

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

NO. 1346

15 DECEMBER 2020

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

I, Dr Nkosazana Dlamini Zuma, Minister of Cooperative Governance and Traditional Affairs, designated under section 3 of the Disaster Management Act, 2002 (Act No. 57 of 2002), having declared a national state of disaster, in Government Notice No. 313, published in *Government Gazette* No. 43096, Government Notice No. 313 of 15 March 2020, and extended by Government Notices Nos. 646 of 5 June 2020, 765 of 13 July 2020, 889 of 15 August 2020, 995 of 14 September 2020, 1090 of 14 October 2020, 1225 of 14 November 2020 and 1341 of 11 December 2020, hereby in terms of section 27(2) of the Disaster Management Act, 2002, after consultation with the relevant Cabinet members, make the Regulations in the Schedule.

**DR NKOSAZANA DLAMINI ZUMA, MP****MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**DATE: 14<sup>th</sup> 12, 2020**SCHEDULE****Definitions**

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

**Amendment of Classification of Regulations**

2. The Chapter 6 of the Classification of the Regulations is hereby amended by the insertion of the following phrase after the phrase "65. Application of Alert Level":

"65A. Definitions

65B Notification by district municipalities".

**Insertion of regulations 65A and 65B in the Regulations**

3. The following regulations is hereby inserted in the Regulations after regulation 65:

**"Definitions**

**65A.** For purposes of Chapters 6 and 7, "festive season" means the period between 16 December 2020 and 3 January 2021, inclusive of both dates.

**Notification by district municipalities**

**65B.** 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 that could lead to that district being declared a hotspot;
- (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."

**Substitution of regulation 66 of Regulations**

4. Regulation 66 of the Regulations is hereby substituted for the following regulation:

**"Movement of persons**

**66.** (1) Every person is confined to his or her place of residence from 23H00 until 04H00 daily, except in areas declared a hotspot, unless a person—

- (a) has been granted permission through directions by the relevant Cabinet member or a permit, which corresponds with Form 7 of Annexure A, to perform a service other than a service related to an activity listed under Table 4; or
- (b) is attending to a security or medical emergency.

(2) Closing time for the following establishments, whether indoors or outdoors, is 22H00 daily, except in areas declared a hotspot:

- (a) Faith-based institutions;
- (b) venues where social events are hosted;
- (c) venues hosting concerts and live performances;
- (d) cinemas;
- (e) theatres;
- (f) casinos;
- (g) museums, galleries and archives;
- (h) gyms, fitness centres and swimming pools;
- (i) restaurants, bars, taverns, shebeens and similar establishments;
- (j) venues hosting sport, arts and culture activities; and
- (k) any other place where a gathering may take place."

**Substitution of regulation 67 of the Regulations**

5. Regulation 67 of the Regulations is hereby substituted for the following regulation:

**"Mandatory protocols when in a public place**

67. (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.

(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.

(3) 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 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.

(4) 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.

(5) 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.



(6) Any business whose premises exceeds the maximum number of customers and employees determined in subregulation (5) 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.

(7) 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.

(8) The requirements as set out in subregulation (5) applies with the necessary changes, to any other building that is not provided for by subregulation (5).

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

### **Substitution of regulation 68 of the Regulations**

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

#### **"Attendance of funerals**

**68.** (1) Attendance of a funeral is limited to a maximum of 100 persons, with persons observing a distance of at least one and a half metres from each other, and if the venue is too small to hold 100 persons observing a distance of at least one and a half metres from each other, then not more than 50 percent of the capacity of the venue may be used.

(2) The following are not allowed:

- (a) Night vigils; and
- (b) after-funeral gatherings, including "after-tears" gatherings.

(3) During a funeral, a person must wear a face mask and adhere to all health protocols and social distancing measures of at least one and a half metres from each other."

