

MEDIA STATEMENT

DISASTER MANAGEMENT ACT, 2002: REGULATIONS ISSUED IN TERMS OF THE DISASTER MANAGEMENT ACT, 2002

The Minister for Cooperative Governance and Traditional Affairs (CoGTA) has, in terms of section 3 of the Disaster Management Act, 2002 (Act No. 57 of 2002), and after consulting the responsible Cabinet members, made the and gazetted regulations to deal with the spread of Regulations in the Schedule.

The regulations are in response to the outbreak of COVID-19 virus. Government must, for the duration of the declared national state of disaster, within its available resources play an important role in the fight against the virus. The regulations are compiled and released in-terms of section 27(a & b).

- a) Existing legislation and contingency arrangements do not adequately provide for the national executive to deal effectively with the disaster;
- b) Other special circumstances warrant the declaration of a national state of disaster.

Section 27(2) indicates that if the national state of disaster has been declared, Minister may in consultations with the responsible cabinet member, make regulations or issue directions or authorise the issue of directions concerning the response to dealing with the virus, which includes, but not limited to the following:

- a) Release of available resources of the national government.
- b) Evacuations to temporary shelters
- c) Emergency procurement procedures

The regulations pertaining the COVID-19 virus deals with the following:

- a) Release of resources:
 - Release any available resources, including human resources, stores, equipment, ships, aircraft platforms, vehicles and facilities; and ensure the delivery of essential services, as may be required, to prevent, limit, contain, combat and manage the spread of the virus.

b) Prevention and prohibition of gatherings:

- In order to contain the spread of the COVID-19 virus, a gathering of more than 100 persons is prohibited. An enforcement officer must, where a gathering of more than 100 persons takes place.

c) Refusal of medical examination, prophylaxis, treatment, isolation and quarantine:

- No person who has been clinically or by a laboratory confirmed as having the COVID-19 virus, or who is suspected of having contracted the COVID-19 virus, or who has been in contact with a person who is a carrier of the COVID-19 virus, may refuse consent.

d) Places of quarantine and isolation:

- The Minister of Public Works and Infrastructure must identify and make available sites to be used as isolation and quarantine facilities as the need arises.

e) Closure of schools and partial care facilities:

- Schools and partial care facilities must be closed by 18 March 2020 until 15 April 2020, which period may be extended for the duration of the national state of disaster by the cabinet member concerned.

f) Suspensions of visits:

All visits by members of the public to—

- Correctional Centres,
- Remand Detention Facilities,
- Holding Cells;
- Military Detention Facilities; and
- Department of Social Development facilities, including Child and Youth Care Centres, shelters, One Stop Centres, and Treatment Centres are suspended for a period of 30 days from the date of publication of this Notice, which period may be extended up to the duration of the national state of disaster by the cabinet member concerned.

g) Limitation on the sale, dispensing or transportation of alcoholic beverages:

- All registered or licensed on-consumption liquor premises which can accommodate, including taverns, restaurants and clubs, must be closed with immediate effect, or must be limited to accommodate no more than 50 persons: Provided that adequate space is available and that all directions in respect of hygienic conditions and limitation of exposure of persons with the COVID-19 virus are adhered to.

h) Emergency Procurement Procedures:

Emergency procurement for institutions is subject to:

- the Public Finance Management Act, 1999 (Act No. 1 of 1999), and the applicable emergency provisions in the regulations or instructions made under section 76 of that Act; and
- the Municipal Finance Management Act, 2003 (Act No. 56 of 2003), and the applicable emergency provisions in the regulations made under that Act, must be applied.

i) Authority to issue directions:

- The Minister of Health may issue directions to address, prevent and combat the spread of the COVID-19 virus in any area of the Republic of South Africa.

j) Offences and penalties:

- A person is guilty of an offence if that person fails to comply with these Regulations. A person convicted of an offence mentioned in sub-regulation (1) is liable on conviction to a fine or to imprisonment not exceeding six months or to both a fine and such imprisonment.

The gazetted regulations to deal with the spread of COVID-19 virus are attached for more information. The Regulations will also be available on the CoGTA and government websites.

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Issued by Government Communications (GCIS) on behalf of the Ministry of Cooperative Governance and Traditional Affairs

19 March 2020