

## **FREQUENTLY ASKED QUESTIONS – LOCKDOWN – WHAT DOES IT MEAN**

**The declaration of a national disaster last Sunday with the subsequent promulgation of regulations aimed at suppressing the spread of the CORONAVIRUS in South Africa, and the important announcement by the President of a NATIONAL LOCKDOWN FROM MIDNIGHT ON THURSDAY 26<sup>TH</sup> MARCH 2020, FOR 21 DAYS UNTIL MIDNIGHT ON 16<sup>TH</sup> APRIL 2020 are unprecedented in our democratic era and are designed to limit the freedom of individuals in quite radical ways. Ordinarily such restrictions would not pass constitutional scrutiny. However, these are not ordinary times, and dire measures are called for in order to “flatten the curve”.**

### **WHEN CAN THE GOVERNMENT DECLARE A NATIONAL DISASTER**

In terms of section 27(1) of the Disaster Management Act, the relevant Minister can declare a national disaster if “existing legislation and contingency arrangements do not adequately provide for the national executive to deal effectively with the disaster” or if “other special circumstances warrant the declaration of a national state of disaster”.

In terms of section 27(5) of the Act a national state of disaster will lapse three months after it has been declared, but may be extended by the Minister by notice in the *Government Gazette* for one month at a time for as long the disaster continues.

The declaration of a national disaster is a temporary measure and a court will be able to declare invalid such a declaration (or any extension) if the requirements for a declaration as set out in section 27(1) are not met or lapse

Regulations issued in terms of the declaration must comply with the provisions of the Bill of Rights and the courts can declare specific regulations unconstitutional if they impose limitations on rights in a manner not justified by the limitation clause.

**NATIONAL HEALTH ACT REGULATIONS ALREADY PROVIDE FOR THE FORCED TESTING, ISOLATION AND QUARANTINE OF CERTAIN INDIVIDUALS, WHY DO THE NATIONAL DISASTER REGULATIONS ALSO PROVIDE FOR THIS?**

The newly promulgated regulations streamline the procedure to be followed when anyone refuses to be tested, isolated, or quarantined. It allows for a person who refuses to be tested, isolated or quarantined to be “detained” for a period of up to 48 hours while the authorities seek a warrant from the appropriate magistrate. This will prevent the person from infecting others while the authorities approach the court for an order to force the person to be tested, isolated or quarantined.

**WHAT ARE THE POWERS OF THE SANDF**

To 'support' the SAPS. It is clear from their call up instructions that they will assist wearing combat uniform and armed with standard issue R4 rifles. They will have the powers of arrest, but having done so, must hand the arrested person over to the SAPS immediately, with a statement giving reasons for the arrest. The SAPS and the SANDF are required to follow the principles of minimum force.

**LOCKDOWN MEANS** : the restriction of movement of persons during the period 23h59 on 26 March 2020 to 23h59 on 16 April 2020, during which time the movement of persons will be restricted.

**MOVEMENT MEANS** : entering or leaving a place of residence or, in the case of people not ordinarily resident in South Africa, their place of temporary residence while in the Republic.

### **RESTRICTION OF MOVEMENT**

Every person is confined to his or her place of residence, unless strictly for the purpose of performing an essential service, obtaining essential goods or services, collecting a social grant, or seeking emergency, life-saving or chronic medical attention;

Gatherings are prohibited, except for funerals as regulated;

Movement between provinces is prohibited;

Movement between metropolitan and district areas is prohibited;

Retail shops, shopping malls must be closed, except where essential goods are sold on condition that the person in control must ensure safe distancing and hygiene conditions;

Only essential goods may be sold in retail stores;

All borders of the Republic are closed during the period of lockdown, except for the transportation of essential goods and fuel;

All foreign tourists who arrived in the Republic prior to, or after, the lockdown, and who remain in the Republic, must remain in their place of temporary residence in the Republic for the duration of the lockdown or 14 days, as the case may be, and may be subject to screening for COVID-19 and be quarantined or isolated;

Attendance at a funeral is limited to 50 people and will for purposes of these Regulations not be regarded as a prohibited gathering. Provided that no vigil shall be held and all safety measures are adhered to.

### **COMMUTER TRANSPORT**

All commuter transport services are prohibited, except for purposes of rendering essential services, obtaining essential goods, seeking medical attention, funeral services and obtaining social grants, provided that each vehicle carries no more than 50% of its licensed capacity.

