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Urgent update: Amendments to lockdown level 3 regulations

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On 25 June 2020 the Minister of Cooperative Governance and Traditional Affairs, Dr Nkosazana Dlamini Zuma ("**Minister**"), published, by way of Government Gazette, amendments to the Regulations ("**Amendments**") to the Disaster Management Act 57 of 2002. We have highlighted a few of the amendments below.

Businesses and activities now permitted

The Amendments permit more activities and businesses to operate during level 3 of the national lockdown. The businesses and / or those participating in the activities must adhere to any measures provided in directions issued by the relevant Cabinet member.

Below are the **additional** activities / businesses which are now permitted to operate:

- **Conferences and meetings for business purposes**
  - There is a limit of 50 persons, excluding those who participate through electronic platforms.
  - This is subject to compliance with all health protocols and social distancing measures as provided for in directions still to be issued.
- **Cinemas**
  - There is a limit of 50 persons.
  - The sale of tickets must be through a booking system.
  - This is subject to compliance with all health protocols and social distancing measures as provided for in directions still to be issued.
- **Theatres**
  - There is a limit of 50 persons.
  - There is also a limit of 15 persons on the performers and crew including live streaming or recording for distribution on digital platforms.
  - This is subject to compliance with all health protocols and social distancing measures as provided for in directions still to be issued.
- **Casinos**
  - The number of persons permitted in the casino may not be more than 50 percent of the available floor space taking into account the required social distancing.
  - The patrons must observe at least one and a half metres distance from each other.

    - This is subject to compliance with all health protocols and social distancing measures as provided for in directions still to be issued.
- **Sporting activities**
    - Non-contact sports matches, which may only include players, match officials, journalists, medical and television crew.
    - Contact sports are permitted for training only.
- **Personal care services**
    - These include hairdressing, beauty treatments, make-up and nail salons and piercing and tattoo parlours. For more detail, in this regard, see also https://werksmans.com/legal-updates-and-opinions/urgent-update-permitted-personal-care-services/
- **Museums, galleries, libraries and archives**
    - This is subject to compliance with all health protocols and social distancing measures as provided for in directions still to be issued.
- **Restaurants**
    - This is subject to compliance with all health protocols and social distancing measures as provided for in directions still to be issued.

The following economic exclusions still apply:

- On-site consumption of liquor;
- Short term home-sharing / letting / leasing / rental for leisure purposes;
- Domestic passenger air travel for leisure purposes, until directions with health protocols and social distancing measures are issued by the relevant Cabinet member responsible for transport;
- Passenger ships for leisure purposes;
- Sporting events, except as provided in the Regulations;
- Exclusions relating to public transport services as set out in directions issued by the Cabinet member responsible for transport; and
- Exclusions relating to education services as set out in the directions issued by the Cabinet members responsible for education.

Places and premises now permitted to open

The following places / premises are **no longer** closed to the public –

- Sports grounds and fields and swimming pools for training professional athletes, non contact sports matches and contact sports for training only with restricted of facilities;
- Accredited and licensed accommodation establishments; and
- Conference facilities for business.

The following places / premises remain closed

- Gyms and fitness centres;
- Sports grounds and fields and swimming pools except for the purposes referred to in the Amendments;
- Fêtes and bazaars;
- Night clubs;
- Accommodation establishments not formally accredited and licensed, such as private homes for paid leisure accommodation;
- Conference facilities, except for business use as referred to in the Amendments;

- Any on-consumption premises, including bars, taverns, shebeens and similar establishments, except as provided for in the Regulations; and
- Beaches and public parks.

Movement of persons

The following are the amendments in relation to the movement of persons:

- People may exercise in organised groups of not more than four people and must adhere to health protocols and social distancing measures;
- People may travel for leisure purposes, however, may not do so across provinces; and
- Travel between metropolitan areas, district areas and hotspots is no longer prohibited, provided it is undertaken for a recognised reasons as per the Regulations.

Contact tracing through mobile device or computer access

The Amendments allow for the National Department of Health to develop and implement electronic systems or applications that would be used on mobile devices or computers in order to collect information from the public. This would be done on a voluntary basis and information is to be stored in the Covid-19 Database for the purposes of contact tracing. The Amendments set out various regulations on the collection and storing of this information.

The full Amendments may be accessed at: https://www.gov.za/sites/default/files/gcis_document/202006/43476gon714.pdf.



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