



**MAGISTRATES' COURT JUDICIARY
REPUBLIC OF SOUTH AFRICA**

OFFICE OF THE CHIEF MAGISTRATE BLOEMFONTEIN: ADMINISTRATIVE REGION 3

**DISASTER MANAGEMENT ACT REGULATIONS, 2020 (COVID-19):
ADJUSTED ALERT LEVEL 3 OFFENCES**

DETERMINATION IN TERMS OF SECTION 57(5) OF THE CRIMINAL PROCEDURE ACT, NO 51 OF 1977

[The issuing of a Notice as provided for in section 56 of the Criminal Procedure Act, 1977, is a discretion and is not compulsory.]

DESCRIPTION OF CHARGE	ADMISSION OF GUILT FINE
<p><u>Regulation 14(5) read with 5(2)(a)</u></p> <p>Being a driver or operator of public transport and fails to take reasonable steps to ensure that a person uses, operates or performs any service on any such public transport, whilst not wearing a cloth face mask, homemade item, or another appropriate item that covers his/her nose and mouth.</p>	<p>R 3000-00 (Three Thousand Rand)</p> <p>(Repeated offences within the adjusted Alert Level 3 period of the declared national state of disaster must be referred to Court)</p>
<p><u>Regulation 14(6) read with 5(2)(b)</u></p> <p>Being a manager or owner of a building, place or premises, used by the public to obtain goods or services and fails to take reasonable steps to ensure that no person enter or be in such a building, place or premises, whilst not wearing a cloth face mask, homemade item, or another appropriate item that covers his/her nose and mouth.</p>	<p>R 2000-00 (Two Thousand Rand)</p> <p>(Repeated offences within the adjusted Alert Level 3 period of the declared national state of disaster must be referred to Court)</p>
<p><u>Regulation 14(7) read with 5(3)(a)</u></p> <p>Being an employer and fails to take reasonable steps to ensure that every employee is provided with a cloth face mask, homemade item, or another appropriate item that covers the nose and mouth, when in the workplace.</p>	<p>R 2000-00 (Two Thousand Rand)</p> <p>(Repeated offences within the adjusted Alert Level 3 period of the declared national state of disaster must be referred to Court)</p>

<p><u>Regulation 14(7) read with 5(3)(b)</u></p> <p>Being an employer and fails to take reasonable steps to ensure that an employee performs duties or enter the employment premises whilst not wearing a cloth face mask, homemade item, or another appropriate item that covers his/her nose and mouth.</p>	<p>R 3000-00 (Three Thousand Rand)</p> <p>(Repeated offences within the adjusted Alert Level 3 period of the declared national state of disaster must be referred to Court)</p>
<p><u>Regulation 33(1) read with regulations 33(2) and 47(2)</u></p> <p>Failure to confine to his/her place of residence from 21H00until 06H00, except where he/she has been granted a permission through directions by the relevant Cabinet member, or a permit which corresponds with Form 7 of Annexure A, to perform a service other than a service related to an activity listed under Table 2, or is attending to a security or medical emergency.</p>	<p>R 1500-00 (One Thousand Five Hundred Rand)</p> <p>(Repeated offences within the adjusted Alert Level 3 period of the declared national state of disaster must be referred to Court)</p>
<p><u>Regulation 33(3) read with regulation 47(2)</u></p> <p>Failure by</p> <ul style="list-style-type: none"> (a) cinemas; (b) theatres; (c) casinos; (d) museums, galleries and archives; (e) gyms and fitness centres; (f) restaurants; (g) venues hosting auctions; or (h) venues hosting professional sport, <p>whether indoors or outdoors, to close by 20H00.</p>	<p>R 5000-00(Five Thousand Rand)</p> <p>(Repeated offences within the adjusted Alert Level 3 period of the declared national state of disaster must be referred to Court)</p>
<p><u>Regulation 34(2) read with regulations 1, 34(1) and 47(2)</u></p> <p>Fails to comply with a verbal instruction by an enforcement officer to wear a face mask.</p>	<p>R 1000-00 (One Thousand Rand)</p> <p>(Repeated offences within the adjusted Alert Level 3 period of the declared national state of disaster must be referred to Court)</p>
<p><u>Regulation 34(3)(a) read with regulations 34(1) and 47(2)</u></p> <p>Use, operate, perform any service on any form of public transport without wearing a face mask.</p>	<p>R 1000-00 (One Thousand Rand)</p> <p>(Repeated offences within the adjusted Alert Level 3 period of the</p>

