

GENERAL NOTE

The Regulations issued in terms of [section 27 \(2\)](#) of the Disaster Management Act, 2002 (Act [No. 57 of 2002](#)) were declared unconstitutional and invalid by the Pretoria High Court on 2 June 2020 (see *De Beer et al v The Minister of Cooperative Governance and Traditional Affairs Case No: 21542/2020*). This declaration of invalidity is suspended for 14 days for the Minister to consult with relevant cabinet ministers and review, amend and republish the regulations (save for regulations 36, 38, 39 (2) (d) and (e) and 41). The regulations pertaining to the prohibition on the sale of tobacco and related products are excluded from this order pending finalisation of another case.

GNR.480 of 29 April 2020: Regulations issued in terms of section 27 (2) of the Act ([Government Gazette No. 43258](#))

Notice	as amended by <i>Government Gazette</i>	Date
608	43364	28 May 2020 w.e.f. 1 June 2020
714	43476	25 June 2020
763	43521	12 July 2020
846	43577	31 July 2020
891	43620	17 August 2020
999	43725	18 September 2020 w.e.f. 21 September 2020
1011	43727	20 September 2020 w.e.f. 21 September 2020
1053	43763	1 October 2020
1104	43825	21 October 2020 w.e.f. 22 October 2020
1199	43897	11 November 2020 w.e.f. 12 November 2020
1290	43964	3 December 2020 w.e.f. 4 December 2020
1346	43997	15 December 2020
1370	44009	17 December 2020
1421	44042	24 December 2020
R.1423	44044	29 December 2020
R.1435	44051	29 December 2020
R.11	44066	11 January 2021
R.69	44130	1 February 2021
R.92	44158	13 February 2021
R.93	44159	13 February 2021
R.152	44201	28 February 2021
R.284	44367	30 March 2021
376	44485	22 April 2021
R.477	44642	30 May 2021
R.530	44715	15 June 2021 w.e.f. 16 June 2021
R.532	44721	17 June 2021
R.565	44772	27 June 2021 w.e.f. 28 June 2021
R.567	44778	29 June 2021
R.610	44838	11 July 2021
R.612	44844	14 July 2021
R.614	44850	14 July 2021
R.651	44895	25 July 2021
669	44911	30 July 2021
R.869	45156	12 September 2021 w.e.f. 13 September 2021
R.953	45222	26 September 2021
R.960	45253	30 September 2021
R.1024	45297	11 October 2021
R.1633	45674	17 December 2021
R.1646	45697	21 December 2021
R.1659	45715	30 December 2021
R.1715	45855	1 February 2022
R.1759	45922	15 February 2022
R.1915	46078	22 March 2022

DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

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

(Signed)

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

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CHAPTER I DEFINITIONS AND APPLICATION

1. Definitions.-In these Regulations, unless the context otherwise indicates-

'adequate space' means not more than one person per one and a half metres of floor space;

'Alert Level' means the determination made under [subregulation 3 \(2\)](#);

'beach' means the sandy, pebbly or rocky shore-

(a) between the high-water mark and low-water mark adjacent to-

(i) the sea; or

(ii) an estuary mouth extending 1000 meters inland from the mouth; and

(b) within 100 metres of the high-water mark, excluding private property,

including the sea and estuary themselves adjacent to the beach;

[Definition of 'beach' inserted by GNR.11 of 11 January 2021.]

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

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

'COVID-19' means the Novel Coronavirus (2019-nCov2) which is an infectious disease caused by a virus that has previously not been scientifically identified in humans, which emerged during 2019 and was declared a global pandemic by the **WHO** in 2020;

'Criminal Procedure Act' means the Criminal Procedure Act, 1977 (Act [No. 51 of 1977](#));

'directions' means the directions contemplated in section 27 (2) of the Act, issued by a Cabinet member relating to his or her line functions, after consultation with the Cabinet members responsible for cooperative governance and traditional affairs and justice and correctional services;

'donor' means an individual, corporation or organisation that is a contributor of cash, kind and/or other assets;

'enforcement officer' includes a member of the South African Police Service, the South African National Defence Force, metro police, traffic officers, immigration inspectors; and a peace officer as defined in section 1 of the Criminal Procedure Act;

'essential goods for import' means the goods listed in [Annexure B](#);

'essential services' means the services listed in [Annexure D](#);

'estuary' means an estuary as defined in [section 1](#) of the National Environmental Management: Integrated Coastal Management Act, 2008 (Act [No. 24 of 2008](#));

[Definition of 'estuary' inserted by GNR.11 of 11 January 2021.]

'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;

[Definition of 'face mask' inserted by GN 891 of 17 August 2020.]

'gathering' means any assembly, concourse or procession in or on-

- (a) any public road, as defined in the National Road Traffic Act, 1996 (Act [No. 93 of 1996](#)); or
- (b) any other building, place or premises, including wholly or partly in the open air, and

including, but not limited to, any premises or place used for any sporting, entertainment, funeral, recreational, religious, or cultural purposes; but excludes a workplace and a place of residence for those persons ordinarily residing at the residence;

'health protocols' means the COVID-19 health protocols determined by the Director General of Health;

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

'hotspot' means a geographical area or cluster of geographical areas;

[Definition of 'hotspot' inserted by GN 608 of 28 May 2020.]

'institution' means any public or private institution, including a sole practitioner and any other business owned and operated by a single person, that is engaged in the supply or distribution of a good or service as set out in the [Table 1](#), or which regulates such supply or distribution, including professional regulatory bodies designated in directions made in terms of [regulation 4](#) of the Regulations;

'institutions of higher learning' means 'higher education college' and 'higher education institution' as defined in [section 1](#) of the Higher Education Act, 1997 (Act [No. 101 of 1997](#));

'isolation' means separating a sick individual with a contagious disease from healthy individuals that are not infected with such disease in a manner that aims to prevent the spreading of infection or contamination;

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

'liquor' means-

- (a) any liquor product, as defined in [section 1](#) of the Liquor Products Act, 1989 (Act [No. 60 of 1989](#));
- (b) beer or traditional African beer; or
- (c) any other substance or drink declared to be liquor under the Liquor Act, 2003 (Act [No. 59 of 2003](#)), but does not include methylated spirits;

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

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

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

'permitted goods' means Part E in the [Table 1](#);

'permitted goods for export' means the goods listed in [Annexure C](#);

'permitted services' means the services permitted in [Table 1](#);

'quarantine'

[Definition of "quarantine" deleted by GNR.1715 of 1 February 2022.]

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

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

'WHO' means the World Health Organisation.

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

(2) Despite the repeal of the regulations referred to in [subregulation \(1\)](#), any regulation, for purposes of the disposal of any investigation, prosecution or any criminal or legal proceedings or the appointment made in [regulation 8 \(13\)](#), remains in force as if such regulation had not been repealed.

(3) Despite the repeal of the regulations referred to in [subregulation \(1\)](#), all directions issued in terms of those Regulations shall continue to apply unless, varied, amended or withdrawn by the Cabinet member responsible for such directions.

3. Determination of Alert Level.-(1) The Cabinet member responsible for cooperative governance and traditional affairs must upon the recommendation of the Cabinet member responsible for health and in consultation with Cabinet, determine by notice in the *Gazette*, which of the following Alert Levels apply at a national, provincial, metropolitan or district level or in a hotspot:

- (a) 'Alert Level 1';
- (b) 'Alert Level 2';
- (c) 'Alert Level 3';
- (d) 'Alert Level 4'; and
- (e) 'Alert Level 5'.

(2) The Alert Level determined to apply at a national level applies to all provinces, metropolitan areas and districts, unless a different alert level is otherwise determined.

(3) Movement of persons may be restricted in and out of a hotspot.

(4) The Cabinet member responsible for health must after consultation with the member of the Executive Council responsible for health of the relevant province identify a hotspot by taking into account-

- (a) the number of active cases per 100,000 population;
- (b) the rate of increase of active cases;
- (c) the availability of hospital beds and related resources; and
- (d) any other factor relevant for the purposes of containment of COVID-19.

(5) The Cabinet member responsible for cooperative governance and traditional affairs may upon the recommendation of the Cabinet member responsible for health, determine by notice in the *Gazette* a hotspot as identified, and the additional restrictions that may apply.

(6) The Cabinet member for health shall oversee the implementation of a plan developed in consultation with the member of the Executive Council responsible for health in the relevant province to contain the spread of infection in a hotspot which shall include, but not be restricted to health measures such as intensive surveillance and intervention measures, increased deployment of personnel, increased testing, management of quarantine and isolation sites and increased resources for health services.

[[Reg. 3](#) substituted by GN 608 of 28 May 2020.]

CHAPTER 2 GENERAL PROVISIONS APPLICABLE DURING NATIONAL STATE OF DISASTER

4. Authority to issue directions.-(1) The Cabinet member responsible for health may-

- (a) issue directions to address, prevent and combat the spread of COVID-19 in any area of the Republic of South Africa, which directions may include the-
 - (i) recruitment and training of human resources from the Department of Health, and other entities responsible for the handling of COVID-19 mortal remains;
 - (ii) deployment of human resources from the Department of Health to identified sites to render services;
 - (iii) sourcing of human resources from the Expanded Public Works Programme, retired health

professionals and Non-Governmental Organisations to render services in identified sites;

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

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

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

(b) vary the directions referred to in [paragraph \(a\)](#) as the circumstances require.

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

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

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

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

(d) vary the directions referred to in [paragraphs \(a\)](#) to [\(c\)](#) as the circumstances require.

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

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

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

(4) The Cabinet member responsible for police may-

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

(b) vary the directions referred to in [paragraph \(a\)](#) as the circumstances require.

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

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

(b) vary the directions referred to in [paragraph \(a\)](#) as the circumstances require.

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

(a) issue directions to-

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

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

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

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

(7) The Cabinet member responsible for transport may-

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

(b) vary the directions referred to in [paragraph \(a\)](#) as the circumstances require.

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

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

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

(b) vary the directions referred to in [paragraph \(a\)](#) as the circumstances require.

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

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

(b) implementing emergency procurement procedures;

(c) taking any other steps that may be necessary to prevent an escalation of the national state of

disaster, or to alleviate, contain and minimise the effects of the national state of disaster; or

(d) taking steps to facilitate international assistance.

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

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

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

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

(b) implementing emergency procurement procedures;

(c) taking any other steps that may be necessary to prevent an escalation of the national state of disaster, or to alleviate, contain and minimise the effects of the national state of disaster; or

(d) taking steps to facilitate international assistance.

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

5. General measures to contain the spread of COVID-19.-(1) The wearing of-

(a) a cloth face mask;

(b) a homemade item; or

(c) another appropriate item,

that covers the nose and mouth, is mandatory for every person when in a public place.

[[Sub-reg. \(1\)](#) substituted by GN 763 of 12 July 2020.]

(2) 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 cloth face mask, homemade item, or another appropriate item that covers the nose and mouth.

[[Sub-reg. \(2\)](#) substituted by GN 763 of 12 July 2020.]

(2A) The prohibition in [subregulation \(2\) \(c\)](#) shall not apply to a person who undertakes vigorous exercise in a public place, provided that the person maintains a distance of at least three metres from any other person, and subject to directions on what is considered to be vigorous, issued by the Cabinet member responsible for health.

[[Sub-reg. \(2A\)](#) inserted by GN 763 of 12 July 2020.]

(3) (a) An employer must provide every employee with a cloth face mask, homemade item, or another appropriate item that covers the nose and mouth, when in the workplace.

(b) An employer may not allow any employee to perform any duties or enter the employment premises if the employee is not wearing a cloth face mask, homemade item, or another appropriate item that covers the nose and mouth while performing his or her duties.

(c) The principal of a school, or owner or manager of an early childhood development centre must take all reasonable steps to ensure the relevant authority supplies the school or early childhood development centre with sufficient cloth face masks, homemade items, or other appropriate items that covers the nose and mouth to provide to a learner of that school or early childhood development centre who does not have a cloth face mask, homemade item, or another appropriate item that covers the nose and mouth.

(d) Directions on the use of a cloth face mask, homemade item, or another appropriate item that covers the nose and mouth, in early childhood development centres, shall be issued by the Cabinet member responsible for social development after consultation with the Cabinet members responsible for cooperative governance and traditional affairs and health.

(e) Should a learner arrive at school or early childhood development centre without a cloth face mask, homemade item, or another appropriate item that covers the nose and mouth-

(i) the learner may be provided with an appropriate item that covers the nose and mouth, if possible; or

(ii) if the school or early childhood development centre cannot provide such learner with an appropriate

item that covers the nose and mouth, such learner must be isolated and his or her parent, guardian or care-giver must be contacted to, without delay-

(aa) bring, for the learner, a cloth face mask, homemade item, or another appropriate item that covers the nose and mouth to the school or early childhood development centre; or

(bb) arrange for safe transport for the learner back home.

[[Sub-reg. \(3\)](#) substituted by GN 763 of 12 July 2020.]

(4) Every business premises, including, but not limited to, a supermarket, shop, grocery store, retail store, wholesale produce market or pharmacy shall-

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

(b) based on the information contemplated in [paragraph \(a\)](#), determine the number of customers and employees that may be inside the premises at any time with adequate space available;

(c) take steps to ensure that persons queuing inside or outside the premises are able to maintain a distance of one and a half metres from each other;

(d) provide hand sanitisers for use by the public and employees at the entrance to the premises; and

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

(i) compliance with the measures provided for in [paragraphs \(a\)](#) to [\(d\)](#); and

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

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

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

(b) the provision for adequate space;

(c) restrictions on face to face meetings;

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

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

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

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

6. Refusal of treatment and isolation.-(1) (a) Any person who is a laboratory confirmed positive COVID-19 case and is symptomatic, must immediately seek treatment.

(b) A person who is a laboratory confirmed positive COVID-19 case and who is symptomatic must-

(i) self-isolate; or

(ii) be admitted to a health establishment for isolation, if he or she cannot self-isolate,

for a period of 7 days in accordance with the requirements of self-isolation, or isolation, unless a longer period is recommended by a medical practitioner in order to prevent transmission.

(c) If a person does not comply with the instruction or order of an enforcement officer that he or she must self-isolate, or isolate, he or she must be placed in isolation at a health facility for a period not exceeding 48 hours, pending a warrant being issued by a competent Court, on application by an enforcement officer for the purposes of isolation.

[[Sub-reg. \(1\)](#) substituted by GNR.1759 of 15 February 2022.]

(2) A warrant contemplated in [subregulation \(1\) \(c\)](#) may be issued by a magistrate, if it appears from information on oath or affirmation by an enforcement officer that a person is a laboratory confirmed positive COVID-19 case and is symptomatic.

[[Sub-reg. \(2\)](#) substituted by GNR.1759 of 15 February 2022.]

(3) The warrant may impose restrictions on the powers of the enforcement officer as the magistrate may deem fit.

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

- (a) it is executed;
- (b) it is rescinded by a competent court; or
- (c) the purpose for the issuing of the warrant has lapsed,

whichever occurs first.

[[Reg. 6](#) substituted by GNR.1715 of 1 February 2022.]

7. Isolation of persons.-(1) Any person who is a confirmed laboratory positive COVID-19 case and is asymptomatic is not required to isolate.

(2) Any person who is a confirmed laboratory positive COVID-19 case and is symptomatic must isolate him/herself for a period of 7 days, unless a longer period is recommended by a medical practitioner.

(3) Any person who is a confirmed laboratory positive COVID-19 case and is symptomatic must comply with-

- (a) an oral instruction of, or a written direction, issued by a medical practitioner, a person authorised by the medical practitioner, a nurse or an enforcement officer to subject himself or herself to isolation at a health facility in order to contain the transmission of COVID-19; or
- (b) the requirements of self-isolation in order to contain the transmission of COVID-19.

(4) If a person refuses to isolate himself or herself as instructed or directed, a magistrate in whose jurisdiction such a person is, must make an order as contemplated in Form 1 of Annexure A, to compel such a person to isolate himself or herself.

[[Reg. 7](#) substituted by GNR.1715 of 1 February 2022.]

8. COVID-19 Database.-(1) In this regulation-

- (a) "COVID-19 Database" means the database established by the National Department of Health in terms of [subregulation \(2\)](#); and
- (b) "COVID-19 Designated Judge" means a judge designated in terms of [subregulation \(13\)](#).

(2) The National Department of Health shall develop and maintain a national database in order to guide appropriate responses in addressing, preventing or combatting the spread of COVID-19, including contact tracing and geospatial hotspot mapping.

[[Sub-reg. \(2\)](#) substituted by GN 714 of 25 June 2020.]

(3) The COVID-19 Database may include all information considered necessary for the National Department of Health to guide appropriate responses in addressing, preventing or combatting the spread of COVID-19, including but not limited to:

- (a) the first name and surname, identity or passport numbers, residential address and other address where such person could be located, and cellular phone numbers of all persons who have been tested for COVID-19;
- (b) the COVID-19 test results of all such persons; and
- (c) the details of the known or suspected contacts of any person who tested positive for COVID-19.

