

COVID-19 - NATIONAL LOCKDOWN ALERT LEVEL 4

Regulation Gazette 11098
Government Notice R480 in Gazette Number
43258
dated 29 April 2020
Effective from 01 May 2020 until further
notice



Every next level of your life
will demand a different you.

OUR SUCCESS DEPENDS ON
US BEING FLEXIBLE AND
ADAPTABLE TO CHANGE



SOUTH AFRICAN POLICE SERVICE
Department of Police

DURBAN CLUSTER RECOMMENDATION

- The legislation is fluid. Officials need to be adaptable and keep themselves updated.
- Every official should – at all times on duty - have a copy of the Gazette including Annexures A to E and Forms 1 to 5 – for easy reference.
- The “new” offences have been summarised with the relevant regulations. As officials have become accustomed to the offences in the OLD regulations - the references to the **OLD REPEALED** offences have been included – only with the purpose to assist officials to transition to the new Regulations and new Regulation numbering.

CURRENT REGULATIONS

- The previous DM regulations are repealed: [Government Notice No. 318 of 18 March 2020 - as amended by Government Notice Nos.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.]
- Despite the repeal of the regulations – the investigation, prosecution or any criminal proceedings in any docket opened (decision docket or court going) will continue as if such regulation had not been repealed. (Regulation 2(2))
- All **DIRECTIONS** by the various Ministers issued in terms of the previous Regulations shall continue to apply unless, varied, amended or withdrawn.

DEFINITIONS - WHAT HAS CHANGED?

- '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;
- '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:**

MASKS - IMPORTANT TO NOTE

A person must wear a mask or similar item to cover the nose and mouth when in public. (Reg 5(1))

No person will be allowed to enter a public transport vehicle without a mask or similar item (Reg 5(2))

IN TERMS OF THE REGULATIONS, IT IS NOT AN OFFENCE IF A PERSON IS NOT WEARING A MASK.

This legislation will assist various sectors in preventing people from entering into public places if they don't wear a mask or similar item e.g. public transport, entering building or premises, public places e.g. shopping malls. The policy of "Right of Entry Reserved" may justifiably apply.

The legislation will, going forward, instil a sense of civic responsibility to wear a mask at all times.

MOVEMENT OF PERSONS

Reg 16(1) It is still an offence to fail to confine to one's residence.

- There is an increase in circumstances where persons may move:

Reg 16(2) A person may only leave their place of residence to-

- (a) perform an essential or permitted service, as allowed in Alert Level 4;
- (b) go to work where a permit which corresponds with Form 2 of Annexure A, has been issued
- (c) buy permitted goods;
- (d) obtain services that are allowed to operate as set out in Table 1 to the Regulations
- (e) move children, as allowed;
- (f) walk, run or cycle between the hours of 06H00 to 09H00, within a five kilometre radius of their place of residence: Provided that this is not done in organised groups

ATTENDANCE OF FUNERALS

REGULATION 18 – **this section is substantially the same**

- (1) Movement between a province, metropolitan area or district by a person wishing to attend a funeral shall only be permitted if that person so wishing to attend the funeral is a-
 - (a) spouse or partner of the deceased;
 - (b) child of the deceased, whether biological, adopted or stepchild;
 - (c) child -in -law of the deceased;
 - (d) parent of the deceased whether biological, adopted or stepparent;
 - sibling, whether biological, adopted or stepbrother or sister of the deceased; or
 - (f) grandparent of the deceased
- ** in previous regulation 11B(8)(a)(vii) – ~~a person closely affiliated to the deceased~~ was allowed to attend. **THIS HAS NOW BEEN REPEALED**
- NIGHT VIGILS REMAIN BANNED
- ATTENDANCE IS STILL LIMITED TO 50 PEOPLE

NEW INTRODUCTION - CURFEW

REGULATION 16(3)

Every person is confined to his or her place of residence from 20H00 until 05H00 daily, except where a person has been granted a permit to perform an essential or permitted service as listed in Annexure D, or is attending to a security or medical emergency.

MOVEMENT BETWEEN PROVINCES, METROPOLITAN AREAS AND DISTRICTS

THIS IS NEW

REGULATION 16(4)

Movement between provinces, metropolitan areas and districts are prohibited except-

- (a) for workers who have a permit to perform an essential or permitted service who have to commute to and from work on a daily basis;
- (b) the attendance of a funeral, as allowed;
- (c) the transportation of mortal remains; and
- (d) 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

TOBACCO

- **REGULATION 27** - Sale of tobacco, tobacco products, e-cigarettes and related products is **PROHIBITED**.
- If a person is stopped with tobacco etc – investigate the following:
 - Why is the person transporting the tobacco?
 - From where is the tobacco?
 - Was it from a sale transaction etc?
 - Trace back the product to its source of sale?

Depending on the investigation, this person transporting should, at the very least, be charged for Failing to Confine as the person is out of his place of residence – (see regulation 16(1)) - buying goods that are prohibited from sale.

