South Africa

Disaster Management Act, 2002

Department of Sports, Art and Culture: Directions to prevent and combat the spread of COVID-19

Government Notice 461 of 2020

Legislation as at 6 July 2020

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Department of Sports, Art and Culture: Directions to prevent and combat the spread of COVID-19
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South Africa

Disaster Management Act, 2002

Department of Sports, Art and Culture: Directions to prevent and combat the spread of COVID-19

Government Notice 461 of 2020

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[Amended by Department of Sports, Art and Culture: Directions to prevent and combat the spread of COVID-19: Amendment (Government Notice 669 of 2020) on 11 June 2020]
[Amended by Resumption of Contact and Non-contact Sport and the Opening of Places and Premises for Arts and Culture Activities (Government Notice 751 of 2020) on 6 July 2020]

I, Emmanuel Nkosinathi Mthethwa, Minister of Sport, Arts and Culture in terms of regulation 10(8) of the Regulations issued in terms of section 27(2) of the Disaster Management Act, 2002 (Act No. 57 of 2002) and published in Government Gazette No. 43107, Government Notice No.R318 of 18 March 2020, hereby issue the Directions in the Schedule.

Mr E.N. Mthethwa, MP

Minister of Sport, Arts and Culture

1. Definitions

In these Directions, a word or expression bears the meaning assigned to it in the Regulations promulgated in Government Gazette No. 43107, Government Notice No.R318 of 18 March 2020 and in the Regulations promulgated in Government Gazette No. 43148, Government Notice No.398 of 25 March 2020, in terms of section 27(2) of the Disaster Management Act, 2002 and unless the context otherwise indicates—

[definition of "affected public entity" deleted by section 2(a) of Government Notice 751 of 2020]

"**national state of disaster**" means the national state of disaster declared by Government Notice No. R. 313 published in Government Gazette No. 40396 of 15 March 2020;

"**applicant**" means a national federation as defined in section 1 of the National Sport and Recreation Act, 1998 (Act No. 110 of 1998);

[definition of "applicant" inserted by section 2(b) of Government Notice 751 of 2020]

"**contact sport** "means a sport in which the players have a range of physical contact with other players;

[definition of "contact sport" inserted by section 2(b) of Government Notice 751 of 2020]

"**library**" means a national, provincial, and public or community library in the Republic of South Africa;

[definition of "library" inserted by section 2(b) of Government Notice 751 of 2020]

"**library material**" means collections of information material housed in a library including books, periodicals and toys; etc;

[definition of "library material " inserted by section 2(b) of Government Notice 751 of 2020]

"**LIS**" means Library and Information Service;

[definition of "LIS" inserted by section 2(b) of Government Notice 751 of 2020]

"**non-contact sport**" means a sport whereby athletes or players are physically separated and under normal circumstances would not come into contact with one another during the course of an event or game;

[definition of "non-contact sport" inserted by section 2(b) of Government Notice 751 of 2020]

"**places or premises**" means libraries, galleries, theatres, museums, cinemas and archives);

[definition of "places or premises" inserted by section 2(b) of Government Notice 751 of 2020]

"**official**" means sporting venue manager, sporting venue employee, match official journalist, television crew, radio commentator and security personnel;

[definition of "official" inserted by section 2(a) of Government Notice 669 of 2020]

"**professional athlete**" means an athlete who earns a living by competing in a sport, or receive payment for performance at international championships or related events including preparation for Olympic, a member of a training squad for a relevant sporting body;

[definition of "professional athlete" inserted by section 2(a) of Government Notice 669 of 2020]

"**professional non-contact sport**" means a sport whereby athletes or players are physically separated and under normal circumstances would not come into contact with one another during the course of an event or game;

[definition of "professional non-contact sport" inserted by section 2(a) of Government Notice 669 of 2020]

"**sports body**" means any national federation, agency, club or body, including a trust, professional league, or registered company of such a national federation, agency, club or body, involved in the administration of sport or recreation at local, provincial or national level;

[definition of "sports body" inserted by section 2(a) of Government Notice 669 of 2020]

"**sporting venue**" means a stadium, sports ground, field, swimming pool, the sea, dam, river and any other venue whether open air, enclosed or semi enclosed where a match, a competition or training may take place;

[definition of "sporting venue" inserted by section 2(a) of Government Notice 669 of 2020 and replaced by section 2(b) of Government Notice 751 of 2020]

"**support staff**" "means a technical official, coach, assistant coach, kit manager, physiotherapist, medical officer, driver, and physical trainer;

[definition of "support staff" inserted by section 2(a) of Government Notice 669 of 2020]

"**the Regulations**" means the Regulations published in Government Gazette No. 43258, Government Notice No. R.480 of 29 April 2020 as amended by Government Notice No. R.608 of 28 May 2020 and Government Notice No. 714 of 25 June 2020.

