

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF HEALTH

NO. 1882

15 March 2022

NATIONAL HEALTH ACT, 2003

REGULATIONS RELATING TO THE SURVEILLANCE AND THE CONTROL OF
NOTIFIABLE MEDICAL CONDITIONS: AMENDMENT

The Minister of Health intends, in terms of section 90(1)(j), (k) and (w) read with section 90(4)(c) of the National Health Act, 2003 (Act 61 of 2003), and after consultation with the National Health Council, to make the regulations contained in the Schedule hereto.

Interested persons are invited to submit within 30 days from the date of publication of this Notice substantiated comments or representations on the proposed Regulations to the Director-General, Department of Health, Private Bag X 828, Pretoria, 0001, by fax to: 012- 395 8802, attention: Ms Tsakani Furumele, or by e-mail to: tsakani.furumele@health.gov.za.


DR. M.J PHAAHLA, MP

MINISTER OF HEALTH

DATE: 14/03/2022

SCHEDULE

Definition

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 15A to 15H

2. The Regulations are hereby amended by the insertion, after regulation 15 of the Regulations, of the following regulations:

“Refusal of medical examination, prophylaxis, treatment, isolation, quarantine and protocols in public areas and gatherings

15A. (1) A person who—

- (a) has been confirmed as a clinical or a laboratory confirmed case as having contracted a notifiable medical condition listed in Annexure A, Table 1, 2 or 3;
- (b) is suspected of having contracted a notifiable medical condition listed in Annexure A, Table 1, 2 or 3; or
- (c) has been in contact with a person who is a carrier of a notifiable medical condition listed in Annexure A, Table 1, 2 or 3,
may not refuse to—
 - (i) submit to a medical examination, including, but not limited to, the taking of any bodily sample which may be authorised by any law;
 - (ii) be admitted to a health establishment, quarantine or isolation site; or
 - (iii) submit to mandatory prophylaxis, treatment, isolation or quarantine, in order to prevent transmission.

Isolation or quarantine of persons

- 15B.** (1) Any person referred to in regulation 15A must comply with an oral instruction or a written direction, issued by a medical practitioner, a person authorised by the medical practitioner, a nurse or an enforcement officer to—
- (a) subject himself or herself to screening in order to determine his or her notifiable medical condition status;
 - (b) voluntarily travel to or be taken to a health establishment or any other place for purposes of isolation or quarantine; or
 - (c) quarantine himself or herself in accordance with such oral instructions or written direction, pending the determination of his or her notifiable medical condition status, as a precautionary measure to contain the transmission of the notifiable medical condition concerned.
- (2) If a person refuses to quarantine himself or herself, or travel to a site of isolation or quarantined facility as directed, a court order must be obtained to compel such a person to quarantine himself or herself, travel to such site of isolation, quarantined facility, or medical screening.
- (3) A person may self-quarantine or self-isolate in accordance with the criteria set out in regulation 15G.

Isolation of a symptomatic person

- 15C.** (1) A person who tests positive for a notifiable medical condition listed in Annexure A, Table 1, 2 or 3, and who is symptomatic with mild disease that requires no hospitalisation must isolate for a period of time stipulated and in line with the national department guidelines.
- (2) A person may de-isolate in line with the national department guidelines: Provided that the person no longer has symptoms.

- (3) A symptomatic person who suffers with moderate to severe clinical manifestation of a notifiable medical condition listed in Annexure A, Table 1, 2 or 3 must isolate for a prescribed period in accordance with national department guideline.

Isolation of an asymptomatic person

15D. An asymptomatic person who tests positive for a notifiable medical condition listed in Annexure A, Table 1, 2 or 3 must isolate for a period of time stipulated and in line with the national department guidelines from the day on which he or she has been notified of his or her positive test results.

Repeat testing

15E. Repeat testing is not required in order for a person to come out of isolation and to re-integrate into society.

Designation of quarantine facilities

15F. (1) Where the designation of quarantine facilities is required, for the purpose of containing and preventing the spread of a notifiable medical condition, the Department, provincial departments of health, the Department of Public Works and Infrastructure and municipalities must collaboratively allocate and designate quarantine facilities which must be managed as may be agreed upon by the said departments and municipalities.

