

South Africa

Disaster Management Act, 2002

Directions on Measures to Address, Prevent and Combat the Spread of COVID-19 in the Public Transport Services, 2020

Government Notice 801 of 2020

Legislation as at 22 July 2020

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Directions on Measures to Address, Prevent and Combat the Spread of COVID-19 in the Public Transport Services, 2020
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Disaster Management Act, 2002

Directions on Measures to Address, Prevent and Combat the Spread of COVID-19 in the Public Transport Services, 2020

Government Notice 801 of 2020

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I, Fikile Mbalula, Minister of Transport, after consultation with the Cabinet members responsible for cooperative governance and traditional affairs, health, police, justice and correctional services, trade, industry and competition, in terms of regulations 4(7), 43 and 44(4) of the Regulations made under section 27(2) 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 in the public transport services.

Mr F.A. Mbalula, MP

Minister of Transport

1. Definitions

In these directions, any other word or expression bears the meaning assigned to it in the Disaster Management Act, the Act or in the Regulations, and, unless the context otherwise indicates—

"**Disaster Management Act**" means the 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, minibus taxi-type service and bus as defined in terms of the Act and, for purposes of these Directions, includes a sedan, e-hailing service, meter taxi, shuttle service, chauffeur driven vehicle, or rail operation;

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

"**the Regulations**" means the Regulations made under section 27(2) of the Disaster Management Act, as published under Government Notice No. R 480, in *Government Gazette* No. 43258 of 29 April 2020, and amended by—

- (a) Government Notice No. 608, published in *Government Gazette* No. 43364 of 28 May 2020;
- (b) Government Notice No. 714, published in *Government Gazette* No. 43476 of 25 June 2020; and
- (c) Government Notice No. 763, published in *Government Gazette* No. 43521 of 12 July 2020.

2. Authority

- (1) Section 26(2)(b) of the Disaster Management Act 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.

- (2) These Directions are issued pursuant to the provisions of section 27(2) of the Disaster Management Act and specifically in terms of regulations 4(7), 43 and 44(4) of the Regulations, to provide for measures necessary to manage COVID-19.
- (3) 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—

- (a) improved hygiene control and disinfection facilities on all public transport vehicles and public transport facilities including ranks, terminals and train station;
- (b) improved access and hygiene, disinfection control in all public transport vehicles;
- (d) the loading capacity of public transport vehicles;
- (e) the extension of the validity period for all public transport operating licences;
- (f) the transportation and storage of liquor; and
- (g) the enforcement of these Directions.

4. Application of Directions

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

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

- (1) All owners of public transport facilities must, at least twice daily, sanitize their facilities and provide adequate sanitizers or other hygiene dispensers for washing of hands and disinfection equipment for users of public transport services for the duration of the declared national state of disaster.
- (2) All owners of public transport facilities must put measures in place to adhere to the requirements of social distancing of at least 1.5 meters to curb the spread of the virus including systems to ensure physical distance of at least 1.5 meters while commuters are queuing for public transport.
- (3) The gathering at public transport facilities by taxi drivers or employees working at the public transport facilities or by any other person or passenger is prohibited.
- (4)
 - (a) All employees working at public transport facilities, including any marshal or security officer who interacts with members of the public, must wear a cloth face mask, homemade item or another appropriate item that covers the nose and mouth,
 - (b) All employees working at public transport facilities, including any marshal or security officer who interacts with members of the public may in addition further wear a face shield.
- (5) The owners of public transport facilities may not allow any member of the public to enter their facilities without wearing a cloth face mask, homemade item or another appropriate item that covers the nose and mouth.

6. Provision of improved access, hygiene and disinfection control in public transport vehicles

- (1) The operators of public transport vehicles must ensure that public transport vehicles are sanitized before picking up and after dropping off passengers.
- (2) The windows on both sides of all public transport vehicles must be kept 5 cm open on both sides.

- (3)
 - (a) The operators of public transport vehicles must ensure that the door handles, window handles, arm rests and hand rails of all public transport vehicles are sanitized after every load.
 - (b) The driver must ensure that the passengers are sanitised before entering a public transport vehicle and after leaving the vehicle.
- (4) The operators of public transport vehicles must ensure that all public transport vehicles are clean and tidy.
- (5) The operators of public transport vehicles must provide disinfection information materials and procedures.
- (6)
 - (a) All drivers, owners or operators of public transport vehicles must wear a cloth face mask, a homemade item or another appropriate item that covers the nose and mouth
 - (b) All drivers, owners or operators of public transport vehicles may in addition further wear a face shield.
- (7) Passengers in public transport vehicles are obliged to wear a cloth face mask, a homemade item or another appropriate item that covers the nose and mouth throughout the journey.
- (8) All public transport operators must put measures in place to adhere to social distancing requirements to curb the spread of the virus.
- (9) The sanitizers used to sanitize all public transport vehicles must have a minimum of 70% alcohol content.

7. Loading capacity of public transport vehicles

- (1) For purposes of long distance travel, as contemplated in regulation 43(1) of the Regulations—
 - (a) minibus, midibus or minibus taxi-type services are permitted to carry not more than 70% of their maximum licensed passenger capacity for long distance intra-provincial and permitted inter-provincial travel and are subject to the following limitations:
 - (i) A minibus licensed to carry a maximum of 10 passengers, is limited to carry a maximum of 7 passengers;
 - (ii) a minibus licensed to carry a maximum of 15 passengers, is limited to carry a maximum of 10 passengers; and
 - (iii) a midibus licensed to carry a maximum of 22 passengers, is limited to carry a maximum of 15 passengers; and
 - (b) bus services are permitted to carry not more than 70% of their maximum licensed passenger capacity for long distance intra-provincial and permitted inter-provincial travel.
- (2) Long distance rail operations and travel remain prohibited.
- (3) For purposes of any trip not regarded as long distance travel in terms of regulation 43(1) of the Regulations—
 - (a) bus, minibus, midibus, minibus taxi-type services, e-hailing services, meter taxis, shuttle services, chauffeur driven vehicles and scholar transport vehicles are permitted to carry 100% of their maximum licensed passenger capacity; and
 - (b) rail operations are permitted to carry not more than 70% of their licensed passenger capacity.

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

- (1) All public transport operating licences and accreditation certificates for tourist transport services that expired during the period that commenced from 26 March 2020 up to and including 31 May 2020, are deemed to be valid and a grace period of 90 days from the date of publication of these Directions is granted for the renewal of these licences and certificates.
- (2) The offices of the National Public Transport Regulator and Provincial Regulatory Entities resume their duties from the date of publication of these Directions.

9. Transportation and storage of liquor

- (1) The transportation of liquor from manufacturing plants to storage facilities is permitted.
- (2) The transportation of liquor to ports of exit for export purposes is permitted.

10. Enforcement of Directions

Authorised officers, as defined in section 1 of the Act, must enforce the provisions of these Directions.

11. Withdrawal of directions

The Directions issued under Government Notice No. 493, as published in *Government Gazette* No. 43272 of 04 May 2020, and amended under—

- (a) Government Notice No. 504, published in *Government Gazette* No. 43284 of 6 May 2020;
 - (b) Government Notice No. R. 587, published in *Government Gazette* No. 43348 of 22 May 2020; and
 - (c) Government Notice No. R. 614, published in *Government Gazette* No. 43374 of 30 May 2020,
- are hereby withdrawn.

12. Short title and commencement

These Directions are called the Directions on measures to address, prevent and combat the spread of COVID-19 in the public transport services, 2020, and comes into effect on the date of publication thereof in the *Government Gazette*.