will facilitate expeditious access to any aggrieved person; and

(b) the convening of remote hearings or the convening of hearings at any suitable place.

Places and premises closed to the public

39. (1) The following places are closed to the public:

(a) Night clubs;

(b) swimming pools, except for—

(i) the training of professional athletes; and

(ii) swimming contests as referred to in regulation 36(17);

(c) bars, taverns and shebeens; and

(d) public parks, including recreational facilities at such places, where there are no access control measures and entry limitations already in place.

(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.

Initiation practices

40. (1) Initiation practices are prohibited nationally with no new initiations permitted, except for those who are already in an initiation school in the Eastern Cape Province, who will be allowed to complete initiation school.

(2) Where initiation practices are prohibited—

(a) a person may not arrange or hold an initiation school or conduct an initiation practice;

(b) a prospective initiate may not attend an initiation school;

(c) an owner of land may not provide consent for the use of his or her land for the holding of an initiation school; and

(d) a traditional surgeon or medical practitioner may not perform circumcision as part of an initiation practice.

(3) *(a)* Where initiation practices are allowed for initiates already in an initiation school, there must be strict adherence to all health protocols and social distancing measures as provided for in directions issued

by the relevant Cabinet member after consultation with the Cabinet member responsible for health.

(b) All post-initiation celebrations ("*imigidi*") are prohibited.

(4) The National House of Traditional Leaders and provincial houses of traditional leaders must take steps to ensure that traditional leaders are aware of the content of this regulation.

(5) Failure to adhere to these regulations and any directions that are issued in respect of initiation schools, will result in the closure of initiation schools by the relevant authorities.

Controlled visits by members of the public

41. 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, subject to strict adherence to health protocols; and

(f) older persons' residential facilities,

are prohibited except to the extent and in the manner directed by the relevant Cabinet member.

Partial re-opening of borders

42. (1) The 18 land borders which were partially operational, will be fully operational and the 34 land borders which were closed, will remain closed except for the Kosibay Port of Entry which will reopen on 1 January 2021.

(2) Traveling to and from the Republic is allowed, subject to subregulation (3).

(3) All international travel is permitted subject to—

(a) the traveler providing a valid certificate of a negative test which was obtained not more than 72 hours before the date of travel;

(b) in the event of the traveler's failure to submit a certificate as proof of a negative test, the traveler will be required to do an antigen test on arrival at his or her own costs; and

(c) in the event of a traveler testing positive for COVID-19, he or she will be required to quarantine him or herself at his or her own cost.

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

(a) OR Tambo International Airport;

(b) King Shaka International Airport; and

(c) Cape Town International Airport.

(5) Daily commuters from neighbouring countries who attend or teach at a school in the Republic, and who are allowed entry into and exit from the Republic, subject to compliance with protocols relating to—

(a) screening for COVID-19 and quarantine or isolation, where necessary;
(b) the wearing of a face mask;
(c) transportation; and
(d) sanitisation and social distancing measures as per the relevant health protocols on safety and prevention of the spread of COVID-19.

(6) All commercial seaports will remain open.

(7) Small crafts will be allowed entry into seaports, in-line with health and border law enforcement protocols.

(8) The resumption of services for visa applications shall be determined in directions issued by the Cabinet member responsible for home affairs.

(9) The Cabinet member responsible for home affairs in consultation with the Cabinet members responsible for health and transport must develop International Travel Containment Protocols to be issued in directions, to ensure that entry into South African ports of entry will only be allowed subject to adherence to ensure COVID-19 positive travelers are not allowed into the Republic.

Public transport

43. (1) For purposes of this regulation "long distance travel" is a trip of 200 km or more.

(2) The Cabinet member responsible for transport must, after consultation with the Cabinet members responsible for cooperative governance and traditional affairs, health, police, trade, industry and competition, 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) domestic air travel;
(b) rail, bus services, taxi services;
(c) e-hailing services; and
(d) private vehicles.

