

COVID-19 ALERT LEVEL 3 REGULATIONS

Amendments to the lockdown Regulations (GG 43258 of 29 April 2020) to deal with Alert Level 3, appear in GG 43364 dated 28 May 2020.

From 1 June 2020, Alert Level 3 **applies to all provinces, metropolitan areas and districts**, but the Minister of Cooperative Government and Traditional Affairs (GOGTA) may declare, by notice in the Government Gazette, a geographical area or cluster of geographical areas a **hotspot**, where additional restrictions may apply. GG 43364 contains a list of areas that had already been declared as hotspots.

The following are some of the provisions (the forms, where applicable, appear in Annexure A of the Regulations):

- **Business and other institutions may operate**, except for those listed in Table 2 (which include restaurants, short term letting for leisure purposes, hairdressing and beauty treatments, tourist attractions and entertainment activities). Regulation 46 deals with the process to be followed, such as the minimising of the number of employees at any given time, health and safety protocols, employees over 60 or with co-morbidities. These need to be read with the occupational health and safety directions and labour legislation. *All persons who are able to work from home must do so.*
- **A plan for the phased-in return of employees** (Annexure E) must be developed and *retained for inspection*. **Compliance officers** must be appointed in both the private and the public sector.
- Movement of people in and out of **hotspots** may be restricted.
- **People may travel** to perform permitted services; to and from work; to buy goods and obtain services.
- **Learners and students** may attend schools and learning institutions, once these are open.
- **Places of worship** may be attended *in the same province*. (For the directions on the norms and standards applicable to places of worship, including maximum number of people, duration of services and health and safety measures, refer to GG 43365 of 28 May 2020).
- **Movement between provinces**, metropolitan areas and districts and hotspots is *prohibited*, except for:
 - *work* - with a permit from the employer (Form 2);
 - moving to a *new residence* or caring for an *immediate family member* – must have an affidavit sworn to or affirmed at a magistrate’s court or police station (Form 6);
 - to and from *schools and learning institutions* – certificate to be issued by head of school or learning institution for travelling between provinces (Form 3A). Persons transporting learners or students must have a permit (Form 3B) from the head of the school;
 - obtaining *medical treatment*;
 - movement permitted under Regulation 41, which deals with the closure of borders of the Republic.
- **Movement of children** is allowed between co-holders of parental responsibilities or caregivers *in the same metropolitan area or district*, if they are in possession of (a) a court order; (b) a parental responsibilities agreement or parenting plan *registered with the family advocate*; or (c) a permit by a magistrate (Form 3) if (a) and (b) are not available. A birth certificate or certified copy thereof to prove a legitimate relationship and written reasons why the movement of the child is necessary are required.
For across borders movement of children a *permit from a magistrate* is necessary (Form 3) and the required documents are the same as above.

- **Funerals** are limited to 50 persons. *Across borders movement* is only permitted for close relations of the deceased, as per Regulation 35(1). A permit (Form 4) from the magistrate's office or police station is needed. A death certificate or certified copy thereof, or, if not yet available, a sworn affidavit (Form 5), together with a letter from a cultural or religious leader that the funeral needs to take place within 24 hours, must be provided. Night vigils are prohibited.
- **Gatherings** are prohibited, save for a few exceptions.
- Regulation 39 lists the **places closed** for the public, including beaches, gyms and fitness centres, accommodation facilities and conference facilities.
- **Visits** to inter alia correctional centres, police holding cells, health establishment and older persons' residential facilities are prohibited, except to the extent that the relevant Minister directs.
- **Exercise** between 06h00 and 18h00 is allowed, but not in groups and health and social distancing protocols must be followed.
- The **wearing of a face mask** or other appropriate item in a public place is mandatory.
- **Evictions** are prohibited, but a court may grant an eviction order in terms of the Extension of Security of Tenure Act and the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act. An eviction order may be stayed and suspended until the end of Alert Level 3, unless the court decides that it is not just and equitable to do so.
- The relevant Minister must issue directions regarding **public transport**, including air travel, bus and taxi services and private vehicles to cater for the gradual return to work.
- The sale of **liquor** is allowed from Monday to Thursday between 09h00 and 17h00, but the sale of **tobacco** and tobacco products is prohibited.

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