

## LEVEL 4 REGULATIONS

### Highlights of Changes, Obligations, Permissions, & Prohibitions

The Risk Adjusted Strategy Regulations for Alert Level 4 were published on 29 April 2020 and take effect from 1 May 2020. These Regulations replace the previous lockdown regulations of 18 March 2020.

This document contains information of interest to Businesses, Accommodation Establishments, Parents, Foreigners in South Africa, South Africans abroad, and the general public.\*

#### Changes & Highlights:

- Increased social distancing:
  - "Adequate space" for social distancing is no longer one square metre per person. It has been increased to **1.5m of floor space** measured in any direction.
- Tracking your movement by cell phone:
  - The director-general may, without notice, contact your cell phone service provider to provide your location and movement between 5 March 2020 to date if you are suspected of having contracted the virus.
- Controlled Visitation to detention centres and hospitals now allowed:
  - Visits to correctional centres, detention facilities, health establishments, we previously suspended. It now appears that controlled visits may be permitted.
- Phased re-opening the economy:
  - Various businesses listed in table 1 may commence operation.
  - The table is **attached** to the end of this document
- Restrictions on movement of **children**. Birth certificates only are no longer sufficient.

## What MUST be done :

- Everyone must -
  - When using public transport or in a public place, wear a cloth **facemask** or any appropriate item that covers the nose and mouth.
  - Submit to being tested if they are suspected of having contracted Covid 19. If not, they will be placed in quarantine for up to 48 hours pending a warrant issued by a court compelling them to submit to such testing.
- Business premises and Employers must -
  - Measure their floorspace in square metres and determine how many employees and customers may be inside in order to comply with the 1.5 m rule.
  - Provide hand sanitisers to employees and patrons at the entrance.
  - Develop a plan for the phased return of their employees to the workplace prior to the opening the business. The plan must be in writing and comply with Annexure E to the Regulations.
  - Assign a compliance officer (may be an employee or another suitable person), in writing, to implement and enforce the plan and other hygiene protocols.
  - Adopt measures to promote social distancing and working from home adopt special measures for employees who are older than 60.
  - Enable employees to work from home or minimising the need to be present at the workplace.
- Accommodation establishments must -
  - Promptly after 1 May 2020 submit the names, addresses, and contact details of all persons staying there during lockdown to the director-general of health.
  - A copy of passport or identity document must also be submitted.
  - Failing to do so is a criminal offence

### What MAY be done

- Parties with claims or legal disputes against the State or organs of state may refer matters to mediation or arbitration instead of court.
- Any person may -
  - Walk, run, cycle between 6 and 9 AM and within 5 km of the residence. Not in organised groups.
  - Return to places of residence or work on a once-off basis.
- Co-parenting parents may -
  - (If the child is to be moved in the **same metropolitan area or district municipality**, and the household to which the child is moved is virus free) Move children between them if they are in possession of a -
    - court order,
    - registered parental responsibilities and rights agreement,
    - Registered parenting plan, or
    - permit issued by a magistrate.
  - If they live in different districts, provinces, or metropolitan areas, parents must acquire a permit from a magistrate authorising. A written application is required.
  - Return the child to the primary caregiver on a once-off basis if the child is not currently with the primary caregiver.
- Foreign tourists may -
  - Be evacuated from their place of temporary residence in South Africa if arrangements have been made by their embassies. Tourists will be escorted to the point of exit and may be screened again.
- South Africans abroad may -
  - Be repatriated subject to screening, quarantine, and/or isolation.

### What MUST NOT be done:

- Every Person or organisation (where applicable) may not -
  - Leave their place of residence except to perform/obtain essential services, by permitted goods.
  - Attend an unlawful gathering of persons (other than a funerals, the workplace, another specific exclusions). Whether inside a building, and any premises, public road, or in open air.
  - Leave home between **8 PM and 5 AM** except we they have an essential services permit or are attending to a security or medical emergency.
  - Move between provinces, metropolitan areas, or municipal districts without a permit, to attend the funeral, or commuter school. falsely claim that you or any other person is infected.
  - publish **fake news/false statements** regarding the virus for measures taken by the government to address .
  - intentionally expose another person to the virus. You may be charged with assault, attempted murder, or murder.
  - sell, distribute, or transport **liquor**, except for export
  - sell tobacco products or e-cigarettes.
- Public transport sedans/uber may not carry more than 50% of its permissible passenger carrying capacity.
- Landlords may not evict any person from the place of residence, unless a court finds it just and equitable to permit the eviction;
- Accommodation establishments and other places where members of the public may normally access or gather at may not open to the public.

\* This document is a high-level summary of arbitrarily selected provisions of the regulations. It is not intended to be legal advice in any way shape or form. Should you require detail understanding of the regulations, please contact an attorney.