[[Sub-reg. \(3\)](#) substituted by GN 714 of 25 June 2020.]

(4) The information contained in the COVID-19 Database and any information obtained through this regulation is confidential.

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

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

- (a) the first name and surname, identity or passport number, residential address, and cellular phone numbers of the person tested; and
- (b) a copy or photograph of the passport, driver's licence, identity card, identity book of the person tested,

and promptly submit this information, along with any information it has regarding likely contacts of the person tested, to the Director-General: Health for inclusion in the COVID-19 Database.

(7) Where any laboratory has tested a sample for COVID-19, the laboratory must promptly transmit to the Director-General. Health, for inclusion in the COVID-19 Database -

- (a) all details the laboratory has, including the first name and surname, identity or passport numbers,

residential address and cellular phone numbers, regarding the person tested;

(b) the COVID-19 test result concerned.

(8) The National Institute for Communicable Diseases (NICD) must transmit to the Director-General: Health, for inclusion in the COVID-19 Database-

(a) all details the NICD has, including the first name and surname, identity or passport numbers, residential address and cellular phone numbers of any person tested for COVID-19;

(b) the results of the COVID-19 test concerned; and

(c) any information the NICD has regarding likely contacts of the person tested.

(9) Every accommodation establishment must, promptly after the coming into force of this regulation, transmit to the Director-General: Health, for inclusion in the COVID-19 Database, the following information regarding every person staying at the accommodation establishment during the period of lockdown-

(a) the first name and surname, identity or passport number, residential address and cellular phone numbers of the person concerned; and

(b) a copy or photograph of the passport, driver's licence, identity card or identity book of the person concerned.

(10) The Director-General: Health may, in writing and without prior notice to the person concerned, direct an electronic communications service provider licensed under the Electronic Communications Act, 2005 (Act [No. 36 of 2005](#)) to provide him or her, for inclusion in the COVID-19 Database, with such information as that electronic communications service provider has available to it regarding-

(a) the location or movements of any person known or reasonably suspected to have contracted COVID-19; and

(b) the location or movements of any person known or reasonably suspected to have come into contact, during the period 5 March 2020 to the date on which the national state of disaster has lapsed or has been terminated, with a person contemplated in subparagraph (a),

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

(11) The information referred to in [subregulation \(10\)](#)-

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

(b) may only be obtained, used or disclosed by authorised persons and may only be obtained, used and disclosed when necessary for the purposes of addressing, preventing or combatting the spread of COVID-19 through the contact tracing process or geospatial hotspot mapping;

[[Para. \(b\)](#) substituted by GN 714 of 25 June 2020.]

(c) where relevant to the contact tracing process, or geospatial hotspot mapping, must be included in the COVID-19 Database; and

[[Para. \(c\)](#) substituted by GN 714 of 25 June 2020.]

(d) apart from what is included in the COVID-19 Database, may only be retained by the Director-General: Health for a period of six weeks after being obtained and shall thereafter be destroyed.

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

(13) The Cabinet member responsible for justice and correctional services has, in terms of section 7 (1) (a) read with paragraph (d) of the definition of 'service' in [section 1 \(1\)](#) of Judges' Remuneration and Conditions of Employment Act, 2001 (Act [No. 47 of 2001](#)), appointed a Constitutional Court Judge who has been discharged from active service to perform service as a COVID-19 Designated Judge as provided for in the Regulations.

(14) The Director-General: Health must file a weekly report with the COVID-19 Designated Judge setting out the names and details of all persons whose location or movements were obtained in terms of [subregulation \(10\) \(a\)](#) and [10 \(b\)](#) respectively.

(15) The COVID-19 Designated Judge may make such recommendations to the Cabinet members responsible for cooperative governance and traditional affairs, health and justice and correctional services as he or she deems fit regarding the amendment or enforcement of this regulation in order to safeguard the right to privacy while ensuring the ability of the Department of Health to engage in urgent and effective measures to address, prevent and combat the spread of COVID-19.

[[Sub-reg. \(15\)](#) substituted by GN 714 of 25 June 2020.]

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

(17) Within six weeks after the national state of disaster has lapsed or has been terminated-

(a) the information on the COVID-19 Database shall be de-identified;

- (b) the de-identified information on the COVID-19 Database shall be retained and used only for research, study and teaching purposes;
- (c) all information on the COVID-19 Database which has not been de-identified shall be destroyed; and
- (d) the Director-General: Health shall file a report with the COVID-19 Designated Judge recording the steps taken in this regard, and the steps taken pursuant to [subregulation \(16\)](#).

(18) Upon receipt of the report in [subregulation \(17\) \(d\)](#), the COVID-19 Designated Judge shall be entitled to give directions as to any further steps to be taken to protect the right to privacy of those persons whose data has been collected, which directions must be complied with.

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

(20) The National Department of Health may develop and implement electronic systems or applications to be used on mobile devices or computers in order to collect, on a voluntary basis, information from members of the public for inclusion in the COVID-19 Database, provided that-

- (a) the information may only be collected and used in order to guide appropriate responses in addressing, preventing and combatting the spread of COVID-19, including for the purposes of geospatial hotspot mapping;
- (b) the information concerned is only obtained from users of mobile devices and computers on a voluntary and opt-in basis;
- (c) in order to obtain the necessary consent from the user of the mobile device or computer, the terms and conditions of the electronic system or application must explain and request the user's express consent regarding-
 - (i) which information will be collected and stored via the electronic system or application;
 - (ii) the means by which the information will be collected and stored;
 - (iii) the purposes for which any information will be collected and used;
 - (iv) the entities or persons to which that information will be transmitted, and under what conditions;
 - (v) whether the information will be kept on the user's mobile device or a centralised server;
 - (vi) the period for which the information will be retained; and
 - (vii) the notice that will be given to users when the information has been destroyed.

[[Sub-reg. \(20\)](#) added by GN 714 of 25 June 2020.]

(21) The National Department of Health may receive, on a voluntary basis, information regarding members of the public from electronic systems or applications operated by private entities for inclusion in the COVID-19 Database, provided that-

- (a) the information may only be received and used in order to guide appropriate responses in addressing, preventing and combatting the spread of COVID-19, including for the purposes of geospatial hotspot mapping;
- (b) the private entity concerned has obtained the information concerned from users of mobile devices and computers on a voluntary and opt-in basis; and
- (c) the private entity concerned has obtained the express consent of the user concerned to transmit the information to the National Department of Health for inclusion on the COVID-19 Database.

[[Sub-reg. \(21\)](#) added by GN 714 of 25 June 2020.]

(22) The Director-General of Health may, in writing and subject to the provisions of [subregulation \(23\)](#), appoint any organ of state outside the Department of Health or private entities to provide services necessary for the carrying out of his or her powers and functions under this regulation.

[[Sub-reg. \(22\)](#) added by GN 714 of 25 June 2020.]

(23) The appointment of entities in terms of [subregulation \(22\)](#) may only take place where it is not reasonably possible for the services to be performed by the Department of Health itself due to the Department of Health not having the necessary expertise, equipment or personnel available or due to the delays that would result from the Department of Health performing the services itself.

[[Sub-reg. \(23\)](#) added by GN 714 of 25 June 2020.]

(24) Where entities are appointed in terms of [subregulation \(22\)](#)-

- (a) the appointed entities are bound by these Regulations as if it were the Director-General of Health or an official appointed by him or her;
- (b) the appointed entities shall conclude a written agreement with the Director-General of Health which records that the appointed entities have understood this regulation and accepts that it and its employees are bound to comply with it;

- (c) every employee of an appointed entity who has access to any of the information or data obtained pursuant to the appointment of the entity shall sign an undertaking recording that she or he has understood this regulation and accept that he or she is bound to comply with it;
- (d) information stored by the appointed entities or transferred to or from the appointed entities must be in an encrypted form, save where this is not possible in achieving the purposes of this regulation, and access must be subject to password protection;
- (e) logs of every person who has had access to the data in encrypted or unencrypted form must be kept by the appointed entities, including the person's name, function, the date on which and the reason for which the data was accessed, which logs must be submitted by the appointed entities to Director-General of Health every two weeks;
- (f) only personal data that is adequate, relevant and limited to what is necessary in relation to the purpose may be processed;
- (g) the appointed entities will keep any information or data obtained pursuant to its appointment separate from any of the appointed entities other information or data;
- (h) following the end of the appointment period, the appointed entities may not retain any of the information or data obtained pursuant to its appointment, whether in original or duplicate form;
- (i) the appointed entities may not disclose any information or data obtained pursuant to their appointment with any other person or entity, other than where expressly permitted in writing by the Director-General of Health for the purposes of this regulation; and
- (j) the Director-General of Health shall inform the COVID-19 Designated Judge of the appointment of entities concerned.

[[Reg. 8](#) amended by GN 714 of 25 June 2020. [Sub-reg. \(24\)](#) added by GN 714 of 25 June 2020.]

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

- (a) release and mobilise available resources, including human resources, stores, equipment, ships, aircraft platforms, vehicles and facilities; and
- (b) ensure the delivery of essential services, as may be required, to prevent, limit, contain, combat and manage the spreading of COVID-19.

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

(3) Institutions within national, provincial and local government must make resources, other than funding, available to implement these Regulations or directions issued in terms of section 27 (2) of the Act regarding the national state of disaster.

(4) Institutions within national, provincial and local government must-

- (a) make funding available; and
- (b) as far as possible, without affecting service delivery in relation to the realisation of the rights contemplated in [sections 26](#) to [29](#) of the Constitution, shift funding, within its budget to implement these Regulations or directions issued in terms of section 27 (2) of the Act, regarding the national state of disaster.

(5) The National Treasury and provincial treasuries must take the necessary steps in terms of applicable legislation to implement these Regulations and directions issued in terms of section 27 (2) of the Act, in relation to the national state of disaster.

(6) Donor funding received by institutions, subject to the Public Finance Management Act, 1999 (Act [No. 1 of 1999](#)) or the Local Government: Municipal Finance Management Act, 2003 (Act [No. 56 of 2003](#)), to assist with the national state of disaster must be-

- (a) paid into the Reconstruction and Development Fund, established by the Reconstruction and Development Fund Act, 1994 (Act [No. 7 of 1994](#)); and
- (b) used strictly for purposes of implementing these Regulations and directions issued in terms of section 27 (2) of the Act in relation to the national state of disaster.

10. Shelters and sites identified by the State during national state of disaster.-(1) The State shall identify temporary shelters for homeless people that comply with the necessary health protocols and adequate spacing standards as provided for in guidelines published by the Director General of Health.

(2) The provision of the State's resources contemplated in [subregulation \(1\)](#) shall be for the duration of the national state of disaster, and the use thereof will be subject to conditions determined by the Cabinet member responsible for such resources.

11. Emergency Procurement Procedures.-Emergency procurement for institutions is subject to-

- (a) the Public Finance Management Act, 1999 (Act [No. 1 of 1999](#)), and the applicable emergency provisions in the Regulations or Instructions made under section 76 of that Act; and
- (b) the Municipal Finance Management Act, 2003 (Act [No. 56 of 2003](#)), and the applicable emergency provisions in the Regulations made under that Act.

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

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

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

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

- (a) the Office of the Solicitor General shall assist the parties in coordinating and overseeing the process; and
- (b) the parties may agree that a judge who has retired from active service shall act as the mediator or arbitrator as the case may be, in which event no fees shall be payable to such mediator or arbitrator.

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

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

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

- (a) COVID-19;
- (b) COVID-19 infection status of any person; or
- (c) any measure taken by the Government to address COVID-19,

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

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

(4) A person who fails to comply with-

- (a) an obligation imposed in terms of [regulation 8 \(5\)](#), [8 \(9\)](#), [8 \(11\)](#), [8 \(17\)](#); or
- (b) a direction issued in terms of [regulation 8 \(10\)](#) or [8 \(18\)](#),

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

(5) A driver or operator of any form of public transport who fails to take reasonable steps to ensure compliance with [regulation 5 \(2\) \(a\)](#) commits an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

[[Sub-reg. \(5\)](#) added by GN 763 of 12 July 2020.]

(6) A manager or owner of a building, place or premises, including a government building place or premises, used by the public to obtain goods or services who fails to take reasonable steps to ensure compliance with [regulation 5 \(2\) \(b\)](#) commits an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

[[Sub-reg. \(6\)](#) added by GN 763 of 12 July 2020.]

(7) An employer who fails to take reasonable steps to ensure compliance with [regulation 5 \(3\) \(a\)](#) or [\(b\)](#) commits an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

[[Sub-reg. \(7\)](#) added by GN 763 of 12 July 2020.]

(8) A principal of a school, or manager or owner of an early childhood development centre, who fails to take reasonable steps to ensure compliance with [regulation 5 \(3\) \(c\)](#) or [\(e\)](#) commits an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

[[Sub-reg. \(8\)](#) added by GN 763 of 12 July 2020.]

(9) Any person who incites, instigates, commands, or procures any other person to commit any offence in terms of these regulations, commits an offence and is, on conviction, liable to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

[[Sub-reg. \(9\)](#) added by GNR.565 of 27 June 2021.]

CHAPTER 3

ADJUSTED ALERT LEVEL 4

[Ch. 3 substituted by GNR.565 of 27 June 2021.]

15. Application of Adjusted Alert Level.-The regulations set out in this Chapter apply during Adjusted Alert Level 4.

15A. Notification by district municipalities.-All district municipalities must, after consultation with its local municipalities in its area-

- (a) alert communities within that district of the increasing number of infections;
- (b) publish on their websites and in the local media, areas with high infection rates within the district; and
- (c) update the information as and when it becomes available.

15B. Mandatory protocols when in a public place.-(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, excluding a child under the age of six years, 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.

(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) (a) 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.

(b) An owner or operator of any indoor or outdoor facility where gatherings are held and who fails to display the certificate of occupancy as contemplated in subregulation 6 (a), commits an offence and is, on conviction, liable to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(7) 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 in order to comply with the limitation as provided for in [regulation 21 \(2\)](#) of the Regulations and subject to strict adherence to all health protocols and social distancing measures;

- (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.

(8) Any business whose premises exceeds the maximum number of customers and employees determined in [subregulation \(7\)](#) 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.

(9) 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.

(10) The requirements as set out in [subregulation \(7\)](#) applies with the necessary changes, to any other building that is not provided for by [subregulation \(7\)](#).

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

(12) All banks as defined in the Banks Act, 1990 (Act [No. 94 of 1990](#)) and financial institutions as defined in the Financial Sector Regulation Act, 2017 (Act [No. 9 of 2017](#)), must-

- (a) ensure that-
 - (i) all automated teller machines located at their premises and branches that bears the name of that bank or a non-bank financial institution, have hand sanitisers for use by the public at each automated teller machine; and
 - (ii) all reasonable steps are taken to ensure that persons queuing at the automated teller machine on their premises and branches maintain a distance of one and a half metres from each other; and
- (b) take reasonable steps to ensure implementation of these provisions by third parties hosting automated teller machines of a bank or non-bank financial institution through appropriate agreements.

16. Compliance officers.-(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.

17. Movement of persons.-(1) Every person is confined to his or her place of residence from 21H00 until 04H00 daily, unless a person-

- (a) has been granted permission through directions issued by the relevant Cabinet member or a permit, which corresponds with Form 7 of Annexure A, to perform a service other than a service related to an activity listed under [Table 1](#);
- (b) is attending to a security or medical emergency; or
- (c) arrives on a flight or is travelling to or from an airport which necessitates travelling during restricted hours of movement: Provided that the person traveling is in possession of a valid boarding pass as proof of flight or a copy of the airline ticket.

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

(3) Closing time for the places permitted to remain open is 20H00.

(4) (a) Until 25 July 2021 after which this subregulation will be reviewed, interprovincial travel for leisure to and from Gauteng is prohibited.

(b) Travel to and from Gauteng is permitted-

- (i) for persons doing so in the course of carrying out work responsibilities or performing any service permitted under Adjusted Alert Level 4, provided that such person is in possession of a permit issued by the employer which corresponds with Form 7 of Annexure A;
- (ii) for the attendance of a funeral in or out of Gauteng: Provided that the person wishing to travel to or from Gauteng must obtain a permit which corresponds substantially with Form 4 of Annexure A, from his or her nearest magistrate's office or police station to travel to the funeral and back;
- (iii) for the transportation of mortal remains;
- (iv) for learners who have to commute to and from school or higher education institutions on a daily basis during periods when those institutions are permitted to operate;
- (v) for the exercise of oversight responsibilities and community engagements by-
- (aa) members of Parliament;
 - (bb) members of Provincial Legislatures;
 - (cc) councilors;
 - (dd) leaders of political parties;
 - (ee) religious leaders; and
 - (ff) traditional leaders.

[\[Sub-para. \(v\)\]](#) substituted by GNR.612 of 14 July 2021.]

