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**AIDS HELPLINE: 0800-0123-22 Prevention is the cure**

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# GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

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## DEPARTMENT OF HEALTH DEPARTEMENT VAN GESONDHEID

No. R. 496

11 April 2003

### AMENDMENT OF THE SUPPLEMENTARY REGULATIONS UNDER THE INTERNATIONAL HEALTH REGULATIONS ACT, 1974 (ACT NO. 28 OF 1974)

The Minister of Health, in terms of section 3(2) of the International Health Regulations Act, 1974 (Act No. 28 of 1974), has made the regulations in the Schedule.

#### SCHEDULE

##### 1. Definition

In these regulations "Supplementary Regulations" means the regulations published by Government Notice No. R. 2001 of 24 October 1975, as amended by Government Notices Nos. R. 2069 of 20 October 1978 and R. 790 of 18 April 1980.

##### 2. Amendment of regulation 1 of the Supplementary Regulations

Regulation 1 of the Supplementary Regulations is hereby amended –

(a) by the deletion of the definition of "Executive Committee";

(b) by the substitution for the definition of "approved port" of the following definition:

"approved port" means any port designated in terms of section 3(1)(a) of the Act and deemed by that section to be an approved port for the purposes of Article 17 of the Regulations;";

(c) by the insertion after the definition of "approved port" of the following definition:

"deratted", in relation to an aircraft or vessel, means rodent-free due to the extermination of the rodents on board the aircraft or vessel in compliance with the Regulations, and 'derat' and 'deratting' have corresponding meanings;";

(d) by the deletion of the definition of "designated approved port";

(e) by the substitution for the definition of "sanitary airport" of the following definition:

"sanitary airport' means any airport designated in terms of section 3(1)(b) of the Act and deemed by that section to be a sanitary airport for the purposes of the Regulations;";

(f) by the substitution for the definition of "first port of call" of the following definition:

"first port of call' means that port in the Republic at which a vessel on an international voyage stops over in the Republic for the first time since the beginning of its voyage;";

(g) by the substitution for the definition of "port health officer" of the following definition:

"port health officer' means a member of the staff of a provincial health administration who has been appointed as a port health officer in terms of regulation 35(1);";

(h) by the insertion after the definition of "port health officer" of the following definitions:

"pratique' –

(a) in relation to a vessel, means permission for the vessel to enter a port, disembark passengers or cargo and commence its operations; or

(b) in relation to an aircraft, means permission for the aircraft, after landing, to disembark passengers or cargo and commence its operations;

'provincial health administration' means the department in a provincial administration that is charged with responsibility for health matters in the province concerned;

'state veterinarian' means any person who is registered or deemed to be registered in terms of the Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982), to practise the veterinary profession of veterinarian and employed by the

State and authorised in terms of the Animal Diseases Act, 1984 (Act No. 35 of 1984);”;

- (i) by the insertion after the definition of “the Act” of the following definition:

“the Head’, in relation to a provincial health administration, means the chief executive officer of the provincial health administration concerned;”;

- (j) by the insertion after the definition of “the Regulations” of the following definition:

“the Treasury’ means the National Treasury established by section 5 of the Public Finance Management Act, 1999 (Act No. 1 of 1999);”;

- (k) by the substitution for the definition of “yellow fever endemic area of Africa” of the following definition:

“yellow fever endemic area’ means any of the yellow fever endemic zones described in the Country List: Vaccination Requirements in the publication ‘International Travel and Health: Vaccination Requirements and Health Advice’ of the World Health Organisation, as published and, where applicable, amended, in the *Gazette* from time to time under regulation 1A;”.

### 3. Insertion of regulation 1A in the Supplementary Regulations

The following regulation is hereby inserted in the Supplementary Regulations after regulation 1:

**“Promulgation in Republic of the World Health Organisation’s publication titled ‘International Travel and Health: Vaccination Requirements and Health Advice’**

- 1A. (1) The Minister shall, with a view to giving effect to these regulations and the Regulations, by notice in the *Gazette* as soon as reasonably possible after the commencement of the Amendment Regulations of the Supplementary Regulations, 2003, publish, for general information, the text of the most recent edition of Chapters 5 and 6 and the Country List: Vaccination Requirements of the publication titled ‘International Travel and Health: Vaccination

Requirements and Health Advice' brought out by the World Health Organisation.

