



**LOWER COURTS JUDICIARY
REPUBLIC OF SOUTH AFRICA**

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ENQUIRIES: E B NGUBANE/swp

REFERENCE: 1/4/5 [LCJ]

**To: All Area Cluster Heads
Administrative Region 6
[KwaZulu-Natal]**

24 July 2020

**JUDICIAL HEAD: ADMINISTRATIVE REGION 6, KWAZULU-NATAL:
JUDICIAL CIRCULAR 20 OF 2020.**

**DETERMINATION OF ADMISSION OF GUILT FINES IN RESPECT OF
OFFENCES COMMITTED IN TERMS OF REGULATIONS PROMULGATED
UNDER THE DISASTER MANAGEMENT ACT, 2002 PUBLISHED IN
GOVERNMENT GAZETTE NO. 43258 DATED 29 APRIL 2020 AS AMENDED
FOR THE DISTRICT OF DURBAN IN ADMINISTRATIVE REGION 6,
KWAZULU-NATAL.**

With reference to Judicial Circular 11 of 2020 dated 4 May 2020 through which the previous determination was circulated and in view of the current Alert Level 3 which has in one way or another relaxed certain stringent Regulations, I have considered after consultation with the NPA and other members of the Judiciary, the attached determination of Admission of Guilt Fines Schedule in the District of Durban.

In the interests of uniformity of practice and consistency, bearing in mind the constitutional provision under Section 9 (1) of Act 108 of 1996 that everyone is equal before the law and has the right to equal protection and benefit of the law, I urge Heads of District within this Cluster [Administrative Region] to consider the advisability of following suit.

Kindly disseminate this Circular together with the attached Determination of Admissions of Guilt Schedule to all Heads of Court within your respective Area Clusters for the attention of all Magistrates.



E B NGUBANE
CHIEF MAGISTRATE: DURBAN &
JUDICIAL HEAD: ADMINISTRATIVE REGION 6
KWAZULU-NATAL





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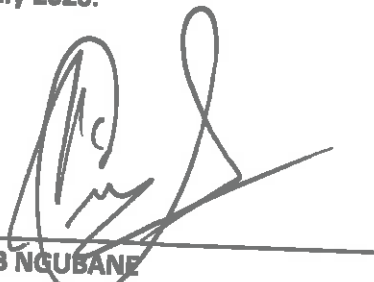
**DETERMINATION OF ADMISSION OF GUILT FINES IN RESPECT OF OFFENCES COMMITTED IN TERMS OF
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CODE	REGULATION	CHARGE	FINE
36	8(5) r/w 14(4)(a)	Disclosing any information contained in the COVID-19 database, or any information obtained through this regulation, unless the disclosure is necessary for purpose of addressing, preventing or combating the spread of COVID-19;	R2 000-00
36	8(9)(a) r/w 14(4)(a)	Failure by an accommodation establishment to transmit first name and surname, identity or passport number, residential address and cellular numbers of every person staying at accommodation establishment, to the Director-General: Health;	R3 000-00
36	8(9)(b) r/w 14(4)(a)	Failure by an accommodation establishment to transmit a copy or photograph of a passport, driver's licence, identity card or identity book of every person staying at accommodation establishment to the Director-General: Health;	R3 000-00
36	14(1)	Intentionally making of a misrepresentation that any person is infected with COVID-19;	R3 000-00
36	14(2)(a)	Publishing of any statement to deceive any person about COVID-19;	R1 500-00
36	14(2)(b)	Publishing of any statement to deceive any person about COVID-19, infection status of any person;	R1 500-00
36	14(2)(c)	Publishing of any statement to deceive any person about any measure taken by the Government to address COVID-19;	R2 000-00
36	5(2)(a) r/w 14(5)	Failure of a driver or operator of any form of public transport to take reasonable steps to ensure that passengers wear a mask, a homemade or another item that covers the nose and mouth;	R1 000-00
36	5(2)(b) r/w 14(6)	Failure by a manager or owner of a building, place or premises, including a government building place or premises, used by the public to obtain goods or services to ensure that members of the public who use or enter the premises wear a mask, a homemade or another item that covers the nose and mouth;	R1 000-00

