



## *Magistrates' Court Judiciary*

**MPUMALANGA**

Republic of South Africa

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### **MAGISTRATE COURT: MBOMBELA**

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30/12/2020

### **ADMISSION OF GUILT DETERMINATIONS: DISASTER MANAGEMENT ACT 2002**

ADMINISTRATIVE REGION 8: MPUMALANGA

Determination in terms of the provisions of section 57(5)(a) of the Criminal Procedure Act, 1977 (Act 51 of 1977) of admission of guilt fines in respect of the Disaster Management Act, 2002 (Act 57 of 2002) Regulations issued in terms of section 27(2) as amended.

This determination will be effective from the date of signature for the duration of Adjusted Level 3.

### **OFFENCES: DISASTER MANAGEMENT ACT REGULATIONS, 2020**

<b>Regulation</b>	<b>Description of offence</b>	<b>Admission of guilt</b>
<b><i>THE FOLLOWING OFFENCES ARE GENERAL OFFENCES AND APPLY IRRESPECIVE OF THE ALERT LEVEL</i></b>		
8(5)	Unauthorised disclosure of information in COVID-19 Tracing Database or obtained during contact tracing, read with Reg 14(4)(a)	R5 000
8(9)	Failure by accommodation establishment to transmit to DG: Health, information on person staying there for inclusion in COVID-19 Tracing Database, read with Reg 14(4)(a)	R5 000
8(10)	Failure by electronic communications service provider to comply with directions of DG: Health to give info for inclusion in COVID-19 Tracing Database read with Reg 14(4)(a)	COURT
8(11)	Unauthorised use of information from electronic communications service provider in compliance with direction of DG: Health on COVID-19 Tracing Database, read with Reg 14(4)(a)	COURT
8(17)	Failure to de-identify and destroy information on COVID-19 Tracing Database within 6 weeks after state of disaster has ended, read with Reg 14(4)(a)	COURT
8(18)	Failure to comply with a direction issued by the COVID-19 Designated Judge to protect the privacy of persons whose data has been collected, read with Reg 14(4)(a)	COURT

<b>Regulation</b>	<b>Description of offence</b>	<b>Admission of guilt</b>
14(1)	Making of an intentional misrepresentation that any person is infected with COVID-19	R5 000
14(2)(a)	Publishing of any statement to deceive any other person about COVID-19	R5 000
14(2)(b)	Publishing of any statement to deceive any other person about COVID-19 infection status of any person	R5 000
14(2)(c)	Publishing of any statement to deceive any other person about any measure taken by government to address COVID-19	R5 000
14(3)	Intentionally exposing another person(s) to COVID-19 (can be prosecuted for assault, attempted murder or murder)	COURT
14(5)	Failure by driver/operator of public transport to take steps to ensure that person who uses, operates, performs service on such transport wears mask/item to cover nose and mouth	R2 000
14(6)	Failure by manager/owner of building, place/premises used by public to obtain goods/services, to take steps to ensure that such person wears mask/item to cover nose and mouth	R5 000
14(7)	Failure by employer to ensure that person who uses, operates, performs service on public transport or enters building/place/premises is wearing mask/item that covers nose and mouth	R5 000
14(8)	Failure by school principle, manager/owner of childhood development centre to ensure supplies of masks/items to cover nose and mouth for learners and take steps to protect learners	R5 000
<b>THE FOLLOWING OFFENCES ONLY APPLY DURING THE ADJUSTED ALERT LEVEL 3 (R1423 GG44044 DATED 29/12/2020)</b>		
33(1)	Failure of person to confine to his or her place of residence from 21H00 until 06H00 daily, barring the exceptions in Reg 33(1)(a)-(b), read with Reg 33(2) and Reg 47(2)	R2 000
33(3)(a)-(h)	Failure of listed establishments, whether indoors or outdoors, to adhere to the prescribed closing time of 20H00, read with Reg 47(2)	R5 000
34(2)	Failure of a person to wear a face mask when in a public place and to comply with a verbal instruction by an enforcement officer to wear a face mask, read with Reg 47(2)	R1 500
34(3)(a)	Failure to wear a face mask when use, operate or perform any service on any form of public transport, read with Reg 47(2)	R1 500
34(3)(b)	Failure to wear a face mask when enter or be in a building, place or premises, including government buildings, places or premises, used by the public to obtain goods or services, read with Reg 47(2)	R1 500
34(3)(c)	Failure to wear a face mask when in any public open space, read with Reg 47(2)	R1 500

Regulation	Description of offence	Admission of guilt
34(7)	Failure of any business to ensure that its premises does not exceed the maximum number of customers and employees determined in Reg 34(6)(a)-(c), read with Reg 47(2)	R5 000
40(1)	Performing of male and female initiation practices, read with Reg 47(2)	R5 000
40(2)(a)	Arranging or holding of an initiation school or conducting an initiation practice, read with Reg 47(2)	R5 000
40(2)(b)	Allowing a prospective initiate to attend an initiation school, read with Reg 47(2)	R5 000
40(2)(c)	Consenting by a landowner to use his/her land for an initiation school, read with Reg 47(2)	R5 000
40(2)(d)	Performing, by a traditional surgeon or medical practitioner, of a circumcision as part of an initiation practice, read with Reg 47(2)	R5 000
40(3)(d)	Holding of post- initiation celebrations ("imigidi"), read with Reg 47(2)	R5 000
43(3)(a)	Carrying, by bus and taxi services, more than 70% of licenced capacity for long distance travel, read with Reg 47(2)	R3 000
44(1)(a)-(b)	The sale, dispensing, and distribution of liquor for off-site consumption and/or for on-site consumption, read with Reg 47(2)	R5 000
44(2)	Consumption of liquor in public places, read with Reg 47(2)	R2 000
44(3)	Allowing the tasting and selling of liquor to the public by registered wineries, wine farms, and other similar establishments registered as micro manufacturers, read with Reg 47(2)	R5 000
44(4)	Transportation of liquor except where permitted under paragraphs (a)-(d), read with Reg 47(2)	R5 000
47(1)	Hinder, interfere or obstruct an enforcement officer in the exercise of powers or the performance of duties under the Disaster Management Act Regulations	R5 000

Dated at Mbombela on this 30 December 2020.

TONJENI T.S  
 CHIEF MAGISTRATE: MBOMBELA  
 CLUSTER HEAD: ADMINISTRATIVE REGION 8 (MPUMALANGA)