- (vi) for members of Provincial Legislatures, councilors and the members of political parties who occupy the top five positions of the party at national, provincial and regional levels.

(c) Travelling for purposes of-

- (i) moving to a new place of residence;
- (ii) caring for an immediate family member;
- (iii) obtaining medical treatment;
- (iv) returning to their place of residence from a quarantine or isolation facility; and
- (v) transiting through Gauteng,

is allowed: Provided that such person is in possession of an affidavit which corresponds with Form 6 of Annexure A.

[\[Sub-reg. \(4\)\]](#) substituted by GNR.610 of 11 July 2021.]

(5) The head of court, or a person designated by him or her, or a station commander of a police station or a person designated by him or her, may issue the permit to travel to a funeral, as contemplated in subregulation 4 (b) (ii).

(6) Any person who was not at their place of residence, or work before the lockdown period and who could not travel between other provinces to or from Gauteng with the coming into operation of these regulations, will be permitted, on a once-off basis, to return to their places of residence or work, where after, the prohibition on travel

to and from Gauteng will continue to apply.

18. Opening and closure of schools, early childhood development centres and institutions of higher education.-(1) (a) Schools and institutions of higher education will be closed for contact classes until 26 July 2021.

[[Para. \(a\)](#) substituted by GNR.610 of 11 July 2021.]

(b) The closure of schools as contemplated in [paragraph \(a\)](#) does not apply to the winter vacation learner support program for grade 11 and 12 learners as organised by provincial education departments, districts, or schools, subject to observing strict compliance with all health protocols and social distancing measures.

[[Sub-reg. \(1\)](#) substituted by GNR.567 of 29 June 2021.]

(2) The Cabinet member responsible for basic education may by direction contemplated in [regulation 4 \(3\)](#), determine the dates on which schools, as defined in the South African Schools Act, 1996 (Act [No. 84 of 1996](#)), will be reopened and any matter related to the management of schools in the basic education sector, to address, prevent and combat the spread of COVID-19 in all schools.

(3) The Cabinet member responsible for higher education may by direction contemplated in [regulation 4 \(3\)](#), determine the dates on which institutions of higher education will be reopened and any matter related to the management of institutions of higher education sector, to address, prevent and combat the spread of COVID-19 in all schools.

(4) Early childhood development centres will remain open.

19. Initiation practices.-(1) All-

(a) initiation practices, which have not commenced on the date of the coming into operation of these regulations; and

(b) post -initiation celebrations ("*imigidi*"),

are prohibited.

(2) All initiation practices which commenced prior to the date of the coming into operation of these regulations will be allowed to be completed, subject to the adherence of all health protocols, social distancing measures and other directions that have been put in place for such initiation practices.

(3) 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.

(4) 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.

20. Attendance of funerals and cremations.-(1) Attendance of a funeral and cremation is 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 strict adherence to all health protocols and all persons maintaining a distance of one and a half metres from each other.

(2) Night vigils are not allowed.

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

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

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

21. Gatherings.-(1) All gatherings are prohibited, except-

(a) for funerals;

(b) when at a workplace: or

(c) when buying or obtaining goods and services.

(1A) The provisions of [regulation 21](#) will apply until 25 July 2021 after which the content of [regulation 21](#) will be reviewed.

(2) All social gatherings, including faith-based gatherings are prohibited.

(3) Gatherings at political events and traditional council meetings are prohibited.

(4) Gatherings at a workplace for work purposes are allowed, subject to strict adherence to all health

protocols and social distancing measures.

(4A) Gatherings at community engagements, hosted by members of Parliament, members of Provincial Legislatures, councilors, leaders of political parties, religious leaders and traditional leaders to deal with emergency matters that impact on the management, treatment and prevention of the Covid-19 pandemic, are permitted, subject to a limitation of 50 persons or less and if the relevant space 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 space may be used, subject to strict adherence to all health protocols and social distancing measures.

[[Sub-reg. \(4A\)](#) inserted by GNR.612 of 14 July 2021 and substituted by GNR.614 of 14 July 2021.]

(5) Gatherings at cinemas and theatres are prohibited.

(6) Gatherings at casinos are prohibited.

(7) Gatherings at museums, galleries, archives and libraries are prohibited.

(8) Gatherings at gyms, fitness centres and swimming pools are permitted, subject to a limitation of 50 persons or less and if the relevant space 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 space may be used, subject to strict adherence to all health protocols and further subject to strict adherence to health protocols and social distancing measures, as provided for in directions issued by the relevant Cabinet member, made after consultation with the Cabinet member responsible for health.

(9) Gatherings at conferencing, exhibitions and entertainment facilities are prohibited.

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

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

(b) restaurants and other in-house dining facilities is 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 strict adherence to all health protocols, the adherence to the restrictions on the sale of alcohol and further subject to strict adherence to directions on the times of operation, health protocols and social distancing measures, as provided for in directions issued by the relevant Cabinet member, made after consultation with the Cabinet member responsible for health.

(11) An owner or manager of an establishment listed in [subregulation \(10\) \(a\)](#) and [\(b\)](#) must ensure compliance with these Regulations.

(12) An owner or manager of an establishment listed in [subregulation \(10\) \(a\)](#) and [\(b\)](#), who fails to comply with these Regulations, commits an offence and is, on conviction, liable to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(13) Gatherings at agricultural and game auctions are allowed, 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.

(14) 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 17 \(3\)](#) 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.

(15) An owner or operator of a sporting facility must, when sporting activities contemplated in [subregulation \(14\)](#) take place, ensure compliance with the prohibition on spectators contemplated in [subregulation \(14\) \(d\)](#).

(16) An owner or manager of a sporting facility who fails to comply with [subregulation \(15\)](#), commits an offence and is, on conviction, liable to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(17) Any person who, as a spectator, attends a sporting facility when sporting activities contemplated in [subregulation \(14\)](#) take place, commits an offence and is, on conviction, liable to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(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.

(19) A convener of a faith based, religious, social, political or cultural gathering who fails to comply with [subregulation \(2\)](#) and [\(3\)](#), commits an offence and is, on conviction, liable to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(20) Any person who attends a faith based, religious, social, political or cultural gathering and who knows or ought reasonably to have known or suspected that it is prohibited, commits an offence and is, on conviction, liable to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

[[Reg. 21](#) amended by GNR.567 of 29 June 2021 and substituted by GNR.610 of 11 July 2021.]

22. Eviction and demolition of places of residence.-(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.

23. Rental housing.-(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.

24. Places and premises closed to the public.-(1) Until 25 July 2021 after which this provision will be reviewed, any place or premises normally open to the public where religious, cultural, entertainment, recreational, or similar activities, which are prohibited in terms of these regulations, may take place, is closed.

(2) Until 25 July 2021 after which this provision will be reviewed, the following places or premises normally open to the public or where people may gather, are closed and include-

- (a) flea markets;
- (b) fêtes and bazaars;
- (c) night clubs;
- (d) casinos;
- (e) taverns and *shebeens*, or similar establishments;
- (f) conferencing, exhibitions and entertainment facilities;
- (g) museums, libraries, archives and galleries, and
- (h) older persons' residential facilities for visits.

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

(4) The Cabinet member responsible for cooperative governance and traditional affairs may, by direction in the *Gazette*, determine.

(Editorial Note: Wording as per original *Government Gazette*.)

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

[[Reg. 24](#) substituted by GNR.610 of 11 July 2021.]

(Editorial Note: Numbering as per original *Government Gazette*.)

25. Controlled visits by members of the public.-(1) 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,

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

(2) The Independent Electoral Commission will be allowed to visit the institutions referred to in [subregulation \(1\)](#), where required for the purposes of voter registration, or special voting, to the extent and in the manner set out in Directions by the relevant Cabinet member.

26. Partial re-opening of borders.-(1) The 20 land borders which are fully operational, will remain as such and the 33 land borders which were closed, will remain closed.

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

(3) 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, are 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.

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

- (i) OR Tambo International Airport;
- (ii) King Shaka International Airport;
- (iii) Cape Town International Airport;
- (iv) Lanseria International Airport; and
- (v) Kruger Mpumalanga International Airport.

(b) Long-haul flight departures and landings at the airports listed in [paragraph \(a\)](#) are permitted during the hours of curfew as provided for in [regulation 17 \(1\)](#).

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

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

(5) All commercial seaports will remain open and small crafts will be allowed entry into seaports, in-line with all health and border law enforcement protocols.

27. Transportation of cargo.-(1) Rail, ocean, air and road transport is permitted for the movement of cargo to and from other countries and within the Republic, subject to national legislation and any directions issued in terms of [subregulation \(2\)](#), for the transportation of goods for export and for import.

(2) The Cabinet member responsible for trade, industry and competition may, after consultation with the Cabinet members responsible for transport and finance, issue directions that provide for the management, administration and prioritisation of exports or imports, taking into account the need to prevent and limit the spread of COVID-19 and to deal with the destructive and other effects of the COVID-19 pandemic.

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

28. Public transport.-(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.

29. Sale, dispensing or transportation of liquor.-(1) The sale, dispensing and distribution of liquor is prohibited.

(2) 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.

[[Sub-reg. \(2\)](#) substituted by GNR.567 of 29 June 2021.]

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

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

(5) 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.

[[Sub-reg. \(5\)](#) added by GNR.567 of 29 June 2021.]

30. Operation of economic sector.-(1) Businesses may operate except for those set out in [Table 1](#).

(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.

(5) The Cabinet member responsible for small business development will issue directions in respect of the extension of business licences and permits which expired between 29 May 2020 and 30 June 2021.

[[Sub-reg. \(5\)](#) added by GNR.610 of 11 July 2021.]

31. Offences and penalties.-(1) For the duration of the national state of disaster, any person who-

(a) convenes a gathering;

(b) contravenes a prohibition; or

(c) hinders, interferes with, or obstructs an enforcement officer in the exercise of his or her powers, or the performance of his or her duties in terms of these Regulations,

is guilty of an offence and, on conviction, liable to a fine or to imprisonment for a period not exceeding six months or

to both such fine and imprisonment.

(2) For the purposes of this Chapter, any person who fails to comply with or contravenes the provisions of [regulations 15B \(2\), 15B \(3\), 17 \(1\), 17 \(3\), 17 \(4\) \(a\), 19 \(1\), 24 \(1\)](#) and [24 \(2\), 28 \(3\) \(a\), 29 \(1\)](#) and [29 \(2\)](#) of these Regulations commits an offence and is, on conviction, liable to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

CHAPTER 4 ADJUSTED ALERT LEVEL 3

[Ch. 4 added by GN 608 of 28 May 2020, amended by GN 714 of 25 June 2020, by GN 763 of 12 July 2020 and by GN 846 of 31 July 2020, substituted by GNR.1423 of 29 December 2020 and by GNR.11 of 11 January 2021, amended by GNR.69 of 1 February 2021, by GNR.92 of 13 February 2021 and by GNR.93 of 13 February 2021, substituted by GNR.530 of 15 June 2021, amended by GNR.532 of 17 June 2021 and substituted by GNR.651 of 25 July 2021.]

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

32A. Notification by district municipalities.-All district municipalities must, after consultation with its local municipalities in its area-

- (a) alert communities within that district of the increasing number of infections;
- (b) publish on their websites and in the local media, areas with high infection rates within the district; and
- (c) update the information as and when it becomes available.

33. Movement of persons.-(1) Every person is confined to his or her place of residence from 22H00 until 04H00 daily, unless a person-

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

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

(3) Closing time for the following establishments, whether indoors or outdoors, is 21H00:

- (a) cinemas;
- (b) theatres;
- (c) casinos;
- (d) museums, galleries and archives;
- (e) public swimming pools;
- (f) beaches and public parks;
- (g) game parks, botanical gardens, aquariums and zoos;
- (h) gyms and fitness centres;
- (i) restaurants, bars, shebeens and taverns;
- (j) venues hosting auctions;
- (k) venues hosting professional sport; and
- (l) venues hosting faith-based, or religious gatherings; and

(m) social, political and cultural gatherings.

(4) Inter-provincial travel is permitted.

33A. Opening and closure of schools, early childhood development centres and institutions of higher education.-(1) Schools will be reopened on the 26th July 2021. The Cabinet member responsible for basic education may, in directions, further announce measures related to the management and reduction of risk at schools in the basic education sector, in order to address, prevent and combat the spread of COVID-19.

(2) The Cabinet member responsible for higher education may by direction contemplated in [regulation 4 \(3\)](#), determine the dates on which institutions of higher education will be reopened and any matter related to the management of institutions of higher education sector, to address, prevent and combat the spread of COVID-19 in all institutions.

(3) Early childhood development centres will remain open.

(4) (a) Primary school learners from Grades R to 7 must return to the traditional and daily attendance timetabling model from 2 August 2021.

(b) The social distancing measure in primary schools is reduced to one metre.

(c) Strict adherence to all health protocols including the wearing of face masks, the washing of hands and hand sanitisation must be observed.

[[Sub-reg. \(4\)](#) added by GN 669 of 30 July 2021.]

34. Mandatory protocols when in a public place.-(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, excluding a child under the age of six years, 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 \(6\)](#) apply 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.

(11) All banks as defined in the Banks Act, 1990 (Act [No. 94 of 1990](#)) and non-bank financial institutions as defined in the Financial Sector Regulation Act, 2017 (Act [No. 9 of 2017](#)), must-

- (a)
 - (i) ensure that all automated teller machines located at their premises and branches that bears the name of that bank or a non-bank financial institution, have hand sanitisers for use by the public at each automated teller machine;
 - (ii) take reasonable steps to ensure that persons queuing at the automated teller machine on their premises and branches maintain a distance of one and a half metres from each other; and
- (b) take reasonable steps to ensure implementation of these provisions by third parties hosting automated teller machines of a bank or non-bank financial institution through appropriate agreements.

35. Attendance of funerals and cremations.-(1) Attendance of a funeral and cremation is 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 strict adherence to all health protocols and all persons maintaining a distance of one and a half metres from each other.

(2) Night vigils are not allowed.

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

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

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

36. Gatherings.-(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) adhere to the curfew hours as provided for in [regulation 33](#); and
- (e) 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) An owner or operator of any indoor or outdoor facility where gatherings are held and who fails to display the certificate of occupancy as contemplated in [subregulation \(2\)](#), commits an offence and is, on conviction, liable to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(4) All-

- (i) faith-based or religious gatherings;
- (ii) social, political and cultural gatherings; and
- (iii) gatherings at community engagements, hosted by members of Parliament, members of Provincial Legislatures, councilors, leaders of political parties, religious leaders and traditional leaders to deal with emergency matters that impact on the management, treatment and prevention of the Covid-19 pandemic,

are permitted but limited to 50 persons or less for indoor venues and 100 persons or less for outdoor venues and if the venue is too small to hold the prescribed number of persons observing a distance of at least one and a half metres from each other, then not more than 50 percent of the capacity of the venue may be used, subject to strict adherence to all health protocols and social distancing measures.

(5) A convener of a faith based, religious, social, political or cultural gathering must ensure compliance with the limitation on the number of persons attending such a gathering contemplated in [subregulation \(4\)](#).

(6) A convener of a faith based, religious, social, political or cultural gathering who fails to comply with [subregulation \(5\)](#), commits an offence and is, on conviction, liable to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(7) Any person who attends a faith based, religious, social, political or cultural gathering and who knows or ought reasonably to have known or suspected that the number of persons exceeds the limitation provided for in [subregulation \(4\)](#), commits an offence and is, on conviction, liable to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

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

(9) (a) Hotels, lodges, bed and breakfasts, timeshare facilities, resorts and guest houses are allowed full capacity of the available rooms for accommodation, with patrons wearing face masks and observing a distance of at least one and a half metres from each other when in common spaces.

(b) Restaurants, bars, shebeens and taverns are allowed, 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 indoors or 100 persons outdoors 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) An owner or manager of a restaurant, bar, shebeen or tavern must ensure compliance with the limitation on the number of persons attending such a restaurant, bar, shebeen or tavern contemplated in [paragraph \(b\)](#).

(d) An owner or manager of a restaurant, bar, shebeen or tavern who fails to comply with [paragraph \(c\)](#), commits an offence and is, on conviction, liable to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(e) Any person who attends a restaurant, bar, shebeen or tavern and who knows or ought reasonably to have known or suspected that the number of persons attending exceeds the limitation provided for in [paragraph \(b\)](#), commits an offence and is, on conviction, liable to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(f) Conferencing, exhibitions, 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 indoors or 100 persons outdoors 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.

(g) An owner or operator of a conferencing, exhibition, dining or entertainment facility must ensure compliance with the limitation on the number of persons attending such a conferencing, exhibition, dining or entertainment facility contemplated in [paragraph \(f\)](#).