LEVEL 4 OFFENCES

REMINDER - the references to the **“OLD” REPEALED** offences have been included – only with the purpose to assist officials to find their bearing – and transition to the new Regulations and new Regulation numbering!

REPEALED REGULATION	NEW REGULATIO N	OFFENCE
11(4)	14(1)	Making of a misrepresentation that any person is infected with COVID-19
11(5)(a)	14(2)(a)	Publishing of any statement, through any medium, including social media, to deceive any other person about COVID-19
11(5)(b)	14(2)(b)	Publishing of any statement, through any medium, including social media, to deceive any other person about COVID-19 infection status about anyone
11(5)(c)	14(2)(c)	Publishing of any statement, through any medium, including social media, to deceive any other person about any measure taken by the government to address COVID-19
11(6)	14(3)	Any person who intentionally exposes another person to COVID -19 may be prosecuted for an offence, including assault, attempted murder or murder
11B(1)(a)(i)	16	Failing to confine to one’s residence

REPEALED REGULATION	NEW REGULATION	OFFENCE
11B(1)(a)(i)	16(1) read with 16(2) and 31(2) <u>Added conditions</u>	Failing to confine to one's residence A person may only leave their place of residence to- (a) perform an essential or permitted service, as allowed in Alert Level 4; (b) go to work where a permit which corresponds with Form 2 of Annexure A, has been issued (c) buy permitted goods; (d) obtain services that are allowed to operate as set out in Table 1 to the Regulations (e) move children, as allowed; (f) walk, run or cycle between the hours of 06H00 to 09H00, within a five kilometre radius of their place of residence: Provided that this is not done in organised groups
New	16(3) read with 31(2)	Failing to be confined to place of residence between 8 pm and 5am without permit for essential/permitted service (in Annexure D), or attend to a security/medical emergency
New	16(4) read with 31(2)	Unlawfully moving between provinces, metropolitan areas and districts except in the following situations: (a) for workers who have a permit to perform an essential or permitted service who have to commute to and from work on a daily basis; (b) the attendance of a funeral, as allowed; (c) the transportation of mortal remains; and (d) 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

REPEALED REGULATION	NEW REGULATION	OFFENCE
NEW	19 READ WITH 31(2)	Evicting a person during Alert 4. [All eviction orders which were granted must be stayed and suspended until the last day of Alert 4.]
11b(1)(a)(ii)	23 READ WITH 31(1) and REG 16	<p>23 (1) All gatherings are banned, except</p> <p>(a) for funerals;</p> <p>(b) when at a workplace;</p> <p>(c) when buying or obtaining goods and services, as allowed in Table 1.</p> <p>Accused should be charged for Failing to Confine ito Reg 16 read with regulation 23</p>
11(1)(a)	31(1)(a)	Convening of a gathering
NEW <u>STAND ALONE</u> CHARGE	31(1)(b)	<p>Hindering/interfering or obstructing an enforcement officer in the exercise of his or her powers, or the performance of his or her duties <u>in terms of these Regulations</u></p> <p><u>(PREVIOUSLY HINDERING ETC WAS IN THE CONTEXT OF GATHERINGS ONLY)</u></p>

REPEALED REGULATION	NEW REGULATION	OFFENCE
11B(1)(b)	24(1) READ WITH 31(2)	<p>Opening place/premises to public where religious, cultural, sporting, entertainment, recreational, exhibitional / similar activities may take place</p> <p>OWNER TO BE CHARGED FOR OPENING ATTENDEE TO BE CHARGED FOR FAILING TO CONFINE - READ WITH S24. 16(1) and 16(2)</p>
11B(1)(b)	24(2) READ WITH 31(2)	<p>Opening of place or premises which is normally open to the public or where people may gather</p> <p>PROHIBITED PLACES: These include- (a) public parks, sports grounds and fields, beaches and swimming pools; (b) flea markets; (c) fêtes and bazaars; (d) night clubs; (e) casinos; (f) hotels, lodges, bed and breakfasts, airbnbs', timeshare facilities and resorts, and guest houses, except to the extent that they are required for remaining tourists confined to hotels, lodges and guest houses; (g) private and public game reserves except to the extent that they are required for remaining tourists confined to private and public game reserves; (h) holiday resorts except to the extent that they are required for remaining tourists confined to such holiday resort; (i) taverns and shebeens, or similar establishments; j) theatres and cinemas; and k) museums</p> <p>OWNER TO BE CHARGED FOR OPENING ATTENDEE TO BE CHARGED FOR FAILING TO CONFINE - READ WITH S24. 16(1) and 16(2)</p>

REPEALED REGULATION	NEW REGULATION	OFFENCE
8	26(1) read with 31(2)	Selling, dispensing, and distributing liquor
	26(2) READ WITH 31(2)	Transporting Liquor (unless being transported for industry purposes)
11B(1)(d)	27 READ WITH 31(2)	Selling tobacco, tobacco products, e-cigarettes and related products
11B(1)(d)	28 (3) READ WITH 31(2)	Retail stores selling goods other than as provided for in the Table 1

**JUST KEEP
GOING**