**TABLE 1**  
**ALERT LEVEL 4**

*All persons who are able to work from home should do so.*

*Persons in the following list of industries and activities will be permitted to perform work outside the home, and to travel to and from work, under Alert Level 4, subject to-*

- (a) strict health protocols, and social distancing rules;*
- (b) return to work to be phased in to enable measures to make the workplace COVID-ready; and*
- (c) return to work to be done in a manner that avoids and reduces risks of infection.*

**PERMISSIONS AND PROHIBITIONS**

**PART A: AGRICULTURE, HUNTING, FORESTRY AND FISHING**

- 1 - All agriculture, hunting, forestry and fishing, bee -keeping, including preparation, cultivation, harvesting, storage, transport of live animals and auctions (subject to health directions) and related agricultural infrastructure and services (including research, inspection, certification and quality control).*

*All fishing, operation of fish hatcheries and fish farms, on such conditions as may be issued in directions by the cabinet members responsible for the environment, forestry and fisheries. Harvesting and storage activities essential to prevent the wastage of primary agricultural, fishing and forestry goods. Export of all agricultural, agro-processed, fishing and forestry products.*

**PART B: ELECTRICITY, GAS AND WATER SUPPLY**

- 1 - All electricity, gas and water supply is permitted.*

**PART C: MANUFACTURING**

- 1 - Manufacture of wholesale and retail products permitted to be sold under Alert Level 4, and all input products, permitted scaling up to full employment, except where otherwise indicated, and subject to strict health protocols.*
- 2 - Manufacture of paper and paper products, excluding stationery, permitted scaling up to full employment and subject to strict health protocols.*
- 3 - Manufacture of plastics and packaging, including glass, plastic bottles and containers, permitted scaling up to full employment and subject to strict health protocols.*

- 4 - Petroleum refineries, smelters, and furnaces, permitted scaling up to full employment and subject to strict health protocols.
- 5 - Manufacture of winter clothing, footwear, bedding and heaters (and all inputs required, including textiles) permitted, commencing at 25% and scaling up to 50% employment and subject to strict health protocols.
- 6 - Manufacturing of automotives, steel and other metals, rail and ship - building (including components), scaling up in phases to 50% employment and subject to strict health protocols.
- 7 - Stationery production, scaling up in phases to 50% employment and subject to strict health protocols.
- 8 - Cement, other construction material, and hardware, scaling up in phases to 50% employment and subject to strict health protocols.
- 9 - All other manufacturing, scaling up to 30% employment and subject to strict health protocols.

#### **PART D :CONSTRUCTION AND RELATED SERVICES (INC. TRADES PERSONS)**

- 1 - Civil engineering for public works projects (including water, energy, sanitation).
- 2- Public works civil engineering and construction works.
- 3- Road and bridge projects, including local road repairs
- 4 - Critical maintenance and repairs.

#### **PART E WHOLESALE AND RETAIL TRADE, COVERING STORES, SPAZA SHOPS, ECOMMERCE AND INFORMAL TRADERS**

- 1 - Food products, including non -alcoholic beverages and animal food.
- 2 - The sale of hot cooked food, only for home delivery.
- 3 - Toilet Paper, sanitary pads, sanitary tampons, and condoms.
- 4 - Hand sanitiser, disinfectants, soap, alcohol for industrial use, household cleaning products, and personal protective equipment.
- 5 - Products for the care of babies and toddlers.
- 6 - Personal toiletries, including haircare, body, face, hand and foot care products, roll-ons, deodorants, dental care products.
- 7 - Medical and Hospital Supplies, medicine, equipment and personal protective equipment.
- 8 - Fuel and lighting, including coal, wood, paraffin and gas.
- 9- Airtime and electricity.
- 10- Hardware, components and supplies.
- 12 - Components for vehicles undergoing emergency repairs
- 13 - Chemicals, packaging and ancillary products used in the production of any these products listed in Part E.



- 14 - Textiles required to produce face masks and other personal protective equipment and winter clothing.
- 15 - Winter clothing, footwear, bedding and heaters and the components and fabrics required to manufacture these.
- 16 - Children's clothing and fabrics and components required to manufacture these.
- 17- Stationery and educational books.
- 18 - Personal ICT equipment including computers, mobile telephones and other home office equipment.
- 19- No sale of liquor permitted.
- 20 - Directions may permit the incremental expansion of e-Commerce, taking into account the need to limit the extent of movement on the road, contact between people, law-enforcement challenges and the impact on other businesses.

#### **PART F: INFORMATION AND COMMUNICATION SERVICES**

- 1- All telecommunication services and infrastructure.
- 2 - Information and Communication Technology services for all private and business customers.
- 3 - Postal services and courier services for all permitted Alert Level 4 services.

#### **PART G: MEDIA AND ENTERTAINMENT SERVICES**

- 1 - Online services.
- 2 - Productions for local broadcast and live streaming of creative sector services in support of COVID-19 subject to directions.
- 3 - Newspapers and broadcasting.