(2) On each occasion that a revised edition of Chapters 5 and 6 or the Country List: Vaccination Requirements of that publication has been brought out by the World Health Organisation, the Minister, within a reasonable time after that event, shall –

(a) by notice in the *Gazette* –

(i) publish the text of that revised edition; and

(ii) withdraw the notice of publication issued under subregulation (1), or, as the case may be, the notice of publication last issued under subparagraph (i) of this paragraph, and each amending notice (if any) that may have been issued under paragraph (b) of this subregulation in amendment of the text published by the relevant notice of publication; or

(b) by notice in the *Gazette*, amend the text published by the notice of publication issued under subregulation (1), or the notice of publication last issued under paragraph (a)(i) of this subregulation, or further amend the text published by any such notice of publication (as the case may be),

so as to bring the text of that publication as officially made known in the Republic in terms of this regulation, into conformity with the text of the most recent edition of the publication 'International Travel and Health: Vaccination Requirements and Health Advice' brought out by the World Health Organisation at the time."

#### 4. Substitution of regulation 2 of the Supplementary Regulations

The following regulation is hereby substituted for regulation 2 of the Supplementary Regulations:

**"First landing of aircraft in the Republic**

2. (1) The pilot in command or other person in charge of any aircraft entering the Republic from any place within a yellow fever endemic area, shall make his or her first landing at a sanitary airport: Provided that if, through causes beyond the control of such pilot or person, he or she has been compelled to make the first landing at any place within the Republic which is not a sanitary airport, and is unable to continue in such aircraft to a sanitary airport, such pilot or person in charge shall report the facts to the nearest port health officer.
- (2) Except on account of an accident or any emergency landing or where the prior approval of a port health officer has been obtained, no person shall be permitted to disembark from any aircraft referred to in subregulation (1) at any place within the Republic which is not a sanitary airport.”.

#### 5. Amendment of regulation 8 of the Supplementary Regulations

Regulation 8 of the Supplementary Regulations is hereby amended -

- (1) by the substitution for subregulation (5) of the following subregulation:

“(5) Any animal or animal derived product landed in the Republic which is found to be imported without a permit referred to in section 9(1) of the Animal Health Act, 2002 (Act No. 7 of 2002) or section 6(1) of the Animal Diseases Act, 1984 (Act No. 35 of 1984), or after examination by a state veterinarian is found to be suffering from any animal disease or reasonably may be suspected of being a carrier of any animal disease, may at the cost of the owner and in accordance with instructions issued by the Minister of Agriculture and Land Affairs, but subject to subregulation (6) -

- (a) be sent back to the country of origin;
- (b) be kept in quarantine for such a period as that Minister reasonably may consider to be necessary; or
- (c) be destroyed without the payment of compensation.”; and

(2) by the addition of the following new subregulation:

- “(6) An animal or animal derived product referred to in subregulation (5) may only be destroyed if –
- (a) such animal or product was imported without a permit referred to in subregulation (5);
  - (b) such animal or product is infected with a controlled animal disease in terms of the Animal Health Act, 2002 (Act No. 7 of 2002), or the Animal Diseases Act, 1984 (Act No. 35 of 1984);
  - (c) such animal is infected or a carrier of an incurable disease; or
  - (d) if the country of origin is not prepared to accept such animal or product if sent back.”.

**6. Amendment of regulation 9 of the Supplementary Regulations**

The following regulation is hereby substituted for regulation 9 of the Supplementary Regulations:

- “9. No aircraft shall be deratted except with the prior approval of the Head of the provincial health administration concerned, and no such approval shall be granted unless the Head is satisfied that –
- (a) exceptional circumstances of an epidemiological nature exist and the presence of rodents on board is suspected; or
  - (b) a rodent which has died of plague has been found on board.”.

**7. Insertion of regulation 9A in the Supplementary Regulations**

The following regulation is hereby inserted in the Supplementary Regulations after regulation 9:

**"Only approved ports to be first ports of call for vessels on international voyages**

9A. Only an approved port may be the first port of call in the Republic for any vessel on an international voyage."

