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Date: 12 JANUARY 2021

VARIOUS CLIENTS OF GVS LAW

Dear Sir / Madam

Re: **UPDATED DISASTER REGULATIONS: 11 JANUARY 2021**

1. We refer to the above as well as the regulations published by Government last night, after the speech by President Ramaphosa, in the Government Gazette No 44066, pertaining to the extended amended Level 3 status, as it applies from 00h01 today.
2. In this letter, we intend to give a brief description of the changes to the existing regulations. Where the regulations remain the same as those that applied from 29 December 2020, we will not discuss those regulations. If necessary, you may refer back to our letter of that date.
3. A beach, as referred to in the regulations, is now defined as meaning the sandy, pebbly or rocky shore between the low-water mark and high-water mark adjacent to the sea, as well as an area within 100 metres from the high-water mark (but excluding private property), as well as the sea adjacent to the beach. It also includes an estuary mouth, extending 1000 metres inland from the mouth, and the estuary itself. Therefore, a significant area as now defined, and, where beaches are closed, it will mean that activities that usually take place in the sea itself, such as surfing, kayaking and kitesurfing, will now definitely be prohibited at these closed beaches. An estuary carries the same definition as contained in the National Environmental Management: Integrated Coastal Management Act of 2008.
4. A small but significant change in Regulation 34(2) exempts children under the age of 6 years from wearing face masks when in a public place. Therefore, children under the age of 6 are no longer required to wear face masks. An entity in control of a premises could, however, still insist that children wear masks, as part of their own entrance policy, but they no cannot rely on the regulations – this will merely be their own policy.

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5. The existing curfew has again been amended, and people both inside and outside the declared hotspots may not leave their homes between 21h00 and 5h00, unless they are in possession of a Form 7-permit, or if it is a medical or security emergency.
6. Regulation 34(11) now requires all banks and financial institutions to ensure that all ATM machines have hand sanitiser available for use by the public when using the ATM machine, and to also ensure that social distancing is maintained whilst queueing for such machines.
7. All land ports of entry are closed until 15 February 2021, as set out in Regulation 42(1). The Minister of Home Affairs may allow certain traffic to cross these land border posts, for example for the transportation of goods, etc. Directives will have to be published, which as at the time of writing of this letter has not yet been done.
8. In terms of Regulation 42(4), international air travel is allowed, but only at the Cape Town, OR Tambo and King Shaka International airports. Travellers still have to provide a certificate of a negative COVID-19 which is not older than 72 hours before the date of travel. The commercial seaports remain open.
9. We trust that you find the above of assistance. Please do not hesitate to contact us, should you wish to discuss any aspect hereof.

Yours faithfully

Ben Groot

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