

South Africa

Disaster Management Act, 2002

International Air Services (COVID-19 Restrictions on the movement of air travel) Directions, 2020

Government Notice 415 of 2020

Legislation as at 31 March 2020

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International Air Services (COVID-19 Restrictions on the movement of air travel) Directions, 2020
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South Africa

Disaster Management Act, 2002

International Air Services (COVID-19 Restrictions on the movement of air travel) Directions, 2020

Government Notice 415 of 2020

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[Amended by [International Air Services \(COVID-19 Restrictions on the movement of air travel\) Directions: Amendment \(Government Notice 423 of 2020\)](#) on 27 March 2020]

[Amended by [International Air Services \(COVID-19 Restrictions on the movement of air travel\) Directions: Amendment \(Government Notice 438 of 2020\)](#) on 31 March 2020]

[Repealed by [Direction on Measures to Address, Prevent and Combat the Spread of COVID-19 in the Air Services for Adjusted Alert Level 3 \(Government Notice 63 of 2021\)](#) on 29 January 2021]

1. Definitions

In these Directions, any word or expression bears the meaning assigned to it in the International Air Services Act, 1993 ([Act No. 60 of 1993](#)) or its regulations, unless the context otherwise indicates-

"air service operator" means a commercial air transport operator providing a scheduled, a non-scheduled or a general air service.

"the Act" means the International Air Services Act, 1993 ([Act No. 60 of 1993](#));

"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 World Health Organisation(WHO) during the year 2020 that has previously not been scientifically identified in humans;

"High and Medium risk countries" are countries that are listed in the Appendix No. 1;

"International Airports Designated as Ports of Entry", means the International Airports that have the Ports Health capability.

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.

3. Purpose of directions

- (1) The purpose of these directions is to provide for the -
- (a) international and domestic passenger flights prohibition;
 - (b) provision of conditions for air cargo entering the country;
 - (c) improved hygiene control and disinfection facilities on International Airports Designated as Ports of Entry operated by licensed airport operator, cargo handling facility, airports repair facilities, provider of airports maintenance or services, airport terminals, terminal operations and in licensed airports operations;
 - (d) oversight responsibilities;

4. Application of the directions

These directions are applicable to all air service operators, foreign nationals, and crew in respect of the risk category of the country of origin as well as South African citizens and permanent residents.

5. International, domestic passenger flight, evacuation, repatriation and technical flights

Prohibition of international and domestic flights

- (1) All international and domestic passenger flights are prohibited irrespective of the risk category of the country of origin except those flights especially authorised by the Minister of Transport for the evacuation of South African Nationals in foreign countries.

Repatriation

- (2) (a) Repatriation of foreign national from South Africa back to their respective countries is allowed provided the following conditions are adhered to:
- (i) Foreign Countries must charter their aircraft to South Africa without passengers except with the crew.
 - (ii) The crew is not be allowed to disembark.

Evacuation

- (3) (a) Evacuation of South African citizens who desires to come back home is allowed provided:
- (i) He or she has a fully paid return flight ticket;
 - (ii) On arrival they will be subjected to mandatory quarantine for a period of up to 21 days; and
 - (iii) The crew shall be allowed to disembark subject to mandatory quarantine laws as may be applicable.
- (4) (a) The following technical flights are allowed:
- (i) Medical evacuation flights;

- (ii) Aircraft in a state of emergency;
 - (iii) Overflights;
 - (iv) Technical landings for refuelling ;
 - (v) Aircraft operations related to humanitarian aid, relief flights and other safety related operations.
- (b) Medical evacuation flights should not carry passengers except, patients and crew that will upon landing shall be subjected to mandatory quarantine laws as may be applicable.
- (c) Technical landing flights are allowed on condition that no passenger may disembark.
- (5) The following Airports should have standby operational staff who will receive aircraft that are in distress.
 - (i) Port Elizabeth;
 - (ii) Bram Fischer;
 - (iii) Upington;
 - (iv) Polokwane;
 - (v) Kruger Mpumalanga.
- (6) Disembarkation of Flight Cargo Crew is permitted on condition that it will be subjected Quarantine laws applicable in South Africa.