(3) Bus and taxi services—

(a) may not carry more than 70 percent of the licensed capacity for long distance travel; and
(b) may carry 100 percent of the licensed capacity for any trip not regarded as long distance travel in terms of subregulation (1).

(4) A driver, owner or operator of public transport may not allow any member of the public who is not wearing a face mask, to board or be conveyed in a public transport owned or operated by him or her.

(5) The directions to be issued by the Cabinet member responsible for transport must set out the health protocols that must be adhered to and the steps to be followed for the limitation of the exposure of members of the public using public transport to COVID-19.

Sale and dispensing of liquor

44. (1) The sale, dispensing, and distribution of liquor—

(a) for off-site consumption; and

(b) for on-site consumption,

is prohibited.

(2) The consumption of liquor in public places is prohibited.

(3) The tasting and selling of liquor to the public by registered wineries, wine farms, and other similar establishments registered as micro manufacturers, is prohibited.

(4) The transportation of liquor is prohibited, except where the transportation of liquor is—

(a) in relation to alcohol required for industries producing hand sanitizers, disinfectants, soap or alcohol for industrial use and household cleaning products;

(b) for export purposes;

(c) from manufacturing plants to storage facilities; or

(d) being transported from any licensed premises for safe keeping.

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

(6) The Cabinet member responsible for transport must, after consultation with the Cabinet members responsible for cooperative governance and traditional affairs, health, police and trade, industry and competition, issue directions for the transportation and storage of liquor.

(7) The sale, dispensing, distribution, transportation, and consumption of liquor in contravention of subregulations (1), (2), (3), and (4) is an offence.

Operation of economic sector

45. (1) Businesses may operate except for those set out in Table 2.

(2) Relevant health protocols and social distancing measures for persons employed in private residences must be adhered to.

(3) Relevant health protocols and social distancing measures set out in directions must be adhered to, in addition to the occupational health and safety directions issued by the Cabinet member responsible for employment and labour, and applicable labour legislation.

(4) *(a)* Firms must adhere to any sector-specific health protocols intended to limit the spread of COVID-19 in the sector concerned.

(b) Sector-specific health protocols may address matters such as work rotation, staggered working hours, shift systems, remote working arrangements, special measures affecting persons with greater vulnerabilities or similar measures, in order to achieve social distancing, protect employees or limit congestion in public transport and at the workplace.

(c) Sector-specific health protocols where these are still to be developed, must be developed and issued by Cabinet members responsible for a sector in consultation with the Cabinet member responsible for health.

Compliance officers

46. (1) Industries, businesses and entities, both private and in the public sector, must—

(a) designate a COVID-19 compliance officer who must oversee—

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

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

(b) develop a plan containing 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; and

(c) retain a copy of the plan for inspection, which plan must also contain the details of the COVID-19 compliance officer.

(2) A 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 are strictly adhered to; and

(b) designate a compliance officer to ensure that safety controls are strictly adhered to and display the name of the compliance officer prominently in the store or institution in a visible area.

Offences and penalties

47. (1) For the duration of the national state of disaster, any person who 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 a provision of regulations 33(1);(2) and (3), 34(2), (3) and (7); 40(1), (2) and (3)*(b)*, 43(3)*(a)*, and 44(1), (2), (3) and (4) 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.".

Amendment to Chapter 7 of the Regulations in relation to hotspots

4. Chapter 7 of the Regulations in relation to hotspots is amended by—

(a) the substitution for regulation 82 of Regulations of the following regulation:

"Movement of persons

82. (1) Every person is confined to his or her place of residence from 21H00 until 06H00 daily, unless a person—

(a) has been granted permission through directions 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; or

(b) is attending to a security or medical emergency.