## Substitution of regulation 69 of the Regulations

7. Regulation 69 of the Regulations is hereby amended by the substitution for the following subregulation:

### "Gatherings

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

- (a) wear a face mask;
- (b) adhere to all health protocols;
- (c) maintain a distance of at least one and a half metres from each other; and
- (d) adhere to any other health protocols and social distancing measures as provided for in directions issued by the relevant Cabinet member after consultation with the Cabinet member responsible for health.

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

(3) Gatherings at faith-based institutions are limited to 100 persons or less in case of an indoor gathering and 250 persons or less in case of an outdoor gathering, and if the venue is too small to hold 100 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.

(4) Gatherings at social events are limited to 100 persons or less in case of an indoor gathering and 250 persons or less in case of an outdoor gathering, and if the venue is too small to hold 100 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.

(5) Gatherings at political events and traditional council meetings are limited to 100 persons or less in case of an indoor gathering and 250 persons or less in case of an outdoor gathering and if the venue is too small to hold 100 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.

(6) Gatherings at a workplace for work purposes are allowed.

(7) Gatherings at conferences and meetings are limited to 100 persons or less in case of an indoor gathering and 250 persons or less in case of an outdoor gathering and if the venue is too small to hold 100 persons observing a distance of at least one and a half metres from each other, then not more than 50 percent of the capacity of the venue may be used: Provided that persons participating through electronic platforms are not included in these limitations.



(8) Gatherings for concerts and live performances are limited to 100 persons or less in case of an indoor gathering and 250 persons or less in case of an outdoor gathering and if the venue is too small to hold 100 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.

(9) Gatherings at cinemas and theatres are limited to 100 persons or less in case of an indoor gathering and 250 persons or less in case of an outdoor gathering and if the venue is too small to hold 100 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.

(10) Gatherings at casinos are limited to 100 persons or less in case of an indoor gathering and if the venue is too small to hold 100 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.

(11) Gatherings at the following places are allowed, subject to the strict adherence to health protocols and social distancing measures, as set out in directions by the relevant Cabinet member—

(a) sports grounds and fields are limited to 100 persons or less in case of an indoor gathering and 250 persons or less in case of an outdoor gathering and if the venue is too small to hold 100 persons observing a distance of at least one and a half metres from each other, then not more than 50 percent of the capacity of the venue may be used; and

(b) museums, galleries, libraries and archives are limited to 100 persons or less in case of an indoor gathering and if the venue is too small to hold 100 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.

(12) Gatherings at beaches are allowed subject to the following exceptions and conditions:

(a) Beaches in the Eastern Cape province will be closed to the public from 16 December 2020 until 03 January 2021;

(b) beaches in the Garden Route District will be closed to the public from 16 December 2020 until 3 January 2021;

(c) beaches in the KwaZulu-Natal province will be closed to the public on 16, 25, 26 and 31 December 2020 and 1, 2 and 3 January 2021;

(d) beaches in the Northern Cape and the Western Cape provinces (excluding the Garden Route District beaches) will be open to the public;

(e) festivals, live music, live performances and loud music at beaches are prohibited;

(f) all beaches that are open to the public shall—

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

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

(iii) Any loud music, whether live or otherwise, is prohibited.

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

(13) Non-compliance with the prohibitions, conditions, days of opening of beaches, and wearing of face-masks and social distancing measures, will result in the closure of those non-complying beaches throughout the festive season.

(14) Access to national and provincial parks, and other parks where access control measures and entry limitations are already in place, will remain open to the public.

(15) Gatherings at public parks are allowed, subject to the following exemptions and conditions:

(a) Public parks in the Eastern Cape province will be closed from 16 December 2020 until 3 January 2021;

(b) public parks in the KwaZulu-Natal province will be closed to the public only on 16, 25, 26 and 31 December 2020 and 1, 2 and 3 January 2021;

(c) public parks in the Northern Cape and Western Cape provinces will be open to the public; and

(d) public parks that are open to the public shall—

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

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

(iii) Any loud music, whether live or otherwise, is prohibited.

