



**Magistrates' Courts Judiciary
Republic of South Africa
JOHANNESBURG ADMIN REGION 5A**

LEVEL 3: DETERMINATION OF ADMISSION OF GUILT FINES IN RESPECT OF OFFENCES IN TERMS OF THE DISASTER MANAGEMENT ACT 2002(ACT NO 57 OF 2002) REGULATIONS 2020. (Updated Regulations 28 December 2020)

Regulation	Offence description (General – apply irrespective of Alert level)	Fine
14(1)	Any person intentionally misrepresenting that he / she is infected with Covid-19 commits an offence	R3000
14(2)	Any person publishing any statement through any medium with intention to deceive other persons on: Covid 19; Covid 19 infection status of any person or any measures taken by government to address Covid 19 commits an offence	R3500
14(3)	Any person who intentionally exposes another person(s) to Covid 19 can be prosecuted for assault, attempted murder, murder	ARREST
14(4)	A person who fails to comply with an obligation or direction in the regulations under Regulations 8(5);(9);(10);(11);(17);(18) commits an offence	R3500
14(5)	Failure by driver/operator of public transport to take steps to ensure that person who uses, operates, performs service on such transport wears mask/item to cover nose and mouth	NAG
14(6)	Failure by manager/owner of building, place/premises used by public to obtain goods/services, to take steps to ensure that such person wears mask/item to cover nose and mouth	NAG
14(7)	Failure by employer to ensure that person who uses, operates, performs service on public transport or enters building/place/premises is wearing mask/item that covers nose and mouth	NAG
14(8)	Failure by school principal, manager/owner -childhood development centre to ensure supplies of masks/items to cover nose and mouth for learners and take steps to protect learners	NAG
Regulation	Offence description (Only apply under Alert Level 3) GN 1423/4 (HOTSPOTS GAUTENG: City of Tswane and Johannesburg also West Rand and Ekurhuleni)	Fine
33	MOVEMENT OF PERSONS	
33(1-2) HOTSPOT 82(1-2)	LEVEL 3: Failure of person to confine (abide by curfew) to his or her place of residence between 21h00 and 06h00 daily (Barring exceptions in Reg 31(1)(a)-(b)] Offence / Penalty – Reg. 33(2) / 82(2) Fine or 6 months or both	R3000

33(3) HOTSPOT Reg: 82(3)	Level 3: The following establishments (indoor and outdoor) MUST close at 20h00 (a) Cinemas (b) Theatres (c) Casino's (d) Museums, Galleries and Archives (e) Gyms and fitness centres (f) Restaurants (g) Venue hosting auctions (h) Venue hosting professional sport	NAG
34	MANDATORY PROTOCOLS WHEN IN PUBLIC PLACE	
34(2)	The wearing of a face mask by everyone is mandatory in a public place and any person who fails to comply with a verbal instruction by an enforcement officer to wear a face mask is guilty of an offence Penalty – Reg. 34(2) Fine or 6 months or both	R1500
34(3)	Not wearing a face mask whilst (a) Use / operate / perform any service on any form of public transport (b) Enter / be in building, place or premises (Including Government Buildings), used by public to obtain goods or services; or (c) Be in a public open space	NAG
34(6)	Every business premises including supermarket, shop, grocery store, retail store, wholesale produce market, pharmacy, any other building (34(8)] must (a) Determine floor space in square metres (See Reg 36(15)(c) – 50 percent of floor space USABLE) (b) On basis of (a) determine number of customers and employees that may be in premises at any time with adequate space of 1,5m social distancing being observed Take steps to ensure queuing inside and outside premises are maintained at 1,5m from each other (c) Provide hand sanitiser at the entrance to the premises for public and employees (d) Assign an employee or suitable person as compliance employee that must ensure (i) compliance with (a)-(d) above and (ii) that all directions regarding hygienic conditions and limitation of exposure to persons with Covid 19 are adhered to	GENERAL INFORMATION ON OBLIGATION OF BUSINESSES FAILURE LEADING TO PENALTY IN SUB (7)
34(7)	Any business whose premises exceed the maximum number of customers and employees determined by subregulation 34(6) commits a punishable offence. Offence & Penalty – Reg. 34(2) Fine or 6 months or both	NAG
	INITIATION PRACTICES: LEVEL 3	
40(1) HOTSPOT Reg: 85	Performing of any male and female initiation practices are PROHIBITED Nationally, except those already in initiation schools in the Eastern Province, who will be allowed to complete initiation school	NAG

