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**Contents**

<i>No.</i>		<i>Gazette No.</i>	<i>Page No.</i>
<b>GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS</b>			
<b>Health, Department of / Gesondheid, Departement van</b>			
2060	National Health Act (61/2003): Regulations Relating to the Surveillance and the Control of Notifiable Medical Conditions: Amendment.....	46319	3
2061	National Health Act (61/2003) and International Health Regulations Act (28/1974): Extension Notice: An extension of comment period for the Regulations relating to the Surveillance and the Control of Notifiable Medical Conditions: Amendment; Regulations relating to the Public Health Measures in Points of Entry; Regulations relating to the Management of Human Remains and Regulations relating to Environmental Health .....	46319	8

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**GOVERNMENT NOTICES • GOEWERMENSKENNISGEWINGS**

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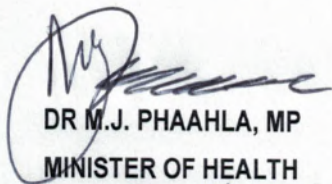
**DEPARTMENT OF HEALTH**

NO. 2060

4 May 2022

**NATIONAL HEALTH ACT, 2003****REGULATIONS RELATING TO THE SURVEILLANCE AND THE CONTROL OF  
NOTIFIABLE MEDICAL CONDITIONS: AMENDMENT**

The Minister of Health has, in terms of sections 90(1)(j), (k) and (w) of the National Health Act, 2003 (Act 61 of 2003), made the regulations in the Schedule.



DR M.J. PHAAHLA, MP  
MINISTER OF HEALTH

Date: 04/05/2022

**SCHEDULE****Definitions**

1. In this Schedule "the Regulations" means the Regulations relating to the Surveillance and the Control of Notifiable Medical Conditions made under the National Health Act, 2003 (Act No. 61 of 2003), and published under Government Notice No. 1434 of 15 December 2017.

**Insertion of Regulations 16A to 16C**

2. The Regulations are hereby amended by the insertion, after regulation 16, of the following regulations:

**"Wearing of face masks to contain the spread of COVID-19"**

- 16A.** (1) Subject to the provisions of subregulations (5) to (6), the measures stipulated in subregulations (2) to (4) must be adhered to.
- (2) For the purposes of this Regulation, a 'face mask' means a cloth face mask or a homemade item that covers the nose and mouth, or another appropriate item to cover the nose and mouth.
- (3) A person must, when entering and being inside an indoor public place, wear a face mask.
- (4) No person may use any form of public transport if they do not wear a face mask.
- (5) The measures in this Regulation shall come into operation upon publication of this regulation in the Government Gazette.
- (6) The Minister of Health may:
- (a) determine that the measures in this Regulation, in part or in their entirety, are no longer necessary to contain the spread of COVID-19 and give notice of this determination in the Government Gazette, whereupon the measures concerned will no longer be in operation; and
- (b) at any time after having made such a determination, determine that the measures concerned are once again necessary to contain the spread of COVID-19 and give notice of this determination in the Government Gazette, whereupon the measures concerned will resume operation.

**Regulation of gatherings to contain the spread of COVID-19**

- 16B.** (1) Subject to the provisions of subregulations (10) to (11), the measures stipulated in subregulations (2) to (9) must be adhered to.
- (2) For purposes of this regulation:
- (a) a "gathering" means a planned assembly or meeting at a particular venue involving more than one hundred persons, whether for faith-based, religious, social, political, cultural, sporting, economic or recreational purposes; and
- (b) "vaccinated against COVID-19" means having received at least one dose of a vaccine approved for use in respect of COVID-19 by the South