(h) An owner or manager of a conferencing, exhibition, dining or entertainment facility who fails to comply with [paragraph \(g\)](#), commits an offence and is, on conviction, liable to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(i) Any person who attends a conferencing, exhibition, dining or entertainment facility and who knows or ought reasonably to have known or suspected that the number of persons attending exceeds the limitation provided for in [paragraph \(f\)](#), commits an offence and is, on conviction, liable to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(10) 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.

(11) An owner or operator of a sporting facility or an organiser of a sporting event referred to in [subregulation \(10\)](#) must, when such sporting activities take place, ensure compliance with the prohibition on spectators contemplated in [subregulation \(10\) \(d\)](#).

(12) An owner or manager of a sporting facility or an organiser of a sporting event referred to in [subregulation \(10\)](#) who fails to comply with [subregulation \(11\)](#), commits an offence and is, on conviction, liable to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(13) Any person who, as a spectator, attends a sporting facility must, when sporting activities contemplated in [subregulation \(10\)](#) take place, commits an offence and is, on conviction, liable to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(14) 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.

37. Eviction and demolition of places of residence.-(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.

38. Rental housing.-(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.

39. Places and premises closed to the public.-(1) Night clubs are closed to the public.

(2) An owner or manager of a nightclub must ensure compliance with [subregulation \(1\)](#).

(3) An owner or manager of a night club who fails to comply with [subregulation \(2\)](#), commits an offence and is, on conviction, liable to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(4) 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.

40. Initiation practices.-(1) Initiation practices are permitted, subject to the submission of a risk adjusted plan for the conducting of initiation practices to the relevant Cabinet members by the provincial executive responsible for traditional affairs and 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.

(2) Post-initiation celebrations ("*imigidi*") are permitted, subject to a limitation 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.

(3) 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.

(4) 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.

41. Controlled visits by members of the public.-(1) 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 permitted to the extent and in the manner directed by the relevant Cabinet member.

(2) The Independent Electoral Commission will be allowed to visit the institutions referred to in [subregulation \(1\)](#), where required for the purposes of voter registration, or special voting, to the extent and in the manner set out in Directions by the relevant Cabinet member.

42. Partial re-opening of borders.-(1) The 20 land borders which are fully operational, will remain as such and the 33 land borders which were closed, will remain closed.

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

(3) 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, are 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.

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

- (i) OR Tambo International Airport;
- (ii) King Shaka International Airport;
- (iii) Cape Town International Airport;
- (iv) Lanseria International Airport; and
- (v) Kruger Mpumalanga International Airport.

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

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

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

(5) All commercial seaports will remain open and small crafts will be allowed entry into seaports, in-line with all health and border law enforcement protocols.

42A. Transportation of cargo.-(1) Rail, ocean, air and road transport is permitted for the movement of cargo to and from other countries and within the Republic, subject to national legislation and any directions issued in terms of [subregulation \(2\)](#), for the transportation of goods for export and for import.

(2) The Cabinet member responsible for trade, industry and competition may, after consultation with the Cabinet members responsible for transport and finance, issue directions that provide for the management, administration and prioritisation of exports or imports, taking into account the need to prevent and limit the spread of COVID-19 and to deal with the destructive and other effects of the COVID-19 pandemic.

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

43. Public transport.-(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.

44. Sale, dispensing and transportation of liquor.-(1) The sale of liquor-

- (a) by a licensed premises for off-site consumption is only permitted from 10H00 to 18H00, from Mondays to Thursdays, excluding Fridays, Saturdays, Sundays and public holidays, and
- (b) by a licensed premises for on-site consumption is permitted until 20H00.

(2) The provisions of [subregulation \(1\) \(a\)](#) do not apply to duty-free shops at international airports which are permitted to operate in accordance with their operating license.

(3) The consumption of liquor in public places, except in licensed on-site consumption premises, is not permitted.

(4) Registered wineries, wine farms, micro-breweries and micro-distilleries may continue to operate in offering wine-tastings and other brew-tastings, and the selling of wine and other brews to the public for off-site and on-site consumption is permitted until 20H00 and further subject to strict adherence to social distancing measures and health protocols.

(5) The transportation of liquor is permitted.

(6) The sale and consumption of liquor in contravention of [subregulations \(1\)](#) and [\(3\)](#) is an offence.

45. Operation of economic sector.-(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.

46. Compliance officers.-(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.

47. Offences and penalties.-(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 \(1\)](#) and [\(3\)](#), [34 \(2\)](#), [\(3\)](#) and [\(7\)](#), [43 \(3\) \(a\)](#), and [44 \(1\)](#) and [44 \(3\)](#) of these Regulations commits an offence and is, on conviction, liable to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(Editorial Note: Numbering as per original *Government Gazette*.)

CHAPTER 5
ADJUSTED ALERT LEVEL 2

[Ch. 5 added by GN 891 of 17 August 2020 and substituted by GNR.477 of 30 May 2021 and by GNR.869 of 12 September 2021.]

49. Application of Adjusted Alert Level.-(1) The regulations set out in this Chapter apply during Adjusted Alert Level 2.

(2) The provisions of these Regulations shall be reviewed and amended where necessary, in one week from the date of publication of this subregulation in the *Gazette*.

[[Sub-reg. \(2\)](#) substituted by GNR.953 of 26 September 2021.]

49A. Notification by district municipalities.-All district municipalities must, after consultation with its local municipalities in its area-

- (a) alert communities within that district of the increasing number of infections;
- (b) publish on their websites and in the local media, areas with high infection rates within the district; and
- (c) update the information as and when it becomes available.

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

- (a) has been granted permission through directions issued by the relevant Cabinet member or a permit, which corresponds with Form 7 of Annexure A, to perform a service other than a service related to an activity listed under [Table 3](#);
- (b) is attending to a security or medical emergency; or
- (c) arrives on a flight or is travelling to or from an airport which necessitates travelling during restricted hours of movement: Provided that the person traveling is in possession of a valid boarding pass as proof of flight or a copy of the airline ticket.

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

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

- (a) cinemas;
- (b) theatres;
- (c) casinos;
- (d) museums, galleries and archives;
- (e) public swimming pools;
- (f) beaches and public parks;
- (g) game parks, botanical gardens, aquariums and zoos;
- (h) gyms and fitness centres;
- (i) restaurants bars, shebeens and taverns;
- (j) venues hosting auctions;
- (k) venues hosting professional sport; and
- (l) venues hosting faith-based, or religious gatherings; and
- (m) social, political and cultural gatherings.

(4) Inter-provincial travel is permitted.

50A. Opening and closure of schools, early childhood development centres and institutions of higher education.-(1) The Cabinet member responsible for basic education may, by directions contemplated in [regulation 4 \(3\)](#), further announce measures related to the management and reduction of risk at schools in the basic education sector, in order to address, prevent and combat the spread of COVID-19.

(2) The Cabinet member responsible for higher education may by directions contemplated in [regulation 4 \(3\)](#), further announce measures related to the management and reduction of risk at institutions in the higher education sector, to address, prevent and combat the spread of COVID-19.

(3) Early childhood development centres will remain open.

(4) (a) The social distancing measures in primary schools is reduced to one metre.

(b) Strict adherence to all health protocols including the wearing of face masks, the washing of hands and hand sanitisation must be observed.

51. Mandatory protocols when in a public place.-(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, excluding a child under the age of six years, 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 \(6\)](#) apply 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.

(11) All banks as defined in the Banks Act, 1990 (Act [No. 94 of 1990](#)) and non-bank financial institutions as defined in the Financial Sector Regulation Act, 2017 (Act [No. 9 of 2017](#)), must-

- (a)
 - (i) ensure that all automated teller machines located at their premises and branches that bears the name of that bank or a non-bank financial institution, have hand sanitisers for use by the public at each automated teller machine;
 - (ii) take reasonable steps to ensure that persons queuing at the automated teller machine on their premises and branches maintain a distance of one and a half metres from each other; and
- (b) take reasonable steps to ensure implementation of these provisions by third parties hosting automated teller machines of a bank or non-bank financial institution through appropriate agreements.

52. Attendance of funerals and cremations.-(1) Attendance of a funeral and cremation is 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 strict adherence to all health protocols and all persons maintaining a distance of one and a half metres from each other.

(2) Night vigils are not allowed.

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

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

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

53. Gatherings.-(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) adhere to the curfew hours as provided for in [regulation 50](#); and
- (e) 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) An owner or operator of any indoor or outdoor facility where gatherings are held and who fails to display the certificate of occupancy as contemplated in [subregulation \(2\)](#), commits an offence and is, on conviction, liable to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(4) All-

- (i) faith-based or religious gatherings; and
- (ii) social, political and cultural gatherings;

are permitted but limited to 250 persons or less for indoor venues and 500 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 to strict adherence to all health protocols and social distancing measures.

(5) A convener of a faith based, religious, social, political or cultural gathering must ensure compliance with the limitation on the number of persons attending such a gathering contemplated in [subregulation \(4\)](#).

(6) A convener of a faith based, religious, social, political or cultural gathering who fails to comply with [subregulation \(5\)](#), commits an offence and is, on conviction, liable to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(7) Any person who attends a faith based, religious, social, political or cultural gathering and who knows or ought reasonably to have known or suspected that the number of persons exceeds the limitation provided for in [subregulation \(4\)](#), commits an offence and is, on conviction, liable to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

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

(9) (a) Hotels, lodges, bed and breakfasts, timeshare facilities, resorts and guest houses are allowed full capacity of the available rooms for accommodation, with patrons wearing face masks and observing a distance of at least one and a half metres from each other when in common spaces.

(b) Restaurants, bars, shebeens and taverns are allowed, subject to a limitation of a maximum of 250 persons or less for indoor venues and 500 persons or less for outdoor venues and if the venue is too small to hold 250 persons indoors or 500 persons outdoors 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) An owner or manager of a restaurant, bar, shebeen or tavern must ensure compliance with the limitation on the number of persons attending such a restaurant, bar, shebeen or tavern contemplated in [paragraph \(b\)](#).

(d) An owner or manager of a restaurant, bar, shebeen or tavern who fails to comply with [paragraph \(c\)](#), commits an offence and is, on conviction, liable to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(e) Any person who attends a restaurant, bar, shebeen or tavern and who knows or ought reasonably to have known or suspected that the number of persons attending exceeds the limitation provided for in [paragraph \(b\)](#), commits an offence and is, on conviction, liable to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(f) Conferencing, exhibitions, dining, gyms, fitness centres, casinos and entertainment facilities are subject to a limitation of a maximum of 250 persons or less for indoor venues and 500 persons or less for outdoor venues and if the venue is too small to hold 250 persons indoors or 500 persons outdoors 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.

(g) An owner or operator of a conferencing, exhibition, dining, gym, fitness centre, casino or entertainment facility must ensure compliance with the limitation on the number of persons attending such a conferencing,

exhibition, dining, gym, fitness centre or entertainment facility contemplated in [paragraph \(f\)](#).

(h) An owner or manager of a conferencing, exhibition, dining, gym, fitness centre, casino or entertainment facility who fails to comply with [paragraph \(g\)](#), commits an offence and is, on conviction, liable to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(i) Any person who attends a conferencing, exhibition, dining, gym, fitness centre, casino or entertainment facility and who knows or ought reasonably to have known or suspected that the number of persons attending exceeds the limitation provided for in [paragraph \(f\)](#), commits an offence and is, on conviction, liable to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(10) 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 50\(3\)](#) 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.

(11) An owner or operator of a sporting facility or an organiser of a sporting event referred to in [subregulation \(10\)](#) must, when such sporting activities take place, ensure compliance with the prohibition on spectators contemplated in [subregulation \(10\) \(d\)](#).

(12) An owner or manager of a sporting facility or an organiser of a sporting event referred to in [subregulation \(10\)](#) who fails to comply with [subregulation \(11\)](#), commits an offence and is, on conviction, liable to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(13) Any person who, as a spectator, attends a sporting facility must, when sporting activities contemplated in [subregulation \(10\)](#) take place, commits an offence and is, on conviction, liable to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(14) 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.

54. Eviction and demolition of places of residence.-(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.

55. Rental housing.-(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.

56. Places and premises closed to the public.-(1) Night clubs are closed to the public.

(2) An owner or manager of a nightclub must ensure compliance with [subregulation \(1\)](#).

(3) An owner or manager of a night club who fails to comply with [subregulation \(2\)](#), commits an offence and is, on conviction, liable to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(4) 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.

57. Initiation practices.-(1) Initiation practices are permitted, subject to the submission of a risk adjusted plan for the conducting of initiation practices to the relevant Cabinet members by the provincial executive responsible for traditional affairs and 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.

(2) Post-initiation celebrations ("*imigidi*") are permitted, subject to a limitation of 100 persons or less for indoor venues and 250 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.

(3) 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.

(4) 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.

58. Controlled visits by members of the public.-(1) 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 permitted to the extent and in the manner directed by the relevant Cabinet member.

(2) The Independent Electoral Commission will be allowed to visit the institutions referred to in [subregulation \(1\)](#), where required for the purposes of voter registration, or special voting, to the extent and in the manner set out in Directions by the relevant Cabinet member.

59. Partial re-opening of borders.-(1) The 20 land borders which are fully operational, will remain as such and the 33 land borders which were closed, will remain closed.

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

(3) 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, are 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.

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

- (i) OR Tambo International Airport;
- (ii) King Shaka International Airport;
- (iii) Cape Town International Airport;
- (iv) Lanseria International Airport; and
- (v) Kruger Mpumalanga International Airport.

(b) Long-haul flight departures and landings at the airports listed in [paragraph \(a\)](#) are permitted during the hours of curfew as provided for in [regulation 50\(1\)](#).

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

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

(5) All commercial seaports will remain open and small crafts will be allowed entry into seaports, in-line with all health and border law enforcement protocols.

59A. Transportation of cargo.-(1) Rail, ocean, air and road transport is permitted for the movement of cargo to and from other countries and within the Republic, subject to national legislation and any directions issued in terms of [subregulation \(2\)](#), for the transportation of goods for export and for import.

(2) The Cabinet member responsible for trade, industry and competition may, after consultation with the Cabinet members responsible for transport and finance, issue directions that provide for the management, administration and prioritisation of exports or imports, taking into account the need to prevent and limit the spread of COVID-19 and to deal with the destructive and other effects of the COVID-19 pandemic.

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

60. Public transport.-(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.

61. Sale, dispensing and transportation of liquor.-(1) The sale of liquor-

- (a) by a licensed premises for off-site consumption is only permitted from 10H00 to 18H00, from Mondays to Fridays, excluding Saturdays, Sundays and public holidays, and
- (b) by a licensed premises for on-site consumption is permitted until 22H00.

(2) The provisions of [subregulation \(1\) \(a\)](#) do not apply to duty-free shops at international airports which are permitted to operate in accordance with their operating license.

(3) The consumption of liquor in public places, except in licensed on-site consumption premises, is not permitted.

(4) Registered wineries, wine farms, micro-breweries and micro-distilleries may continue to operate in offering wine-tastings and other brew-tastings, and the selling of wine and other brews to the public for off-site and on-site consumption is permitted until 22H00 and further subject to strict adherence to social distancing measures and health protocols.

(5) The transportation of liquor is permitted.

(6) The sale and consumption of liquor in contravention of [subregulations \(1\)](#) and [\(3\)](#) is an offence.

62. Operation of economic sector.-(1) Businesses may operate except for those set out in [Table 3](#).

(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.

63. Compliance officers.-(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.

64. Offences and penalties.-(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 50 \(1\)](#) and [\(3\)](#), [51 \(2\)](#), [\(3\)](#) and [\(7\)](#), [60 \(3\) \(a\)](#), and [61 \(1\)](#) and [\(3\)](#) of these Regulations commits an offence and is, on conviction, liable to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

CHAPTER 6 ADJUSTED ALERT LEVEL 1

[[Ch. 6](#) added by GN 999 of 18 September 2020, amended by GN 1011 of 20 September 2020, by GN 1053 of 1 October 2020, by GN 1104 of 21 October 2020 and by GN 1199 of 11 November 2020, substituted by GN 1290 of 3 December 2020, amended by GN 1346 of 15 December 2020, by GN 1370 of 17 December 2020 and by GN 1421 of 24 December 2020, substituted by GNR.152 of 28 February 2021, amended by GNR.284 of 30 March 2021 and substituted by GNR.960 of 30 September 2021.]

65. Application of Adjusted Alert Level.-The regulations set out in this Chapter apply during Adjusted Alert Level 1.

65A. Notification by district municipalities.-All district municipalities must, after consultation with its local municipalities in its area-

- (a) alert communities within that district of the increasing number of infections;
- (b) publish on their websites and in the local media, areas with high infection rates within the district; and
- (c) update the information as and when it becomes available.

66.

[[Reg. 66](#) repealed by GNR.1659 of 30 December 2021.]

66A. Opening and closure of schools, early childhood development centres and institutions of higher education.-(1) The Cabinet member responsible for basic education may, by directions contemplated in [regulation 4 \(3\)](#), announce further measures related to the management and reduction of risk at schools in the basic education sector, in order to address, prevent and combat the spread of COVID-19.