**8. Amendment of regulation 10 of the Supplementary Regulations**

Regulation 10 of the Supplementary Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

"(2) Should a case of any quarantinable disease occur on board during a voyage from one port to another within the Republic, the master shall notify the port health officer of the next proposed port of call by radio or other expeditious means at the earliest opportunity prior to arrival thereat as to the facts, whereupon the provisions of subregulation (1) shall apply mutatis mutandis. Should a case of any other infectious disease occur during such voyage, the relevant provisions of the regulations made under section 33 of the Health Act, 1977 (Act No. 63 of 1977), shall apply."

**9. Amendment of regulation 15 of the Supplementary Regulations**

Regulation 15 of the Supplementary Regulations is hereby amended –

(1) by the substitution for subregulation (5) of the following subregulation:

"(5) Any animal or animal derived product landed in the Republic which is found to be imported without a permit referred to in section 9(1) of the Animal Health Act, 2002 (Act No. 7 of 2002), or section 6(1) of the Animal Diseases Act, 1984 (Act No. 35 of 1984), or after examination by a state veterinarian is found to be suffering from any animal disease or reasonably may be suspected of being a carrier of any animal disease, may at the cost of the owner and in accordance with instructions issued by the Minister of Agriculture and Land Affairs, but subject to subregulation (6) –

(a) be sent back to the country of origin;



- (b) be kept in quarantine for such a period as that Minister reasonably may consider to be necessary; or
  - (c) be destroyed without the payment of compensation.”; and
- (2) by the addition of the following new subregulation:

- “(6) An animal or animal derived product referred to in subregulation (5) may only be destroyed if –
- (a) such animal or product was imported without a permit referred to in subregulation (5);
  - (b) such animal or product is infected with a controlled animal disease in terms of the Animal Health Act, 2002 (Act No. 7 of 2002) or the Animal Diseases Act, 1984 (Act No. 35 of 1984);
  - (c) such animal is infected or a carrier of an incurable disease; or
  - (d) if the country of origin is not prepared to accept such animal or product if sent back.”.

**10. Substitution of regulation 16 of the Supplementary Regulations**

The following regulation is hereby substituted for regulation 16 of the Supplementary Regulations:

**“Measures applicable if Deratting Certificate or Deratting Exemption Certificate not produced in respect of ship on arrival in the Republic**

16. If, on arrival of a ship on an international voyage at a first port of call, the master is unable to produce a valid Deratting Certificate or Deratting Exemption Certificate, then -
- (a) where that port is an approved port designated by the Minister as one having at

its disposal the equipment and personnel necessary to derat ships for the issue of Deratting Certificates, the port health officer may cause such ship to be deratted in accordance with the provisions of regulation 17, and shall thereafter furnish the master with a Deratting Certificate, duly completed, in the form prescribed in Appendix 1 of the Regulations; or

- (b) where that port is an approved port designated by the Minister as one having at its disposal adequate personnel competent to inspect ships for the issue of Deratting Exemption Certificates, the port health officer may inspect such ship, and shall -
  - (i) if satisfied, after the inspection, that there are no rodents on board or that the number of rodents on board is negligible (as the case may be), exempt the ship from deratting, and thereupon issue to the master a duly completed Deratting Exemption Certificate in the form prescribed in Appendix 1 of the Regulations; or
  - (ii) if not so satisfied, require the master to remove the ship to an approved port holding a designation contemplated in paragraph (a), in order that the ship may be deratted at that port, and notify the relevant port health officer accordingly.”.

#### 11. Amendment of regulation 17 of the Supplementary Regulations

Regulation 17 of the Supplementary Regulations is hereby amended –

- (1) in paragraph (a) of subregulation (1), by the substitution for the expression “cyanide fumigation as prescribed, or to some other” of the word “an”; and
- (2) by the substitution for subregulation (2) of the following subregulation:
  - “(2) If so required in writing by the port health officer concerned, the master of a ship shall ensure that mice and rats or insects on board the ship are exterminated by means of fumigation or any other method approved by that port health officer.”.

**12. Amendment of heading of Chapter III of the Supplementary Regulations**

The expression "RAIL, ROAD AND PEDESTRIAN TRAFFIC" is hereby substituted for the expression "RAIL AND ROAD TRAFFIC", constituting the heading of Chapter III of the Supplementary Regulations.