(16) Non-compliance with the prohibitions, conditions, days of opening of public parks and wearing of face-masks and social distancing measures, will result in the closure of those non-complying public parks throughout the festive season.

(17) Gatherings at gyms, fitness centres and swimming pools are allowed, subject to a limitation of 100 persons or less in case of an indoor gathering and 250 persons or less in case of an outdoor gathering and if the venue is too small to hold 100 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.

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

(a) (i) restaurants, subject to a maximum of 100 persons or less in case of an indoor gathering and 250 persons or less in case of an outdoor gathering and if the venue is too small to hold 100 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.

(ii) Further, subject to strict adherence to the times of operation provided for in regulation 66(2), health protocols and social distancing measures, as provided for in the directions issued by the relevant Cabinet member, after consultation with the Cabinet member responsible for health.



- (b) (i) bars, taverns, shebeens, and similar establishments subject to a maximum of 100 persons or less in case of an indoor gathering and 250 persons or less in case of an outdoor gathering and if the venue is too small to hold 100 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.
- (ii) Further, subject to strict adherence to the times of operation provided for in regulation 66(2) health protocols and social distancing measures, as provided for in the directions issued by the relevant Cabinet member, after consultation with the Cabinet member responsible for health.
- (c) (i) hotels, lodges, bed and breakfasts, timeshare facilities, resorts and guest houses subject to a restriction on the number of persons allowed in the hotel, lodge, bed and breakfast, timeshare facility, resort or guest house to not more than 50 percent of the available accommodation capacity, with patrons observing a distance of at least one and a half metres from each other.
- (ii) Conferencing, dining, entertainment and bar facilities are subject to a limitation of a maximum of 100 persons or less in case of an indoor gathering and 250 persons or less in case of an outdoor gathering and if the venue is too small to hold 100 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.

(19) Gatherings at auctions are allowed, subject to a maximum of 100 persons or less in case of an indoor gathering and 250 persons or less in case of an outdoor gathering and if the venue is too small to hold 100 persons observing a distance of at least one and a half metres from each other, then not more than 50 percent of the capacity of the venue may be used; and further, subject to strict adherence to all health protocols, social distancing measures and directions issued by the relevant Cabinet member, in consultation with the Cabinet member responsible for health.

(20) Sport, arts and culture 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 66(2) 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, arts and culture events involving countries with a low or medium COVID-19 infection and transmission rate are allowed.



- (21) 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."

### **Substitution of regulation 73 of the Regulations**

8. Regulation 73 of the Regulations is hereby substituted for the following regulation:

#### **"Initiation practices**

**73.** (1) Initiation practices are prohibited nationally, except that initiation practices will be allowed in the Eastern Cape Province, excluding Nelson Mandela Bay, with effect from 17 December 2020.

(2) Where initiation practices are prohibited—

- (a) a person may not arrange or hold an initiation school or conduct an initiation practice;
- (b) a prospective initiate may not attend an initiation school;
- (c) an owner of land may not provide consent for the use of his or her land for the holding of an initiation school; and
- (d) a traditional surgeon or medical practitioner may not perform circumcision as part of an initiation practice.

(3) Where initiation practices are allowed there must be strict adherence to all health protocols and social distancing measures as provided for in directions issued by the relevant Cabinet member after consultation with the Cabinet member responsible for health.

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

(5) 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.

(6) 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."

**Substitution of regulation 77 of the Regulations**

9. Regulation 77 of the Regulations is hereby substituted for the following regulation:

**"Sale and dispensing of liquor**

77. (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, subject to strict adherence to the curfew provided for in regulation 66(2).
- (2) The provisions of subregulation (1)(a) do not apply to duty-free shops.
- (3) The consumption of liquor in public places, except in licensed on-site consumption premises, is not permitted.
- (4) Registered wineries and wine farms may continue to operate in offering wine-tastings and the selling of liquor to the public for off-site consumption, from 10H00 to 18H00, from Mondays to Saturdays, subject to strict adherence to social distancing measures and health protocols.
- (5) The sale and consumption of liquor in contravention of subregulations (1) and (3) is an offence."

