

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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## 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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**Commenced on 26 March 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]*

*[Amended by [International Air Services \(COVID-19 Restrictions on the movement of air travel\) Directions, 2020: Amendment \(Government Notice 615 of 2020\)](#) on 1 June 2020]*

*[Amended by [International Air Services \(COVID-19 Restrictions on the movement of air travel\) Directions, 2020: Amendment \(Government Notice 726 of 2020\)](#) on 2 July 2020]*

*[Amended by [International Air Services \(COVID-19 Restrictions on the movement of air travel\) Directions, 2020: Amendment \(Government Notice 814 of 2020\)](#) on 24 July 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*[Repealed by [Direction on Measures to Address, Prevent and Combat the Spread of COVID-19 in the Air Services for Adjusted Alert Level 3 \(Government Notice 63 of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 respective of the risk category of the country of origin as well as South African citizens and permanent residents.

### 5. International flights and domestic flights

- (1)
  - (a) All international passenger flights are prohibited, except those flights authorised by the Minister of Transport.
  - (b) Domestic passenger flights are permitted subject to the following conditions:
    - (i) Domestic passenger air travel is permitted only for purposes listed in regulation 33(4) and Table 2 of the Regulations issued in terms of the Disaster Management Act, 2002 ([Act No. 57 of 2002](#)), published by Government Notice No. R. 480 of Government Gazette No. 43258 of 29 April 2020, as amended by Government Notice No. R 714, in Government Gazette No. 43476 of 25 June 2020 and Government Notice No. R 763, in Government Gazette No. 43521 of 12 July 2020.
    - (ii) Domestic passenger flights are permitted in the following domestic airports:
      - (aa) Bram Fischer International Airport;
      - (bb) Cape Town International Airport;
      - (cc) East London Airport;
      - (dd) George Airport;
      - (ee) Kimberly Airport;
      - (ff) King Shaka International Airport;
      - (gg) Kruger Mpumalanga International Airport;

- (hh) Lanseria International Airport;
- (ii) OR Tambo International Airport;
- (jj) Pietermaritzburg Airport;
- (kk) Port Elizabeth International Airport;
- (ll) Richardsbay Airport;
- (mm) Skukuza Airport; and
- (nn) Upington International Airport.

*[direction 5 substituted by [Government Notice 438 of 2020](#), amended by section 1 of [Government Notice 615 of 2020](#), and substituted by section 2 of [Government Notice 726 of 2020](#) and by section 2 of [Government Notice 814 of 2020](#)]*

## 5A. Airport and airlines

- (1) Only employees who work at the airport with a permit, foreign consular and diplomatic agents rendering consular services to foreign nationals, crew and, passengers are allowed in the terminal building.
- (2) Drop off and pick up is only permitted outside the terminal building.
- (3) All persons entering the terminal building and boarding aircraft must be required to wear face masks, as specified in the Regulations, at all times and be subjected to applicable COVID-19 control measures contemplated in direction 7.
- (4) The airports and all airlines must develop and implement procedures consistent with the applicable COVID-19 Regulations and Directions.
- (5) Passengers are required to provide written authorisation or proof of travel, confirming the reasons consistent with direction 5(1)(b)(i) and failure to produce such written authorisation or proof of travel, the passenger shall be automatically denied travel.
- (6) All persons shall be screened before entering the terminal building, and will be denied access should they have elevated temperature or present with signs of being infected with COVID-19.

*[direction 5A inserted by section 2 of [Government Notice 615 of 2020](#)]*

## 5B. General aviation

- (1) All aerial work is permitted for the following purposes:
  - (a) Agricultural spraying, seeding and dusting;
  - (b) cloud spraying, seeding and dusting;
  - (c) culling;
  - (d) construction;
  - (e) aerial harvesting;
  - (f) aerial patrol, observation and survey;
  - (g) aerial advertisement, including banner towing and other towing of objects;
  - (h) search and rescue;
  - (i) parachuting;
  - (j) aerial recording by photographic or electronic means;

- (k) fire spotting, control and fighting; and
- (l) spraying, seeding or dusting other than for agricultural purposes and clouds.
- (2) General aviation is permitted for the following purposes:
  - (a) Approved regional repositioning flights for all South African and foreign registered aircraft into and from South Africa, for return after maintenance and repair, to perform maintenance and repair or to continue with contractual work within South Africa or foreign countries within the region;
  - (b) exchanging of crew members operating in foreign countries, as and when required;
  - (c) transportation of aviation technicians, mechanics and engineers internationally for essential support and assistance to aircraft; and
  - (d) proficiency flights: Provided that the flights are authorised by the South African Civil Aviation Authority and remain within the general flying area, airfield or airport boundaries.
- (3) Recreational aviation is permitted to conduct proficiency flights: Provided that the flights are authorised by the South African Civil Aviation Authority and remain within the general flying area, airfield or airport boundaries.

*[direction 5B inserted by section 2 of [Government Notice 615 of 2020](#) and substituted by section 3 of [Government Notice 726 of 2020](#)]*

#### **5C. Aviation training (Part 141 and 109 of the Civil Aviation Regulation, 2011)**

- (1) Aviation Training Organisations are allowed to conduct both virtual and in contact aviation training to students that are South African citizens and to foreign students that are already in South Africa, subject to the applicable COVID-19 Regulations and Directions.
- (2) Foreign students who are not within the borders of South Africa are allowed to only conduct virtual training.
- (3) Additional authorisation for training flights is not required, provided that the aircraft used is registered with an approved Part 141 Aviation Training Organisation.
- (4) Skills tests are allowed, provided that the Examiner or Instructor is authorised by the South African Civil Aviation Authority to conduct a flight test.
- (5) General aviation operators shall be required to develop and implement procedures consistent with applicable COVID-19 Regulations and Directions.

*[direction 5C inserted by section 2 of [Government Notice 615 of 2020](#)]*

#### **5D. Compliance with the measures for the prevention of the spread of COVID-19**

- (1) Aircraft Maintenance Organisations, Air Operators, Airports, Regulated Agents, Aviation Security Screening Organisations, Flight Examiners, Aviation Security Training Schools and Aviation Training Schools are required to submit for approval procedures to the South African Civil Aviation Authority consistent with the guidelines issued by the Minister.
- (2) The procedures referred to in subdirections (1) must demonstrate measures that will be put in place in order to minimise the risk of exposure and spreading COVID-19, as provided for in the Regulations made under the Disaster Management Act, the Directions issued by Ministers of respective government departments and the guidelines referred to in paragraph (1).

*[direction 5D inserted by section 2 of [Government Notice 615 of 2020](#)]*



## 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 the guidelines issued by the Minister of Transport.

*[subdirection (1) substituted by section 3 of [Government Notice 615 of 2020](#)]*

- (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.