(2) The Cabinet member responsible for higher education may by directions contemplated in [regulation 4 \(3\)](#), announce further measures related to the management and reduction of risk at institutions in the higher education sector, to address, prevent and combat the spread of COVID-19.

(3) Early childhood development centres will remain open.

(4) (a) No social distancing measures will apply in the basic education sector.

[\[Para. \(a\) substituted by GNR.1715 of 1 February 2022 w.e.f. 7 February 2022.\]](#)

(b) Strict adherence to all health protocols including the wearing of face masks, the washing of hands and hand sanitisation must be observed.

67. Mandatory protocols when in a public place.-(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 an indoor public place, excluding a child under the age of six years, 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.

[\[Sub-reg. \(2\) substituted by GNR.1915 of 22 March 2022.\]](#)

(3) A person not wearing a face mask will not be allowed to-

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

(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.

[\[Sub-reg. \(3\) substituted by GNR.1915 of 22 March 2022.\]](#)

(4) (a) All persons in an open public space need not wear a mask but must maintain a distance of at least one metre from another person.

(b) The school environment is excluded from the requirement of maintaining a distance of at least one metre from another person.

[\[Sub-reg. \(4\) substituted by GNR.1915 of 22 March 2022.\]](#)

(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 metre between persons;

[\[Para. \(b\) substituted by GNR.1915 of 22 March 2022.\]](#)

(c) take steps to ensure that persons queuing inside or outside the premises are able to maintain a distance of one metre from each other;

[\[Para. \(c\) substituted by GNR.1915 of 22 March 2022.\]](#)

(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 \(6\)](#) apply 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.

(11) All banks as defined in the Banks Act, 1990 (Act [No. 94 of 1990](#)) and non-bank financial institutions as defined in the Financial Sector Regulation Act, 2017 (Act [No. 9 of 2017](#)), must-

- (a)
 - (i) ensure that all automated teller machines located at their premises and branches that bears the name of that bank or a non-bank financial institution, have hand sanitisers for use by the public at each automated teller machine;
 - (ii) take reasonable steps to ensure that persons queuing at the automated teller machine on their premises and branches maintain a distance of one metre from each other; and
[\[Sub-para. \(ii\) substituted by GNR.1915 of 22 March 2022.\]](#)
- (b) take reasonable steps to ensure implementation of these provisions by third parties hosting automated teller machines of a bank or non-bank financial institution through appropriate agreements.

68. Attendance of funerals and cremations.-(1) Attendance of a funeral and cremation is limited to 200 persons or less and if the venue is too small to hold the prescribed number of persons observing a distance of at least one metre from each other, then not more than 50 percent of the capacity of the venue may be used, subject to strict adherence to all health protocols.

(2) Night vigils are not allowed.

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

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

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

[\[Reg. 68 substituted by GNR.1915 of 22 March 2022.\]](#)

69. Gatherings.-(1) All gatherings, including faith-based or religious, social, political and cultural, gatherings at restaurants, bars, shebeens and taverns; gatherings at conferencing, exhibitions, dining, gyms, fitness centres, casinos and entertainment, facilities, gatherings at venues hosting auctions including agricultural auctions, sporting activities, including both professional and non-professional matches, by recognised sporting bodies, where persons who are-

- (a) fully vaccinated and in possession of a valid vaccination certificate; or
- (b) unvaccinated but in possession of a valid certificate of a negative COVID-19 test, recognised by the World Health Organisation, which was obtained not more than 72 hours before the date of the gathering,

are allowed at up to 50% of the capacity of the venue: Provided that entry to the venue is conditional upon production of a valid certificate as referred to in [paragraph \(a\)](#) or [\(b\)](#) and subject to strict adherence to all health protocols and social distancing measures.

(2) All gatherings, including faith-based or religious, social, political and cultural, gatherings at restaurants, bars, shebeens and taverns; gatherings at conferencing, exhibitions, dining, gyms, fitness centres, casinos and entertainment facilities, gatherings at venues hosting auctions including agricultural auctions, sporting activities, including both professional and non-professional matches, by recognised sporting bodies, where persons who are-

- (a) not fully vaccinated or in possession of a valid vaccination certificate; or

- (b) unvaccinated and not in possession of a valid certificate of a negative COVID-19 test, recognised by the World Health Organisation, which was obtained not more than 72 hours before the date of the gathering,

are allowed but limited to 1000 persons or less for indoor venues and 2000 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 metre from each other, then not more than 50 percent of the capacity of the venue may be used, subject to strict adherence to all health protocols and social distancing measures.

(3) 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.

(4) An owner or operator of any indoor or outdoor facility where gatherings are held and who fails to display the certificate of occupancy as contemplated in [subregulation \(3\)](#), commits an offence and is, on conviction, liable to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(5) A convener of a gathering who fails to comply with [subregulation \(1\)](#) or [\(2\)](#), commits an offence and is, on conviction, liable to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

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

(7) Hotels, lodges, bed and breakfasts, timeshare facilities, resorts and guest houses are allowed full capacity of the available rooms for accommodation, with patrons wearing face masks and observing a distance of at least one metre from each other when in common spaces.

[[Reg. 69](#) amended by GNR.1024 of 11 October 2021 and substituted by GNR.1659 of 30 December 2021 and by GNR.1915 of 22 March 2022.]

70. Eviction and demolition of places of residence.-(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.

71. Rental housing.-(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.

72. Places and premises closed to the public.-(1) Night clubs are closed to the public.

(2) An owner or manager of a nightclub must ensure compliance with [subregulation \(1\)](#).

(3) An owner or manager of a night club who fails to comply with [subregulation \(2\)](#), commits an offence and is, on conviction, liable to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(4) 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.

73. Initiation practices.-(1) Initiation practices are permitted, subject to the submission of a risk adjusted plan for the conducting of initiation practices to the relevant Cabinet members by the provincial executive responsible for traditional affairs and 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.

(2) Post-initiation celebrations ("*imigidi*") are permitted.

(3) 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.

(4) 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.

74. Controlled visits by members of the public.-(1) 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 permitted to the extent and in the manner directed by the relevant Cabinet member.

(2) The Independent Electoral Commission will be allowed to visit the institutions referred to in [subregulation \(1\)](#), where required for the purposes of voter registration, or special voting, to the extent and in the manner set out in Directions by the relevant Cabinet member.

75. Partial re-opening of borders.-(1) (a) The 21 land borders which are fully operational will remain as such and the 32 land borders which were closed will remain closed except for the Telle Bridge Port of Entry which will reopen on the commencement of this amendment to the Regulations.

(b) The Cabinet member responsible for Home Affairs may, from the date of commencement of this amendment to the Regulations, issue directions regarding the opening and closing of any further Ports of Entry.
[[Sub-reg. \(1\)](#) substituted by GNR.1633 of 17 December 2021 and by GNR.1646 of 21 December 2021.]

(2) Traveling to and from the Republic from neighbouring countries is allowed, subject to [subregulation \(3\)](#): Provided that travellers who are-

- (a) fully vaccinated must upon arrival at the land border, produce, a valid vaccination certificate; and
- (b) unvaccinated must upon arrival at the land border, provide a valid certificate of a negative COVID-19 test, recognised by the World Health Organisation, which was obtained not more than 72 hours before the date of travel.

[[Sub-reg. \(2\)](#) substituted by GNR.1915 of 22 March 2022.]

(3) 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, are 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.

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

- (i) OR Tambo International Airport;
- (ii) King Shaka International Airport;
- (iii) Cape Town International Airport;
- (iv) Lanseria International Airport; and
- (v) Kruger Mpumalanga International Airport.

(b)

[[Para. \(b\)](#) deleted by GNR.1659 of 30 December 2021.]

(c) All international travellers arriving at the Ports of Entry listed in [paragraph \(a\)](#) who are-

- (i) fully vaccinated must upon arrival at the Port of Entry, produce a valid vaccination certificate; and
- (ii) unvaccinated must upon arrival at the Port of Entry, provide a valid certificate of a negative COVID-19 test, recognised by the World Health Organisation, which was obtained not more than 72 hours before the date of travel.

[[Para. \(c\)](#) substituted by GNR.1915 of 22 March 2022.]

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

(e) Outbound travellers from South Africa must comply with the requirements of the country of destination.

[[Para. \(e\)](#) added by GNR.1915 of 22 March 2022.]

(5) All commercial seaports will remain open and small crafts, and all passenger ships, including cruise ships, will be allowed entry into seaports, in-line with all health and border law enforcement protocols.

75A. Transportation of cargo.-(1) Rail, ocean, air and road transport is permitted for the movement of cargo to and from other countries and within the Republic, subject to national legislation and any directions issued in terms of [subregulation \(2\)](#), for the transportation of goods for export and for import.

(2) The Cabinet member responsible for trade, industry and competition may, after consultation with the Cabinet members responsible for transport and finance, issue directions that provide for the management, administration and prioritisation of exports or imports, taking into account the need to prevent and limit the spread of COVID-19 and to deal with the destructive and other effects of the COVID-19 pandemic.

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

76. Public transport.-(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;
- (d) private vehicles; and
- (e) passenger ships, including cruise ships.

(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.

77. Sale, dispensing and transportation of liquor.-(1) The sale of liquor for on- or off-site consumption is permitted during licensed trading hours, subject to the laws governing such licenses.

(2) The consumption of liquor in public places, except in licensed on-site consumption premises, is not permitted.

(3) The transportation of liquor is permitted.

(4) The consumption of liquor in contravention of [subregulation \(2\)](#) is an offence.

[[Reg. 77](#) substituted by GNR.1659 of 30 December 2021.]

78. Operation of economic sector.-(1) Businesses may operate except for those set out in [Table 3](#).

(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.

- 79. Compliance officers.**-(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 metre from each other and that all directions in respect of health protocols and social distancing measures are strictly adhered to; and

[\[Sub-reg. \(2\) substituted by GNR.1915 of 22 March 2022.\]](#)

(Editorial Note: Numbering as per original *Government Gazette*.)

80. Offences and penalties.-(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 67 \(2\), \(3\)](#) and [\(7\)](#), [76 \(3\) \(a\)](#), and [77 \(2\)](#) 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.

[\[Sub-reg. \(2\) substituted by GNR.1659 of 30 December 2021.\]](#)

CHAPTER 7

.....

[Ch. 7 added by GN 1290 of 3 December 2020, amended by GN 1346 of 15 December 2020, by GN 1370 of 17 December 2020, by GN 1421 of 24 December 2020, by GNR.1423 of 29 December 2020 and by GNR.1435 of 29 December 2020, substituted by GNR.11 of 11 January 2021 and deleted by GNR.69 of 1 February 2021.]

81.

[\[Reg. 81 deleted by GNR.69 of 1 February 2021.\]](#)

82.

[\[Reg. 82 deleted by GNR.69 of 1 February 2021.\]](#)

83.

[\[Reg. 83 deleted by GNR.69 of 1 February 2021.\]](#)

84.

[\[Reg. 84 deleted by GNR.69 of 1 February 2021.\]](#)

85.

[\[Reg. 85 deleted by GNR.69 of 1 February 2021.\]](#)

86.

[[Reg. 86](#) deleted by GNR.69 of 1 February 2021.]

87.

[[Reg. 87](#) deleted by GNR.69 of 1 February 2021.]

CHAPTER 8
COVID-19 VACCINE INJURY NO-FAULT COMPENSATION SCHEME
[Ch. 8 added by GN 376 of 22 April 2021.]

88. Definitions.-For the purposes of this Chapter, unless the context otherwise indicates-

'**claim**' means a claim made in terms of [regulation 95](#);

'**claimant**' means a person who makes a claim in terms of [regulation 95](#);

'**Promotion of Administrative Justice Act, 2000**' means the Promotion of Administrative Justice Act, 2000 (Act [No. 3 of 2000](#));

'**Public Finance Management Act, 1999**' means the Public Finance Management Act, 1999 (Act [No. 1 of 1999](#));
and

'**Scheme**' means the COVID-19 Vaccine Injury No-Fault Compensation Scheme established by [regulation 89](#).
[[Reg. 88](#) added by GN 376 of 22 April 2021.]

89. Establishment of COVID-19 Vaccine Injury No-Fault Compensation Scheme.-(1) A COVID-19 Vaccine Injury No-Fault Compensation Scheme is hereby established in terms of section 27 (2) (c), (m) and (n) of the Act.

(2) The Scheme is an essential part of the COVID-19 vaccination roll-out, which is a critical component of the national plan and response to alleviate, contain and minimise the effects of the disaster, and ultimately to end the State of National Disaster.

(3) The purpose of the Scheme is to provide expeditious and easy access to compensation for persons who suffer harm, loss or damage as a result of vaccine injury referred to in [regulation 93 \(3\)](#) and [\(4\) \(a\)](#) caused by the administration of a COVID-19 vaccine specified in terms of [regulation 93 \(4\) \(b\)](#), at a facility within the Republic specified in terms of [regulation 93 \(4\) \(c\)](#).

(4) In order to ensure the effective and efficient administration of the Scheme in a manner that ensures fairness in the assessment and administration of claims, and respects the constitutional rights of claimants, the Cabinet member responsible for Health must issue directions in terms of [regulation 4](#) in consultation with the Cabinet member responsible for Finance in respect of-

- (a) the requirements relating to the administration of the Scheme;
- (b) the policy in respect of the administration of the Scheme;
- (c) the reporting of vaccine injuries;
- (d) the claims system;
- (e) the size of the causality panel, quantum panel and adjudication panel;
- (f) the qualifications for appointment of assessors on the causality panel, assessors on the quantum panel and members of the adjudication panel; and
- (g) any other matter relevant to the effective, efficient and fair administration of the Scheme.

[[Reg. 89](#) added by GN 376 of 22 April 2021.]

90. Administration.-(1) The National Department of Health is responsible for the administration of the Scheme and its funds.

(2) (a) The Director-General of the National Department of Health may appoint a service provider to perform the administration, or certain administrative functions, of the Scheme, which has the necessary expertise and

capacity to perform the functions efficiently, effectively, competently and fairly.

(b) The applicable procurement procedures in terms of the Public Finance Management Act, 1999 and any other relevant legislation must be followed when appointing a service provider referred to in [paragraph \(a\)](#).

(c) A service provider appointed in terms of [paragraph \(a\)](#) is accountable to the Director-General of the National Department of Health as the accounting officer of the Scheme.

(d) The terms and conditions of employment of the employees of a service provider appointed in terms of [paragraph \(a\)](#) are determined in terms of their contracts of employment with the service provider.

(e) Accounting by a service provider appointed in terms of [paragraph \(a\)](#) must be in accordance with directions issued by the Cabinet member responsible for Finance in terms of [regulation 4](#).

[[Reg. 90](#) added by GN 376 of 22 April 2021.]

91. Financial management and oversight.-(1) The funds of the Scheme consist of-

- (a) funds appropriated by an Act of Parliament to the vote of Health or from contingencies in terms of appropriation legislation or the Public Finance Management Act; and
- (b) funds donated to the Scheme.

(2) The Cabinet member responsible for Finance may, after consultation with the Cabinet member responsible for Health, issue directions in terms of [regulation 4](#) in respect of the requirements relating to the financial management and oversight of the Scheme that are in accordance with the Public Finance Management Act, 1999.

(3) The funds of the Scheme shall be ring-fenced and shall not be utilised for purposes other than payment of compensation in terms of the Scheme, and the implementation and administration of the Scheme.

[[Reg. 91](#) added by GN 376 of 22 April 2021.]

92. Appeal panel, adjudication panel, causality panel and quantum panel.-(1) The functionaries of the Scheme hereby established are:

- (a) The appeal panel;
- (b) The adjudication panel;
- (c) The causality panel; and
- (d) The quantum panel.

(2) (a) The Chairperson of the appeal panel must be a retired Judge and is appointed by the Cabinet member responsible for Health, after consultation with the Cabinet member responsible for Cabinet member responsible for Justice and Correctional Services.

(b) The retired Judge referred to in [paragraph \(a\)](#) must be appointed in terms of the Judges' Remuneration and Conditions of Employment Act, 2001 (Act [No. 47 of 2001](#)).

(3) (a) The Cabinet member responsible for Health must appoint:

- (i) the assessors of the causality panel;
- (ii) the assessors of the quantum panel;
- (iii) the members of adjudication panel; and

(iv) after consultation with the Chairperson of the appeal panel, the remaining members of the appeal panel.

(b) The assessors of the causality panel and the quantum panel must possess medical expertise or other appropriate expertise to fulfil their functions in respect of the Scheme.

(c) The members of the adjudication panel and the members of the appeal panel must be independent and possess appropriate expertise to fulfil their functions in respect of the Scheme.

(d) The assessors of the causality panel, the members of the quantum panel, the members of the adjudication panel and the members of the appeal panel are appointed for the period, and on the terms and conditions, determined in writing by the Cabinet member responsible for Health.