[definition of "the Regulations" substituted by section 2(b) of Government Notice 669 of 2020 and by section 2(c) of Government Notice 751 of 2020]

2. Purpose

The purpose of these Directions is to—

(a) prescribe temporary measures or steps currently necessary to manage COVID-19 in order to reduce its impact in the Republic, by preventing the importation of, and minimising the local transmission of, COVID-19; and

(b) *[subparagraph (b) deleted by section 3(a) of Government Notice 751 of 2020]*

(c) *[subparagraph (b) deleted by section 3(a) of Government Notice 751 of 2020]*

(d) allowing sport, arts and cultural events to resume subject to compliance with measures to prevent and combat the spread of COVID-19 by—

(i) allowing non-contact sport to resume training and matches

(ii) allowing contact sport to resume training only;

(iii) opening the following places or premises:

(aa) Libraries;

(bb) archives;

(cc) museums;

(dd) galleries;

subject to strict health protocols and social distancing,

(ee) cinemas; and

(ff) theatres,

provided only 50 people or less, based on the capacity of the venue, are allowed in compliance with health protocols.

[subparagraph (d) substituted by section 3(a) of Government Notice 669 of 2020 and by section 3(b) of Government Notice 751 of 2020]

(e) allow professional non-contact sports matches to take place in a stadium without spectators.

[subparagraph (e) added by section 3(b) of Government Notice 669 of 2020]

3. Scope and application

These Directions apply to all sports confederations, national federations, clubs, professional leagues, sport bodies, galleries, archives, cinemas, museums, libraries and events relating thereto.

[paragraph 3 substituted by section 4 of Government Notice 669 of 2020 and by section 4 of Government Notice 751 of 2020]

4. Authorisation

These Directions are issued in terms of regulation 10(8) of the Regulations.

5. ***

[paragraph 5 deleted by section 5 of Government Notice 751 of 2020]

6. Suspension of sporting, arts, cultural and religious events

All sporting, arts, cultural and religious events organised or held in a stadium or venue as defined in section 1 of the Safety at Sport and Recreational Events Act, 2010 (Act No. 2 of 2010) are prohibited except those mentioned in paragraph 2(d) (i), (ii), (aa),(bb),(cc),(dd), (ee) and (ff).

[paragraph 6 substituted by section 5 of Government Notice 669 of 2020 and by section 6 of Government Notice 751 of 2020]

6A. Resumption of contact sport

(1) Contact sport training may resume without any spectators and must comply with the health protocols.

(2) All sport bodies must within fourteen (14) days after the publication of these Directions apply to the Minister, in writing, for the resumption of training, in accordance with the process referred to in paragraph 6G and provide the following:

(a) An operational plan in detail;

(b) the names of venues per location;

(c) the number of players and officials involved;

(d) the number of people who tested positive or negative; and

(e) the date of resumption of training.

(3) A sport body must keep a register, which must be archived for a period of not less than 6 months, with the following details of athletes, support staff and officials:

(a) Full names;

(b) residential address;

(c) cell number, telephone number or email address; and

(d) contact details of the person or persons living in the same residence as the person attending training.

(4) All sport bodies must comply with the Guidelines for quarantine and isolation in relation to COVID-19 exposure and infection issued by the Department of Health.

(5) Only a sports body or national federation recognised in terms of the Recognition of Sport and Recreational Bodies Regulations published in Government Gazette No. 34509, Government Notice No. R641 of 8 August 2011, made in terms of section 14 (a) and 14 (jE) of the National Sport and Recreation Act, 1998 may submit an application in terms of subparagraph (2).

(6) The sports body must ensure that all athletes and support staff are tested for COVID-19 before any resumption of training in contact sport.

(7) Transportation of all athletes, players and support staff must comply with the transport Directions issued by the Minister of Transport.

(8) The sports body must take extra precautionary measures in relation to training and matches in an area declared as a hotspot.

[paragraph 6A inserted by section 6 of Government Notice 669 of 2020 and substituted by section 7 of Government Notice 751 of 2020]

6B. Screening and testing of players and support staff

(1) All officials including players, athletes, match officials, support staff, journalists and television crew including radio commentators must be subjected to temperature screening before they enter the sporting venue;

(2) A person with a suspected high temperature may not be allowed to enter the sporting venue;

(3) A professional athlete or a member of the support staff who tests positive may not be allowed to train or participate in any training or matches.

