

South Africa

Disaster Management Act, 2002

## Public Transport Services Directions, 2020

Government Notice 412 of 2020

Legislation as at 31 March 2020

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Public Transport Services Directions, 2020  
Contents

1. Definitions ..... 1

2. Authority ..... 1

2. Purpose of directions ..... 2

3. Application of the directions ..... 2

4. Provision of improved access and hygiene, disinfection control on all public transport facilities. .... 2

5. Embarkation of public transport passengers in the public transport vehicles ..... 2

6. Prohibition of service of certain public transport during lockdown ..... 2

7. Prohibition of standing in a public transport vehicle ..... 3

8. Loading capacity of minibus and midibus ..... 3

9. Enforcement of these regulations ..... 4

10. Offences ..... 4

11. Short title and commencement ..... 4

# South Africa

## Disaster Management Act, 2002

# Public Transport Services Directions, 2020

## Government Notice 412 of 2020

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**Commenced on 26 March 2020**

*[This is the version of this document as it was from 31 March 2020 to 6 April 2020.]*

*[Amended by [Public Transport Services Directions, 2020: Amendment \(Government Notice 431-A of 2020\)](#) on 30 March 2020]*

*[Amended by [Public Transport Services Directions, 2020: Amendment \(Government Notice 436 of 2020\)](#) on 31 March 2020]*

*[Repealed by [Public Transport Services Directions, 2020 \(Government Notice 493 of 2020\)](#) on 4 May 2020]*

I, Fikile Mbalula, MP, Minister of Transport, in terms of regulation 10(7) of the Regulations issued in terms of the Disaster Management Act, 2002 ([Act No. 57 of 2002](#)) hereby issue the directions set out in the Schedule hereto, to address and combat the spread of the COVID-19.

### 1. Definitions

In these directions, any word or expression bears the meaning assigned to it in the National Land Transport Act, 2009 or its regulations, unless the context otherwise indicates-

"**the Act**" means the National Land Transport Act, 2009 ([Act No. 5 of 2009](#));

"**COVID-19**", means the Novel Coronavirus (2019-nCov) which is an infectious disease caused by a virus, which emerged during 2019 and was declared a global pandemic by the WHO during the year 2020 that has previously not been scientifically identified in humans;

"**public transport facility**", means any rank, train stations, terminal or any facility which may be used for public transport purposes;

"**public transport vehicle**" means a motorcar, minibus, midibus and bus as defined in terms of the Act.

### 2. Authority

- (1) COVID-19 was declared a global pandemic by the World Health Organisation and following related developments within the Republic, the government of the Republic declared a national state of disaster relating to the virus in terms of the Disaster Management Act, 2002.
- (2) On 15 February 2020 the President of the Republic of South Africa made a pronouncement detailing urgent and immediate measures to be undertaken in order to manage COVID-19, and the measures included, amongst others, the imposition of travel ban in respect of nationals from High Risk countries and Medium Risk countries. On 23 March 2020 the President of the Republic of South Africa further made a pronouncement on the 21-day lockdown which will begin at midnight Thursday 26 March 2020 calling on the country to urgently and dramatically escalate its response.
- (3) Section 26(2)(b) of the Disaster Management Act, 2002 provides that a national disaster, once declared, must be managed in accordance with existing legislation, as well as contingency arrangements as amplified by disaster management regulations or directions issued in terms of section 27(2) of the Disaster Management Act, 2002.

- (4) These directions are issued pursuant to the provisions of section 27(2) of the Disaster Management Act, 2002 and specifically in terms of Regulation 10(7) of the Disaster Management Regulations 2020 to provide for measures necessary to manage COVID-19. These directions are valid for the duration of the declared national state of disaster.

## 2. Purpose of directions

*[There are two sections numbered 2 in the original gazette notice.]*

- (1) The purpose of the directions is to provide for the-
  - (a) improved hygiene control and disinfection facilities on all public transport vehicles and public transport facilities including ranks, terminals and train stations.
  - (b) implementation of a monitoring and enforcement system in all public transport facilities

## 3. Application of the directions

Public Transport permitted to ferry essential services workers will operate from 05h00 to 10h00 and from 16h00 to 20h00.

*[section 3 substituted by [Government Notice 436 of 2020](#)]*

## 4. Provision of improved access and hygiene, disinfection control on all public transport facilities.

All owners of public transport facilities must on regular intervals provide adequate sanitizers or other hygiene dispenser for washing of hands and disinfection equipment for users of public transport services for the duration of the directions.