(e) The necessary administrative support shall be provided to the adjudication panel and appeal panel.

(4) The appeal panel, adjudication panel, causality panel and quantum panel must take decisions and make assessments in accordance with-

- (a) the eligibility requirements contained in [regulation 93](#) and the directions issued in terms of [regulation 93](#); and
- (b) the directions regarding the quantum and structure of compensation issued in terms of [regulation 94](#).

93. Eligibility.-(1) A person who has suffered harm, loss or damage caused by a vaccine injury referred to in [subregulations \(3\)](#) and [\(4\) \(a\)](#) resulting from the administration of a COVID-19 vaccine specified in terms of in [subregulation \(4\) \(b\)](#), at a facility within the Republic specified in terms of [subregulation \(4\) \(c\)](#), is eligible for compensation from the Scheme.

(2) A dependant of a deceased person, who has suffered harm, loss or damage caused by the death of the deceased person, whose death was caused by a vaccine injury referred to in [subregulations \(3\)](#) and [\(4\) \(a\)](#) resulting from the administration of a COVID-19 vaccine specified in terms of in [subregulation \(4\) \(b\)](#), at a facility within the Republic specified in terms of [subregulation \(4\) \(c\)](#), is eligible for compensation from the Scheme.

(3) Vaccine injuries that are covered by the Scheme are severe injuries resulting in permanent or significant injury, serious harm to a person's health, other serious damage or death, as specified in directions issued in terms of [subregulation \(4\) \(a\)](#).

(4) The Cabinet member responsible for Health, in consultation with the Cabinet member responsible for Finance, must issue directions in terms of [regulation 4](#) specifying-

- (a) the vaccine injuries covered;
- (b) the specific vaccines to be covered, which must be registered or otherwise approved by the South African Health Products Regulatory Authority and procured and distributed by the National Government;
- (c) facilities in the Republic where COVID-19 vaccinations are officially administered;
- (d) the timeline and duration of injury and the period of vaccinations that the Scheme will cover;
- (e) the types of claims that may be made; and
- (f) the period in respect of which claims may be instituted with the Scheme.

[Reg. 93 added by GN 376 of 22 April 2021.]

94. Quantum and structure of compensation.-The Cabinet member responsible for Health, in consultation with the Cabinet member responsible for Finance, must issue directions in terms of [regulation 4](#) specifying the quantum and structure of compensation that will be provided under the Scheme to eligible persons and dependants in terms of [regulations 93 \(1\)](#) and [93 \(2\)](#).

[Reg. 94 added by GN 376 of 22 April 2021.]

95. Submission of claims and procedure.-(1) Any person who maintains that they meet the requirements for claiming compensation from the Scheme in terms of [regulation 93 \(1\)](#) or [regulation 93 \(2\)](#) may submit a claim to the Scheme.

(2) The claim shall be submitted by the claimant in accordance with the form determined by the Cabinet member responsible for Health, which form shall be specified in directions issued in terms of [regulation 4](#).

(3) The Cabinet member responsible for Health must, after consultation with the Chairperson of the appeal panel, issue directions in terms of [regulation 4](#) setting out-

- (a) procedures for instituting and submitting claims to the Scheme, including the form to be used for submitting claims;
- (b) procedures for claims to be assessed by assessors of the causality and quantum panels, and adjudicated by the adjudication panel; and
- (c) procedures for appealing any decision of the adjudication panel.

(4) Whenever necessary for purposes of dealing with a claim, the Director-General: Health shall designate:

- (a) One or more assessors of the causality panel to assess the claim in terms of [regulation 97](#);
- (b) one or more assessors of the quantum panel to assess the claim in terms of [regulation 98](#); and
- (c) the required number of members of the adjudication panel to adjudicate the claim in terms of [regulation 99](#).

[Reg. 95 added by GN 376 of 22 April 2021.]

96. Effect of submission of claims on right to claim damages in court proceedings.-(1) Any person who elects to submit a claim to the Scheme thereby waives and abandons his or her right to institute legal proceedings

in a Court against any party for a claim arising from harm, loss or damage allegedly caused by a vaccine injury referred to in [regulations 93 \(3\)](#) and [\(4\) \(a\)](#), caused by the administration of a COVID-19 vaccine specified in terms of [regulation 93 \(4\) \(b\)](#), at a facility within the Republic specified in terms of [regulation 93 \(4\) \(c\)](#).

(2) The Cabinet member responsible for Health must ensure that the form for submitting a claim contemplated in [regulation 95 \(3\) \(a\)](#) explains in plain language that a claimant who submits a claim waives and abandons the rights set out in [subregulation \(1\)](#).

[[Reg. 96](#) added by GN 376 of 22 April 2021.]

97. Causality assessment.-(1) A claim submitted to the Scheme in the prescribed form will be assessed by the designated assessor or assessors of the causality panel.

(2) The assessor or assessors must make a recommendation as to whether the claim meets the requirements for eligibility.

(3) (a) If the assessor or assessors recommend that the claim does meet the requirements for eligibility, the quantum of the claim will then be assessed by the quantum panel in terms of [regulation 98 \(1\)](#).

(b) If the assessor or assessors recommend that the claim does not meet the requirements for eligibility, the claim will then be referred to the adjudication panel for adjudication in terms of [regulation 99 \(1\)](#).

[[Reg. 97](#) added by GN 376 of 22 April 2021.]

98. Quantum assessment.-(1) (a) A claim contemplated by [regulation 97 \(3\) \(a\)](#) will be assessed by the designated assessor or assessors of the quantum panel.

(b) The assessor or assessors must make a recommendation as to the quantum and structure of compensation for the claim.

(c) The claim will then be referred to the adjudication panel for adjudication in terms of [regulation 99 \(2\)](#).

(2) (a) A claim contemplated by [regulation 99 \(1\) \(a\)](#) will be assessed by the designated assessor or assessors of the quantum panel.

(b) The assessor or assessors must make a recommendation as to the quantum and structure of compensation for the claim.

(c) The claim will then be referred to the adjudication panel for adjudication of quantum in terms of [regulation 99 \(3\)](#).

[[Reg. 98](#) added by GN 376 of 22 April 2021.]

99. Adjudication of claims.-(1) A claim contemplated in [regulation 97 \(3\) \(b\)](#) will be adjudicated by the designated members of the adjudication panel, who must consider the recommendation made and make a decision on whether to-

(a) uphold the claim as complying with the requirements for eligibility and refer it for a quantum assessment in terms of section 97 (2); or

(b) reject the claim as not complying with the requirements for eligibility.

(2) A claim contemplated in [regulation 98 \(1\) \(c\)](#) will be adjudicated by the designated members of the adjudication panel, who must consider the recommendations and make a decision on whether to-

(a) uphold the claim as complying with the requirements for eligibility and determine the quantum and structure of compensation for the claim; or

(b) reject the claim as not complying with the requirements for eligibility.

(3) A claim contemplated in [regulation 98 \(2\) \(c\)](#) will be adjudicated by the designated members of the adjudication panel, who must consider the recommendation and determine the quantum and structure of compensation for the claim.

[[Reg. 99](#) added by GN 376 of 22 April 2021.]

100. Appeal and intervention by the Chairperson.-(1) A claimant who is dissatisfied by:

(a) the rejection of a claim by the adjudication panel; or

(b) the quantum and structure of compensation determined by the adjudication panel, may appeal such decision to the appeal panel.

(2) Any claim rejected by the adjudication panel in terms of [regulations 99 \(1\) \(b\)](#) or [99 \(2\) \(b\)](#) shall

automatically be lodged with the Chairperson, who shall have the power to *mero motu* intervene in such decision and refer it to the appeal panel, which may adjudicate the claim as though it had been appealed.

(3) The appeal panel hearing an appeal in terms of [subregulation \(1\)](#) or intervening in terms of [subregulation \(2\)](#) has wide powers to adjudicate the claim, including to-

- (a) confirm, vary or set aside the decision of the adjudication panel;
- (b) call for and receive new information or evidence relevant to the claim; and
- (c) appoint appropriately qualified persons to assist in the exercise of the powers under this regulation.

(4) Any decision of the appeal panel is final and binding, save for where a party seeks to review the decision in terms of the Promotion of Administrative Justice Act, 2000.

[[Reg. 100](#) added by GN 376 of 22 April 2021.]

101. Duration and termination of Scheme.-(1) This Chapter, the directions issued in terms hereof and the existence of the Scheme-

- (a) will not cease to operate or cease to be of force and effect merely because the State of National Disaster comes to an end; and
- (b) will continue to operate and be of force and effect until a notice is published by the Cabinet member responsible for Health, in consultation with the Cabinet member responsible for Finance, in the *Government Gazette* terminating the Scheme.

(2) The Scheme shall not be terminated until-

- (a) the period for the lodgement of claims with the Scheme has expired; and
- (b) all claims lodged with the Scheme have been finalized.

(3) Any funds which remain in the Scheme immediately before it is terminated shall be deposited into the National Revenue Fund, or shall otherwise be dealt with in terms of an Act of Parliament.

[[Reg. 101](#) added by GN 376 of 22 April 2021.]

102. Contact Details of the Scheme.-The contact details of the Scheme are as follows:

Council for Medical Schemes
Block A Ecogrades Office Park
420 Witch-Hazel Road
Eco Park
Centurion
e-mail: info@nfcfund.co.za
Telephone: 0861123267.

[[Reg. 102](#) added by GN 376 of 22 April 2021.]

TABLE 1 ADJUSTED ALERT LEVEL 4

[[Table 1](#) substituted by GNR.565 of 27 June 2021 and by GNR.610 of 11 July 2021.]

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 Adjusted Alert Level 4, 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. Political events and traditional community meetings (*izimbizo*).

5. Night clubs.
6. The land borders that remain closed, excluding the land borders contemplated in [regulation 26 \(1\)](#).
7. Initiation practices.
8. Post-initiation practices (*imigidi*).
9. Passenger ships for international leisure purposes, excluding small crafts, in line with health and border law enforcement.
10. Attendance of any sporting event by spectators.
11. Exclusions relating to public transport services as set out in the directions issued by the Cabinet member responsible for transport.
12. Exclusions relating to education services as set out in the directions issued by the Cabinet members responsible for education.

**TABLE 2
ADJUSTED ALERT LEVEL 3**

[[Table 2](#) added by GN 608 of 28 May 2020 and substituted by GN 714 of 25 June 2020, by GN 763 of 12 July 2020, by GN 846 of 31 July 2020, by GNR.1423 of 29 December 2020, by GNR.11 of 11 January 2021, by GNR.69 of 1 February 2021, by GNR.92 of 13 February 2021, by GNR.93 of 13 February 2021, by GNR.530 of 15 June 2021 and substituted by GNR.651 of 25 July 2021.]

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 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.	Night clubs.
4.	The land borders that remain closed, excluding the land borders contemplated in regulation 42 (1) .
5.	Passenger ships for international leisure purposes, excluding small crafts, in line with health and border law enforcement.
6.	Attendance of any sporting event by spectators.
7.	Exclusions relating to public transport services as set out in the directions issued by the Cabinet member responsible for transport.
8.	Exclusions relating to education services as set out in the directions issued by the Cabinet members responsible for education.

**TABLE 3
ADJUSTED ALERT LEVEL 2**

[[Table 3](#) added by GN 891 of 17 August 2020 and substituted by GNR.477 of 30 May 2021 and by GNR.869 of 12 September 2021.]

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 Adjusted Alert Level 2, 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 and cremation gatherings including "after-tears" gatherings.
3.	Night clubs.
4.	The land borders that remain closed, excluding the land borders contemplated in regulation 59 (1) .
5.	Passenger ships for international leisure purposes, excluding small crafts, in line with health and border law enforcement.
6.	Attendance of any sporting event by spectators.
7.	Exclusions relating to public transport services as set out in the directions issued by the Cabinet member responsible for transport.
8.	Exclusions relating to education services as set out in the directions issued by the Cabinet members responsible for education.

**TABLE 4
ADJUSTED ALERT LEVEL 1**

[Table 4 added by GN 999 of 18 September 2020, amended by GN 1053 of 1 October 2020, by GN 1104 of 21 October 2020 and by GN 1199 of 11 November 2020, substituted by GN 1290 of 3 December 2020 and by GN 1346 of 15 December 2020, amended by GN 1370 of 17 December 2020 and by GN 1421 of 24 December 2020 and substituted by GNR.152 of 28 February 2021, by GNR.960 of 30 September 2021 and amended by GNR.1024 of 11 October 2021..]

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 Adjusted Alert Level 1, 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 and cremation gatherings including "after-tears" gatherings.
3.	Night clubs.
4.	The land borders that remain closed, excluding the land borders contemplated in regulation 75 (1) .
5.
6.	Exclusions relating to public transport services as set out in the directions issued by the Cabinet member responsible for transport.
7.	Exclusions relating to education services as set out in the directions issued by the Cabinet members responsible for education.

ANNEXURE A

[Annex. A amended by GN 608 of 28 May 2020, by GN 763 of 12 July 2020, by GN 999 of 18 September 2020, by GNR.11 of 11 January 2021, by GNR.152 of 28 February 2021, by GNR.565 of 27 June 2021 and by GNR.610 of 11 July 2021 and by GNR.1715 of 1 February 2022.]

**FORM 1
ORDER FOR A PERSON TO GO TO A SITE OF ISOLATION, OR FOR A PERSON TO GO FOR MEDICAL EXAMINATION**

[Regulation 7 (2).]

**IN THE MAGISTRATES COURT FOR THE DISTRICT OF HELD
AT ON THIS DAY OF
20....**

BEFORE ME MAGISTRATE FOR

THE

AFOREMENTIONED DISTRICT IN CHAMBERS

WHEREAS it appears that (name of person)

Being a person:

who has been clinically confirmed as having COVID-19 and who refused to-

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

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

submit to mandatory prophylaxis, treatment, or isolation in order to prevent transmission.

I hereby issue an order for the submission of the said person to a medical examination, including the taking of any bodily sample by a person authorised in law.

Signed at, on this day of20...

.....

MAGISTRATE

Official stamp

NOTE: This order remains in force until-

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

FORM 2

***PERMIT TO PERFORM AN ESSENTIAL/PERMITTED SERVICE**

[Regulations *16 (2) (b)/28 (4)/33 (1A).]

[Form 2 substituted by GN 763 of 12 July 2020.]

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

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

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

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

Surname

Full names

Identity number

Place of residence of employee

Signed at, on this theday of 2020.

.....

Signature of Head of Institution

Official stamp of Institution

* Delete whichever is not applicable

FORM 3
PERMIT FOR THE MOVEMENT OF CHILDREN TO TRAVEL TO ANOTHER PROVINCE/METROPOLITAN AREA/DISTRICT

[Regulation 17 (1) (c).]

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

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

BEFORE ME MAGISTRATE FOR THE AFOREMENTIONED DISTRICT IN CHAMBERS

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

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

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

Signed at this day of 2020.

.....
 Magistrate issuing

Official stamp

FORM 3A
CERTIFICATE FOR LEARNERS OR STUDENTS TO TRAVEL TO ANOTHER PROVINCE/METROPOLITAN AREA/DISTRICT

[Regulation 34 (5).]

[Form 3A inserted by GN 608 of 28 May 2020.]

Note: This certificate and an identity document/drivers licence must be in the possession of the learner/student to whom this certificate is issued

I,

Full names:	
Surname:	
Identity number:	

Name of school/institution						
Address of school/institution						
Province of school/institution						
Metropolitan area/district of school/institution						
Contact details.	Cell nr		Tel No (h)		e-mail address	

In my capacity as *Head/delegated person of the above-mentioned *school/institution, hereby declare that the undermentioned *learner/student, is a *learner/student at this *school/institution, and needs to travel between different *provinces/metropolitan areas/districts for education

Full names of learner/student:						
Surname of learner/student:						
Residential address:						
Province of residence:						
Metropolitan area/district of residence:						
Full names of primary caregiver:						
Contact details of primary caregiver:	Cell nr		Tel No (h)		e-mail address	

Signed at on this day of 2020.

.....
*Head/delegated person of *school/institution

Official Stamp

FORM 3B
PERMIT TO TRANSPORT LEARNERS OR STUDENTS TO ANOTHER PROVINCE/METROPOLITAN AREA/DISTRICT
[Regulation 34 (7).]

[Form 3B inserted by GN 608 of 28 May 2020.]

Note: This permit and an identification document/drivers licence must be in the possession of the person to whom this permit is issued

I,

Full names:						
Surname:						
Identity number:						
Name of school/institution						
Address of school/institution						
Province of school/institution						
Metropolitan area/district of school/institution						
Contact details.	Cell nr		Tel No (h)		e-mail address	

In my capacity as *Head/delegated person of the above-mentioned *school/institute, hereby declare that the undermentioned person, transports learners or students from this *school/institute between different *provinces/metropolitan areas/districts.