36	5(3) (a) or (b) r/w 14(7)	Failure by an employer to provide every employee with a cloth face mask, homemade item, or another appropriate item that covers the nose and mouth, when in the workplace, or allows any employee to perform any duties or enter the employment premises if the employee is not wearing a cloth face mask, homemade item, or another appropriate item that covers the nose and mouth while performing his or her duties;	R1000-00
36	5(3) (c) r/w 14(8)	Failure by a principal of a school, or manager or owner of an early childhood development centre, to ensure that the relevant authority supplies the school or early childhood development centre with sufficient cloth face masks, homemade items, or other appropriate items that covers the nose and mouth;	R500-00
36	5(3) (e) r/w 14(8)	Failure by a principal of a school, or manager or owner of an early childhood development centre, to provide a learner of that school or early childhood development centre who does not have a cloth face mask, with a homemade item, or another appropriate item that covers the nose and mouth; <u>or</u> fails to have the child/ren isolated and fails to contact his or her parent, guardian or care-giver to bring, for the learner, a cloth face mask, homemade item, <u>or</u> another appropriate item that covers the nose and mouth to the school or early childhood development centre or fails to arrange for safe transport for the learner back home;	R500-00
36	23(1) r/w 37(2) & 31(1)(a)	Convening of illegal gathering during the national state of disaster;	R1 000-00
36	31(1)(b)	Hinder, interferes with or obstruct an enforcement officer in the exercise of his or her powers or the performance of his or her duties in terms of the current regulations;	No AOG
36	33(1A)r/w 48(2)	Failure to be confined to his or her place of residence from 21h00 until 04h00 daily;	R1 000-00
36	35(3)r/w 48(2)	Attends or hosts a night vigil;	R500-00
36	36(1)r/w 48(2)	Evicting or causing another person to be evicted from his or her home or land during Alert Level 3 period without authorisation by the court;	R3 000-00
36	38(1) (a) and (c) r/w 48(2)	No prospective initiate may attend male or female circumcision for the duration of the national state of disaster;	R300-00
36	38(1) (b) & (d) r/w 48(2)	Holding or arranging an Initiation school or conducting Initiation practice; or providing consent for the use of land for holding of an initiation school;	R2 000-00

36	38(1)(e) r/w/48(2)	Performing circumcision as part of initiation practice by traditional surgeon or medical practitioner;	R2 000-00
36	39(1)r/w 48(2)	Failure to keep a place or premises, normally open to the public, where sporting, cultural, entertainment, leisure, exhibitional, organization or similar activities, closed for the duration of the national state of disaster;	R3 000-00
36	43(3)(a)r/w 48(2)	Failure by bus and/or taxi services to carry 70% or less of the licensed capacity for long distance intra- provincial and permitted inter -provincial travel;	R1 000-00
36	44(1) r/w 48(2)	Prohibited sale, dispensing and distribution of liquor during the national state of disaster;	No A G
36	44(2)(a)r/w 48(2)	The prohibited transportation of liquor except for (a) alcohol required for industries producing hand sanitizers, disinfectants, soap or alcohol for industrial use and household cleaning products; (b) export purposes; or (c) from manufacturing plants to storage facilities; and	No A G
36	45(1) r/w 48(2)	The sale of tobacco, tobacco products, e- cigarettes and related products to members of the public and to persons including; retailers who sell directly to the members of the public.	No AG

I hereby certify that the admission of guilt fines listed above on offences committed in respect of Regulations promulgated under the Disaster Management Act, 2002, published in Government Gazette No. 43258 dated 29 April 2020 as amended, have been determined by me in terms of section 57(5)(a) of the Criminal Procedure Act, 1977 (Act 51 of 1977) for the District of Durban and are effective from 24 July 2020.



E B NGUBANE
CHIEF MAGISTRATE, DURBAN &
JUDICIAL HEAD: ADMINISTRATIVE REGION 6,
KWAZULU-NATAL

24 JULY 2020