**Substitution of regulation 78 of the Regulations**

10. Regulation 78 of the Regulations is hereby substituted for the following regulation:

**"Operation of economic sector**

78. (1) Businesses may operate except for those set out in Table 4.
- (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."

#### **Amendment of regulation 80 of the Regulations**

11. Regulation 80 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

"(2) For the purposes of this Chapter, any person who fails to comply with or contravenes a provision of regulations 66; 67(6); 69(12)(e); 69(14); 72(1); 73(1); (2) and (4); 76(3)(a) and 77(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."

#### **Amendment of Chapter 7 of the Regulations dealing with hotspots**

12. Chapter 7 of the Regulations dealing with hotspots are hereby amended—

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

##### **"Movement of persons**

82. (1) Every person is confined to his or her place of residence from 22H00 until 04H00 daily, except where a person—

- (a) has been granted permission through directions by the relevant Cabinet member or a permit, which corresponds with Form 7 of Annexure A, to perform a service other than a service related to an activity listed under Table 4; or
- (b) is attending to a security or medical emergency.

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

- (a) Faith-based institutions;
- (b) venues where social events are hosted;
- (c) venues hosting concerts and live performances;
- (d) cinemas;
- (e) theatres;
- (f) casinos;
- (g) museums, galleries and archives;
- (h) gyms, fitness centres and swimming pools;
- (i) restaurants, bars, taverns, shebeens and similar establishments; and
- (j) venues hosting sport, arts and culture activities."

(b) by the substitution for regulation 84 of the Regulations for the following regulation:

**"Gatherings**

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

- (a) wear a face mask;
- (b) adhere to all health protocols;
- (c) maintain a distance of at least one and a half metres from each other; and
- (d) adhere to any other health protocols and social distancing measures as provided for in directions issued by the relevant Cabinet member after consultation with the Cabinet member responsible for health.

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

(3) Gatherings at faith-based institutions are limited to 100 persons or less in case of an indoor gathering and 250 persons or less in case of an outdoor gathering, and if the venue is too small to hold 100 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.

(4) Gatherings at social events are limited to 100 persons or less in case of an indoor gathering and 250 persons or less in case of an outdoor gathering, and if the venue is too small to hold 100 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.

(5) Gatherings at political events and traditional council meetings are limited to 100 persons or less in case of an indoor gathering and 250 persons or less in case of an outdoor gathering and if the venue is too small to hold 100 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.

(6) Gatherings at a workplace for work purposes are allowed.

(7) Gatherings at conferences and meetings are limited to 100 persons or less in case of an indoor gathering and 250 persons or less in case of an outdoor gathering and if the venue is too small to hold 100 persons observing a distance of at least one and a half metres from each other, then not more than 50 percent of the capacity of the venue may be used: Provided that persons participating through electronic platforms are not included in these limitations.

(8) Gatherings for concerts and live performances are limited to 100 persons or less in case of an indoor gathering and 250 persons or less in case of an outdoor gathering and if the venue is too small to hold 100 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.



(9) Gatherings at cinemas and theatres are limited to 100 persons or less in case of an indoor gathering and 250 persons or less in case of an outdoor gathering and if the venue is too small to hold 100 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.

(10) Gatherings at casinos are limited to 100 persons or less in case of an indoor gathering and if the venue is too small to hold 100 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.