Full names:						
Surname:						
Province travelling from:						
Metropolitan area/district traveling from:						
Vehicle registration number:						
Contact details of driver:	Cell nr		Tel No (h)		e-mail address	

Signed at on this day of 2020.

.....
**Head/delegated person of *school/institution*



**FORM 4
 PERMIT TO TRAVEL TO AND FROM GAUTENG OTHER FOR A FUNERAL**

[Form 4 substituted by GNR.565 of 27 June 2021.]

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

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

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

(b) the police station at

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

Full names:

Surname:

Identity number

Address of place of residence:

Province of residence:

Contact details: Cell nr Tel No (h) e-mail address

Province travelling to:

Date of funeral:

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

Signed at this day of 20.....

.....
**Person issuing permit*

Official stamp

**FORM 5
 SWORN AFFIDAVIT BY PERSON WHO WISHES TO ATTEND A FUNERAL IN ANOTHER PROVINCE/METROPOLITAN AREA/DISTRICT**

[Regulations 18 (7).]

- Note:** 1. A person giving false information on this affidavit shall be guilty of an offence and, on conviction, liable to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.
2. This affidavit may only be sworn to or affirmed at a magistrate's court or police station.

I,

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

Hereby declare under oath with regards to the deceased:

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

***OATH/AFFIRMATION**

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

Signed at, on this the day of
2020.

.....
Signature of person making affidavit

CERTIFICATION

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

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

Answer:

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

Answer:

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

Answer:

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

Signed at this d a y o f
2020.

.....
*Justice of the Peace/Commissioner of Oaths

F u l l n a m e s :

.....
Designation:

.....
B u s i n e s s a d d r e s s :

.....
.....
.....

* Delete which is not applicable.

FORM 6
SWORN AFFIDAVIT BY PERSON WHO INTENDS TO TRAVEL TO AND FROM ANOTHER PROVINCE DURING ADJUSTED ALERT LEVEL 4

[Form 6 added by GN 608 of 28 May 2020 and substituted by GNR.565 of 27 June 2021 and by GNR.610 of 11 July 2021.]

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

I,

Full names:

Surname:

Identity number:

Address of place of residence:

Province of residence:

Contact details:	Cell nr	Tel No (h)	e-mail address
------------------	---------	------------	----------------

(Please indicate with an "X")

Hereby declare under oath that I am-

moving to a new place of residence;

caring for an immediate family member;

obtaining medical treatment;

returning to their place of residence from a quarantine or isolation facility; and

transiting through Gauteng,

that requires travel across Provinces during Adjusted Alert Level 4.

***OATH/AFFIRMATION**

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

Signed at on this day of
20.....

.....
Signature of deponent

CERTIFICATION

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

indicated below:

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

Answer:

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

Answer:

(c) Do you consider the *oath/affirmation to be binding on your conscience?

Answer:

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

Signed at on this day of
20.....

.....
*Justice of the Peace/Commissioner of Oaths

FORM 7
PERMIT TO TRAVEL TO PERFORM A SERVICE

[Form 7 added by GN 999 of 18 September 2020 and substituted by GNR.11 of 11 January 2021, by GNR.152 of 28 February 2021, by GNR.477 of 30 May 2021, by GNR.530 of 15 June 2021, by GNR.565 of 27 June 2021, by GNR.651 of 25 July 2021 and by GNR.869 of 12 September 2021.]

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

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

Surname:

Full names:

Identity number:

Contact details:

Cell nr.

Tel nr (w)

Tel nr (h)

E-mail address

Physical Address of Institution:

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

Surname:

Full names:

Identity number:

Place of residence of employee:

Signed at, on this the day of
..... 20.....

Official stamp of Institution

.....

Signature of Head of Institution

ANNEXURE B
ESSENTIAL GOODS FOR IMPORT
[\[Regulation 22 \(1\).\]](#)

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

ANNEXURE C
PERMITTED GOODS FOR EXPORT

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

**ANNEXURE D
ESSENTIAL SERVICES**

[Annex. [D](#) amended by GNR.1715 of 1 February 2022.]

- A: Essential and permitted services referred to in section 16 (3) of the Regulation shall refer to-
- (a) the list of essential services as set out in B below; and
 - (b) such other service as are set out in Alert Level 4 and where the technological, industrial, structural or similar requirement of the service necessitates a continuous or shift operation, as set out in directions, as set out below.
- B Essential services means the services as defined in [section 213](#) of the Labour Relations Act, 1995 (Act [No. 66 of 1995](#)), and designated in terms of section 71 (8) of the Labour Relations Act, 1995 (and which designation remains valid as at the date of publication of this regulation), and as listed below-
1. Medical, Health (including Mental Health), Laboratory and Medical services and the National Institute for Communicable Diseases;
 2. Disaster Management, Fire Prevention, Fire Fighting and Emergency services;
 - 3.1 (a) The following services necessary to maintain the functioning of a financial system as defined in section 1 (1) of the Financial Sector Regulation Act, only when the operation of a place of business or entity is necessary to continue to perform those services-
 - (i) the banking environment (including the operations of mutual banks, co-operative banks, co-operative financial institutions and the Postbank);
 - (ii) the payments environment;
 - (iii) the financial markets (including market infrastructures licensed under the Financial Markets Act, 2012 (Act [No. 19 of 2012](#));
 - (iv) the insurance environment;
 - (v) the savings and investment environment;
 - (vi) pension fund administration;
 - (vii) outsourced administration;
 - (viii) medical schemes administration; and
 - (ix) additional services set out in directions.
 - (b) The services listed in [paragraph \(a\)](#) may not be construed to include debt collection services.
 - 3.2 Services necessary for the provision of social grants.
 4. Production and sale of the goods listed in [Annexure B](#);
 5. Whole sale and retail stores for re-stocking;
 6. Electricity (including vital demand management services), water, gas and fuel production, supply and maintenance;
 7. Critical jobs for essential government services as determined by Head of National or Provincial Departments in accordance with the guidance of the Department of Public Service and Administration, including Social Grant Payments and pension payments;
 8. Essential municipal services;
 9. Care services and social relief of distress provided to older persons, mentally ill, persons with disabilities, the sick, and children;
 10. Funeral and cremation services, including mortuaries services and the transportation of mortal remains;
 11. Wildlife Management. Anti-poaching, Animal Care and Veterinary services;
 12. Newspaper, broadcasting and telecommunication infrastructure and services, including call centres critical for the support of such services;
 13. Production and sale of any chemicals, hygiene products, pharmaceuticals for the medical or retail sector;
 14. Cleaning, sanitation, pest control, sewerage, waste and refuse removal services;
 15. Services related to the essential functioning of courts, judicial officers, the Master of the High Court, Sheriffs and legal practitioners required for those services;
 16. Essential SARS services defined by the Commissioner of SARS;

17. Police, peace officers, traffic officers, military medical personnel and soldiers, correctional services officials and traffic management services;
18. Postal services and courier services related to transport of medical products;
19. Private security services;
20. Air-traffic Navigation, Civil Aviation Authority, air charters, Cargo Shipping and dockyard services;
21. Gold, gold refinery, coal and mining;
22.
[Item 22 deleted by GNR.1715 of 1 February 2022.]
23. Production, manufacturing, supply, logistics, transport, delivery, critical maintenance and repair in relation to the rendering of essential services including components and equipment;
24. Transport services for persons rendering essential services and goods, and transportation of patients;
25. Services rendered by the Executive, members of Parliament, Members of the Provincial Legislature, Members of Local Councils, the Judiciary, traditional leaders and National Office Bearers of Political Parties represented in Parliament;
- 26.1 Commissioners of the South African Human Rights Commission, Gender Commission, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, the Public Protector and Deputy Public Protector and the Independent Electoral Commission; and
- 26.2 Services rendered by the institutions referred to in item 26.1
27. Transport and logistics in respect of cargo and goods as set out in Part A to neighbouring countries;
28. Tow trucks and vehicle recovery services;
29. Call centres necessary to provide health, safety, social support, government and financial services, debt restructuring for consumers of retailers, and access to short-term insurance policies as a result of reduced income or loss of income;
30. Harvesting and storage activities essential to prevent the wastage of primary agricultural goods;
31. Implementation of payroll systems to the extent that such arrangement has not been made, to ensure timeous payments to workers; and
32. Critical maintenance services which cannot be delayed for more than 21 days and are essential to resume operations;
33. Trades necessary for the rendering of emergency repair work, including plumbers, electricians, locksmiths, glaziers, roof repair work;
34. Trades necessary for emergency automobile repairs for persons rendering essential services;
35. Information and Communication Technology services rendered to entities and institutions engaged in delivering essential services in terms of these Regulations.

**ANNEXURE E
WORKPLACE PLANS**

[Regulation 16 (6) (b).]

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

For small businesses, the plan can be basic reflecting the size of the business, while for medium and larger businesses, a more detailed written plan should be developed given the larger numbers of persons at the workplace.

The Plan for medium and large businesses must include the following-

1. The date the business will open and the hours of opening;
2. The timetable setting out the phased return-to-work of employees, to enable appropriate measures to be taken to avoid and reduce the spread of the virus in the workplace;
3. The steps taken to get the workplace COVID-19 ready;
4. A list of staff who can work from home; staff who are 60 years or older; and staff with comorbidities who will be required to stay at home or work from home;
5. Arrangements for staff in the establishment-
 - (a) sanitary and social distancing measures and facilities at the entrance and exit to the workplace;
 - (b) screening facilities and systems;
 - (c) the attendance-record system and infrastructure;
 - (d) the work-area of employees;
 - (e) any designated area where the public is served;
 - (f) canteen and bathroom facilities;

- (g) testing facilities (for establishments with more than 500 employees);
 - (h) staff rotational arrangements (for establishments where fewer than 100% of employees will be permitted to work).
6. Arrangements for customers or members of the public, including sanitation and social distancing measures.

**GNR.1896 of 15 March 2022: Code of Practice: Managing Exposure to SARS-COV-2 in the Workplace, 2022
(Government Gazette No. 46058)**

(General Note: This Notice replaces GNR.1876 published in *Government Gazette* 46043 of 15 March 2022)

DEPARTMENT OF EMPLOYMENT AND LABOUR

Notice is hereby given that the Code of Good Practice: Managing Exposure to SARS-CoV-2 in the Workplace set out in [the Schedule](#) is issued by the Minister of Employment and Labour after consideration by NEDLAC in terms of [section 203 \(2A\)](#) of the Labour Relations Act, 1995 (Act [No. 66 of 1995](#)) to take effect on the date of the lapsing of the Declaration of a National State of Disaster declared under GN 313 of 15 March 2020 and extended in terms of [section 27 \(2\)](#) of the Disaster Management Act, 2002 (Act [No. 57 of 2002](#)).

(Signed)

MR TW NXESI, MP

MINISTER OF EMPLOYMENT AND LABOUR

DATE: 15 MARCH 2022

SCHEDULE

CODE OF PRACTICE: MANAGING EXPOSURE TO SARS-COV-2 IN THE WORKPLACE, 2022

ARRANGEMENT OF CODE OF PRACTICE

[CHAPTER 1](#)

Introductory Provisions

- [1.](#) Introduction
- [2.](#) Purpose of this Code
- [3.](#) Interpretation
- [4.](#) Application

[CHAPTER 2](#)

Risk Assessment and Plan

- [5.](#) Risk assessment and plan
- [6.](#) Contents of risk assessment and plan

[CHAPTER 3](#)

Administrative Measures

- [7.](#) Notification of workers
- [8.](#) Symptom reporting by workers
- [9.](#) Isolation of workers
- [10.](#) Ventilation
- [11.](#) Specific personal protective equipment
- [12.](#) Vaccination of employees
- [13.](#) Small businesses
- [14.](#) Worker obligations
- [15.](#) Refusal to work
- [16.](#) No deduction from employee's remuneration
- [17.](#) Monitoring and enforcing this Code
- [18.](#) Limited application to mines, mining areas and works
- [19.](#) Amendment of footnotes

1. Introduction.-(1) A national state of disaster to counter the magnitude and severity of the COVID-19 outbreak was declared on 15 March 2020 in terms of [section 27\(1\)](#) of the Disaster Management Act, 2002 (Act [No. 57 of 2002](#)).

(2) On 29 April 2020 the Minister responsible for Cooperative Government and Traditional Affairs published Regulations in terms of section 27 (2) of that Act, which Regulations were amended to respond to the changing circumstances of the pandemic. Those Regulations included measures that applied to the workplace.

(3) On 29 April 2020 the Minister responsible for Employment and Labour published a Direction on Occupational Health and Safety Measures in Certain Workplaces in terms of regulation 4(10) of those Regulations, which amended and consolidated to respond to the changing circumstances of the pandemic.

(4) On the expiry of the declaration of the national state of disaster, the Regulations and the Direction will cease to have legal effect. Because there remains an ongoing need to prevent and mitigate the risks associated with SARS-CoV-2 exposure in the workplace, it is necessary to incorporate those provisions in the Regulations and the Direction relevant to preventing and mitigating those risks.

(5) The Occupational Health and Safety Act, 1993 (Act [No. 85 of 1993](#))(OHSA), read with its regulations and incorporated standards, requires the employer to provide and maintain as far as is reasonably practicable a working environment that is safe and without risks to the health of workers and to take such steps as may be reasonably practicable to limit or mitigate the hazard or potential hazard.

(6) The OHSA further requires employers, to ensure, as far as is reasonably practicable, that all persons who may be directly affected by their activities (such as customers, clients or contractors and their workers who enter their workplace or come into contact with their employees) are not exposed to hazards to their health or safety. This obligation also applies to self-employed persons (for example, plumbers or electricians) whose working activities bring them into contact with members of the public.

(7) For the purposes of OHSA in the workplaces to which this Code applies, the identifiable hazard relating to COVID-19 faced by workers, is the virus infecting a worker, the virus transmission by an infected person to other workers in the workplace and the risk of serious illness or death if infected. In workplaces to which the public has access, the hazard includes transmission of the virus by members of the public. Each situation requires special measures to be implemented by employers in order to prevent infection and transmission of the virus or mitigate the risk of serious illness or death.

(8) The Regulations for Hazardous Biological Agents, 2022 (HBA Regulations)¹ list coronavirus as a listed hazardous biological agent, classed as Group 3. It therefore places legal responsibilities on employers in respect of employers to limit the exposure and mitigate the risks of infection by SARS-CoV-2.

(9) The primary obligation is to conduct a risk assessment in terms of [regulation 6](#) to determine the risk of exposure and the control measures to limit infection, transmission and mitigate the risk of serious illness or death on the part of employees and other persons who may be directly affected by the activities of the workplace.

Footnotes

1 [link]

2. Purpose of this Code.-(1) A purpose of this Code is to guide employers and employees in managing exposure to SARS-CoV-2 in the workplace by providing guidance to employers and employees in-

- (a) conducting or updating a risk assessment in terms of the OHSA and the HBA in respect of SARS-CoV-2 exposure;
- (b) developing a plan to limit infection, transmission and mitigate the risks of serious illness or death on the basis of that risk assessment;
- (c) implementing the plan;
- (d) managing absence from work due to infection, isolation and adverse effects of vaccination;
- (e) seeking to accommodate employees who refuse or fail to vaccinate against SARS-CoV-2 .

(2) Another purpose of this Code is to require any person interpreting an employment law to take this Code into account in respect of any matter arising from its application. This includes employees, trade unions, employers, employers' organisations, inspectors, conciliators, arbitrators and judges.

(3) To the extent that this Code advances an interpretation of the law, that interpretation is the policy of the Minister and the Department and should be applied unless that interpretation is reversed by a decision of the courts.

(4) Apart from those provisions of this Code that reproduce the obligations contained in the employment laws, the Code is intentionally general because workplaces and their requirements differ. Accordingly departures from the non-obligatory provisions of this Code may be justified in appropriate circumstances. Any employer or

employee who departs from them must demonstrate justifiable reasons for doing so.