### **ESSENTIAL GOODS**

**FOOD** – any food product, including non-alcoholic beverages;

Animal food; chemicals, packaging and ancillary products used in the production of any food product.

**CLEANING AND HYGIENE PRODUCTS** – toilet paper; sanitary pads; sanitary tampons; condoms; hand sanitiser; disinfectants; soap; alcohol for industrial use; household cleaning products; personal protective equipment; chemicals, packaging and ancillary products used in the

production of the above; fuel, including coal and gas; basic goods, including airtime and electricity.

**SERVICES – CATEGORIES OF ESSENTIAL SERVICES SHALL BE CONFINED TO THE FOLLOWING:**

Medical health, including mental health, laboratory and medical services;

Disaster management, fire prevention, fire-fighting and emergency services

Financial services necessary to maintain the functioning of the banking and payments environment, including the JSE and similar exchanges, as well as insurance services

Grocery stores, including spaza shops

Electricity, water, gas and fuel production, supply and maintenance

Provincial departments including for social grant payments

Birth and death certificates and replacement ID documents

Essential municipal services

Care services and social relief of distress provided to older persons, mentally ill persons, persons with disabilities, the sick and children

Wildlife management, anti-poaching and animal care and veterinary services

Newspaper, broadcasting and telecommunication infrastructure and services

Production and sale of any chemicals, hygiene products, pharmaceuticals for the medical or retail sector

Cleaning, sanitation, sewerage, waste and refuse removal services

Services related to the functioning of courts, the Masters office and legal practitioners required for those services

SARS

Police, peace officers, traffic officers, military medical personnel, soldiers, correctional services officials and traffic management services

Postal services, courier services, and transport services for medical products

Private security services

Services rendered by the executive, Members of Parliament, Members of the NCOP. Local councils, Judiciary, traditional leaders and National office bearers of Political parties represented in Parliament

## **PLACES CLOSED TO THE PUBLIC**

Any place normally open to the public where religious, cultural, sporting, entertainment, recreational, exhibitional, organisational activities take place

Any place normally open to the public where goods other than essential goods are procured, acquired, disposed of or sold

Any place normally open to the public such as:

Public parks, beaches or swimming pools

Flea markets

Open air food markets

Fêtes and bazaars

Night clubs

Casinos

Hotels, lodges and guest houses, except to the extent that they are required for remaining tourists confined to hotels, lodges and guest houses

Private and public game reserves and holiday resorts except to the extent that they are required for remaining tourists confined to hotels, lodges and guest houses

On-consumption premises, including taverns, shebeens, shisanyama where liquor is sold

Off-consumption premises, including bottle stores, where liquor is sold

Off-consumption areas in supermarkets where liquor is sold

Theatres and cinemas

Shopping malls and centres excluding grocery stores and pharmacies

Taxi ranks, bus depots, trains stations and airports

## **WHEN CAN YOU LEAVE YOUR HOME**

For medical treatment;

To buy food;

To go to the bank;

To buy petrol

Visit the Chemist

If you perform an essential service that has been so declared

If you have been authorised to do so, to perform auxiliary services for essential services

Collect social grants

## **DO YOU NEED PERMISSION TO LEAVE YOUR HOME**

You do not need permission to leave home. You may only leave home for the exceptions provided

## **WHAT DO YOU DO IF YOU ARE STOPPED / ARRESTED HAVING LEFT YOUR HOME**

If you are stopped : supply your reason for leaving home which should be accepted if in line with the permissible reasons to leave home.

If arrested : you should be afforded all the normal rights. A state of disaster should by definition be implemented in a manner consistent with the Bill of Rights



## **ARE YOU ALLOWED TO WALK YOUR DOG(S)**

You ARE NOT allowed to walk your dogs

## **WHAT ARE THE POWERS OF THE SAPS DURING A STATE OF DISASTER**

Normal SAPS powers with an emphasis on ensuring adherence to the regulations.

## **WHAT ARE YOUR CONSTITUTIONAL RIGHTS DURING A STATE OF DISASTER**

You in theory enjoy all the rights afforded to you by the Bill of Rights. Limitations should be allowed only in as far as it is necessary/essential to effectively address the disaster situation.

