

South Africa

Disaster Management Act, 2002

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

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Direction on Measures to Address, Prevent and Combat the Spread of COVID-19 at Sea Ports for
Adjusted Alert Level 3
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Disaster Management Act, 2002

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

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Assented to on 21 January 2021

Commenced on 10 February 2021

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I, Fikile Mbalula, Minister of Transport, hereby, in terms of regulation 4(7), read with regulations 42(6) and 42A(3), of the Regulations made under the Disaster Management Act, 2002 ([Act No. 57 of 2002](#)), after consultation with the Cabinet members responsible for cooperative governance and traditional affairs, trade, industry and competition, health, justice and correctional services, finance and public enterprises, issue the directions as set out in the Schedule hereto, to address, prevent and combat the spread of the COVID-19 at sea ports for Adjusted Alert Level 3.

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 Disaster Management Act, the Act or in the Regulations shall have that meaning assigned to it, and, unless the context requires otherwise -

"commercial ports" means all nine South African sea ports provided in the Act;

"Disaster Management Act" means Disaster Management Act, 2002 ([Act No 57 of 2002](#));

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

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

- (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;
- (c) Government Notice No. 763, published in *Government Gazette* No. 43521 of 12 July 2020;
- (d) Government Notice No. 846, published in *Government Gazette* No. 43577 of 31 July 2020;
- (e) Government Notice No. 891, published in *Government Gazette* No. 43620 of 17 August 2020;
- (f) Government Notice No. 999, published in *Government Gazette* No. 43725 of 18 September 2020;
- (g) Government Notice No. 1053, published in *Government Gazette* No. 43763 of 1 October 2020;
- (h) Government Notice No. 1104, published in *Government Gazette* No. 43825 of 21 October 2020;
- (i) Government Notice No. 1199, published in *Government Gazette* No. 43897 of 11 November 2020;
- (j) Government Notice No. 1290, published in *Government Gazette* No. 43964 of 3 December 2020;

- (k) Government Notice No. 1346, published in *Government Gazette* No. 43997 of 15 December 2020;
- (l) Government Notice No. 1370, published in *Government Gazette* No. 44009 of 17 December 2020;
- (m) Government Notice No. 1421, published in *Government Gazette* No. 44042 of 24 December 2020;
- (n) Government Notice No. R. 1423, published in *Government Gazette* No. 44044 of 29 December 2020;
- (o) Government Notice No. R. 1424, published in *Government Gazette* No. 44045 of 29 December 2020;
- (p) Government Notice No. R. 1435, published in *Government Gazette* No. 44051. of 29 December 2020; and
- (q) Government Notice No. 1370, published in *Government Gazette* No. of 11 January 2021.

2. Authority of directions

- (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 directions 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 regulation 4(7), read with regulations 42(6) and 42A(3), of the Regulations, to provide for measures necessary to manage the spread of COVID-19 at sea ports for Adjusted Alert Level 3.
- (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) the provision of improved access to hygiene and sterilisation control on ships, sea ports and at licensed port operations;
- (b) commercial sea ports, foreign crew changes and prohibition on cruise ships calling at any of the sea ports;
- (c) the prohibition of passenger vessels visiting South African sea ports;
- (d) the repatriation of South African seafarers;
- (e) medical evacuation;
- (f) transportation of cargo; and
- (g) the implementation of a reporting, tracking, tracing and monitoring system at sea ports.

4. Application of directions

These directions are applicable to all nine commercial ports as provided in the Act.

5. Provision of improved access to hygiene and sterilisation control on ships, sea ports and in licensed port operations

- (1) The Authority and licensed port operators must provide adequate facilities for washing of hands and sanitisation equipment centres for visitors, port workers and management at all entrances and exits at sea ports.

- (2) 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.
- (3) Owners of sea port facilities must put measures in place to adhere to physical distancing to curb the spread of COVID-19.
- (4) All sea port users entering a port must be screened for COVID-19.
- (5) The Authority may, after consultation with service providers of ships, provide on a user pay principle, sterilisation infrastructure and procedures to be followed by the personnel who board a vessel for the purpose of providing a service to that vessel.
- (6) The Authority must provide personnel who are responsible for security and screening with the appropriate safety gear and equipment.

