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**NATIONAL OPERATIONAL COMMAND
CENTRE (NOCC)**

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

**NATIONAL CRIME COMBATING FORUM (NCCF) SUPPLEMENTARY
INSTRUCTION 11 TO NCCF INSTRUCTION 3 OF 2020: CONTAINMENT AND
MANAGEMENT OF COVID -19: GUIDELINES ON THE IMPLEMENTATION AND
ENFORCEMENT OF THE ALERT LEVEL 4 REGULATIONS**

1. On 29 April 2020, the Minister of Cooperative Governance and Traditional Affairs issued a new set of Regulations in terms of Section 27(2) of the Disaster Management Act, No. 57 of 2002, applicable to **Alert Level 4** from 1 May 2020 until the end of the National State of Disaster.
2. All previous Regulations are repealed from 1 May 2020 and this Instruction repeals NCCF Instructions 3, 5 and 10 of 2020.
3. The Regulations comprise of three Chapters. All three Chapters apply to Alert Level 4. Chapters 1 and 2 comprises definitions, general provisions which will apply throughout the National State of Disaster, inclusive of a list of general criminal offences. Chapter 3 provides for specific measures that will apply during Alert Level 4 such as movement of persons, funerals, evictions, public

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transport, gatherings, closing of certain premises, the sale of liquor and tobacco, as well as criminal offences specifically applicable to Alert Level 4.

4. In the Alert Level 4 Regulations ("AL4 Regulations") the following significant provisions must be noted:
 - Movement of persons (including children) between provinces, metropolitan areas and districts, is still prohibited subject to exceptions;
 - Permits for movement may be issued, subject to exceptions;
 - A curfew is applicable from 20:00 until 05:00 during which time persons are confined to their residences;
 - **Gatherings are prohibited excluding workplaces, residences, funerals and auctions;**
 - Sale, dispensing and transportation of liquor is prohibited;
 - Sale of tobacco products, e-cigarettes and related products are prohibited;
 - There is a new Table which lists permitted industries and activities as well as permitted goods that will be allowed to operate during Alert Level 4.

5. The following Appendices and Annexures are enclosed:
 - 5.1 Appendix 1: Summary of Offences;
 - 5.2 Appendix 2: Guidelines to be followed when the regulations are contravened;
 - 5.3 Appendix 3: Quick reference to the most significant Alert Level 4 regulations;
 - 5.4 Annexure A: Form 1 (Isolation/quarantine order)
Form 2 (Permit to perform essential/permitted services)
Form 3 (Permit for movement of children)
Form 4 (Permit to travel for funeral)
Form 5 (Sworn affidavit: funeral)
 - 5.5 Annexure B: Essential goods for export;
 - 5.6 Annexure C: Permitted goods for export;
 - 5.7 Annexure D: Essential Services; and
 - 5.8 Table 1 to the Regulations: Permissions and Prohibitions.

6. This Instruction as well as the Appendices and Annexures must be brought to the attention of all members under your command.


LIEUTENANT GENERAL
CHAIRPERSON: NATIONAL CORE COMMAND GROUP (COVID-19)
NS MKHWANAZI
Date: 2020-05-01

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APPENDIX 1

OFFENCES: DISASTER MANAGEMENT ACT REGULATIONS, 2020

Regulation	Description of offence
14(1)	Making of a misrepresentation that any person is infected with COVID-19
14(2)(a)	Publishing of any statement to deceive any other person about COVID-19
14(2)(b)	Publishing of any statement to deceive any other person about COVID-19 infection status of any person
14(2)(c)	Publishing of any statement to deceive any other person about any measure taken by government to address COVID19
8(5)	Unauthorised disclosure of information in COVID-19 Tracing Database or obtained during contact tracing, read with Reg 14(4)(a)
8(9)	Failure by accommodation establishment to transmit to DG: Health, information on person staying there for inclusion in COVID-19 Tracing Database, read with Reg 14(4)(a)
8(10)	Failure by electronic communications service provider to comply with directions of DG: Health to give info for inclusion in COVID-19 Tracing Database read/w Reg 14(4)(a)
8(11)	Unauthorised use of information from electronic communications service provider in compliance with direction of DG: Health on COVID-19 Tracing Database, read Reg 14(4)(a)
8(17)	Failure to de-identify and destroy information on COVID-19 Tracing Database within 6 weeks after state of disaster has ended, read with Reg 14(4)(a)
8(18)	Failure to comply with a direction issued by the COVID-19 Designated Judge to protect the privacy of persons whose data has been collected, read with Reg 14(4)(a)
16(1)	Level 4: Failure by person to be confined to his or her residence, read with Reg 31(2)