(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 20H00:

(a) Cinemas;

(b) theatres;

(c) casinos;

(d) museums, galleries and archives;

(e) gyms and fitness centres;

(f) restaurants;

(g) venues hosting auctions; and

(h) venues hosting professional sport. ";

(b) the substitution for regulation 83 of the Regulations of the following regulation:

"Attendance of funerals

83. (1) Attendance of a funeral is limited to a maximum of 50 persons, with persons observing a distance of at least one and a half metres from each other, and if the venue is too small to hold 50 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.

(2) Night vigils are not allowed.

(3) After-funeral gatherings including "after-tears" gatherings are not allowed.

(4) During a funeral, a person must wear a face mask and adhere to all health protocols and social distancing measures

(5) The duration of a funeral is restricted to a maximum of two hours.";

(c) the substitution for regulation 84 of the Regulations of the following regulation:

"Gatherings

84. (1) Every person, when attending a gathering and in order to limit exposure to COVID-19 must—

(a) wear a face mask;

(b) adhere to all health protocols;

(c) maintain a distance of at least one and a half metres from each other;

(d) strictly adhere to the times of operation provided for in regulation 82(3), except where a person has been granted permission through directions

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; and

(e) strictly adhere to any other health protocols and social distancing measures as provided for in directions issued by the relevant Cabinet member after consultation with the Cabinet member responsible for health.

(2) An owner or operator of any indoor or outdoor facility where gatherings are held must display the certificate of occupancy which sets out the maximum number of persons the facility may hold.

(3) All social gatherings, including faith-based gatherings are prohibited for two weeks, after which this provision will be reviewed.

(4) Gatherings at political events and traditional council meetings are prohibited for two weeks, after which this provision will be reviewed.

(5) Gatherings at a workplace for work purposes are allowed, subject to strict adherence to all health protocols and social distancing measures.

(6) Gatherings at cinemas and theatres are 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.

(7) Gatherings at casinos are 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.

(8) *(a)* Gatherings at museums, galleries, libraries and archives are limited to 50 persons or less 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, subject to the strict adherence to the times of operation provided for in regulation 82(3), and further subject to health protocols and social distancing measures, as set out in directions by the relevant Cabinet member.

(b) Gatherings at sports grounds and fields are prohibited for two (2) weeks, after which this provision will be reviewed.

(9) All beaches, dams, lakes and rivers, inclusive of all recreational facilities at these places, are closed to the public.

(10) All public swimming pools, including recreational facilities at such places, are closed to the public.

(11) *(a)* Game parks, botanical gardens, aquariums and zoos and other parks where access control measures and entry limitations are already in place, will remain open to the public.

(b) Game parks, botanical gardens, aquariums and zoos that are open to the public shall—

(i) be open between 09H00 and 18H00; and

(ii) be monitored for compliance with all health protocols, wearing of face-masks and social distancing measures.

(12) Gatherings at public parks are not permitted.

(13) Gatherings at gyms and fitness centres are 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.

(14) Gatherings at the following places are allowed, subject to the limitations set out below—

(a) restaurants, subject to a maximum of 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, subject further to strict adherence to the times of operation provided for in regulation 82(3), health protocols and social distancing measures, as provided for in the directions issued by the relevant Cabinet member, after consultation with the Cabinet member responsible for health.

(b) (i) hotels, lodges, bed and breakfasts, timeshare facilities, resorts and guest houses are allowed full capacity of the available rooms for accommodation, with patrons observing a distance of at least one and a half metres from each other when in common spaces; and

(ii) conferencing, dining and entertainment facilities are subject to a limitation of a maximum of 50 persons or less for indoor venues and 100 persons or less for outdoor venues and if the venue is too small to hold 50 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;

(c) every business premises, including but not limited to supermarkets, shops, grocery stores, produce markets and pharmacies, are subject to a limitation of 50 percent of the floor space, which includes customers and employees, and subject to strict adherence to all health protocols, social distancing measures.

(15) Gatherings at auctions are allowed, subject to a maximum of 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 and further, subject to strict adherence to all health protocols, social distancing measures and directions issued by the relevant Cabinet member, in consultation with the Cabinet member responsible for health.