- (2) A quarantine facility contemplated in subregulation (1) must provide—
- (a) primary health care services, including test swabs and supporting medical services;
 - (b) environmental health services;
 - (c) emergency medical services;
 - (d) forensic pathology services; and
 - (e) personal protective equipment.

Criteria for self-quarantine and self-isolation

- 15G. (1)** A person wishing to self-isolate or self-quarantine must—
- (a) do so in a facility that complies with the criteria set out in subregulation (2);
 - (b) have the support of friend and family who may facilitate the drop- off of food and medicine at the gate if such person is unable to make use of online shopping facilities and contactless deliveries;
 - (c) have access to the internet and a phone that allows the daily reporting of symptoms;
 - (d) access to a private physician whom he or she may contact should he or she be in need of medical advice or care; and
 - (e) a contact number where he or she can be reached during the period of self - quarantine or self -isolation.
- (2) A self-quarantine or self-isolation facility must comply with the following criteria:
- (a) The facility must be a separate well-ventilated bedroom with a bathroom and toilet, or a residence that is not shared with persons who are not subject to quarantine;
 - (b) meals provided in the facility must be served in the room using disposable utensils or utensils that are kept separate and are washed properly, if shared with persons who are not subject to quarantine; and
 - (c) the facility must have a thermometer that will allow the person to measure his or her temperature daily.

Contact tracing

- 15H. (1)** In this regulation:-
- (a) **“Notifiable Medical Conditions Contact Tracing Database”** means the database established by the Department in terms of subregulation (2); and
 - (b) **“Notifiable Medical Conditions Designated Judge”** means a judge referred to in section 7(1)(a), read with paragraph (d) of the definition of 'service' in section 1(1), of Judges' Remuneration and Conditions of Employment Act, 2001 (Act No. 47 of 2001).

- (2) The Department must develop and maintain a national database to enable the tracing of persons who are known or reasonably suspected to have come into contact with any person known or reasonably suspected to have contracted a notifiable medical condition listed in Annexure A, Table 1, 2 or 3.
- (3) The Notifiable Medical Conditions Contact Tracing Database shall include all information considered necessary for the contact tracing process to be effective, including but not limited to—
 - (a) the first name and surname, identity or passport numbers, residential address and other address where such person could be located, and cellular phone numbers of all persons who have been tested for a notifiable medical condition as referred to in regulation (1);
 - (b) the notifiable medical condition as referred to in regulation 15A(1) test results of all such persons; and
 - (c) the details of the known or suspected contacts of any person who tested positive for a notifiable medical condition as referred to in subregulation (1).
- (4) The information contained in the Notifiable Medical Conditions Contact Tracing Database and any information obtained through this regulation is confidential and must remain confidential.
- (5) No person may disclose any information contained in the Notifiable Medical Conditions Contact Tracing Database or any information obtained through this regulation unless authorized to do so by the Director General or any delegated person and unless the disclosure is necessary for the purpose of addressing, preventing or combatting the spread of a notifiable medical condition listed in Annexure A).
- (6) (a) Where any person is to be tested for a notifiable medical condition listed in Annexure A, Table 1, 2 or 3, the person taking the sample for purposes of testing must obtain as much of the following information as is available at the time of taking the sample:

