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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF CO-OPERATIVE GOVERNANCE

NO. R. 1659

30 December 2021

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 and No. R. 1598 of 10 December 2021, 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: 30.12.2021

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 and No. 1646 of 21 December 2021.

Repeal of regulation 66 of the Regulations

2. Regulation 66 of the Regulations is hereby repealed.

Substitution of regulation 69 of the Regulations

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

"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) 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 (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.

(4) All—

- (a) faith-based or religious gatherings; and
 - (b) social, political and cultural gatherings;
- are permitted 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 and a half metres 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.

(5) A convener of a faith based, religious, social, political or cultural gathering must ensure compliance with the limitation on the number of persons attending such a gathering contemplated in subregulation (4).

(6) A convener of a faith based, religious, social, political or cultural gathering who fails to comply with subregulation (5), 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.

(7) Any person who attends a faith based, religious, social, political or cultural gathering and who knows or ought reasonably to have known or suspected that the number of persons exceeds the limitation provided for in subregulation (4), 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.

(8) Gatherings at a workplace for work purposes are allowed, subject to strict adherence to all health protocols and social distancing measures.

(9) (a) 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 and a half metres from each other when in common spaces.

(b) Restaurants, bars, shebeens and taverns are allowed, subject to a limitation of a maximum of 1000 persons or less for indoor venues and 2000 persons or less for outdoor venues and if the venue is too small to hold 1000 persons indoors or 2000 persons outdoors 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.

(c) An owner or manager of a restaurant, bar, shebeen or tavern must ensure compliance with the limitation on the number of persons attending such a restaurant, bar, shebeen or tavern contemplated in paragraph (b).

(d) An owner or manager of a restaurant, bar, shebeen or tavern who fails to comply with paragraph (c), 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.

(e) Any person who attends a restaurant, bar, shebeen or tavern and who knows or ought reasonably to have known or suspected that the number of persons attending exceeds the limitation provided for in paragraph (b), 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.

(f) Conferencing, exhibitions, dining, gyms, fitness centres, casinos and entertainment facilities are subject to a limitation of a maximum of 1000 persons or less for indoor venues and 2000 persons or less for outdoor venues and if the venue is too small to hold 1000 persons indoors or 2000 persons outdoors 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.

(g) An owner or operator of a conferencing, exhibition, dining, gym, fitness centre, casino or entertainment facility must ensure compliance with the limitation on the number of persons attending such a conferencing, exhibition, dining, gym, fitness centre or entertainment facility contemplated in paragraph (f).

(h) An owner or manager of a conferencing, exhibition, dining, gym, fitness centre, casino and or entertainment facility who fails to comply with paragraph (g), 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.

(i) Any person who attends a conferencing, exhibition, dining, gym, fitness centre, casino or entertainment facility and who knows or ought reasonably to have known or suspected that the number of persons attending exceeds the limitation provided for in paragraph (f), 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.

(10) Sporting activities, including both professional and non-professional matches, by recognised sporting bodies are allowed, subject to 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) spectators at the venue of the sports match are permitted 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 and a half metres 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; and

(11) An owner or operator of a sporting facility or an organiser of a sporting event referred to in subregulation (10) must, when such sporting activities take place, ensure compliance with the limitation on the number of persons attending such a gathering contemplated in subregulation (10)(b).

(12) An owner or manager of a sporting facility or an organiser of a sporting event referred to in subregulation (10) who fails to comply with subregulation (11), 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.

(13) Any person who, as a spectator, attends a sporting facility and who knows or ought reasonably to have known or suspected that the number of persons exceeds the limitation provided for in subregulation (10)(b), 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."

Amendment of regulation 75 of the Regulations

4. Regulation 75 of the Regulations is hereby amended by the deletion of paragraph (b) of subregulation (4).

Substitution of regulation 77 of the Regulations

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

"Sale, dispensing and transportation of liquor

77. (1) The sale of liquor for on- or off-site consumption is permitted during licensed trading hours, subject to the laws governing such licenses.

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

(3) The transportation of liquor is permitted.

(4) The consumption of liquor in contravention of subregulation (2) is an offence.

Amendment of regulation 80 of the Regulations

6. 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 67(2), (3) and (7), 76(3)(a), and 77(2) 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."

Commencement

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

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