(11) Gatherings at the following places are allowed, subject to the strict adherence to health protocols and social distancing measures, as set out in directions by the relevant Cabinet member—

(a) sports grounds and fields are limited to 100 persons or less in case of an indoor gathering and 250 persons or less in case of an outdoor gathering and if the venue is too small to hold 100 persons observing a distance of at least one and a half metres from each other, then not more than 50 percent of the capacity of the venue may be used; and

(b) museums, galleries, libraries and archives are limited to 100 persons or less in case of an indoor gathering and if the venue is too small to hold 100 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.

(12) Gatherings at beaches are allowed subject to the following exceptions and conditions:

(a) Beaches in the Eastern Cape province will be closed to the public from 16 December 2020 until 03 January 2021;

(b) beaches in the Garden Route District will be closed to the public from 16 December 2020 until 3 January 2021;

(c) beaches in the KwaZulu-Natal province will be closed to the public on 16, 25, 26 and 31 December 2020 and 1, 2 and 3 January 2021;

(d) beaches in the Northern Cape and the Western Cape provinces (excluding the Garden Route District beaches) will be open to the public;

(e) festivals, live music, live performances and loud music at beaches are prohibited;

(f) all beaches that are open to the public shall—

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

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

(iii) Any loud music, whether live or otherwise, is prohibited; and

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

(13) Non-compliance with the prohibitions, conditions, days of opening of beaches, and wearing of face-masks and social distancing measures, will result in the closure of those non-complying beaches throughout the festive season.

(14) Access to national and provincial parks, and other parks where access control measures and entry limitations are already in place, will remain open to the public.

(15) Gatherings at public parks are allowed, subject to the following exemptions and conditions:

- (a) Public parks in the Eastern Cape province will be closed from 16 December 2020 until 3 January 2021;
- (b) public parks in the KwaZulu-Natal province will be closed to the public only on 16, 25, 26 and 31 December 2020 and 1, 2 and 3 January 2021;
- (c) public parks in the Northern Cape and Western Cape provinces will be open to the public; and
- (d) public parks that are open to the public shall—
  - (i) be open between 09H00 and 18H00;
  - (ii) be monitored for compliance with all health protocols wearing of face-masks and social distancing measures.
  - (iii) Any loud music, whether live or otherwise, is prohibited; and

(16) Non-compliance with the prohibitions, conditions, days of opening of public parks and wearing of face-masks and social distancing measures, will result in the closure of those non-complying public parks throughout the festive season.

(17) Gatherings at gyms, fitness centres and swimming pools are allowed, subject to a limitation of 100 persons or less in case of an indoor gathering and 250 persons or less in case of an outdoor gathering and if the venue is too small to hold 100 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.

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

- (a)
  - (i) restaurants, subject to a maximum of 100 persons or less in case of an indoor gathering and 250 persons or less in case of an outdoor gathering and if the venue is too small to hold 100 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.
  - (ii) Further, subject to strict adherence to the times of operation provided for in regulation 66(2), health protocols and social distancing measures, as provided for in the directions issued by the relevant Cabinet member, after consultation with the Cabinet member responsible for health.
- (b)
  - (i) bars, taverns, shebeens, and similar establishments subject to a maximum of 100 persons or less in case of an indoor gathering and 250 persons or less in case of an outdoor gathering and if the venue is too small to hold 100 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.



(ii) Further, subject to strict adherence to the times of operation provided for in regulation 66(2) health protocols and social distancing measures, as provided for in the directions issued by the relevant Cabinet member, after consultation with the Cabinet member responsible for health.

(c) (i) hotels, lodges, bed and breakfasts, timeshare facilities, resorts and guest houses subject to a restriction on the number of persons allowed in the hotel, lodge, bed and breakfast, timeshare facility, resort or guest house to not more than 50 percent of the available accommodation capacity, with patrons observing a distance of at least one and a half metres from each other.

(ii) Conferencing, dining, entertainment and bar facilities are subject to a limitation of a maximum of 100 persons or less in case of an indoor gathering and 250 persons or less in case of an outdoor gathering and if the venue is too small to hold 100 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.