	declared national state of disaster must be referred to Court)
<p><u>Regulation 34(3)(b) read with regulations 34(1) and 47(2)</u></p> <p>Enter or be in a building, place or premises, including government buildings, places or premises, used by the public to obtain goods or services, without wearing a face mask.</p>	<p>R 1000-00 (One Thousand Rand)</p> <p>(Repeated offences within the adjusted Alert Level 3 period of the declared national state of disaster must be referred to Court)</p>
<p><u>Regulation 34(3)(c) read with regulations 34(1) and 47(2)</u></p> <p>Be in any public open space, without wearing a face mask.</p>	<p>R 1000-00 (One Thousand Rand)</p> <p>(Repeated offences within the adjusted Alert Level 3 period of the declared national state of disaster must be referred to Court)</p>
<p><u>Regulation 34(7) read with regulations 34(6) and 47(2)</u></p> <p>Failure by business whose premises exceeds the maximum number of customers and employees as determined by considering adequate space available, based on the area of floor space in square metres and on the basis of providing for a social distance of one and a half metres between persons.</p>	<p>R 5000-00 (Five Thousand Rand)</p> <p>(Repeated offences within the adjusted Alert Level 3 period of the declared national state of disaster must be referred to Court)</p>
<p><u>Regulation 40(2)(a) read with regulations 40(1) and 47(2)</u></p> <p>Arranges or holds an initiation school or conducts an initiation practice.</p>	<p>R 5000-00(Five Thousand Rand)</p> <p>(Repeated offences within the adjusted Alert Level 3 period of the declared national state of disaster must be referred to Court)</p>
<p><u>Regulation 40(2)(b) read with regulations 40(1) and 47(2)</u></p> <p>Attending an initiation school by a prospective initiate.</p>	<p>R 1500-00 (One Thousand Five Hundred</p>

	<p>Rand)</p> <p>(Repeated offences within the adjusted Alert Level 3 period of the declared national state of disaster must be referred to Court)</p>
<p><u>Regulation 40(2)(c) read with regulations 40(1) and 47(2)</u></p> <p>Consent to the use of his or her land for the holding of an initiation school.</p>	<p>R 5000-00 (Five Thousand Rand)</p> <p>(Repeated offences within the adjusted Alert Level 3 period of the declared national state of disaster must be referred to Court)</p>
<p><u>Regulation 40(2)(d) read with regulations 40(1) and 47(2)</u></p> <p>Traditional surgeon or medical practitioner performing a circumcision as part of an initiation practice.</p>	<p>R 5000-00 (Five Thousand Rand)</p> <p>(Repeated offences within the adjusted Alert Level 3 period of the declared national state of disaster must be referred to Court)</p>
<p><u>Regulation 40(3)(b) read with regulation 47(2)</u></p> <p>Holding of a post-initiation celebration. (<i>"imigidi"</i>)</p>	<p>R 5000-00 (Five Thousand Rand)</p> <p>(Repeated offences within the adjusted Alert Level 3 period of the declared national state of disaster must be referred to Court)</p>
<p><u>Regulation 43(3)(a) read with regulations 43(1) and 47(2)</u></p> <p>Operates or drives a bus or taxi during a long distance trip, being a trip of 200km or more, whilst carrying more than 70% of the licensed capacity of the vehicle.</p>	<p>R 3000-00</p> <p>(Repeated offences within the adjusted Alert Level 3 period of the declared national state of disaster must be referred to Court)</p>