16(2)	Level 4: Leave place of residence for other reason than allowed in Disaster Management Act Regulations, read with Reg 31(2)
16(3)	Level 4: Failure to be confined to place of residence between 8 pm and 5am without permit for essential/permitted service, attend to security/medical emergency, read with Reg 31(2)
16(4)	Level 4: Movement between provinces, metropolitan areas and districts other than allowed in Disaster Management Act Regulations, read with Reg 31(2)
19	Level 4: Eviction of person from land or home unless directed otherwise by court, read with Reg 31(2)
24(1)	Level 4: Opening place/premises to public where religious, cultural, sporting, entertainment, recreational, exhibitional / similar activities may take place, read with Reg 31(2)
24(2)	Level 4: Opening of place or premises which is normally open to the public or where people may gather, read with Reg 31(2)
26(1)	Level 4: Sale, dispensing and distribution of liquor, read with Reg 31(2)
26(2)	Level 4: Transportation of liquor, read with Reg 31(2)
27	Level 4: Sale of tobacco, tobacco products, e-cigarettes and related products, read with Reg 31(2)
28(3)	Level 4: Selling, by retail stores, of goods other than as provided for in the Table 1, read with reg 31(2)
31(1)(a)	Level 4: Convening of gathering, assembly, concourse/procession in/on public road or building, place/premises, wholly or partially in open air except workplace or normal residence
31(1)(b)	Level 4: Hinder/interfere or obstruct member of SAPS, SANDF or peace officer in execution of his/her powers or duties under the Disaster Management Act Regulations

APPENDIX 2 - GUIDELINES TO BE FOLLOWED IN CIRCUMSTANCES WHEN THE REGULATIONS ARE CONTRAVENED

- Members posted at a roadblock, VCP or any operational post enforcing the regulations should preferably be briefed by legal officers to ensure some knowledge of the Regulations.
- If the regulations do not address a particular criminal conduct the common law and statutory offences will apply in addition to the Regulations. The CPA rules, SAPS Act and other legislative rules relating to arrests, search and seizure still apply.
- Note must be taken that all offences as set out in “**Appendix 1**” are arrestable offences, provided that such offences are committed in the presence of the arresting officer.
- All such arrests must be dealt with as a straight arrest, which must be followed either by release with pre-determined date for appearance or be warned for court at the first following court day.
- No person arrested for an offence of the regulations should be detained unless it is absolutely necessary.

PROCEDURE TO BE FOLLOWED IN THE CASE OF AN OFFENCE IN TERMS OF THE REGULATIONS:

- Subsequent to an arrest, the offender shall be taken to the nearest police station where he/she must be notified of his/her rights in terms of the Constitution of the Republic of South Africa, 1996 and a case docket must be opened.
- In the event where it is not possible to take the person to the police station, members must make sure that all equipment and registers e.g. [fingerprint pads, laptops stationery, dockets etc.] are readily available at the various roadblocks or VCP's.
- The arresting officer shall before he/she leaves the CSC attest to a comprehensive statement highlighting the offence which have been committed by the suspect and file it as A1 in the docket.
- It is important that the detective on standby be alerted of the new arrest by the CSC commander.
- The station commander/detective commander must ensure that there is a standby detective(s) be present at CSC between 08:00 and 20:00 on weekdays and weekends.
- The detectives on standby must ensure that a suspect is charged.
- Charging a suspect will include but not limited to:
 - a) taking the fingerprints of such a person
 - b) taking a warning statement of such person
 - c) writing the docket up and completing page 5 of the docket.
- When a person is charged, he/she can then be released in the following ways:
 - SAPS 496
 - J 534
 - SAPS 398 (police bail)
- The detective on standby must sign for such docket, keep the fingerprints for administrative purposes and ensure the docket is perused and forwarded to court on the day specified.
- The detective commander must issue instructions on how dockets will be brought forward where court dates were determined ahead of time.
- The detective must ensure that they do checks to ascertain whether the Admission of Guilt was paid and if not, the docket must be forwarded to the respective court.
- Provinces must establish relationships with NPA-DPP's so that court dates are determined in consultation with a representative of the DPP's office.