3. Interpretation.-(1) In this Code, a word or expression bears the meaning assigned to it in the Basic Conditions of Employment Act, 1997 (Act [No. 75 of 1997](#)) or the Occupational Health and Safety Act, 1993 (Act [No. 85 of 1993](#)) and unless the context otherwise indicates-

"adverse event following immunisation" means an adverse event caused by a SARS-CoV-2 vaccination and includes adverse events following immunization as categorised by the WHO²;

"BCEA" means the Basic Conditions of Employment Act, 1997 (Act [No. 75 of 1997](#));

"COVID-19" means Coronavirus Disease 2019 as a result of infection of the SARS-CoV-2 virus;

"Department" means the Department of Employment and Labour;

"EVDS" means the Government's Electronic Vaccination Data System³;

"HBA Regulations" means Regulations for Hazardous Biological Agents promulgated in terms of section 43 of OHSA in GN R..... of 2022;

"inspector" means a person-

- (a) designated as an inspector in terms of section 28 of OHSA;
- (b) with the approval of the Minister responsible for Transport, a railway safety inspector appointed in terms of [section 32](#) of the National Railway Safety Regulator Act, 2002 (Act [No. 16 of 2002](#)) in respect of a "network" and a "railway operation" as those terms are defined in that Act;
- (c) law enforcement officers appointed with public health responsibilities by a local authority authorised in terms of section 17(1);

"LRA" means the Labour Relations Act, 1995 (Act [No. 66 of 1995](#));

"NDOH" means the National Department of Health;

"OHSA" means the Occupational Health and Safety Act, 1993 (Act [No. 85 of 1993](#));

"PPE" means personal protective equipment contemplated in section 11;

"SAHPRA" means the South African Health Products Regulatory Authority in terms of the Medicines and Related Substances Act, 1965 (No. 1 of 1965);

"SARS-CoV-2" means severe acute respiratory syndrome coronavirus 2, the virus responsible for causing the coronavirus disease 2019 (COVID-19). SARS-CoV-2 has undergone numerous changes over time, resulting in the emergence of several variants. Some of these, that are likely to cause severe disease are referred to as "variants of concern" and include the Beta, Delta and Omicron variants.

"reasonable accommodation" means any modification or adjustment to a job or to the working environment that will allow an employee who fails or refuses to be vaccinated to remain in employment and incorporates the relevant portions of the Code of Good Practice: Employment of People with Disabilities published in terms of the Employment Equity Act, 1999 (Act 97 of 1999);

"vaccination certificate" means a certificate issued by the EVDS or a COVID-19 Vaccination Record Card issued by the NDOH or any other digital certificate issued outside the Republic and recognised by the NDOH;

"vaccinated" means fully vaccinated with vaccines and includes an additional dose or booster and **"vaccination"** has the same meaning;

"vaccines" means the COVID-19 vaccines and boosters that have been scientifically evaluated and recommended by the WHO and registered or authorised by SAHPRA to be effective in preventing severe disease and death;

"virus" means the SARS-CoV-2 virus;

"worker" means any person who works in an employer's workplace including an employee of the employer or contractor, a self-employed person or volunteer⁴; and

"workplace" means any premises of an employer or place where a person performs work.

Footnotes

2 <https://vaccine-safety-training.org/adverse-events-classification.html>

3 <https://www.gov.za/covid-19/vaccine/evds>

4 The distinction between 'worker' and 'employee' in this Code is used to ensure that all persons who in work in a workplace are protected and to locate the responsibility in respect of certain obligations imposed on the employer in respect of its employees such as an application for illness benefits or worker's compensation.

4. Application.-(1) Subject to [subsections \(2\)](#) and [\(3\)](#), this Code applies to workplaces except those excluded from the OHS Act in terms of section 1 (3) of the OHS Act.⁵

(2) Despite the exclusion of mines, mining areas and works referred to in [subsection \(1\)](#), section 18 of this Code applies to these workplaces.

(3) Subject to the employer's obligations under the OHS Act to conduct a risk assessment, employers with less than 20 employees need only apply the measures set out in section 13.

CHAPTER 2

Risk Assessment and Plan

Footnotes

5 Section 1(3) of OHS Act excludes mines, mining areas or works in terms of the Minerals Act, 1991 (Act No. 50 of 1991) and ships, boats or cranes in terms of the Merchant Shipping Act, 1951 (Act [No. 57 of 1951](#)).

5. Risk assessment and plan.-(1) Every employer must-

- (a) undertake a risk assessment to give effect to its obligations under the OHS Act and the HBA Regulations;
- (b) on the basis of the risk assessment develop or amend its existing plan to include-
 - (i) any measures to be implemented in respect of the vaccination of its employees and, taking into account the intervals between vaccinations, the dates by which the employees must be fully vaccinated; and
 - (ii) any other protective measures contemplated section 6 (1) and (2);
- (c) consult on the risk assessment and plan with-
 - (i) any representative trade union as contemplated by section 14(1) of the LRA; and
 - (ii) any health and safety committee established in terms of section 19 of the OHS Act or, in the absence of such a committee, a health and safety representative designated in terms of section 17(1) of the OHS Act or employee representative; and
- (d) make that risk assessment and plan available for inspection by the trade union and committee contemplated in [paragraph \(c\)](#) and an inspector.

6. Contents of risk assessment and plan.-(1) The risk assessment and plan referred to in section 5 (1)(b) must include-

- (a) the identification of the employees contemplated in paragraph (i) of that section;
- (b) the reporting of symptoms by employees and isolation of employees who are diagnosed with COVID-19 and are symptomatic;
- (c) the workplace protective measures required to be taken in terms of the HBA Regulations including personal protective equipment and ventilation;
- (d) a procedure to resolve any issue that may arise from the HRA by an employee of the right to refuse to work in the circumstances contemplated in section 15 (1); and
- (e) the process by which the obligations under this Code will be complied with.

(2) The risk assessment and plan referred to in section 5 (1)(b) may include-

- (a) social distancing measures including minimising the number of workers in the workplace through rotation, staggered working hours, shift and remote working arrangements;
- (b) PPE measures contemplated in section 11;
- (c) personal hygiene measures such as the wearing of facecloth masks, barriers, hand washing, sanitisers and surface disinfectants;
- (d) any special measures to mitigate the risk of infection or serious illness or death in respect of individual employees at increased risk such as reducing the numbers in and the duration of occupancy in meeting rooms.

(3) In developing and implementing a plan in terms of subsection (1)(b)(i), an employer must comply with section 12.

7. Notification of workers.-(1) An employer must notify workers on its premises of the contents of this Code and its plan contemplated in section 5(1)(b) and the manner in which it intends to implement it.

(2) It must provide workers with information that raises awareness in any form or manner, including, where reasonably practicable, leaflets and notices placed in conspicuous places in the workplace informing workers of-

- (a) the dangers of the virus, the manner of its transmission, the measures to prevent infection or limit transmission such as personal hygiene, social distancing, use of facecloth masks and cough etiquette;
- (b) the symptoms associated with COVID-19 as described from time to time by the clinical guidelines published by the National Institute of Communicable Diseases⁶;
- (c) the nature of vaccines used in the country, the benefits associated with these COVID-19 vaccines, the contra-indications for vaccination and the nature and risk of any serious side effects⁷.

Footnotes

6 <https://www.nicd.ac.za/diseases-a-z-index/disease-index-covid-19/covid-19-guidelines/guidelines-for-case-finding-diagnosis-management-and-public-health-response/>

7 See the information supplied in the NIOH site: <https://www.nicd.ac.za/covid-19-vaccine-faq/>

8. Symptom reporting by workers.-(1) Every employer must take measures-

- (a) to determine the vaccination status of their workers;
- (b) to require workers to immediately inform their employer if they experience any of the symptoms associated with COVID-19 contemplated in section 7(2)(b).

(2) Subject to [subsection \(3\)](#), if an employee informs their employer that they experience COVID-19-related symptoms, the employer may require the employee to be tested for COVID-19 before permitting the employee to enter the workplace or report for work.

(3) [Subsection \(2\)](#) does not apply to workers who report the presence of COVID-19 symptoms between one to three days after vaccination.

9. Isolation of workers.-(1) Workers who have been diagnosed with COVID-19 and are symptomatic must-

- (a) inform their employer; and
- (b) isolate themselves for the period as recommended by the National Department Health⁸, unless a longer period is recommended by a medical practitioner.

(2) In the circumstances contemplated in [subsection \(1\)](#) or section 8(2), an employer must-

- (a) place the employee on paid sick leave in terms of section 22 of the BCEA or if the employee's sick leave entitlement under the section is exhausted, make application for an illness benefit in terms of [section 20](#) of the Unemployment Insurance Act, 2001 (Act [No. 63 of 2001](#));
- (b) take steps to ensure that the employee is not discriminated against on grounds of having tested positive for SARS-CoV-2 in terms of [section 6](#) of the Employment Equity Act, [55 of 1998](#); and
- (c) if there is evidence that the worker contracted COVID-19 arising out and in the course of employment, lodge a claim for compensation in terms of the Compensation for Occupational Injuries and Diseases Act, [130 of 1993](#), in accordance with Notice No. 629 published on 22 October 2019.⁹

Footnotes

8 <https://sacoronavirus.co.za/2022/02/18/circular-changes-to-covid-19-quarantine-isolation-and-contact-tracing/>

9 GNR 387 GG 4350 of 23 July 2020.

10. Ventilation.-(1) In accordance with its obligation under the OHSA, [regulation 5](#) of the Environmental Regulations for Workplaces¹⁰ and the HBA Regulations, every employer must-

- (a) keep the workplace well ventilated by natural or mechanical means to reduce the SARS-CoV-2 viral load;

- (b) identify areas in the workplace that are usually occupied and poorly ventilated, and improve ventilation through-
 - (i) natural ventilation including opening doors, windows and vents and where possible cross ventilation in preference to single-sided ventilation;
 - (ii) ventilation through the use of fans, air conditioners or mechanical ventilation.
- (c) where reasonably practicable, have an effective mechanical ventilation system that-
 - (i) is technically assessed to be functioning effectively and in accordance with the manufacturer's instructions;
 - (ii) is regularly serviced and maintained by a competent person in particular that ventilation filters are cleaned and replaced in accordance with the manufacturer's instructions;
 - (iii) supplies fresh air at an adequate ventilation rate;
 - (iv) does not have ventilation vents that feed-back through open windows;
 - (v) does not recirculate the air; and
 - (vi) if appropriate in terms of the Guidelines referred to in [paragraph \(d\)](#), have High Efficiency Particulate Air Filters; and
- (d) ensure that ventilation is in accordance with the NDOH Guidelines for ventilation to prevent the spread of SARS-CoV-2 virus.¹¹

Footnotes

- 10 Environmental Regulations for Workplaces [GNR 2281 of 16 October 1987](#).
- 11 <https://www.nioh.ac.za/wp-content/uploads/2021/08/V1.1-Guidelines-for-ventilation-to-prevent-the-spread-of-the-SARS-CoV-2-virus-FINAL.pdf>

11. Specific personal protective equipment.-Every employer must check regularly on the websites of the National Department of Health¹², National Institute of Communicable Diseases¹³ and the National Institute for Occupational Health¹⁴ whether any specialised PPE for COVID-19 is required or recommended in any guidelines based on the nature of the workplace or the nature of a worker's duties and the associated level of risk.

Footnotes

- 12 <http://www.health.gov.za/>.
- 13 <https://www.nicd.ac.za/>.
- 14 <http://www.nioh.ac.za/>.

12. Vaccination of employees.-(1) Every employer must in accordance with the measures contemplated in section 5 (1)(b)(i)-

- (a) notify the employee identified in terms of section 6(1)(a) of the obligation to be vaccinated;
- (b) counsel the employee on the issues related to vaccines in section 7 (1)(c);
- (c) permit the employee, at the employee's request, to consult a health and safety representative, a worker representative or a trade union official;
- (d) give administrative support to the employees to register and to access their COVID-19 vaccination certificates on the EVDS Portal for SARS-CoV-2¹⁵; and
- (e) give the employee paid time off to be vaccinated and provide transport for the employee to and from the nearest vaccination site.

(2) In giving effect to this Code, an employer may require its employees to disclose their vaccination status and to produce a vaccination certificate.

(3) Should an employee suffer a vaccine adverse event that renders them unable to work, the employer must-

- (a) on receipt of a medical certificate, give the employee paid time off to recover if the employee is no longer entitled to paid sick leave in terms of the BCEA or any applicable collective agreement; or
- (b) subject to any regulations in respect of a COVID-19 Vaccine Injury No- Fault Compensation Scheme¹⁶, lodge a claim for compensation in terms of the Compensation for Occupational Injuries and Diseases Act, [130 of 1993](#).

(4) If an employee refuses to be vaccinated, the employer must-

- (a) counsel the employee and, if requested, allow the employee to seek guidance from a health and safety representative, worker representative or trade union official;
- (b) take steps to reasonably accommodate the employee in a position that does not require the employee to be vaccinated.

(5) If an employee produces a medical certificate attesting that an employee has contra-indications for vaccination, the employer may refer the employee for a medical evaluation for confirmation at the employer's expense.

(6) If the employer accepts the medical certificate or the employee is referred to medical evaluation and that evaluation confirms that the employee has contra-indications for vaccination, it must accommodate the employee in a position that does not require the employee to be vaccinated.

Footnotes

15 vaccine.enroll.health.gov.za/#/

16 GNR 376 GG 44485 of 22 April 2021.

13. Small businesses.-Employers with 20 employees or less must-

- (a) undertake a risk assessment of the workplace and take any reasonably practicable measure that may mitigate the risk of infection and transmission of the virus or the risk to employees of serious illness or death contemplated in section 6(2) and (3);
- (b) comply with section 12 if a measure contemplated in section 5 (1)(b)(i) is introduced;
- (c) if an employee has COVID-19 related symptoms-
 - (i) refuse to allow the employee to enter the workplace;
 - (ii) comply with section 9;
- (d) to the extent reasonably practicable, ventilate occupied closed spaces in the workplace in accordance with section 10(1).

14. Worker obligations.-In addition to the obligations of employees under the OHS Act and the HSA Regulations, every worker is obliged to comply with the employer's plan contemplated in section 5 (1)(b).

15. Refusal to work.-(1) An employee may refuse to perform any work if circumstances arise which, with reasonable justification, appear to that employee or to a health and safety representative to pose an imminent and serious risk of their exposure to SARS-CoV-2 virus infection.

(2) An employee who has refused to perform work in terms of [subsection \(1\)](#) must, as soon as is reasonably practicable, notify the employer, either personally or through a health and safety representative, of the refusal and the reason for the refusal.

(3) Every employer that has been notified in terms of this section must-

- (a) after consultation with the health and safety committee or, if there is no committee, a health and safety representative, endeavour to resolve any issue that may arise from the exercise of the right in terms of [subsection \(1\)](#);
- (b) if the matter cannot be resolved internally, notify an inspector¹⁷ of the issue within 24 hours and advise the employee and all other parties involved in resolving the issue that an inspector has been notified; and
- (c) comply with any prohibition issued by an inspector in terms of section 30 of the OHS Act.

(4) [Subsection \(1\)](#) applies whether or not the person refusing to work has used or exhausted any other applicable external or internal procedure.

(5) No person may benefit from, or promise any benefit to any person for, not exercising his or her right in terms of [subsection \(1\)](#).

(6) No person may threaten to take any action against a person because that person has exercised or intends to exercise the right in terms of [subsection \(1\)](#).

(7) No employee may be dismissed, disciplined, prejudiced or harassed for refusing to perform any work as contemplated in [subsection \(1\)](#).

(8) If there is a dispute as to whether [subsection \(7\)](#) has been contravened, the employee may refer the dispute to the Commission for Conciliation, Mediation and Arbitration or an accredited bargaining council for conciliation and arbitration in accordance with the procedures contained in [section 191](#) of the Labour Relations Act,

(9) If the arbitrator, appointed as contemplated in [subsection \(8\)](#), finds that the employer has contravened [subsection \(7\)](#), the arbitrator may make any appropriate order contemplated in section 193, read with 194(3) or (4) of the Labour Relations Act, 1995.

Footnotes

17 Notification by contacting the relevant provincial inspectorate at the telephone numbers listed in Annexure C or at an address in <http://www.labour.gov.za/Contacts/Provincial-offices>.

16. No deduction from employee's remuneration.-No employer may make any deduction from an employee's remuneration or require or permit an employee to make any payment to the employer or any other person, in respect of anything which the employer is obliged to provide or to do in terms of this Code.

17. Monitoring and enforcing this Code.-(1) To the extent that this Code gives effect to the OSHA, the Minister responsible for Employment and Labour may authorise local authorities to perform certain inspectorate functions in terms of section 42(3) of the OSHA.

(2) In so far as any contravention of this Code constitutes a contravention of an obligation or prohibition under the OSHA or HBA Regulations-

(a) an inspector may perform any of the functions in section 29 of the OSHA and exercise any of the powers listed in section 30 of the OSHA to monitor compliance with this Code;

(b) the offences and penalties provided for in section 38 of the OSHA apply.

(3) An inspector may, for the purpose of promoting, monitoring and enforcing compliance with the OSHA and the HBA Regulations, advise employees and employers of their rights and obligations in accordance with section 64 of the BCEA.

18. Limited application to mines, mining areas and works.-If an employer of a mine, mining area or works requires its employees to be vaccinated as part of its mandatory code of practice prepared and implemented in terms of the Guideline for the Compilation of a Mandatory Code of Practice for the Prevention, Mitigation and Management of COVID-19 Outbreak¹⁸, section 12(4), (5) and (6) applies to any employee who refuses or fails to be vaccinated.

Footnotes

18 GN 701 of 6 August 2021GG 44947.

19. Amendment of footnotes.-The Minister may from time to time amend and publish the footnotes to this Code online on the Department's website without issuing an amended Code in order to update the links and references that the footnotes contain.