6. Commercial seaports and foreign crew changes

- (1) All commercial sea ports remain open.
- (2) Foreign crew changes are permitted at all nine commercial ports.
- (3)
 - (a) Signing-on crew must produce, at the first South African Port of Entry, a valid negative Polymerase Chain Reaction ("PCR") test certificate or a valid certificate of negative COVID-19 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.
 - (b) in the event of the crew member's failure, for whatever reason, to submit a valid negative test certificate in terms of paragraph (a), upon arrival in South Africa, the crew member shall be required to do an antigen test at his or her own costs;
 - (c) The failure of a crew member to produce a valid negative PCR test certificate or a valid certificate of negative COVID-19 test results will warrant quarantine, at the crew member's or employer's own cost.
- (4)
 - (a) Signing-off crews are not required to produce a valid negative 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) or (b), in instances where the vessel has had crew changes or has visited a foreign port within 10 days before arrival at a South African sea port, will warrant quarantine, at the crew member's or employer's own cost.
- (5)
 - (a) Foreign crew may layover at a designated quarantine facility for a period not exceeding seven days, at their own cost, but must, immediately after this period has lapsed, proceed directly to the nearest Port of Entry and comply with South African immigration requirements and Port Health protocols.
 - (b) Shore leave is allowed for foreign crew in line with South African immigration requirements and Port Health protocols.

7. Passenger ships visiting South African sea port

- (1) 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.

8. Small craft to call at designated South African commercial ports

- (1) All small crafts are allowed to call at the following designated South African commercial ports:
 - (a) Port of Cape Town;
 - (b) Port of Durban; and
 - (c) Port of Richards Bay.
- (2) All small crafts are allowed to call at the designated commercial ports referred to in subdirection (1) for purposes of repairs, stores, provisions, refueling and leisure.
- (3) South African Sailing must, within 96 hours prior to arrival of a small craft at a designated South African commercial port, submit to the National Department of Transport a request or application for entry by a small craft to South African commercial ports, which request or application must -
 - (a) be forwarded by electronic mail to mscc@dot.gov.za, with a copy forwarded to Nepfumbadam@dot.gov.za; and
 - (b) contain the following information:
 - (i) The name of the small craft;
 - (ii) registration number of the small craft;
 - (iii) last Port of Call and date of departure;
 - (iv) South African first Port of Call;
 - (v) South African second Port of Call;
 - (vi) estimated date of arrival; and
 - (vii) the total number of sailors on board, including the nationalities of such sailors.
- (4) The National Department of Transport will issue via emails a list of approved requests to all relevant stakeholders, upon receipt.
- (5) All sailors must comply with the South African immigration requirements and Port Health protocols.

9. Medical evacuation

The medical evacuation of seafarers, passengers and mariners on board all ships along the South African coastline must be allowed in terms of Search and Rescue procedures, as well as the Merchant Shipping Act, 1951 ([Act No. 57 of 1951](#)), and subject to the following:

- (a) 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](#));
- (b) the evacuation must 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
- (c) all evacuated persons must be subjected to mandatory quarantine for a period of up to 10 days.

10. Transportation of cargo

- (1) The transportation of cargo from the sea ports of entry to their final destination is permitted.
- (2) The 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 are permitted.

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

- (1) The Authority must-
 - (a) keep a COVID-19 register; and
 - (b) immediately upon being made aware of any case of COVID-19 at sea ports, report such case to the National Institute for Communicable Diseases.
- (2) The Authority must 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 a vessel.

12. Withdrawal of directions

The Directions published under Government Notice No. 496, in *Government Gazette* No. 43275 of 04 May 2020, as amended, are hereby withdrawn.

13. Short title and commencement

These directions are called the Direction on measures to address, prevent and combat the spread of COVID-19 at Sea Ports for Adjusted Alert Level 3, and come into operation on the date of publication thereof in the *Gazette*.