40(2)	<p>(a) A person may not arrange or hold an initiation school or conduct an initiation practice</p> <p>(b) A prospective initiate may not to attend an initiation school</p> <p>(c) Consenting by a landowner to use his/her land for an initiation school is prohibited</p> <p>(d) Performing, by a traditional surgeon or medical practitioner, of a circumcision as part of an initiation practice is prohibited apart from the exception supra (Eastern Cape)</p>	NAG
40(3)(b)	Post initiation celebrations (imigidi) are prohibited	NAG
43	PUBLIC TRANSPORT	
43(3)(a)	Carrying, by bus and taxi services, more than 70% of licenced capacity for long distance (more than 200km) travel, read with Reg 47(2)	NAG
44	SALE AND DISPENSING OF LIQUOR	
44(1) HOTSPOT Reg: 86(1)	Selling / Distributing / Dispensing of liquor for off and on-site consumption is PROHIBITED	NAG
44(2) HOTSPOT Reg: 86(2)	Consumption of liquor in public places is PROHIBITED	R 1500
44(3) HOTSPOT Reg: 86(3)	Tasting and selling of liquor to the public by registered wineries, wine farms, and other similar establishments registered as micro manufacturers is PROIBITED	NAG
44(4) HOTSPOT Reg: 86(4)	The transportation of liquor is prohibited; except <p>(a) Alcohol required by industries producing hand sanitizers, disinfectants, soap, industrial use and household cleaning products</p> <p>(b) Export purposes</p> <p>(c) From manufacturing plants to storage facilities</p> <p>(d) Being transported from any licensed premises for safe keeping</p>	R 1500
	GENERAL INFORMATION LEVEL 3: ATTENDANCE OF FUNERALS	
35 HOTSPOT Reg: 83	<p>(1) Maximum attendees 50 persons if venue can permit 1.5meter social distancing, if venue cannot permit 1.5m social distancing only 50 percent of venue capacity may be used.</p> <p>(2) Night vigils are not allowed</p> <p>(3) After funeral gatherings (after tears) are not allowed</p> <p>(4) All attendees MUST wear face masks and adhere to health protocols and social distancing</p> <p>(5) Maximum duration of a funeral is 2 (Two) Hours</p>	General Information NO PENALTIES PRESCRIBED
	GENERAL INFORMATION TO SAP REGARDING: GATHERINGS	
36(18)	<p>At any gathering where there is a contravention of these Regulations an Enforcement Officer MUST</p> <ul style="list-style-type: none"> • Order the persons at the gathering to disperse immediately; and • If they refuse to disperse, take appropriate action in accordance 	General Information NO PENALTIES PRESCRIBED

	with the Criminal Procedure Act, which may include arrest and detention	
36(1)	Every person at a gathering MUST (a) wear a face mask, (b) adhere to health protocols, (c) maintain 1.5m social distancing from all others, (d) adhere to all other directions of health protocols published by Ministers	General Information NO PENALTIES PRESCRIBED
36(2)	Owner / operator of facility (indoor / outdoor) where gatherings are held MUST display a certificate of occupancy setting out the maximum number of persons the facility may hold	General Information NO PENALTIES PRESCRIBED
36(3-4)	The following gatherings are PROHIBITED for 2 weeks <ul style="list-style-type: none"> • Faith based institution (36(3)) • Political event and traditional council meetings (36(4)) 	General Information NO PENALTIES PRESCRIBED
36(5)	Workplace gatherings for work purposes are allowed with strict adherence to health protocols and social distancing	General Information NO PENALTIES PRESCRIBED
36(6)	Cinema and Theatre gatherings are limited to 50 persons or less (indoor) and 100 persons or less (outdoor) if venue cannot permit 1.5m social distancing from each other only 50 percent of venue capacity may be used	General Information NO PENALTIES PRESCRIBED
36(7)	Casino gatherings are limited to 50 persons or less (indoor) and 100 persons or less (outdoor) if venue cannot permit 1.5m social distancing from each other only 50 percent of venue capacity may be used	General Information NO PENALTIES PRESCRIBED
36(8)	(a) Museums / Galleries / Libraries and Archive gatherings limited to 50 persons or less if venue can permit 1.5meter social distancing, if venue cannot permit 1.5m social distancing only 50 percent of venue capacity may be used subject to operation times Reg. 33(3) Closing time 20h00 and strict adherence to health protocols and social distancing (b) Gatherings at sports grounds/fields are PROHIBITED for 2 weeks	General Information NO PENALTIES PRESCRIBED
36(9)	Beaches, dams, lakes and rivers including all recreational facilities at these venues are closed to the public in hotspot areas (HOTSPOTS GAUTENG: City of Tswane and Johannesburg also West Rand and Ekurhuleni)	General Information NO PENALTIES PRESCRIBED
36(10)(a)-(c)	Not applicable to Gauteng - Beaches	General Information NO PENALTIES PRESCRIBED
36(11)	All public swimming pools including their recreational facilities are CLOSED to the public	General Info NO PENALTIES PRESCRIBED
36(12)	(a) Game Parks, Botanical Gardens, Aquariums and Zoo's where access control measures and entry limitations are in place remain open to the public (b) (i) between 09h00 – 18h00 and (ii) monitored for compliance with all health protocols, wearing of face masks and social distancing	General Information NO PENALTIES PRESCRIBED