- (i) The first name and surname, identity or passport number, residential address, and cellular phone numbers of the person tested; and
 - (ii) a copy or photograph of the passport, driver's licence, identity card, identity book of the person tested,with the consent of such person or the consent of a person authorised to give such consent.
 - (b) The information referred to in paragraph (a) must be submitted, along with any information he or she has regarding likely contacts of the person tested, to the Director-General: Health for inclusion in the Notifiable Medical Conditions Contact Tracing Database.
- (7) Where any laboratory has tested a sample for a notifiable medical condition listed in Annexure A, Table 1, 2 or 3, the laboratory must promptly transmit to the Director-General: Health, for inclusion in the Notifiable Medical Conditions Contact Tracing Database—
- (a) all details the laboratory has, including the first name and surname, identity or passport numbers, residential address and cellular phone numbers, regarding the person tested; and
 - (b) the notifiable medical condition test result concerned.
- (8) The National Institute for Communicable Diseases (NICD) must transmit to the Director-General: Health for inclusion in the Notifiable Medical Conditions Contact Tracing Database—
- (a) all details the NICD has, including the first name and surname, identity or passport numbers, residential address and cellular phone numbers of any person tested for a notifiable medical condition listed in Annexure A, Table 1, 2 or 3;
 - (b) the results of a notifiable medical condition test concerned; and
 - (c) any information the NICD has regarding likely contacts of the person tested.
- (9) Every accommodation establishment must transmit to the Director-General: Health, for inclusion in the Notifiable Medical Conditions Contact Tracing Database, the following information regarding every person who stayed at

the accommodation establishment during the period of lockdown, with such person's consent:

- (a) the first name and surname, identity or passport number, residential address and cellular phone numbers of the person concerned; and
 - (b) a copy or photograph of the passport, driver's licence, identity card or identity book of the person concerned.
- (10) Nothing in this regulation entitles the Director-General: Health or any other person to intercept the contents of any electronic communication.
- (11) Within six weeks after the national state of disaster has lapsed or has been terminated—
- (a) the information on the Notifiable Medical Conditions Contact Tracing Database shall be de- identified;
 - (b) the de- identified information on the Notifiable Medical Conditions Contact Tracing Database shall be retained and used only for research, study and teaching purposes;
 - (c) all information on the Notifiable Medical Conditions Contact Tracing Database which has not been de- identified shall be destroyed; and
 - (d) the Director-General Health shall file a report with the notifiable medical conditions Designated Judge recording the steps taken in this regard.”.

Insertion of regulations 16A to 16M

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

“General measures to contain the spread of notifiable medical condition that can spread through droplets or aerosol

- 16A.** (1) In order to contain the spread of notifiable medical conditions listed in Annexure A, Tables 1, 2, and 3, which notifiable medical conditions may be spread through droplets or aerosol, the containment measures stipulated in subregulations (2) to (8) must be adhered to.

- (2) A person must, when in a gathering in an indoor public place, wear a face mask or a homemade item that covers his or her nose and mouth.
- (3) No person may be allowed to use any form of public transport, or enter a public premises, if they do not wear a face mask or a homemade item that covers the nose and mouth when in an indoor public place.
- (4) An employer must provide employees, with a cloth or shield face mask to cover his or her nose and mouth.
- (5) Every business premises, including, but not limited to a supermarket, shop, grocery store, retail store, wholesale produce market or pharmacy must—
 - (a) determine the area of floor space in square metres;
 - (b) based on the information contemplated in paragraph (a), determine the number of customers and employees that may be inside the premises at any one time with adequate space available;
 - (c) take steps to ensure that persons queuing inside or outside the premises are able to maintain a distance of at least one metre from each other;
 - (d) provide hand sanitisers for use by the public and employees at the entrance to the premises; and
 - (e) assign, in writing, an employee or any other suitable person as the compliance employee, who must ensure—
 - (i) compliance with the measures provided for in paragraphs (a) to (d); and
 - (ii) that all directions in respect of hygienic conditions and limitation of exposure to persons with notifiable medical conditions listed in Annexure A, Table 1, 2 and 3, are adhered to.
- (6) All employers must adopt measures to promote physical distancing of employees, which measures may include the following:
 - (a) enabling employees to work from home where necessary or minimising the need for employees to be physically present at the workplace where necessary;
 - (b) the provision for adequate work space;

- (c) restrictions on face-to-face meetings;
 - (d) special measures for employees with known or disclosed health issues or comorbidities, or with any condition which may place such employees at a higher risk of complications or death if they are infected with a notifiable medical condition listed in Annexure A, Table 1, 2 or 3;
 - (e) special measures for employees at a higher risk of complications or death if they are infected with notifiable medical condition listed in Annexure A, Table 1, 2 or 3.
- (7) The requirements as set out in subregulation (4) applies with the necessary changes to any other building that is not specified in subregulation (4).

