

South Africa

Disaster Management Act, 2002

Public Transport Services Directions, 2020

Government Notice 493 of 2020

Legislation as at 4 May 2020

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Public Transport Services Directions, 2020

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[Repealed by Directions on Measures to Address, Prevent and Combat the Spread of COVID-19 in the Public Transport Services, 2020 (Government Notice 801 of 2020) on 22 July 2020]

I, Fikile Mbalula, MP, Minister of Transport, in terms of regulations 4(7), 20(1) read with regulation 20 (2) of the Regulations after consultation with the Cabinet members responsible for cooperative governance and traditional affairs, health, police and justice and correctional services issued in terms of the Disaster Management Act, 2002 (Act No. 57 of 2002), hereby issue the directions set out in the Schedule 1 hereto to address, prevent and combat the spread of the COVID-19.

F.A. Mbalula, MP

Minister of Transport

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-

"**COVID-19**" means the Novel Coronavirus (2019-nCov2) which is an infectious disease caused by a virus that has previously not been scientifically identified in humans, which emerged during 2019 and was declared a global pandemic by the World Health Organization in 2020;

"**Disaster Management Act**" means Disaster Management Act, 2002 (Act No 57 of 2002);

"**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;

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

2. Authority

- (1) 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.
- (2) These directions are issued pursuant to the provisions of section 27(2) of the Disaster Management Act, 2002 and specifically in terms of Regulations 4(7), 20(1) and (2) 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 the directions

The purpose of the directions is to provide for:

- (a) Improved hygiene control and disinfection facilities on all public transport vehicles and public transport facilities including ranks, terminals and train station;
- (b) Embarkation of passengers in public transport vehicles;
- (c) Prohibition of certain public transport service during alert level 4;
- (d) Public transport operating times;
- (e) Loading capacity of public transport vehicles (sedan, e-hailing, meter taxis, shuttle services, chauffeur driven vehicles minibus, midibus and buses);
- (f) Validity period for all public transport operating licences; and
- (g) Enforcement of these directions.

4. Application of the directions

These directions are applicable to all public transport services and facilities.

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

- (1) All owners of public transport facilities must on regular intervals sanitise their facilities and provide adequate sanitisers or other hygiene dispenser for washing of hands and disinfection equipment for users of public transport services for the duration of the directions.
- (2) Owners of public transport facilities must put measures in place to adhere to physical distancing to curb the spread of the virus.

6. Embarkation of passengers in public transport vehicles

- (1) All operators must ensure that public transport vehicles are sanitized before picking up and after dropping off passengers.
- (2)
 - (a) Operators must ensure that all public transport vehicles' doors and window handles, arm rest and hand rails are sanitized after every load; and
 - (b) Passengers must be encouraged to sanitise after they enter the vehicle and after getting off the vehicle.
- (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 cloth face mask or a homemade item that covers nose and mouth.
- (6) Any marshal or security officer who interacts with members of the public in a public transport facility must wear a cloth face mask or a homemade item that covers nose and mouth.
- (7) The sanitisers used to sanitise all public transport vehicles must have a minimum of 60% alcohol content.
- (8) No person will be allowed to use any form of Public Transport or enter a building, place or premises if they do not wear a cloth face mask or a homemade item that covers nose and mouth.
- (9) All public transport operators must put measures in place to adhere to physical distancing to curb the spread of the virus.

7. Prohibition of service of certain public transport during Alert level 4

All long distance inter-provincial travels are prohibited for the duration of Alert level 4 except when authorized by the Minister by notice in the Gazette.

8. Public transport operating times

- (1)
 - (a) Intra-provincial, metropolitan areas and districts public transport is permitted to operate from 5h00 to 20h00 with a grace period of hour within which to complete the journey and drop off at 21h00.
 - (b) Intra-provincial, metropolitan areas and districts travel by private vehicle is permitted to operate from 5h00 to 20h00 with a grace period of hour within which to complete the journey at 21h00.
- (2)
 - (a) The transportation of persons rendering essentials services or permitted service must be 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 8(2)(a) above.
- (3) Hot Food delivery services is permitted to start from 9am to 19:00.
- (4) No Public Transport is allowed between 20h00 to 5h00, save for essential and permitted service utilizing charter service arranged by employer.

9. Loading capacity of public transport vehicles (sedan, e-hailing, meter taxis, shuttle services, chauffer driven vehicles minibus, midibus and buses)

- (1) Public Transport Sedan vehicle is limited to carry not more than 50% of its permissible passenger carrying capacity, sedan vehicle with carrying capacity of 5 persons is allowed to carry two passengers plus a driver(3 persons).
- (2) E-hailing, meter taxis, shuttle services, chauffer driven vehicles are permitted to carry not more than 50% of their permissible passenger carrying capacity as follows:
 - (a) vehicle with a permissible carrying capacity of 5 persons is allowed to carry two passengers plus a driver(3 persons);
 - (b) vehicle with a permissible carrying capacity of 7 passengers is allowed to carry three passengers plus a driver(4 persons); and
 - (c) vehicle with a permissible carrying capacity of 10 passengers is allowed to carry five passengers plus a driver(6 persons);
- (3) Mini and Midibus Taxi vehicles must not carry more than 70% of their maximum licensed passenger carrying capacity as follows:
 - (a) A minibus licensed to carry 10 passengers, is limited to carry a maximum of 7 passengers plus a driver;
 - (b) A minibus licensed to carry 15 passengers, is limited to carry the maximum of 10 passengers plus a driver; and
 - (c) A midi-bus permitted to carry a maximum of 22 passengers, is limited to carry a maximum of 15 passengers plus a driver;
- (4) Bus to be permitted to carry not more than 50% of their permissible passenger carrying capacity which includes both seating and standing passengers.

- (5) Scholar transport vehicle is permitted to carry not more than 70% of their maximum licensed passenger carrying capacity as follows:
- (a) vehicle with a permissible carrying capacity of 5 persons is allowed to carry two passengers plus a driver(3 persons);
 - (b) vehicle with a permissible carrying capacity of 7 passengers is allowed to carry three passengers plus a driver(4 persons);
 - (c) A minibus licensed to carry 10 passengers, is limited to carry a maximum of 7 passengers plus a driver;
 - (d) A minibus licensed to carry 15 passengers, is limited to carry the maximum of 10 passengers plus a driver;
 - (e) A midi-bus permitted to carry a maximum of 22 passengers, is limited to carry a maximum of 15 passengers plus a driver; and
 - (f) Bus is permitted to carry not more than 50% of its permissible passenger carrying capacity which includes both seating and standing passengers.

10. Validity period for all public transport operating licences and accreditation certificates for tourist transport services

- (1) The validity period for all public transport operating licences and accreditation certificates for tourist transport services that expired during the lockdown period and deemed to be valid have a grace period of 90 days from the date of publication of these directions to renew their operating licenses and accreditation certificate for tourist transport services.
- (2) The offices of the National Public Transport Regulator and Provincial Regulatory Entities will resume its duties.

11. Enforcement of these directions

Enforcement officers as defined in terms of the Disaster Management Regulations must enforce the provisions of these directions.

12. Repeal of directions

The Directions published by Government Notice No. 412 of the Government Gazette 43157 of 26 March 2020, as amended by Government Notice Nos. R 431 of 30 March 2020, R. 436 of 31 March 2020 and R. 454 of 07 April 2020, are hereby repealed.

13. 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.