GUIDELINES TO BE FOLLOWED IN CIRCUMSTANCES WHEN THE REGULATIONS ARE CONTRAVENED BUT A CRIMINAL OFFENCE IS NOT PROVIDED FOR IN THE REGULATION

- Establish whether the conduct is not criminalised in the normal common law and statutory offences. If so, charge the suspect in terms of such laws e.g. Fraud, forgery, National Road Traffic Act (e.g. drunken driving), National Land Transport Act (e.g. overloading of taxis), Drugs and Drug Trafficking Act etc.
- If the conduct does not establish an offence, warn the "suspect" of the risks and the consequences of his/her conduct e.g. spreading the virus, assist the "suspect" with advice and guidance and if possible, provide him or her with a copy of the regulations.
- Assist the "suspect" to contact the relevant department e.g. DOH, Social Development, etc should he/she require further information or assistance.

APPENDIX 3

QUICK REFERENCE TO THE MOST SIGNIFICANT ALERT LEVEL 4 REGULATIONS

1. MOVEMENT OF PERSONS: PERMITS

- 1.1 Regulation 16(1) confines every person to his/her place of residence.
- 1.2 Regulation 16(2) a person may only leave his/her place of residence to perform an essential/permitted service, go to work, buy goods, obtain the services in Table 1, move children, walk, run or cycle.
- 1.3 Regulation 16(3) a curfew is applicable from 20:00 until 05:00 during which time persons are confined to their residences, except essential/permitted services.
- 1.4 Regulation 16(4) prohibits movement between provinces, metropolitan and district areas unless-
 - (a) the person is in possession of a permit to perform essential/permitted services;
 - (b) the attendance of a funeral;
 - (c) the transportation of mortal remains; and
 - (d) learners who have to commute to and from school or higher education institutions during periods when these institutions are permitted to operate. Schools and other institutions may only open on a date announced by the Minister of Education.
- 1.5 Regulation 16(5) allows a once-off movement of any person who was not at his or her place of residence or work before the lockdown period, to return to their homes or work and remain at that place. **Persons are now permitted to do so once-off during the period 1 May 2020 to 7 May 2020.**
- 1.6 Enforcement officers must follow the following simple process in relation to regulation 16, 17 and 18 to inspect the permits issued under these regulations. The permits referred to are attached for reference:
 - When encountering a person outside his or her place of residence (e.g. at a roadblock), request to see the relevant permit:
 - The person may continue if he or she is in possession of a permit that corresponds with **Form 2** which allows for movement for purpose of **rendering an essential/permitted service**;
 - The person may continue if he or she is in possession of a permit which corresponds with **Form 4 to travel to a funeral and back**. The permit may be issued by a magistrate or by a Station Commander or persons designated by them. **This is the only permit that may be issued by SAPS to the public.**
 - Only 2 family members may (with their permits) be present in the vehicle transporting the mortal remains to the metropolitan, district are or province where the funeral will take place, provided that the cause of death may not be COVID-19 related.
 - It is important to **check the date of issuing of the permit**. If the permit was issued much earlier, make enquiries as to why the person is still using the permit to travel.
 - If the person has no reasonable explanation, he or she may be charged with an offence in terms of regulation 16(1) or (2) – see attached list of offences.
 - If a person cannot produce a permit, enquire what the reason for the movement is:
 - If the movement is for purposes of obtaining essential goods, services or seeking medical attention **without** crossing a provincial, metropolitan or district boundary, the person may **continue without a permit**. In the event that there is an obvious life-threatening emergency, members may assist such a person to proceed through a road block **without a permit**;
 - If the movement is for purpose of walking, jogging or cycling and the activity takes place between 06:00 and 09:00, the person may **continue without a permit**;