#### **PART H: FINANCIAL AND BUSINESS SERVICES**

- 1- Employees should work from home where possible.
- 2 - Essential financial services may operate, subject to directions issues by the relevant Cabinet member, including the following services necessary to maintain the functioning of a financial system as defined in section 1(1) of the Financial Sector Regulation Act, only when the operation of a place of business or entity is necessary to continue to perform those services:
  - i. the banking environment (including the operations of mutual banks, cooperative banks, co-operative financial institutions and the Postbank);
  - ii. the payments environment;
  - iii. the financial markets (including market infrastructures licensed under the Financial Markets Act, 2012 (Act No. 19 of 2012));

- iv. the insurance environment;
- v. the savings and investment environment;
- vi. pension fund administration;
- vii. outsourced administration;
- viii. medical schemes administration; and
- ix. additional services designated in terms of regulation 11B (4A)

The services listed above may not include debt collection services.

- 3 - Services necessary for the provision of social grants.
- 4 - Private security services may operate.
- 5- Implementation of payroll systems.
- 6- Car sales under specific directions
- 7 - Chauffeur services, rental of motor vehicles, driven vehicles, machinery and equipment, and of goods to support other Alert Level 4 services.
- 8 - Call centres, for local and all international markets, may operate subject to directions issues by the relevant cabinet members.
- 9 - Other professional services may operate only where work-from-home is not possible, and only to support other Alert Level 4 services.

#### **PART I: ACCOMMODATION AND FOOD SERVICE ACTIVITIES PERMITTED**

- 1 - Accommodation not permitted, except for quarantine and essential services Restaurants only for food delivery services (9H00 - 19H00) and subject to restriction on movement (no sit down or pick -up allowed).

#### **PART J: TRANSPORT, STORAGE AND COMMUNICATION SERVICES PERMITTED**

- 1 - Ocean, rail, road and air transport of goods permitted only for activities set out in Regulation 22(1).
- 2 - Public rail, minibus taxi and bus services will resume at Alert Levels and on terms as will be set out in Directions, based on the progressive increase in commuter numbers during the various phases.
- 3 - E-hailing services subject to restrictions on capacity and times, and for permitted activities only.
- 4 - Transport and logistics in respect of specified cargo specified in J1, and permitted retail goods to neighbouring countries, which shall include all goods imported via SA ports of entry, for re -export to neighbouring countries.



#### **PART K: MINING AND QUARRYING**

- 1 - Coal production for Eskom scaling up to full employment.
- 2 - Open-cast mining scaling up to a baseline of 50% and thereafter scaling up to full employment.
- 3 All other mining starting in batches scaling up towards 50% employment.

#### **PART L: REPAIR AND RELATED EMERGENCY SERVICES PERMITTED**

- 1- Tow trucks and vehicle recovery services.
- 2 - Emergency repair work, including plumbers, electricians, locksmiths, glaziers, roof repair work.
- 3 - Emergency automobile repairs for all persons.

#### **PART M: SUPPLY CHAINS**

- 1- Production, manufacturing, supply, logistics, transport, delivery and critical 1 maintenance and repair of goods and services (including components and equipment) required for the production or rendering of permitted goods and services
- 2 - All workplaces or premises must have care and maintenance that is essential to the prevention of the destruction or significant impairment of working 2 machinery or inventory. areas, plant, or to permit orderly wind down arrangements, on such conditions as may be issued by means of directions by the relevant cabinet members.

#### **PART N: PRIVATE HOUSEHOLDS' EMPLOYMENT**

- 1 - Live-in staff, and staff providing care to the sick, mentally ill, elderly, people with disabilities and children.

#### **PART O: PUBLIC ADMINISTRATION, GOVERNMENT SERVICES AND OTHER ARMS OF THE STATE**

Only essential government and administration services may operate, including:

- 1- Disaster management services.
- 2- Licensing, permitting, deeds, masters offices. birth and death certificates, replacement identification documents
- 3 - Any other service designated by the Executive Authority, HODs, Heads of Courts, and Heads of other Chapter 9 Institutions.
- 4- Essential municipal services.
- 5 - Services related to the functioning of courts; the State Capture Commission.
- 6 - Essential SARS services defined by the Commissioner of SARS.

- 7 - Police, peace officers, traffic officers, military medical personnel and soldiers, correctional services officials and traffic management services.
- 8 - Services rendered by the Executive. members of Parliament, Members of the Provincial Legislature, Members of Local Councils, the Judiciary, traditional leaders and National Office Bearers of Political Parties represented in Parliament.
- 9 - Commissioners of the South African Human Rights Commission, Gender Commission. the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, the Public Protector and the Independent Electoral Commission.

#### **PART P: HEALTH, SOCIAL AND PERSONAL SERVICES**

- 1- Medical and veterinary services permitted.
- 2 - Cleaning, sanitation, pest control, sewerage, waste and refuse removal services.
- 3 - Recycling of glass, paper, plastic, metal, tyres and such others as determined by directions, are permitted at 50% capacity. Informal recyclers will be permitted to resume operations.
- 4 - All Social work, counselling, services supporting gender based violence, care and relief activities permitted.
- 5 - Wildlife Management, Anti -poaching, Animal Care and Veterinary services.
- 6 - Funeral services, including mortuaries services and the transportation of mortal remains.
- 7 - Trade union essential staff for workers covered by Alert Level 4, subject to Directions.

#### **PART Q: EDUCATION SERVICES**

- 1 - Permitted on dates and schedule set out separately.