Persons exiting the Republic

- 16B.** (1) In the event that a notifiable medical condition listed in Annexure A, Tables 1, 2 & 3 has been declared as a public health emergency of international concern and has the potential of spreading beyond the borders of the republic and based on the epidemiological situation, the containment measures stipulated in subregulations (2) to (5) must be adhered with regard to persons exiting the Republic.
- (2) All persons exiting the Republic must have the full vaccination certificate. In the event that such person does not have the full vaccination certificate, a negative PRC test results of not more than 72 Hours. All persons exiting the Republic must ensure that they comply with the requirements of the country of their destination.
- (3) Persons exiting the Republic through a point of entry may be subjected to screening.
- (4) Persons found to have an elevated temperature or symptoms in line with the national departmental guidelines consistent with a notifiable medical condition listed in Annexure A, Table 1, 2 or 3 must be subjected to a medical examination which may include testing.

- (5) Persons found to have contracted a notifiable medical condition listed in Annexure A, Table 1, 2 or 3 pursuant to testing as contemplated in subregulation (3) may be placed under mandatory isolation.
- (6) Persons required to isolation as provided for in subregulation (5) may be permitted to self-isolate at their own private residence subject to compliance with the criteria set out in regulation 15G.

Persons entering the Republic

- 16C.** (1) In order to contain the spread of notifiable medical conditions listed in Annexure A, Tables 1, 2, and 3, the containment measures stipulated in subregulations (2) to (10) must be adhered to with regard to persons entering the Republic.
- (2) During the Covid-19 pandemic, all persons entering the Republic must have the full vaccination certificate. In the event that such person does not have the full vaccination certificate, a negative PRC test results of not more than 72 Hours must be produced at the point of entry.
 - (3) All persons entering the Republic through any point of entry must be subjected to screening at the point of entry and—
 - (a) may be placed under mandatory quarantine for a period of time stipulated and in line with the national department guidelines; or
 - (b) may be permitted to self-quarantine at a place that complies with the criteria set out in regulation 15G; or
 - (c) may be required to provide a test result for a notifiable medical condition listed in Annexure 1,2 or 3.
 - (4) A person who, during screening, is found to have had exposure to a notifiable medical condition listed in Annexure A, Table 1, 2, or 3 and or is presenting with any signs and symptoms of a notifiable medical condition listed in Annexure A, Table 1, 2, or 3, must be subjected to a medical examination which may include testing.

- (4) A person who wishes to be placed under self-quarantine must submit a written application, 72 hours prior to the intended date of entry into the Republic, to the Director -General: Health to obtain approval for such self-quarantine.
- (5) An application referred to in subregulation (4) must be supported by the following:
 - (a) Particulars of the place and address where self -quarantine will take place;
 - (b) written declaration committing to all conditions for self -quarantine;
 - (c) copy of Identity Document or Passport;
 - (d) contact details where the applicant may be reached for the duration of the quarantine period; and
 - (e) details of his or her itinerary for the period of time stipulated and in line with the national department guidelines.
- (6) Where approval for self -quarantine has not been granted or it has been determined that the person has failed to adhere to the self -quarantine conditions, such a person may be placed at in a state identified quarantine facility.
- (7) The Director-General may exempt certain person from quarantine provided that, the person submit sworn statement in the form of affidavit detailing the reasons for exemptions.
- (8) The Director-General may require the person exempted in terms of subregulation (7) to comply with certain requirements as stipulated in the exemption letter.
- (9) All unvaccinated travellers will be offered vaccinations.

Aircraft crew on international travel

- 16D.** (1) In order to contain the spread of notifiable medical conditions listed in Annexure A, Tables 1, 2, and 3, which notifiable medical conditions may be

spread, the containment measures stipulated in subregulations (2) to (4) must be adhered to for international travel aircraft crew entering the Republic.