- African Health Products Regulatory Authority or listed for this purpose by the World Health Organization.
- (3) For any indoor gathering, a maximum of 50% of the venue capacity may be occupied, provided that every attendee must:
    - (a) be vaccinated against COVID-19 and produce a valid vaccination certificate; or
    - (b) produce a valid certificate of a negative COVID-19 test, recognised by the World Health Organization, which was obtained not more than 72 hours before the date of the gathering.
  - (4) Where sub-regulation (3) is not complied with, then attendance at the indoor gathering shall be limited to 1000 people or 50% of the capacity, whichever is smaller.
  - (5) For any outdoor gathering, a maximum of 50% of the venue capacity may be occupied, provided that every attendee must:
    - (a) be vaccinated against COVID-19 and produce a valid vaccination certificate; or
    - (b) produce a valid certificate of a negative COVID-19 test, recognised by the World Health Organisation, which was obtained not more than 72 hours before the date of the gathering.
  - (6) Where sub-regulation (5) is not complied with, then attendance at the outdoor gathering shall be limited to 2000 people or 50% of the capacity, whichever is smaller.
  - (7) An owner or operator of any indoor or outdoor facility where gatherings are held must display the certificate of occupancy which sets out the maximum number of persons the facility may hold.
  - (8) Hotels, lodges, bed and breakfasts, timeshare facilities, resorts and guest houses are allowed full capacity of the available rooms for accommodation, with patrons wearing face masks when in common spaces.
  - (9) All registered basic education institutions are excluded from the operation of this regulation.
  - (10) The measures in this Regulation shall come into operation upon publication of this regulation in the Government Gazette.
  - (11) The Minister of Health may:
    - (a) determine that the measures in this Regulation, in part or in their entirety, are no longer necessary to contain the spread of COVID-19 and give notice of this determination in the Government Gazette, whereupon the measures concerned will no longer be in operation; and
    - (b) at any time after having made such a determination, determine that the measures concerned are once again necessary to contain the spread of COVID-19 and give notice of this determination in the Government Gazette, whereupon the measures concerned will resume operation.

#### **Regulation of persons entering the country to contain the spread of COVID-19**

- 16C.** (1) Subject to the provisions of subregulations (6) to (7), the measures stipulated in subregulations (2) to (5) must be adhered to.
- (2) For purposes of this regulation, "vaccinated against COVID-19" means having received at least one dose of a vaccine approved for use in respect of COVID-

- 19 by the South African Health Products Regulatory Authority or listed for this purpose by the World Health Organization.
- (3) All international travellers arriving at South African Ports of Entry must:
- (a) be vaccinated against COVID-19 and produce a valid vaccination certificate; or
  - (b) produce a valid certificate of a negative PCR COVID-19 test, recognised by the World Health Organization, which was obtained not more than 72 hours before the date of departure; or
  - (c) produce a valid certificate of a negative antigen COVID-19 test performed by a medical practitioner, registered public health authority or accredited/approved laboratory which was obtained not more than 48 hours before the date of departure; or
  - (d) produce a valid certificate of a positive PCR COVID-19 test, recognised by the World Health Organization, for a test date less than 90 days prior to the date of arrival and more than 10 days prior to the date of arrival, together with a signed letter from a health care provider, registered in the country of origin, stating that the person has fully recovered from COVID-19, is not experiencing any new symptoms and is fit to travel.
- (4) If an international traveller does not comply with subregulation (3):
- (a) the traveller must undergo antigen testing for COVID-19 at the Port of Entry; and
  - (b) if the traveller tests positive for COVID-19 in the antigen test, the traveller will still be admitted into the Republic but, if the traveller is experiencing symptoms of COVID-19, the traveller must self-isolate for ten days after admission into the Republic.
- (5) Subregulations (3) and (4) do not apply to:
- (a) travellers who are under 12 years old; and
  - (b) daily commuters from neighbouring countries.
- (6) The measures in this Regulation shall come into operation upon publication of this regulation in the Government Gazette.
- (7) The Minister of Health may:
- (a) determine that the measures in this Regulation, in part or in their entirety, are no longer necessary to contain the spread of COVID-19 and give notice of this determination in the Government Gazette, whereupon the measures concerned will no longer be in operation; and
  - (b) at any time after having made such a determination, determine that the measures concerned are once again necessary to contain the spread of COVID-19 and give notice of this determination in the Government Gazette, whereupon the measures concerned will resume operation.