(16) Sporting activities, including both professional and non-professional matches, by recognised sporting bodies are allowed, subject to strict adherence to the times of operation as provided for in regulation 82(3) and the following:

(a) Directions for sports matches issued by the Cabinet member responsible for sport after consultation with the Cabinet member responsible for health;

(b) only journalists, radio, television crew, security personnel, emergency medical services, and the necessary employees employed by the owners of the venue of the sport match, are allowed at the venue of the sport match;

(c) only the required number of players, match officials, support staff and medical crew required for the sport match, are allowed at the venue of the sport match;

(d) no spectators are allowed at the venue of the sports match; and

(e) international sport events involving countries with a low or medium COVID-19 infection and transmission rate are allowed.

(17) An enforcement officer must, where a gathering in contravention of the regulations 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, 1977 (Act No. 51 of 1977), include the arrest and detention of any person at the gathering.";

(d) the amendment of regulation 85 of the Regulations by the substitution for subregulation (1) of the following subregulation:

"(1) Initiation practices are prohibited nationally with no new initiations permitted, except for those who are already in an initiation school in the Eastern Cape Province, who will be allowed to complete initiation school.";

(e) the substitution for regulation 86 of the Regulations of the following regulation:

"**Sale and dispensing of liquor**

86. (1) The sale, dispensing and distribution of liquor—

(a) for off-site consumption; and

(b) for on-site consumption,

is prohibited.

(2) The consumption of liquor in public places is prohibited.

(3) The tasting and selling of liquor to the public by registered wineries, wine farms, and other similar establishments registered as micro manufacturers, is prohibited.

(4) The transportation of liquor is prohibited, except where the transportation of liquor is—

(a) in relation to alcohol required for industries producing hand sanitizers, disinfectants, soap or alcohol for industrial use and household cleaning products;

(b) for export purposes;

(c) from manufacturing plants to storage facilities; or

(d) being transported from any licensed premises for safe keeping.

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

(6) The Cabinet member responsible for transport must, after consultation with the Cabinet members responsible for cooperative governance and traditional affairs, health, police and trade, industry and competition, issue directions for the transportation and storage of liquor.

(7) The sale, dispensing, distribution, consumption and transportation of liquor in contravention of subregulations (1), (2), (3) and (4) is an offence."; and

(f) the substitution for regulation 87 of the Regulations of the following regulation:

"**Offences and penalties**

87. For the purposes of this Chapter. any person who fails to comply with or contravenes a provision of regulations 82(1), (2) and (3), 85(1), (2) and (3), 86(1), (2), (3) and (4) 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.".

Substitution of Table 2 of the Regulations

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

"TABLE 2
ADJUSTED ALERT LEVEL 3

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 the Adjusted Alert Level 3, subject to—

(a) strict adherence to 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 exclusions in this Table.

SPECIFIC EXCLUSIONS	
1.	Night vigils.
2.	After-funeral gatherings including "after-tears" gatherings.
3.	Social Gatherings
4.	Night clubs, bars, taverns, shebeens and similar establishments.
5.	Sale, dispensing, distribution and transportation of liquor and the consumption of liquor in public places, save for transportation as allowed in regulations 44 an 86.
6.	Beaches, dams, rivers, lakes, in areas declared as hotspots.
7.	Public parks including public and recreational facilities.
8.	Public swimming pools, except as provided for in regulation 39(1)(b).
9.	The 33 land borders that remain closed.
10.	Initiation practices and post -initiation practices *(imigidi)* except as specifically allowed in regulations 40 and 85.
11.	Passenger ships for international leisure purposes, excluding small crafts, in-line with health and border law enforcement protocols.
12.	Attendance of any sporting event by spectators.
13.	Exclusions relating to public transport services as set out in the directions issued by the Cabinet member responsible for transport.

Commencement

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