

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**DEPARTMENT OF CO-OPERATIVE GOVERNANCE**

NO. R. 1715

1 February 2022

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, No. R. 1598 of 10 December 2021 and No. R. 1672 of 14 January 2022, 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: 01. 02. 2022

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, R. No. R. 610 of 11 July 2021, R. No. 612 of 14 July 2021 and R. No. 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, No. R. 1646 of 21 December 2021 and No. R. 1659 of 30 December 2021.

Amendment of the Classification of the Regulations

2. The Classification of the Regulations is hereby amended by—
(a) the substitution of item 6 for the following item:

"6. Refusal of treatment and isolation"; and

- (b) the substitution of item 7 for the following item:
"7. Isolation of persons".

Amendment of regulation 1 of the regulations

3. Regulation 1 of the Regulations is hereby amended by the deletion of the definition "**quarantine**".

Substitution of regulation 6 of the Regulations

4. Regulation 6 of the Regulations is hereby substituted of the following regulation:

"Refusal of treatment and isolation

6. (1) No person who is a confirmed laboratory positive COVID-19 case and is symptomatic, may refuse to be treated or to be admitted to a health establishment for treatment or isolation in order to prevent transmission: Provided that if a person does not comply with the instruction or order of the enforcement officer that person must be placed in isolation at a health facility for a period not exceeding 48 hours, pending a warrant being issued by a competent Court, on application by an enforcement officer for the purposes of isolation or treatment.

(2) A warrant contemplated in subregulation (1) may be issued by a magistrate, if it appears from information on oath or affirmation by an enforcement officer that a person is a confirmed laboratory positive COVID-19 case and is symptomatic.

(3) The warrant may impose restrictions on the powers of the enforcement officer as the magistrate may deem fit.

(4) A warrant issued in terms of this regulation remains in force until—

- (a) it is executed;
(b) it is rescinded by a competent court; or
(c) the purpose for the issuing of the warrant has lapsed, whichever occurs first."

Substitution of regulation 7 of the Regulations

5. Regulation 7 of the Regulations is hereby substituted by the following regulation:

"Isolation of persons

7. (1) Any person who is a confirmed laboratory positive COVID-19 case and is asymptomatic is not required to isolate.

(2) Any person who is a confirmed laboratory positive COVID-19 case and is symptomatic must isolate him/herself for a period of 7 days, unless a longer period is recommended by a medical practitioner.

(3) Any person who is a confirmed laboratory positive COVID-19 case and is symptomatic must comply with—

- (a) an oral instruction of, or a written direction, issued by a medical practitioner, a person authorised by the medical practitioner, a nurse or an enforcement officer to subject himself or herself to isolation at a health facility in order to contain the transmission of COVID-19; or

(b) the requirements of self-isolation in order to contain the transmission of COVID-19.

(4) If a person refuses to isolate himself or herself as instructed or directed, a magistrate in whose jurisdiction such a person is, must make an order as contemplated in Form 1 of Annexure A, to compel such a person to isolate himself or herself."

Substitution of regulation 10 of the Regulations

6. Regulation 10 of the Regulations is hereby substituted of the following regulation:

"Shelters and sites identified by the State during national state of disaster

10. (1) The State shall identify temporary shelters for homeless people that comply with the necessary health protocols and adequate spacing standards as provided for in guidelines published by the Director General of Health.

(2) The provision of the State's resources contemplated in subregulation (1) shall be for the duration of the national state of disaster, and the use thereof will be subject to conditions determined by the Cabinet member responsible for such resources."

Amendment of regulation 66A of the Regulations

7. Regulation 66A of the Regulations is hereby amended by the substitution of paragraph (a) of subregulation (4) for the following paragraph:

"(a) No social distancing measures will apply in the basic education sector."

Substitution of Form 1 of Annexure A to the Regulations

8. Form 1 of Annexure A to the Regulations is hereby substituted by the following Form:

FORM 1
ORDER FOR A PERSON TO GO TO A SITE OF ISOLATION, OR FOR A PERSON TO GO
FOR MEDICAL EXAMINATION

Regulation 7(2)

IN THE MAGISTRATES COURT FOR THE DISTRICT OF _____ HELD
 AT _____ ON THIS _____ DAY OF _____ 20__.

BEFORE ME _____ MAGISTRATE FOR
 THE AFOREMENTIONED DISTRICT IN CHAMBERS

WHEREAS it appears that _____ (name of person)
 Being a person:

- who has been clinically confirmed as having COVID-19
 and who has refused to—
- submit to a medical examination, including but not limited to the taking of any bodily sample by a person authorised in law to do so;
- be admitted to a site to be used as isolation facility; or
- submit to mandatory prophylaxis, treatment, or isolation in order to prevent transmission.

I hereby issue an order for the submission of the said person to a medical examination, including the taking of any bodily sample by a person authorised in law.

Signed at _____, on this _____ day of _____ 20__.

MAGISTRATE

Official stamp

NOTE: This order remains in force until —

- (a) it is executed;
- (b) it is cancelled by the person who issued it or, if such person is not available, by any person with like authority;
- (c) a period of ninety days has lapsed from the date of its issue; or
- (d) the purpose for the issuing of the order has lapsed."

Amendment of Annexure D to the Regulations

9. Annexure D to the Regulations is hereby amended by the deletion of item 22.

Commencement

10. The amendment to Regulations will come into operation on publication in the *Gazette* except regulation 66A, which will come into operation on 7 February 2022.