36(13)	Gatherings at public parks are not permitted	General Information NO PENALTIES PRESCRIBED
36(14)	Gym and Fitness Centre gatherings are limited to 50 persons or less (indoor) and 100 persons or less (outdoor) if venue cannot permit 1.5m social distancing from each other only 50 percent of venue capacity may be used	General Information NO PENALTIES PRESCRIBED
36(15)	<p>(a) Restaurants gatherings are limited to 50 persons or less (indoor) and 100 persons or less (outdoor) if venue cannot permit 1.5m social distancing from each other only 50 percent of venue capacity may be used subject to operation times Reg. 33(3) Closing time 20h00 and strict adherence to health protocols and social distancing</p> <p>(b) (i) Hotel / Lodges / Bed and Breakfast / Timeshare / Resorts / Guest Houses at Full capacity of available rooms for accommodation and patrons MUST observe social distancing in common places (ii) Conferencing / Dining and entertainment facilities are limited to 50 persons or less (indoor) and 100 persons or less (outdoor) if venue cannot permit 1.5m social distancing from each other only 50 percent of venue capacity may be used</p> <p>(c) Every business premises including supermarkets, shops, grocery stores, produce markets, pharmacies are limited to 50% of the floor space which include customers and employees with strict adherence to health protocols and social distancing</p>	General Information NO PENALTIES PRESCRIBED
36(16)	Auction gatherings are limited to 50 persons or less (indoor) and 100 persons or less (outdoor) if venue cannot permit 1.5m social distancing from each other only 50 percent of venue capacity may be used subject to operation times Reg. 33(3) Closing time 20h00 and strict adherence to health protocols and social distancing and directions from relevant Cabinet Member	General Information NO PENALTIES PRESCRIBED
36(17)	<p>Sporting activities including professional and non-professional matches by recognised sporting bodies are allowed subject to strict time adherence as per Regulation 33(3) to time (Close 20h00) and</p> <p>(a) Directions for Sport Matches by cabinet ministers of sport and health</p> <p>(b) Only journalists / radio and television crew / security / emergency medical services / employees of owners of venue necessary allowed</p> <p>(c) Only required number of players / match officials / support staff and medical crew allowed at venue of match</p> <p>(d) No spectators at the venue, and</p> <p>(e) International sports are only allowed against countries with low or medium Covid-19 infection and transmission rate</p>	General Information NO PENALTIES PRESCRIBED
	GENERAL INFORMATION REGARDING: EVICTION AND DEMOLITION OF PLACES OF RESIDENCE	
37(1)	A person may not be evicted from land / home or have residence demolished during the National State of Disaster UNLESS a competent court has granted an order authorising the eviction / demolition	General Information NO PENALTIES

		PRESCRIBED
37(2)	Considerations (a)-(i) for court to suspend or stay an order for eviction / demolition in (1) supra and obtain a report 37(3)	General Information NO PENALTIES PRESCRIBED
	GENERAL INFORMATION REGARDING: RENTAL HOUSING	
38 (1-4)	Rental Housing Tribunal must determine fair procedures for urgent hearing of disputes (1) Unfair practices listed are presumed under 2(a)-(d)	General Information NO PENALTIES PRESCRIBED
	GENERAL INFORMATION REGARDING: PLACES AND PREMISES CLOSED TO THE PUBLIC	
39(1)	(a) Night Clubs (b) Swimming Pools (Except Professional athletes training / swimming contests falling under 36(17)) (c) Bars / Taverns / Shebeens (d) Public Parks and their recreational facilities at such parks / places ALSO 39(2) The Minister for Cooperative Governance and Traditional Affairs may determine a place or premises that must be closed if there is risk to public being exposed to Covid 19 at such place or premises	General Information NO PENALTIES PRESCRIBED
	GENERAL INFORMATION REGARDING: CONTROLLED VISITS BY MEMBERS OF PUBLIC: LEVEL 3	
41	Visits by public to the following places are prohibited except to the extent directed by the relevant Cabinet Minister (a) Correctional Centres (b) Remand detention facilities (c) Police holding cells (d) Military detention facilities (e) Health establishments and facilities, except to receive treatment or medication, subject to strict health protocols; and (f) Older persons residential facilities	General Information NO PENALTIES PRESCRIBED
	GENERAL INFORMATION REGARDING: PUBLIC TRANSPORT: LEVEL 3	
43(1)	Long distance travel is a trip of more than 200 km	
43(2)	The Minister of Transport must after consultation issue directions for resumption of different modes of public transport for return to work of people in respect of (a) Domestic air travel (b) Rail, bus, taxi services (c) E-Hailing services (d) Private vehicles	General Information NO PENALTIES PRESCRIBED
43(3)	Bus and Taxi services (a) May NOT carry more than 70% of licenced capacity for long distance (more than 200km) travel; and (b) May carry 100 percent of licenced capacity for trips which are not long distance travel (less than 200km)	
43(4)	Driver / owner / operator of public transport may NOT allow any member of public who is not wearing a mask, to board or be transported therein	General Information NO PENALTIES

		PRESCRIBED
43(5)	Health protocols will be set out by the Minister of Transport and must be adhered to by public transport users to prevent exposure to Covid 19	General Information NO PENALTIES PRESCRIBED

THE ADMISSION OF GUILT FINES WILL COME INTO EFFECT ON 29 DECEMBER 2020

SIGNED ON THIS 29TH DAY OF DECEMBER 2020



PJ DU PLESSIS

ACTING CHIEF MAGISTRATE: JOHANNESBURG