- (2) A crew member who has been permitted to disembark, irrespective of circumstances, must be subjected to screening and if necessary may be subjected to medical examination which may include testing and quarantine for a period of time stipulated and in line with the national department guidelines if such crew member has concluded his or her operation.
- (3) Where a crew member is in transit or is still required to undertake an operation or board or depart for international travel within the quarantine period, such a crew member must be quarantined at a facility identified and managed by the employer.
- (4) A crew member may prior to boarding be subjected to screening and necessary to medical examination which may include testing and quarantine for a period and in line with national department guidelines.

Vessel crew

- 16E.(1)** In order to contain the spread of notifiable medical conditions listed in Annexure A, Tables 1, 2, and 3, which notifiable medical conditions may be spread, the containment measures stipulated in subregulations (2) and (3) must be adhered to with regard to vessel crew.
- (2) A crew member disembarking from a vessel must be subjected to screening and if necessary may be subjected to medical examination which may include testing and quarantine for a period stipulated in line with the national department guideline.
 - (3) A crew member, prior to embarking a vessel may be subjected to screening and if necessary may be subjected to medical examination which may

include testing and quarantine for a period stipulated in line with the national department guideline.

Local air travel

- 16F.** (1) In order to contain the spread of notifiable medical conditions listed in Annexure A, Tables 1, 2, and 3, which notifiable medical conditions may be spread, the containment measures stipulated in subregulations (2) to (3) must be adhered with regard to persons undertaking local air travel.
- (2) All persons undertaking local air travel must be subjected to screening before departure.
- (3) Persons found to have an elevated temperature or symptoms consistent with a notifiable medical condition listed in Annexure A, Table 1, 2 or 3 must be subjected to a medical examination which may include testing and may not be allowed to board the aircraft.

Cross Border Freight Operators

- 16G.**(1) In order to contain the spread of notifiable medical conditions listed in Annexure A, Tables 1, 2, and 3, which notifiable medical conditions may be spread the containment measures stipulated in subregulations (2) to (5) must be adhered to with regard to cross border truck operators.
- (2) A person operating cross border freight for the movement of goods must be subjected to screening at the point of entry and may be subject to a medical examination which may include testing and quarantine for a period stipulated and in line with the national department guidelines.
- (3) A cross border freight operator who has tested positive for a notifiable medical condition listed in Annexure A, Table 1, 2 or 3 whilst outside the borders of the Republic and who intends to return to the Republic, must

inform the port health official at the point of entry of his or her intention to return prior to returning.

- (4) The employer of the freight operator referred to in subregulation (3) must ensure that arrangements are made for the safe transportation of the freight operator from the point of entry to the quarantine facility or isolation area or medical facility for medical attention.

Control Measures for Public places

16H. (1) In order to contain the spread of notifiable medical conditions listed in Annexure A, Tables 1, 2, and 3, which notifiable medical conditions may be spread, the containment measures stipulated in subregulation (2) must be adhered to in public places.

(2) Government departments, municipalities and private entities responsible for public places must—

- (a) ensure that public hygiene measures are implemented in all public places as described in the National Public Hygiene Strategy, 2020;
 - (b) ensure that public places are cleaned and disinfected;
 - (c) provide for hand sanitisers at all entrances to promote hand hygiene; and
 - (d) enable the practice of physical distancing.
- (3) Every event, gathering and business premises in a public place, including but not limited to, a supermarket, shop, grocery store, retail store, wholesale produce market and pharmacy must assign, in writing, an official or any other suitable person, as the compliance officer, who must ensure compliance with—
- (i) the containment measures provided for public places; and
 - (ii) that all directions in respect of hygienic conditions and limitation of exposure to persons with a notifiable medical condition listed in Annexure A, Table 1, 2, or 3.

Attendance of funerals

- 16I.** (1) In order to contain the spread of notifiable medical conditions listed in Annexure A, Tables 1, 2, and 3, which notifiable medical conditions may be spread, the containment measures stipulated in subregulations (2) to (4) must be adhered to when attending a funeral.
- (2) Attendance of a funeral during an epidemic or pandemic of a notifiable medical condition listed in Annexure 1, Table 1, 2 or 3 may be restricted to a number of persons as may be guided by the scientific evidence of the risk of transmission, with persons observing a distance guided by the scientific evidence of the risk of transmission. During the Covid-19 pandemic, the attendance of funerals is limited to 100 persons.
- (3) Night vigils and after-funeral gathering may be restricted as guided by the scientific evidence of the risk of transmission. During the Covid-19 pandemic, the above-mentioned activities are prohibited.
- (4) During a funeral, a person must wear a face mask and must adhere to all health protocols and social distancing measures guided by the scientific evidence of the risk of transmission.