(4) Non-contact sport training and matches in an area declared as a hotspot is prohibited.

[paragraph 6B inserted by section 6 of Government Notice 669 of 2020]

6C. Disinfection and cleaning of the sporting venue

(1) The sporting venue, dressing rooms and other facilities within the precinct of the sporting venue, must be disinfected before the initial training.

(2) For the purposes of this paragraph, a hand sanitiser to be used must have at least 70% alcohol content, or be a generic alternative, and must meet the standard prescribed by the Department of Health.

(3) A person in charge of a sporting venue must ensure that-

(a) there are sufficient quantities of hand sanitiser, based on the number of persons who access the sporting venue, at the entrance of, and in, the sporting venue, to be used by persons accessing the venue; or

(b) there are facilities for the washing of hands with water and soap.

(4) A sports body must take measures to ensure that—

(a) all surfaces and equipment are cleaned before training and before matches commence and between the training activities and matches; and

(b) all areas such as toilets, common areas, door handles, shared electronic equipment, are regularly cleaned.

(5) The sporting venue must be thoroughly cleaned prior to commencement of training or matches.

[paragraph 6C inserted by section 6 of Government Notice 669 of 2020]

6D. Control measures

(1) All appropriate information material relating to COVID-19 must be displayed in a prominent place within the sporting venue.

(2) The number of personnel in the sporting venue, change room or training area at any given time, must be limited as far as is reasonably practicable.

(3) Masks, as required by the health protocols, must be worn by all personnel entering the sporting venue except professional athletes when training or participating in matches.

(4) Only individual pre-packed meals with disposable drinking bottles are allowed in the sporting venue.

(5) No person may share a water bottle with another person.

(7) All doors must remain open, where feasible, to reduce contact and ensure adequate ventilation.

(8) A dedicated isolation area for use by any individual who exhibits symptoms of COVID-19 while in training or during a match, must be identified.

(9) A sport body must—

(a) assume full responsibility for the safety and security of its members, staff and athletes in curbing the spread of COVID -19; and

(b) ensure that all its members comply with the provisions of these Directions, Regulations and any other applicable legislation;

[subparagraph (9) inserted by section 8 of Government Notice 751 of 2020]

(10) A sport body and its affiliate members are jointly and severally responsible for any claim for damages or negligence arising as a result of failure to take reasonable measures in curbing the spread of COVID-19.

[subparagraph (10) inserted by section 8 of Government Notice 751 of 2020]

[paragraph 6D inserted by section 6 of Government Notice 669 of 2020]

6E. Monitoring and compliance

(1) Sports bodies must ensure that athletes, players and support staff before returning to training or playing-

(a) give written confirmation to the COVID-19 compliance officer or nominated operational personnel that—

(i) they are, to the best of their knowledge, currently free from COVID-19;

(ii) they have not had any symptoms of COVID-19 such as high temperature or fever, a new continuous cough or new unexplained shortness of breath in the 14 days immediately prior to the resumption of training or playing;

(iii) they have not been in contact with a COVID-19 confirmed or suspected case in the 14 days immediately prior to the resumption of training or playing; or

(iv) club or team medical personnel have taken all infection prevention measures with the addition of the appropriate Personal Protective Equipment (PPE) when reviewing patients with suspected or confirmed COVID-19 in the 14 days immediately prior to the resumption of training or playing.

(b) comply with the Regulations and the Directions pertaining to contact tracing.

(c) ensure compliance with minimum standards to prevent the spread of COVID-19 including the following:

(i) Pre-match medical screening;

(ii) Sporting venue readiness and sanitisation; and

(iii) Compliance with Sports bodies or international sport bodies protocols.

(2) The Department may deploy officials to monitor compliance with these Directions.

[paragraph 6E inserted by section 6 of Government Notice 669 of 2020]

6F. Appointment of compliance officer

(1) Sports bodies must appoint compliance officers in writing before any resumption of training and matches to ensure compliance with these Directions in order to prevent the spread of COVID-19.

(2) A designated COVID-19 Compliance officer must oversee-

(a) the implementation of the operational plan referred to in subparagraph (3); and

(b) adherence to the standards of hygiene and health protocols relating to COVID-19 at sporting venues.