(19) Gatherings at auctions are allowed, subject to a maximum of 100 persons or less in case of an indoor gathering and 250 persons or less in case of an outdoor gathering and if the venue is too small to hold 100 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.

Further, subject to strict adherence to all health protocols, social distancing measures and directions issued by the relevant Cabinet member, in consultation with the Cabinet member responsible for health.

(20) Sport, arts and culture 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 66(2) 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, arts and culture events involving countries with a low or medium COVID-19 infection and transmission rate are allowed.

(21) 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."

(c) by the substitution for regulation 85 of the Regulations of the following regulation:

#### **Prohibition of initiation practices**

**85.** (1) Initiation practices are prohibited in all provinces except the Eastern Cape, excluding Nelson Mandela Bay, with effect from 17 December 2020.

(2) Unless otherwise determined—

- (a) a person may not arrange or hold an initiation school or conduct an initiation practice;
- (b) a prospective initiate may not attend an initiation school;
- (c) an owner of land may not provide consent for the use of his or her land for the holding of an initiation school; and
- (d) a traditional surgeon or medical practitioner may not perform circumcision as part of an initiation practice.

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

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

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

(d) by the substitution for regulation 86 of the Regulations of the following regulation:

#### **"Sale and dispensing of liquor**

**86.** (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, subject to strict adherence to the curfew provided for in regulation 80(2).

(2) The provisions of subregulation (1)(a) do not apply to duty-free shops.

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

(4) Registered wineries and wine farms may continue to operate in offering wine-tastings and the selling of liquor to the public for off-site consumption, from 10H00 to 18H00, from Mondays to Saturdays, subject to strict adherence to social distancing measures and health protocols.

(5) The sale and consumption of liquor in contravention of subregulations (1) and (3) is an offence."; and



- (e) the substitution for regulation 87 of the Regulations for the following regulation:

**"Offences and penalties**

**87.** For the purposes of this Chapter, any person who fails to comply with or contravenes a provision of regulations 82; 84(12)(e); 85(1), (2) and (3), 86(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."

**Substitution of Table 4 of the Regulations**

13. Table 4 of the Regulations is hereby substituted for the following Table:

**"TABLE 4  
ALERT LEVEL 1**

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

<b>SPECIFIC EXCLUSIONS</b>	
1.	Night vigils.
2.	After-funeral gatherings.
3.	Night clubs.
4.	Beaches: (a) Beaches in the Eastern Cape province will be closed to the public from 16 December 2020 until 03 January 2021; (b) beaches in the Garden Route District will be closed to the public from 16 December 2020 until 3 January 2021; and (c) beaches in the KwaZulu-Natal province will be closed to the public only on 16, 25, 26 and 31 December 2020 and 1, 2 and 3 January 2021.
5.	Public parks: (a) Public parks in the Eastern Cape province will be closed to the public from 16 December 2020 until 03 January 2021; (b) public parks in the Garden Route District will be closed to the public from 16 December 2020 until 3 January 2021; and (c) public parks in the KwaZulu-Natal province will be closed to the public only on 16, 25, 26 and 31 December 2020 and 1, 2 and 3 January 2021.
6.	Public parks where the entrance to that park is not strictly controlled.
7.	The 34 land borders that remain closed.
8.	Initiation practices and post-initiation practices except as specifically allowed in regulation 73.
9.	Passenger ships for international leisure purposes, excluding small crafts, in-line with health and border law enforcement protocols.
10.	Attendance of any sporting event by spectators.
11.	International sport, arts and culture events involving countries with a high COVID-19 infection and transmission rate are prohibited.
12.	Exclusions relating to public transport services as set out in the directions issued by the Cabinet member responsible for transport.
13.	Exclusions relating to education services as set out in the directions issued by the Cabinet members responsible for education."

#### **Commencement**

14. This amendment to the Regulations will come into operation on the 15 December 2020, on publication in the *Gazette*.