## 5. Embarkation of public transport passengers in the public transport vehicles

- (1) All operators must ensure that public transport vehicles are sanitized before picking up and after dropping off passengers.
- (2) Operators must ensure that all public transport vehicles door and window handles, arm-rest and hand rails are sanitized before picking up and dropping off passengers.
- (3) Operators must ensure that all public transport vehicles are clean and tidy.
- (4) All public transport operators must provide disinfection information materials and procedures.
- (5) All drivers must wear a mask.
- (6) Any marshal who interacts with members of the public in public transport facility should wear a mask.
- (7) The sanitisers used to sanitise all public transport vehicles must have a minimum of 60% alcohol content.

## 6. Prohibition of service of certain public transport during lockdown

- (1) All long distance and inter-provincial services are prohibited for the duration of the lockdown.
- (2) Transportation of passengers by buses is prohibited except when the bus is used for purposes of ferrying passengers rendering essential services.
- (3) Public transport that shall be permitted to ferry essential services workers will operate from 5H00 to 9H00 and again from 16H00 to 20H00.

- (4) Buses and taxis shall be permitted to operate from 05h00 until 20h00 in order to cater the transportation needs of South Africans most vulnerable which is effective from 30 March 2020 until 03 April 2020.

*[subsection (4) added by [Government Notice 431-A of 2020](#)]*

- (5) Notwithstanding the provisions of direction 6(3), public transport is provided with the following grace periods for picking up and dropping off, of passengers:
- (a) Minibuses and Midibuses Public Transport is permitted to proceed to a pickup point an hour before the operating times, which is from 05h00 to 10h00 without loading passengers; and
  - (b) Minibuses and Midibuses Public Transport is permitted to proceed to drop off points an hour after the drop off time of 10h00 which would be 11h00.
  - (c) Minibuses and Midibuses Public Transport is permitted to proceed to a pick-up point without loading passengers at 15h00 in order to start picking up at 16h00 to 20h00 to finish dropping off passengers at 21h00.

*[subsection (5) added by [Government Notice 436 of 2020](#)]*

- (6) (a) During the lock-down period and unless determined by the Minister of Transport, private institutions or companies may make arrangements for the transportation of their workers who are rendering essentials services as listed in Annexure B of Disaster Management Act 2002, Amendment Regulations issues in terms of Section 27 (2) in line with the operating shifts, work time schedules as determined by the responsible head of operations, Manager, Head of the Department or a person with responsible authority within such institution; and
- (b) The operating shifts or work schedules or time table should be stamped and signed by such person with authority as contemplated in direction 6(6) above.

*[subsection (6) added by [Government Notice 436 of 2020](#)]*

## **7. Prohibition of standing in a public transport vehicle**

- (1) No person is allowed to stand in a public transport vehicle.

## **8. Loading capacity of minibus and midibus**

- (1) During the lockdown period, and unless otherwise determined by the Minister of Transport, the following Public Transport vehicles must reduce their maximum licensed passenger seating capacity by 70% with no masks as follows:
- (a) A minibus licensed to carry 10 passengers, is limited to carry a maximum of 7 passengers;
  - (b) A minibus licensed to carry 15 passengers, is limited to carry the maximum of 10 passengers;
  - (c) A midi-bus permitted to carry a maximum of 22 passengers, is limited to carry a maximum of 15 passengers.
- (2) A vehicle licenced to carry up to 4 passengers is limited to carrying 50% of their permissible passenger carrying capacity.
- OR
- (3) During the lockdown period, all Minibus and Midibus taxi vehicles are permitted to load their maximum 100% passenger loading capacity as provided in the operating license on condition that all passengers are wearing masks.
- (4) For the purpose of these Directions the masks must be of the following categories:
- (a) Surgical masks;

- (b) N95 respiratory masks.
- (5) All public transport operators must put measures in place to adhere to social distancing to curb the spread of the virus.

*[section 8 substituted by [Government Notice 436 of 2020](#)]*

## **9. Enforcement of these regulations**

Authorised officers as defined in terms of the Act must enforce the provisions of these directions.

## **10. Offences**

Any person who fails or refuses to comply with these directions, is guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

## **11. Short title and commencement**

These Directions are called the Public Transport Services Directions, 2020 and comes in to operation on the date of publication by the Minister in the Gazette.