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Attorneys | Conveyancers | Notaries

DATE: 28 MAY 2020

RE: ONE TOO MANY... THE PERILS OF PARTYING AMIDST THE PANDEMIC

1. In the words of American surgeon and writer Atul Gawande, "*Human beings are social creatures. We are social not just in the trivial sense that we like company, and not just in the obvious sense that we each depend on others. We are social in a more elemental way: simply to exist as a normal human being requires interaction with other people.*"
2. Since 26 March 2020, life as we know it has been turned upside-down. In an unprecedented collective appeal, our government and governments across the world have called upon people to do something which at its core level, is quite unnatural and almost absurd. We have all been asked to defy our profoundly human and ingrained desire to connect and socialise with each other.
3. In our quest to stay away from each other, working remotely, home-schooling, social distancing and patron-less parties have become the new norm.
4. During the initial hard lockdown, now referred to as level 5, the rules of engagement were simple, STAY AT HOME and avoid close contact with people. This felt like a near total cessation of personal movement and economic activity, but for a handful of essential services.

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5. On 1 May 2020, our risk level was adjusted to level 4, which allowed for a moderate relaxation of the restrictions, predominantly in respect of a “*gradual and phased recovery of our economic activity*”. The underlying theme remained STAY AT HOME and avoid close contact with people, with the exception that limited sectors of the economy were able to operate, albeit with very limited capacity.
6. As we stand on the precipice of level 3 and await the gazetted regulations, we can be sure of one thing, the underlying theme will still remain, STAY AT HOME and avoid close contact with people.
7. It is amidst this backdrop and the recent arrest of some 19 people in attendance at a party at a residential property situated in a community scheme in Silverlakes in Pretoria East, that this cautionary note is prepared.
8. It is alleged that the group were throwing a good old-fashioned boozy house party whilst in the throes of level 4 restrictions. The group’s shindig was cut short by police who alleged that the festivities were in contravention of the level 4 regulations pertaining to social gatherings, failing to confine themselves to their residence, while being in possession of and consuming alcohol.
9. Whilst the authorities agree that the consumption of alcohol at one’s home is not illegal, they maintain that it is against the law to do so in a group whilst attending an illegal gathering.
10. Although everyone is undoubtedly nearing end of their tether in terms of the confinement we have suffered at the hands of the virus, we should not forget that we are currently engaged in a monumental human test of our capacity for cooperation.



11. Social distancing will persist for the foreseeable future. Whilst we anticipate that social gathering of people will gradually resume, such as attendance of religious services and funerals, these will be subject to strict limitations with regard to the numbers of attendees and only under circumstances where proper respiratory hygiene and strict social distancing is maintained.
12. These permitted social gatherings will most certainly not include the hosting a dinner party or any other party for that matter between friends or neighbours, irrespective of where you live.
13. The same rationale applies to people who stay in a community scheme. The mere fact that you stay within the confines of a community scheme, does not allow you to indiscriminately visit other residents of such a scheme.
14. Trustees and Directors of Community Schemes would be well advised to ensure that they have a Covid-19 plan in place, which should be informative to all the members of the community scheme and also include the relevant restrictions implied by the regulations and related protocols. By implementing such a plan, the trustees and directors will be able to mitigate their risk, and the risk of their members and residents being in contravention of the regulations, and facing possible civil liability or criminal prosecution.
15. Unlike the 19 merrymakers mentioned above who failed to adhere to the regulations, rather suffer the pain of discipline, than suffer the pain of regret.
16. Our attorneys are available to provide further guidance and advice to community schemes during these turbulent times

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