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**OFFICE OF THE DEPUTY NATIONAL
COMMISSIONER: POLICING
PRETORIA
0001**

- A. ALL PROVINCIAL COMMISSIONERS**
- B. ALL DIVISIONAL COMMISSIONERS**
- C. ALL DEPUTY PROVINCIAL COMMISSIONERS**
- D. All Provincial Heads
PROVINCIAL OPERATIONAL COORDINATION**
- E. All Commanders
PROVINCIAL OPERATIONAL COMMAND CENTRES**

INTERPRETATION AND APPLICATION OF NATIONAL CRIME COMBATING FORUM (NCCF) SUPPLEMENTARY INSTRUCTION 24 AND 25 TO NCCF INSTRUCTION 3 OF 2020: CONTAINMENT AND MANAGEMENT OF COVID19 IN TERMS OF SECTION 27 OF THE DISASTER MANAGEMENT ACT, 2002 (ACT NO. 57 OF 2002): FAITH BASED INSTITUTIONS, OFFENCES AND PENALTIES

1. The interpretation and application of NCCF Supplementary Instruction 25 to NCCF Instruction 3 of 2020 in respect of gatherings and faith based gatherings (see paragraph 8.1 of the aforementioned NCCF supplementary Instruction), have bearing on this matter.
2. It has come to the attention of this office that numerous complaints are lodged against the SAPS in respect of the interpretation and actions of the SAPS in relation to the closure of places of worship and the arrest of persons attending prohibited gatherings such as faith based gatherings. In addition, it is also known that litigation relating to this matter is currently pending before our courts.
3. Neither the current DMA Regulations, nor Paragraph 8.1 of NCCF Supplementary Instruction 25 as read along with Annexure A of NCCF Supplementary Instruction 24 to NCCF Instruction 3 of 2020 (as mentioned) provide for the closure of any place of worship or faith based institution. However, all **faith based gatherings** are prohibited in terms of the DMA regulations, wherever these take place. Regulation 36 (18) of the DMA Regulations provides that the SAPS **must** disperse such gatherings.

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4. However, persons attending such gatherings **cannot be arrested and charged** with an offence, unless they interfere with or obstruct the police in the performance of their duties. Whereas the latter is an offence in terms of Regulation 47(1) of the DMA Regulations, the mere attendance of a prohibited gathering is not.
5. **It is reiterated that no places of worship (faith based institutions) are closed in terms of the current DMA Regulations. The SAPS therefore cannot close or insist that such places must be closed, any such action will be unlawful. The fact that places of worship/faith based institutions are allowed to be open does, however, not mean that faith based gatherings can take place there. The only gathering that is allowed at a place of worship/ faith based institution is for purposes of a funeral, with a maximum of 50 persons in attendance, compliance of all health protocols and social distancing measures and which gathering may not exceed two hours.**
 - 5.1 **An individual may visit places of worship/faith based institutions and the religious leader or any other individual, or person in employ of such place or institution may be present at or on such place, as long as there is no gathering taking place.**
6. Persons or institutions who want to lodge a complaint with the SAPS about the impact of the regulations on their religious beliefs or tenets, should be advised to approach the Minister of Cooperative Governance and Traditional Affairs (COGTA), as enforcement officers are merely enforcing the Regulations as promulgated.
7. It must be emphasised that the current Regulations only create offences as mentioned in Annexure A (attached). Any arrests for conduct which falls outside these offences will be unlawful: e.g. arrest of bank personnel for the failure to provide hand sanitizers at ATMs, etc.
8. The content of this Instruction must be brought to the attention of all members of the SAPS.



LIEUTENANT GENERAL

**F/ NCCF CHAIRPERSON
NSIMKHWANAZI**

Date: 2021-01-19