(3) Sports bodies must develop a plan forthe phased-in return of their athletes participating in contact or non-contact sport, prior to training and matches, which plan must correspond to Annexure C and must be retained for inspection and must contain information regarding the following:

(a) The name of the contact sport, athletes and support staff that are permitted to train only; and

(b) plans for the phased-in training of athletes and contact sport;

[subparagraph (3)(a) and (b) substituted by section 9 of Government Notice 751 of 2020]

(c) health protocols that are in place to protect professional athletes, support staff and officials from COVID-19; and

(d) measures to ensure that a sporting venue meets the standards of health protocols and adequate space for professional athletes, support staff and officials and that social distancing measures are complied with.

[paragraph 6F inserted by section 6 of Government Notice 669 of 2020]

6G. Resumption of non-contact sport

(1) A sport body must apply in writing for permission to resume training and matches in terms of paragraph 6A.

(2) The application contemplated in subparagraph (1) must be loaded online to a link outlined in Annexure C.

(3) A sport body may not resume training or matches before receiving the approval of the Minister in writing.

(4) The Minister must within seven working days after receiving an application which complies fully with the provisions of these Directions-

(a) consider the application and any further information provided by the applicant; and

(b) if satisfied that the applicant complies with all provisions of the Directions and health protocols, approve the application in writing.

(5) If, after considering an application, the Minister is not satisfied that the application complies with all provisions of the Directions, the Minister must send a written notice to the applicant-

(a) informing the applicant of the non-compliance;

(b) providing reasons for his or her decision within seven working days after receipt of the application; and

(c) allowing the applicant 14 days to comply with the Directions.

(6) The period within which compliance must be effected may be extended by not more than 14 working days by the Minister on good cause shown by the applicant.

(7) If an applicant, who has received a notice referred to in subparagraph (5), complies will all provisions, the Minister must approve the application by issuing a certificate of compliance.

(8) If, an applicant who has received a notice referred to in subparagraph (5) has not complied with the provisions of the Directions, the Minister must -

(a) decline the application; and

(b) notify the applicant in writing of the decision and the reasons therefor.

[paragraph 6G inserted by section 10 of Government Notice 751 of 2020]

6H. Appeals

(1) A sport body that is not satisfied with a decision made under these Directions, may within 14 days lodge an appeal with the independent appeal panel appointed to deal with appeals relating to an application for resumption of training and matches.

(2) An appeal referred to in subparagraph (1) must be-

(a) submitted to the appeal panel in writing; and

(b) accompanied by a written statement setting out the grounds upon which the appeal is based.

(3) The appeal panel must-

(a) consider the appeal within 14 days of receipt of the application for an appeal; and

(b) inform the appellant in writing of the decision, as well as reasons thereof, within 21 days of the receipt of an appeal.

[paragraph 6H inserted by section 10 of Government Notice 751 of 2020]

6I. Opening of the following places or premises to the public

(1) The following places or premises are open to the public:

(a) libraries;

(b) archives;

(c) museums; and

(d) galleries;

subject to strict health protocols and social distancing.

(2) Places or premises referred to in subparagraph (1) must limit the operating hours as per the amended standard operation procedure posted on the website of the Department of Sport, Arts and Culture.

(3) Places or premises referred to in subparagraph (1) must provide limited service and contact as far as possible between the staff and visitors so as to prevent any form of gathering.

(4) Places or premises referred to in subparagraph (1) must control the number of people visiting at any given time.

(5) Library services must—

(a) be limited to borrowing and returning of library materials;

(b) if possible, encourage on-line referencing and programming;

(c) ensure that the study area is restricted to 30% capacity of the library area;

(d) ensure that the computer area is restricted to 10% capacity of the library area; and

(e) ensure that children and toy services remain closed;

(6) The following places or premises are open to public:

(a) cinemas; and

(b) theatres,

provided that only 50 people or less, excluding staff members, are allowed in compliance with health safety protocols.

(7) The places or premises referred to in subparagraphs (1) and (6) must adhere to following health protocols:

(a) Sufficient hand sanitisers must be made available as provided for in paragraph 6C (2) and (3) (a) and (b);

(b) social distancing between customers, visitors and staff wherever possible;

(c) wearing a cloth mask at all times, when entering and inside the place or premises whenever possible;

(d) masks may only be removed while eating or drinking;

(e) contactless payments and pre-booking should be used where possible;

(f) the place or premises must be deep-cleaned before opening, and before and after use;

(g) equipment and tools must be cleaned regularly;

(h) common areas including toilets, door handles and shared equipment must be regularly cleaned and sanitised frequently;