[Direction 5 substituted by [Government Notice 438 of 2020](#). GN 438 purports to amend GN 412 but seems from the context to actually amend GN 415.]

6. Air cargo

- (1) The following International Airports Designated as Ports of Entry have Port Health capability and will be ready to handle air cargo and services:
 - (a) O.R Tambo;
 - (b) King Shaka;
 - (c) Upington;
 - (d) Polokwane;
 - (e) Bram Fischer;
 - (f) Kruger Mpumalanga;
 - (g) Pilanesberg;
 - (h) Port Elizabeth; and
 - (i) Cape Town.

[subdirection (1) substituted by [Government Notice 423 of 2020](#)]

- (2) Lanseria International Airport must not allow the landings and departures of any international flights for the duration of the lockdown.
- (3)
 - (1) The loading and off-loading of air cargo in and out of International Airports Designated as Ports of Entry is permitted.
 - (2)
 - (a) Air cargo from medium to high risk countries must be sanitised immediately after being off-loaded from the aircraft.

- (b) Sanitisation of cargo must be applied to air cargo carried by any South African aircraft coming from medium to high risk countries.

7. Provision of improved access and hygiene, disinfection control on international airports designated as ports of entry

- (1) The licensed international airports designated as Ports of Entry operated by licensed airport operator, cargo handling facility, airports repair facilities, provider of airports maintenance or services, airport terminals, terminal operations and in licensed airports operations, must provide adequate facilities for washing of hands and disinfection equipment for visitors, airport personnel and management for the duration of the regulations.
- (2) The air service operator must provide disinfection facilities and procedures.
- (3) Biometric screening airports shall be suspended and replaced with a card system until further notice.
- (4) Airport personnel shall be provided with appropriate safety gear and equipment by their respective employers.

8. Oversight responsibilities by South African Civil Aviation Authority

- (1) The South African Civil Aviation Authority shall continue to monitor implementation of these Directions and issue guidelines.
- (2)
 - (a) The South African Civil Aviation Authority and Port Health must support the national tracing and monitoring system.
 - (b) Operators must furnish the South African Civil Aviation Authority with air cargo records, manifests and other necessary and material flight information on demand.
- (3) The South African Civil Aviation Authority and Port Health must keep a register of air cargo manifest, flight information and, all personnel boarding an aircraft for purpose of providing a service to that aircraft.

9. Responsibilities by Airports Company South Africa

- (a) The Airport Company South Africa SOC Limited (ACSA) must comply and implement these Directions.
- (b) The Airports Company South Africa SOC Limited (ACSA) must ensure that for the duration of these Directions, it will provide its own personnel with the appropriate safety gear and equipment.
- (c) The Airports Company South Africa SOC Limited (ACSA) must provide adequate facilities for washing of hands and disinfection equipment for visitors, Airport personnel and management for the duration of the Directions.

10. Responsibilities by the Air Traffic and Navigation Services

- (a) The Air Traffic and Navigation Services must comply and implement these Directions.
- (b) Air Traffic and Navigation Services shall, if necessary, redirect or reroute any aircraft entering the South African airspace to an international airport designated as one of the ports of entry.

11. Offences

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

12. Amendments of Directions

The Minister may, as and when required, amend these directions.

13. Short title and commencement

- (a) These Directions are called the International Air Services (COVID-19 Restrictions on the movement of air travel) Directions, 2020, and take effect on the date of publication in the Gazette by the Minister.
- (b) These Directions shall remain in force until further notice.

Appendix 1

Countries impacted by South Africa's travel restrictions

- (1) The Republic of South Africa has categorised the following countries as High risk countries:
 - (a) China;
 - (b) Germany;
 - (c) Italy;
 - (d) Iran;
 - (e) South Korea;
 - (f) Spain;
 - (g) United Kingdom;
 - (h) United States of America; and
 - (i) France.
- (2) The Republic of South Africa has categorised the following countries as Medium risk countries:
 - (a) Hong Kong;
 - (b) Portugal; and
 - (c) Singapore.
- (3) This list is subject to change in line with risk rating of World Health Organization (WHO). Subject to the discretion of the Minister of Transport to declare any country high, medium and low risk to achieve the aims of the directions promulgated under the Disaster Management Act.