#### **Amendment of Annexure A to the Regulations**

3. Table 2 of Annexure A to the Regulations is amended by inserting the following item between existing items 5 and 6:

5A	Coronavirus disease (COVID-19)
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**Commencement**

4. These amendments to the Regulations will come into operation on publication in the *Gazette*.

**Short Title**

5. These Regulations are called Regulations Relating to the Surveillance and the Control of Notifiable Medical Conditions: Amendment, 2022.

## DEPARTMENT OF HEALTH

NO. 2061

4 May 2022

## EXTENSION NOTICE

**AN EXTENSION OF COMMENT PERIOD FOR THE REGULATIONS RELATING TO SURVEILLANCE AND THE CONTROL OF NOTIFIABLE MEDICAL CONDITIONS: AMENDMENT; REGULATIONS RELATING TO PUBLIC HEALTH MEASURES IN POINTS OF ENTRY; REGULATIONS RELATING TO THE MANAGEMENT OF HUMAN REMAINS AND REGULATIONS RELATING TO ENVIRONMENTAL HEALTH**

I, Dr M.J Phaahla, the Minister of Health, in terms of section 90(1)(a),(k),(j) and (w); section 68(1)(b); of the National Health Act, 2003 (Act No.61 of 2003), and section 3(2) of the International Health regulations Act, 1974 (Act No. 28 of 1974) hereby further extend the comment period for Regulations Relating to the Surveillance and Control of Notifiable Medical Conditions: Amendment, Notice No. 1882; Regulations Relating to Public Health Measures in Points of Entry, Notice No. 1883; Regulations Relating to the Management of Human Remains, Notice No. 1884; and Regulations Relating to Environmental Health, Notice No. 1885, all published in government gazette no. 46048, for three (3) months from the date of publication of this notice.

Substantive comments must:

- be sent to e-mail: [legalreviews@health.gov.za](mailto:legalreviews@health.gov.za) (only this email address should be used to send comments via email – email addresses reflected on the published Regulations should not be used)
- or be sent via or website link: <https://www.health.gov.za/public-comments-on-regulations/>
- or be sent via WhatsApp by sending the word COMMENT to WhatsApp number: **060 012 3456**

on or before the expiry of the three (3) months period from the date of publication of this notice.

**Members of the public who submitted comments in the initial public consultation process do not need to resubmit these comments as all comments already submitted will be considered as part of this process.**




**PLEASE TAKE NOTE:**

By way of context and in an effort to assist the public in commenting, it is important to emphasise that the proposed amendments to the health regulations do not amend the National Health Act, 2003 but rather amend certain existing regulations or introduce certain new regulations.

This is because the response to the COVID-19 pandemic compelled the Department of Health to relook at existing Health regulations to address various issues including health emergencies and ensure alignment.

Among the current Regulations that are proposed to be amended by the proposed amending Regulations are:

- Regulations relating to the surveillance and the control of notifiable medical conditions: Notice No. 1434 published in the Government Gazette No. 41330 of 15 December 2017;
- Supplementary Regulations made under the International Health Regulations Act, 1974 (Act No. 28 of 1974) Published under Government Notice No. R. 2001 of 24 October 1975, as amended by Government Notice No. R.2069 of 20 October 1978; Government Notice No. R. 790 of 18 April 1980 and Government Notice No. R. 496 of 11 April 2003; and
- Regulations Relating to the Management of Human Remains: Notice No. 363 published in the Government Gazette No. 36473 of 22 May 2013.



DR M.J. PHAAHLA, MP  
MINISTER OF HEALTH

DATE 04/05/2022





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