(i) where possible, windows and doors should be kept open, to ensure adequate ventilation;

(j) adequate personal protection equipment must be provided to all employees;

(k) all people inside the place or premises must maintain 1.5 - meter social distance between each other;

(l) steps must be taken to ensure that persons queuing inside or outside the premises are able to maintain a distance of 1.5 meters from each other;

(m) a dedicated area must be identified for isolation of an individual who exhibits symptoms of COVID - 19 while inside the place or premises;

(n) a dedicated area must be identified for the isolation of an individual who exhibits symptoms of COVID -19 while inside the place or premises;

(o) every person entering the place or premises must be subjected to temperature screening;

(p) a person with an elevated temperature may be refused access to the place or premises;

(q) a place or premises referred to subparagraphs (1) and (6) must, before operating, apply to the Minister as provided for in paragraph 6A (2). Paragraph 6G is applicable to an application made in respect of a place or premises referred in subparagraphs (1) and (6);

(r) a compliance officer must be appointed as provided for in paragraph 6F; and

(s) a person above the age of 60 or a person with co-morbidities is discouraged from visiting the places or premises referred to in subparagraphs (1) and (6).

(8) The Department may deploy officials to monitor compliance with these Directions.

[paragraph 6I inserted by section 10 of Government Notice 751 of 2020]

7. Commencement

These Directions come into effect on the date of publication in the Government Gazette and terminate on the date when the national state of disaster terminates.

Annexure A

[Annexure A added by Government Notice 669 of 2020 and deleted by section 11 of Government Notice 751 of 2020]

Annexure B

[Annexure B added by Government Notice 669 of 2020 and deleted by section 11 of Government Notice 751 of 2020]

Annexure C

Resumption of contact sport and non-contact sport

(a) A COVID-19 ready Plan for non-contact sport fortraining and matches and contact sport fortraining only, must be developed within 14 days after the publication of these Directions.

(b) The plan may reflect the manner in which the training should be done in terms of contact and adherence to health protocol.

(c) The non-contact sport matches should depend on the size of the code of sport. A more detailed written plan should be developed given the number of athletes, support staff and officials at the sporting venue.

(d) Testing of all professional athletes and support staff is a prerequisite for the resumption of both non - contact and contact- sport. All professional athletes relative to contact and non-contact sport personnel must be quarantined or self-isolated in terms of the Guidelines for quarantine and isolation in relation to COVID-19 exposure and infection issued by the Department of Health

(e) The Plan must include the following:

1. The date of the resumption of both contact sport and non-contact sports;
2. A timetable setting out the phased training of professional athletes in both contact or non-contact sport, to enable appropriate measures to be taken to avoid and reduce the spread of COVID-19 in the sporting venue;
3. The full details of professional athletes camping for the duration of the training in preparation for matches as one of the measures to fight the spread of COVID-19;
4. The management of the register of all people involved in matches and training including amongst others—
   (a) full names;
   (b) residential address;
   (c) cellphones, emails or telephone numbers; and
   (d) contact details of a person or persons living in the same residence as the person attending training or matches;
5. The steps taken to get the sporting venue COVID-19 ready;
6. A list of support staff and officials who are 60 years or older and who are not permitted to attend training and matches and their co-morbidities, if any;

7. Arrangements in respect of the following for support staff, officials, professional athletes in the sporting venue:

   (a) Sanitary and social distancing measures and facilities at the entrance and exit of the sporting venue;

   (b) screening facilities and systems;

   (c) the attendance-record system and infrastructure;

   (d) the training area for professional athletes;

   (e) any designated area where the officials, support staff and professional athletes are served food;

   (f) bathroom facilities;

   (g) screening and testing facilities (for all professional athletes and support staff);

8. Professional athletes training or matches:

   (a) Sports bodies must ensure that every professional athlete is tested for COVID -19;

   (b) all equipment associated with training must be disinfected before and after use;

   (c) athletes must wear masks at all times;

   (d) athletes and support staff must be discouraged from spitting;

   (e) massages are not allowed unless approved by the sport code doctor;

   (f) water must be left at designated pick up points;

   (g) rotational training of professional athletes (only five athletes per training group);

   (h) tackling and close contact training drills must be discouraged; and

   (i) time slot for training must be allocated for example 15 minutes for preparation, 75 minutes of small group training and 15 minutes recovery.

The online portal and link is available at www.dsac.gov.za: http ://178.79.188.152/SportPlansAnalysis/index.php

[Annexure C added by Government Notice 669 of 2020 and replaced by Government Notice 751 of 2020]