Gatherings

- 16J.** (1) In order to contain, during an epidemic or pandemic, the spread of notifiable medical conditions listed in Annexure A, Tables 1, 2, and 3, which notifiable medical conditions may be spread, the containment measures stipulated in subregulations (2) to (4) must be adhered to at gatherings.
- (2) Every person, when attending a gathering during an epidemic or a pandemic, must—
- (a) be guided by the scientific evidence of the risk of transmission;
- (b) wear a face mask;

- (c) adhere to all health protocols;
 - (d) maintain a distance of 1 meter as guided by the scientific evidence of the risk of transmission from each other; and
 - (e) adhere to any other health protocols and social distancing measures put in place.
- (3) 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.
- (4) Indoor and outdoor gatherings may be restricted in accordance with the scientific evidence of the risk of transmission. During the Covid-19 pandemic, the indoor and outdoor gatherings will be up to the 50% of the venue capacity may be occupied on the proviso that:
- (a) production a valid vaccine certificate;
 - (b) they practice social distancing of at least 1 m; and
 - (c) compulsory mask wearing for indoor gatherings.
- (5) Notwithstanding the provisions above, the attendance of a gathering without proof of vaccination shall be limited to 1000 indoors and 2000 outdoors but the conditions on paragraphs (b) and (c) above will be applicable.

Controlled visits by members of the public

16K. Visits by members of the public to health establishments and facilities, except to receive treatment or medication, may be restricted by the management of the relevant health establishments and facilities subject to strict adherence to health protocols and as guided by the scientific evidence of the risk of transmission.

Compliance officers

- 16L. (1)** In order to monitor and implement containment measures relating to notifiable medical conditions listed in Annexure A, Tables 1, 2, and 3, which notifiable medical conditions may be spread, all industries, businesses and entities, both in the private and public sector, must designate a compliance officer who must oversee –
- (a) the implementation of the plan referred to in paragraph (c); and
 - (b) the strict adherence to the standards of hygiene and health protocols relating to a notifiable medical condition as referred to in subregulation (1), at the workplace;
 - (c) develop a plan containing measures to ensure that the workplace meets the standards of health protocols relating to notifiable medical conditions as referred to in subregulation (1), and relevant guidelines; and
 - (d) retain a copy of the plan contemplated in paragraph (c) for inspection, which plan must also contain the details of the notifiable medical conditions as referred to in subregulation (1).

Sharing Advice

16M. In order to contain the spread of notifiable medical conditions listed in Annexure A, Tables 1, 2, and 3, which notifiable medical conditions may be spread, and guided by the scientific evidence of the risk of transmission of such notifiable medical conditions advice may be shared amongst the relevant Cabinet members with regard to the following:

- (a) Curfew;
- (b) sport activities;
- (c) operations of economic sector;
- (d) lockdown of the country or locality;
- (e) public transportation;
- (f) religious and cultural practices; and
- (g) sale, dispensing and consumption of alcohol.”.

Amendment of regulation 17 of the Regulations

4. Regulations 17 of the Regulations is hereby amended by the insertion after subregulation (2), of the following:

"(3) Notwithstanding the provisions of subregulations (1) and (2), and subject to regulation 15A, a person who is a clinical or laboratory confirmed case, carrier or contact of a notifiable medical condition listed in Annexure A, Table 1, 2 or 3, and who refuses—

- (a) to voluntarily consent to a medical examination by a qualified health care provider including the taking of any biological specimen;
- (b) to be admitted at a health establishment; or
- (c) mandatory prophylaxis, treatment, isolation or quarantine in order to prevent transmission,

may be compelled through a warrant issued by a competent court to be subjected to any of the processes referred in paragraphs (a) to (c).".

Short title

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