<p><u>Regulation 44(1)(a) read with regulations 44(7) and 47(2)</u></p> <p>Selling, dispensing or distribution of liquor for off-site consumption.</p>	<p>R 5000-00 (Five Thousand Rand)</p> <p>(Repeated offences within the adjusted Alert Level 3 period of the declared national state of disaster must be referred to Court)</p>
<p><u>Regulation 44(1)(b) read with regulations 44(7) and 47(2)</u></p> <p>Selling,dispensing or distribution of liquor for on-site consumption.</p>	<p>R 5000-00 (Five Thousand Rand)</p> <p>(Repeated offences within the adjusted Alert Level 3 period of the declared national state of disaster must be referred to Court)</p>
<p><u>Regulation 44(2) read with regulations 44(7) and 47(2)</u></p> <p>Consuming liquor in a public place.</p>	<p>R 1500-00 (One Thousand Five Hundred Rand)</p> <p>(Repeated offences within the adjusted Alert Level 3 period of the declared national state of disaster must be referred to Court)</p>
<p><u>Regulation 44(3) read with regulations 44(7) and 47(2)</u></p> <p>Tasting or selling of liquor to the public by registered wineries, wine farms and other similar establishments registered as micro manufacturers.</p>	<p>R 5000-00 (Five Thousand Rand)</p> <p>(Repeated offences within the adjusted Alert Level 3 period of the declared national state of disaster must be referred to Court)</p>
<p><u>Regulation 44(4) read with regulations 44(7) and 47(2)</u></p> <p>Transportation of liquor, except where the transportation is:</p> <ul style="list-style-type: none"> (a) in relation to alcohol required for industries producing hand sanitizers, disinfectants, soap or alcohol for industrial use and household cleaning products; (b) for export purposes; (c) from manufacturing plants to storage facilities; or (d) being transported from any licensed premises for safe keeping. 	<p>R 5000-00 (Five Thousand Rand)</p> <p>(Repeated offences within the adjusted Alert Level 3 period of the declared national state of disaster must be referred to Court)</p>

<p><u>Regulation 47(1) read with regulation 1</u></p> <p>Hinders, interferes with, or obstructs an enforcement officer in the exercise of his or her powers or the performance of his or her duties in terms of the Disaster Management Act Regulations, 2020, as amended, and applicable during the national state of disaster.</p>	<p>R 2000-00 (Two Thousand Rand)</p> <p>(Repeated offences within the adjusted Alert Level 3 period of the declared national state of disaster <u>must be referred to Court</u>)</p>
<p><u>ALL OTHER ALERT LEVEL 1 OFFENCES PROVIDED FOR IN THE DISASTER MANAGEMENT ACT REGULATIONS PUBLISHED IN GOVERNMENT GAZETTE 43258 DATED 29 APRIL 2020, AS AMENDED/REPEALED BY GOVERNMENT GAZETTE 43364 DATED 28 MAY 2020, GOVERNMENT GAZETTE 43476 DATED 25 JUNE 2020, GOVERNMENT GAZETTE 43521 DATED 12 JULY 2020, GOVERNMENT GAZETTE 43577 DATED 31 JULY 2020, GOVERNMENT GAZETTE 43620 DATED 17 AUGUST 2020, GOVERNMENT GAZETTE 43725 DATED 18 SEPTEMBER 2020, GOVERNMENT GAZETTE 43727 DATED 20 SEPTEMBER 2020, GOVERNMENT GAZETTE 43763 DATED 01 OCTOBER 2020, GOVERNMENT GAZETTE 43825 DATED 21 OCTOBER 2020, GOVERNMENT GAZETTE 43897 DATED 11 NOVEMBER 2020, GOVERNMENT GAZETTE 43964 DATED 3 DECEMBER 2020, GOVERNMENT GAZETTE 43965 DATED 3 DECEMBER 2020, GOVERNMENT GAZETTE 43996 DATED 14 DECEMBER 2020, GOVERNMENT GAZETTE 43997 DATED 15 DECEMBER 2020, GOVERNMENT GAZETTE 44009 DATED 17 DECEMBER 2020, GOVERNMENT GAZETTE 44042 DATED 24 DECEMBER 2020, GOVERNMENT GAZETTE 44044 DATED 29 DECEMBER 2020, GOVERNMENT GAZETTE 44045 DATED 29 DECEMBER 2020 AND GOVERNMENT GAZETTE 44051 DATED 29 DECEMBER 2020, AS WELL AS ANY FUTURE AMENDMENTS OF THESE REGULATIONS.</u></p>	<p>COURT</p>

THE ADMISSION OF GUILT DETERMINATIONS FOR OFFENCES APPLICABLE DURING ALERT LEVEL 1 OF THE LOCKDOWN PERIOD, SIGNED ON THE 23rd OF DECEMBER 2020, ARE HEREBY REPEALED.

The determinations of admission of guilt made in terms of section 57(5) of the Criminal Procedure Act, No. 51 of 1977, as stipulated in the columns above, are approved as from date of signature and are applicable during the adjusted Alert Level 3 lockdown period.



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DATE: 30 December 2020