- If the movement is for **any other purpose**, the enforcement officer must ask **questions** to establish the reason for the movement without a permit and to confirm the truthfulness thereof. If the person cannot give a satisfactory reason, he or she may be committing an offence in terms of regulation 16(1) or (2);
- In case a person explains that he or she is travelling on a once-off basis to return to his or her place of residence or return to/commence work, the person may continue **without a permit** since he or she could not return to their place of residence or work earlier, as a result of the lockdown. **Persons are now permitted to do so once-off during the period 1 May 2020 to 7 May 2020.** It is **not required** of such a person to produce a permit in order to cross provincial, metropolitan or district boundaries during such once-off trip.
- If a person is moving a child **within a district or metropolitan area** to and from school, to a store to obtain essential/permitted goods or to obtain medical attention, neither the person nor the child needs a permit;
- If a person is moving a child **across provincial borders or metropolitan and district areas:**
 - from the care of one parent to another for the purpose of exercising parental rights and responsibilities or that of a caregiver, the child may only be moved if the person is in possession of either:
 - a court order; **or**
 - a parental responsibilities and rights agreement/parental plan registered with the family advocate; **or**
 - a **permit** issued by a **magistrate** which corresponds with **Form 3.**
 - If a person is moving a child or children **across provincial, metropolitan or area boundaries** where a child who was not at the residence of their primary care giver before the lock down and who could not travel between provinces, metropolitan and district areas during the lock down which ended on 30 April 2020, **persons/children are now permitted to do so once-off during the period 1 May 2020 to 7 May 2020 without a permit. As of 8 May 2020**, such a person must thereafter (after once-off period has lapsed) obtain a **permit** which corresponds with **Form 3.**

1.7 Regulation 20 allows for **public transport** to resume. However the directions issued by the Department of Transport (published in the Govt Gazette No 43212, 7 April 2020), regarding the limitation on capacity loading is still applicable.

2. MOVEMENT OF GOODS

2.1 Regulation 22 provides that rail, ocean, air and road transport for movement of cargo to other countries and within the Republic for—

- essential goods for importation as set out in Annexure B to the Regulations;
- import of materials and components for manufacturing activities allowed under Level 4;
- cargo at ports of entry;
- goods cleared at ports of entry to neighbouring countries;
- permitted goods for export (including wine) provided in Annexure C to the regulations;
- transport of goods within the RSA;
- any goods set out in directions by relevant Minister.

2.2 In terms of Alert Level 4, the **transportation of freight (goods) must be allowed**, except for the transport of **liquor** which is prohibited. Note that the only exception is the transport of **wine** for export.

3. GATHERINGS

3.1 Regulation 23(1) prohibits all gatherings except for—

- **funerals** (which may not exceed 50 persons);
- when at a **workplace**; or

- when **buying or obtaining goods and services** allowed in Table 1 to the regulations.
 - Note that **agricultural related auctions is a permitted activity** in terms of Table 1 and therefore **does not** constitute a gathering.
- 3.2 Regulation 23(2) empowers an enforcement officer to, when a gathering is taking place, order persons to disperse and upon their refusal, to take appropriate action, subject to the Criminal Procedure Act, which may include arrest or detention.
- 3.3 Convening a gathering is a criminal offence in terms of regulation 31(1)(a) of the regulations. Note that **attendance** of a gathering is **not a criminal offence** but a **refusal to disperse** may be an offence under regulation 31(1)(b). Persons attending a gathering may be charged with contravening regulations 16(1) and 16(2) read with regulation 31(2).

4. VISITS TO DETENTION FACILITIES

Regulation 25 provides that members of the public may visit inter alia correctional centres, remand detention facilities and **police holding cells**. However, the Minister of COGTA (after consultation with the Minister of Police) will issue directions on the manner in which these visits will take place.

5. OTHER IMPORTANT PROHIBITIONS

- 5.1 Regulation 31(2) criminalises opening places or premises normally open to the public —
- where religious, cultural, sporting, entertainment, recreational, exhibitional, organisational or similar activities may take place; and
 - or where people may gather, such as public parks, flea markets, night clubs, casinos, hotels, taverns and shebeens, theatres.
- 5.2 Regulation 31(2) criminalises —
- the sale, dispensing and distribution of liquor;
 - transportation of liquor; and
 - sale of tobacco, tobacco products, e-cigarettes and related products.

6. ESSENTIAL SERVICE PERMITS: SAPS MEMBERS

- 6.1 Regulation 28(4) provides that persons performing essential services or permitted services, must be duly designated in writing by the head of an institution, or a person designated by him or her, on Form 2 in Annexure A of the regulations.
- 6.2 Implications of regulation 28(4) is that every member must also have a permit on Form 2 to perform an essential service.
- 6.3 Commanders have been designated to issue permits to members under their command who deployed during the state of national disaster.