

South Africa

Disaster Management Act, 2002

Measures to Address, Prevent and Combat the Spread of COVID-19 in the Sea Ports Directions, 2020

Government Notice 496 of 2020

Legislation as at 1 October 2020

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Measures to Address, Prevent and Combat the Spread of COVID-19 in the Sea Ports Directions, 2020
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South Africa

Disaster Management Act, 2002

Measures to Address, Prevent and Combat the Spread of COVID-19 in the Sea Ports Directions, 2020

Government Notice 496 of 2020

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Assented to on 4 May 2020

Commenced on 4 May 2020

[This is the version of this document as it was from 1 October 2020 to 2 December 2020.]

[Amended by [Measures to Address, Prevent and Combat the Spread of COVID-19 in the Sea Ports Directions, 2020: Amendment \(Government Notice 895 of 2020\)](#) on 20 August 2020]

[Amended by [Measures to Address, Prevent and Combat the Spread of COVID-19 in the Sea Ports Directions, 2020: Amendment \(Government Notice 1033 of 2020\)](#) on 1 October 2020]

[Repealed by [Direction on Measures to Address, Prevent and Combat the Spread of COVID-19 at Sea Ports for Adjusted Alert Level 3 \(Government Notice 79 of 2021\)](#) on 10 February 2021]

I, Fikile Mbalula, MP, Minister of Transport after consultation with the Cabinet members responsible for cooperative governance and traditional affairs, health, police and justice and correctional services, in terms of regulation 4(7) read with regulation 22(2) 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, prevent and combat the spread of the COVID-19.

Mr F.A. Mbalula

Minister of Transport

1. Definitions

In these directions, any other word or expression to which a meaning has been assigned in the Act shall have that meaning assigned to it in the Act, and unless the context requires otherwise -

"**Commercial Ports**" means all nine (9) South African Sea Ports provided in the Act;

"**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 Organisation in 2020;

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

"**the Act**" means the National Ports Act ([Act No. 12 of 2005](#)).

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 Regulation 4(7) read with regulation 22(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 directions

The purpose of the directions is to provide for the:

- (a) Provision of improved access and hygiene, sterilization control on ships, sea ports and in licensed port operations
- (b) prohibition on cruise ships calling at any of the sea ports;
- (c) Prohibition of Passenger Vessels visiting South African Sea Ports;
- (d) Repatriation of South African Seafarers;
- (e) Evacuation;
- (f) Transportation of Cargo;
- (g) implementation of a tracking, tracing and monitoring system at sea ports and reporting.

4. Application of the directions

These directions are applicable to all nine (9) commercial ports in terms of the Act.

5. Provision of improved access and hygiene, sterilization control on ships, sea ports and in licenced port operations

- (1) The Authority and licensed port operators, must provide adequate facilities for washing of hands and sanitization equipment centres for visitors, port workers and management at all entrances and exits at port.
- (1A) The Authority must designate isolation centres at all commercial ports to facilitate screening, rapid testing and treatment of embarking and disembarking South African citizens or holders of permanent residence permits, crew and marine personnel.

[subdirection (1A) added by section 2 of [Government Notice 1033 of 2020](#)]

- (2) Owners of ports facilities must put measures in place to adhere to physical distancing to curb the spread of the virus
- (3) All port users entering port must be screened for COVID-19.
- (4) The authority may after consultation with companies providing a service to ships, provide on a user pay principle, sterilization infrastructure and procedures to be followed by personnel who board a vessel for the purpose of providing a service to that vessel.
- (5) Security and screening staff must be provided with appropriate safety gear and equipment.
- (6) Owners of public transport facilities must put measures in place to adhere to physical distancing to curb the spread of the virus.

6. Foreign crew changes and prohibition of cruise ships calling at sea ports

- (1) Foreign crew changes are permitted at all nine commercial ports.
- (2) (a) Signing-on crew must produce a negative Polymerase Chain Reaction (“PCR”) test certificate or a valid certificate of COVID-19 negative test results, obtained not more than 72 hours before the date of travel, from an accredited laboratory and in line with World Health Organization requirements at the first South African Port of Entry.

- (b) In the event of a crew member's failure to produce a valid PCR test certificate, this will warrant quarantine, at the crew member's own cost.
- (3) (a) Signing-off crews are not required to produce a valid PCR test certificate if the vessel has not had crew changes or has not visited a foreign port within 10 days before arrival at a South African sea port.
- (b) A crew member's failure to adhere to the requirement contemplated in paragraph (a), will warrant quarantine, at the crew member's own cost.
- (4) Foreign crew may layover at a designated quarantine facility for a period not exceeding seven days, at their own cost, but must proceed directly to Ports of Entry once this period has lapsed and must also comply with South African Immigration requirements and Port Health protocols.
- (5) Cruise ships are prohibited from calling at any of the South African sea ports, except for the disembarkation of returning—
 - (a) South African crew;
 - (b) South African citizens; or
 - (c) holders of South African permanent residence permits.