## **WHICH OF YOUR RIGHTS ARE CURTAILED DURING A STATE OF DISASTER**

Depending on the regulations and the impact of infection the following freedoms and rights will/may be impacted: your right to freedom of movement - s21, right to freedom of expression - s16, freedom of assembly and picket - s17, freedom to participate in political activities - s19, freedom of trade, occupation and profession - s22, right to fair labour relations - s23, right to healthcare, food and water- s27, right to Education - s29)

## **WHAT ARE ESSENTIAL INFRASTRUCTURE SERVICES**

### **- ELECTRICITY – STABLE POWER SUPPLY WITH NO LOADSHEDDING**

Public and private organisations, their staff and service providers essential to the generation, transmission and distribution of electricity will need to continue to operate. This includes municipalities, and the suppliers of logistics, feedstock and maintenance will be required to continue to operate and provide security of electricity supply.

### **- WATER SUPPLY, SEWERAGE AND SANITATION**

Public and private organisations, their staff and service providers essential to the security of supply of bulk and potable water and sanitation must continue to operate and provide vital water and sanitation services. This includes municipalities and those involved in the supply of materials, chemicals and related equipment.

### **- ICT – DATACENTRES, FIBRE OPTIC INFRASTRUCTURE, TOWERS AND ANTENNAE**

Connectivity must remain stable during this period. Industry collaboration will be critical to ensure that society remains connected and functional. The ICT sector including data centres, fibre optic providers, towers and antennae will need to operate at high capacity.

The industry will collaborate and use multiple data sets to provide predictive insights into spread and impact dynamics of the crisis which will enable government and society's ability to be proactive in measures that reduce the curve and social and economic impact of the spread.

Social platforms will allow people to remain socially included and these platforms remain critical to the dissemination of accurate information. Citizens are reminded that cyber security is of the utmost importance and to be vigilant to cyber criminals who will, during this time, try to exploit the public.

## **CRITICAL BUSINESS CONTINUITY SERVICES TO SUPPORT HEALTH AND SAFETY**

### **- FOOD & ESSENTIAL PRODUCTS – RELATED MANUFACTURING AND PROCESSING, AND DISTRIBUTION**

In order to ensure that people remain well-nourished and apply high personal hygiene to combat the spread of Covid19, the following operations will continue:

- Manufacturing of health related products, supplies, devices, equipment, and medicines, including complementary health products; food and essential products, as well as essential inputs thereto.
- Agricultural and food supply related operations, including farming, veterinary and phyto-sanitary provider services, pest control services, and chemical and fertilizer providers.
- Fishing operations

- Forestry and sawmills will remain in production for disposable health and hygiene products, including toilet paper; as well as for the production of packaging for essential health and food supply chains.
- Food, beverages and essential products manufacturing and processing facilities
- Warehousing, transport and logistics for food & essential products, and health related goods
- The Ports, road and rail networks will remain open in order to facilitate the import and export of essential products.
- Food outlets – retail, wholesale, spaza shops and malls for food and essential products.

Essential products include: toilet paper, cleaners, sanitizers and disinfectants, personal hygiene products, bedding and clothing, and essential supplies for those taking care of the sick and in order for people to remain healthy.

#### **- ENABLING SERVICES**

To assist in the Covid19 response, the following services are required to continue operations:

- All healthcare related services, public or private.
- Call centres providing life and health; energy, food and water supply, social, transactional, communications, law and order and international critical business continuity services.
- Professional and artisan services, to the extent that they are providing support in the Covid19 response, essential and critical business continuity services.

- Cleaning, laundry and hospitality services supporting the Covid19 response and essential and critical business continuity services.
- Hotels, airlines, stadiums, car rental services, to the extent that they are supporting essential or critical business continuity services
- Financial and insurance services and health funders required to finance and support essential and critical business continuity services in the Covid19 response, and provide short term bridging finance to people and businesses during this period.
- Anti-poaching and wildlife conservation services.
- Communication and media services on screen, TV, radio, print, broadcast and online.
- Safety and security services protecting people and property.

### **WORK FROM HOME**

Other than the above, businesses will need to shut down during the lockdown and people should continue to work from home, with no contact with other people not part of the household.

These are extreme measures, but essential in order to secure the safety and health of South Africans in the face of this unprecedented pandemic.