

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**DEPARTMENT OF CO-OPERATIVE GOVERNANCE**

NO. R. 1915

22 March 2022

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

I, Dr Nkosazana Dlamini Zuma, Minister of Cooperative Governance and Traditional Affairs, designated under section 3 of the Disaster Management Act, 2002 (Act No. 57 of 2002), having declared a national state of disaster published by Government Notice No. 313 of 15 March 2020, and extended by Government Notices Nos. 646 of 5 June 2020, 765 of 13 July 2020, 889 of 15 August 2020, 995 of 14 September 2020, 1090 of 14 October 2020, 1225 of 14 November 2020, No. 1341 of 11 December 2020, No. R. 15 of 13 January 2021, No. R. 86 of 11 February 2021, No. R. 193 of 11 March 2021, No. 333 of 14 April 2021, No. R. 424 of 14 May 2021, No. R. 476 of 30 May 2021, No. R. 493 of 11 June 2021, No. R. 611 of 12 July 2021, No. R. 733 of 12 August 2021, No. R. 867 of 12 September 2021, No. R. 1031 of 13 October 2021, No. R. 1501 of 13 November 2021, No. R. 1598 of 10 December 2021, No. R. 1672 of 14 January 2022, No. R. 1758 of 14 February 2022 and No. R. 1875 of 14 March 2022 hereby in terms of section 27(2) of the Disaster Management Act, 2002, after consultation with the relevant Cabinet members, make the Regulations in the Schedule.



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

DATE: 22.03.2022

SCHEDULE**Definitions**

1. In these Regulations, "the Regulations" means the regulations published by Government Notice No. R. 480 of 29 April 2020 as amended by Government Notices Nos. R. 608 of 28 May 2020, R. 714 of 25 June 2020, R. 763 of 12 July 2020, R. 846 of 31 July 2020, R. 891 of 17 August 2020, No. 999 of 18 September 2020, No. 1011 of 20 September 2020, No. 1053 of 1 October 2020, No. 1104 of 21 October 2020, No. 1199 of 11 November 2020, No. 1290 of 3 December 2020, No. 1346 of 15 December 2020, No. 1370 of 17 December 2020, No. 1421 of 24 December 2020, No. 1423 of 29 December 2020, No. 1435 of 29 December 2020, No. R. 11 of 11 January 2021, No. R. 69 of 1 February 2021, No. R. 92 of 13 February 2021, No. R. 93 of 13 February 2021, No. R. 152 of 28 February 2021, No. R. 284 of 30 March 2021, No. 376 of 22 April 2021, No. R. 477 of 30 May 2021, No. R. 530 of 15 June 2021, No. R. 532 of 17 June 2021, No. R. 565 of 27 June 2021, No. R. 567 of 29 June 2021, No. R. 610 of 11 July 2021, No. R. 612 of 14 July 2021 and No. R. 614 of 14 July 2021, No. R. 651 of 25 July 2021, No. 669 of 30 July 2021, No. R. 869 of 12 September 2021; No. R. 953 of 26 September 2021; No. R. 960 of 30 September 2021, No. R. 1024 of 11 October 2021, No. R. 1633 of 17 December 2021, No. R. 1646 of 21 December 2021, No. R. 1659 of 30 December 2021, No. R. 1715 of 1 February 2022 and No. R. 1759 of 15 February 2022.

Amendment of regulation 67 of the Regulations

2. Regulation 67 of the Regulations is hereby amended by—
(a) the substitution for subregulations (2), (3) and (4) of the following subregulations:

"(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.

(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.

(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.";

- (b) the substitution for paragraphs (b) and (c) of subregulation (6) of the following paragraphs:

"(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;

(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;" and

- (c) the substitution for subparagraph (11)(a)(ii) of the following subparagraph:

"(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"

Amendment of regulation 68 of the Regulations

3. Regulation 68 of the Regulations is hereby substituted of the following subregulation:

"Attendance of funerals and cremations

68. (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."

Substitution of regulation 69 of the Regulations

4. Regulation 69 of the Regulations is hereby substituted of the following regulation:

"Gatherings

69. (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."

Amendment of regulation 75 of the Regulations

5. Regulation 75 of the regulations is hereby amended by—

(a) the substitution for subregulation (2) of the following subregulation:

"(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."; and

(b) the substitution for paragraph (4)(c) of the following paragraph:

"(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."

(c) the addition in subregulation 4 of the following paragraph:

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

Amendment of regulation 79 of the Regulations

6. Regulation 79 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

"(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".

Commencement

7. The amendment to Regulations will come into operation on publication in the *Gazette*.