[direction 6 substituted by section 2 of [Government Notice 895 of 2020](#) and by section 3 of [Government Notice 1033 of 2020](#)]

7. Passenger ships visiting South African sea port

- (1) All passenger ships for international leisure purposes are prohibited from disembarking any international passengers at any South African sea port.
- (2) Passenger ships are allowed to call at any South African sea port only for the following purposes:
 - (a) Disembarking returning South African citizens and holders of South African permanent residence permits;
 - (b) replenishing fuel, stores and provisions;
 - (c) medical evacuation; and
 - (d) search and rescue.
- (3) Registered research foreign vessels and marine safety tugs are allowed to dock at sea ports, subject to mandatory quarantine laws, as may be applicable.
- (4) All other cargo vessels must be allowed to dock at sea ports for purposes of cargo works, repairs, replenishing fuel and provisions.

[direction 7 amended by section 3 of [Government Notice 895 of 2020](#) and substituted by section 4 of [Government Notice 1033 of 2020](#)]

8. Repatriation of South African seafarers

- (1) South African seafarers returning to South Africa via any of the sea ports must be allowed to disembark.
- (2) South African seafarers returning to South Africa via any means other than a ship calling at a sea port must be subjected to the provisions of the applicable laws that govern the respective mode of transportation they use; and
- (3) All returning seafarers must be subjected to a quarantine period of up to 21 days as well as any measures put in place to prevent the spread of the virus.

9. Evacuation

- (1) (a) Evacuation of seafarers, passengers, mariners on board all ships along the South African coastline must be allowed in terms of Search and Rescue as well as the Merchant Shipping Act, 1951 ([Act No. 57 of 1951](#)), and subject to the following:
 - (i) The evacuation must comply with the provisions of Medical Evacuations as contained in the South African Maritime and Aeronautical Search and Rescue Act, 2002 ([Act No. 44 of 2002](#)) ;
 - (ii) The evacuation to be carried out in terms of the approved Standard Operating Procedures for evacuation as contained in the Maritime Rescue Coordination Center Manual obtainable from the South African Maritime Safety Authority website; and
 - (iii) All evacuated patients must be subjected to mandatory quarantine for a period of up to 21 days.

10. Transportation of cargo

- (1) Transportation of cargo from the sea ports of entry to their final destination is permitted.
- (2) Transportation of cargo to the sea ports of entry for export is permitted.
- (3) The loading and off-loading of cargo in and out of commercial ports is permitted.
- (4) The following sea ports are open for purposes of handling cargo, refuelling and ship supplies:
 - (i) Richards Bay;
 - (ii) Durban;
 - (iii) East London;
 - (iv) Coega;
 - (v) Port Elizabeth;
 - (vi) Mosselbay;
 - (vii) Cape Town; and
 - (viii) Saldanha Bay.

11. Implementation of a reporting, tracking, tracing and monitoring system at sea ports

- (1) The Authority shall immediately on being made aware of any case of COVID-19 maintain a register and further report such cases to the National Institute for Communicable Diseases.
- (2) The Authority shall support the national tracing and monitoring system.
- (3) The Authority must keep a register of all personnel boarding a vessel for purpose of providing a service to that vessel.

12. Repeal

The Regulation published in the Government Gazette 43103 of 18 March 2020 and the Directions published in the Government Gazette 43163 of 26 March 2020, as amended by Government Notice No. R 453 of 7 April 2020 are hereby repealed.

13. Short title and commencement

- (1) These Directions are called the Measures to Address, Prevent and Combat the Spread of COVID-19 in the Sea Ports Directions, 2020, and take effect on the date of publication in the Gazette by the Minister.

Form A [Direction 6(1)]
Request for foreign crew changes

(To be completed by a shipping company or its representative)

| | |
|--|--|
| Name of shipping company/representative: Email address: Mobile Number: | |
| Name of vessel: and Type of vessel: | |
| Name of sea port destined for crew change: | |
| Details of inbound flight: | |
| Details of outbound flight: | |
| Date of crew change must be within 96 hours: | |
| Name of quarantine facility (only in exceptional circumstances): | |
| Attachments included (Y/N): Detailed crew list (Signing-on and Signing-off) | |

Signed at _____ on this _____ day of _____ 2020.

Signature: _____

Full name and surname

Capacity

- The completed form and crew lists must be submitted to MSCC@dot.gov.za and copied to Ms. Mashudu Nepfumbada at the following e-mail address:

Neofumbadam@dot.gov.za.

- All enquiries pertaining to crew changes must be directed to Ms. Mashudu Nepfumbada at the following e-mail address:

Nepfumbadam@dot.gov.za.

[Form A added by section 4 of [Government Notice 895 of 2020](#)]