**13. Amendment of regulation 21 of the Supplementary Regulations**

Regulation 21 of the Supplementary Regulations is hereby amended –

(1) by the substitution for subregulation (1) of the following subregulation:

"(1) The provisions of this part shall be applied wholly or in part in respect of any such port of entry into the Republic for rail, road and pedestrian traffic as may be determined from time to time by the Minister by notice in the *Gazette*."; and

(2) by the deletion of subregulation (2).

**14. Amendment of heading of regulation 22 of the Supplementary Regulations**

The expression "Requirements to be complied with by persons entering the Republic by rail or by road or on foot" is hereby substituted for the expression "Requirements to be complied with by persons entering the Republic by rail or road", constituting the heading of regulation 22 of the Supplementary Regulations.

**15. Amendment of heading of regulation 24 of the Supplementary Regulations**

The expression "Measures applicable in respect of goods, baggage and animals brought into the Republic by rail or road or by pedestrians" is hereby substituted for the expression "Measures applicable in respect of goods, baggage and animals arriving by rail or road", constituting the heading of regulation 24 of the Supplementary Regulations.

**16. Amendment of regulation 24 of the Supplementary Regulations**

Regulation 24 of the Supplementary Regulations is hereby amended –

(1) by the substitution for subregulation (5) of the following subregulation:

"(5) Any animal or animal derived product landed in the Republic which is found to be imported without a permit referred to in section 9(1) of the Animal Health Act, 2002 (Act No. 7 of 2002), or section 6(1) of the Animal Diseases Act, 1984 (Act No. 35 of 1984), or after examination by a state veterinarian is found to be suffering from any animal disease or reasonably may be suspected of being a carrier of any animal disease, may at the cost of the owner and in accordance with instructions issued by the Minister of Agriculture and Land Affairs, but subject to subregulation (6) -

- (a) be sent back to the country of origin;
- (b) be kept in quarantine for such a period as that Minister reasonably may consider to be necessary; or
- (c) be destroyed without the payment of compensation."; and

(2) by the addition of the following new subregulation:

"(6) An animal or animal derived product referred to in subregulation (5) may only be destroyed if -

- (a) such animal or product was imported without a permit referred to in subregulation (5);
- (b) such animal or product is infected with a controlled animal disease in terms of the Animal Health Act, 2002 (Act No. 7 of 2002) or the Animal Diseases Act, 1984 (Act No. 35 of 1984);
- (c) such animal is infected or a carrier of an incurable disease; or
- (d) if the country of origin is not prepared to accept such animal or product if sent back."

**17. Amendment of regulation 32 of the Supplementary Regulations**

The following regulation is hereby substituted for regulation 32 of the Supplementary Regulations:

- "32. Actual costs shall be recovered in respect of the isolation of all persons who are isolated at any of the Republic's quarantine stations in accordance with the requirements of the Regulations. All additional items of food and drink, etc., which are required by the detainees, but which are not normally supplied by the quarantine station concerned, will be provided at cost."

**18. Amendment of regulation 33 of the Supplementary Regulations**

Regulation 33 of the Supplementary Regulations is hereby amended –

- (1) in subregulation (1) -

- (a) by the substitution for the expression "R6,00 for the first cylinder load and R4,00 for each additional cylinder load disinfected on the same occasion" occurring in the second column of item I, of the expression "Actual costs";
- (b) by the substitution for the expression "R3,00 per charge of the fumigating chamber not exceeding 14,16 cubic metres, plus R0,80 for each additional 2,83 cubic metres", occurring in the second column of item II, of the expression "Actual costs";
- (c) by the substitution for the expression "According to extent and time taken: Minimum R6,00", occurring in the second column of item III, of the expression "Actual costs";
- (d) by the substitution for item IV of the following item:

"IV. Holy water brought from Mecca to the Republic by pilgrims or imported into the Republic from Mecca. Actual costs.";

(e) by the substitution for item VII of the following item:

"VII. For the issuing of a Deratting Certificate or a Deratting Exemption Certificate by a port health officer, fees at the following rates shall be payable:

CODE	NETT TONNAGE OF VESSEL	FEES R
1	Up to 1 000 tons	250,00
2	Exceeding 1 000 tons but not exceeding 3 000 tons	500,00
3	Exceeding 3 000 tons but not exceeding 10 000 tons	750,00
4	Exceeding 10 000 tons but not exceeding 20 000 tons	1 000,00
5	Exceeding 20 000 tons but not exceeding 50 000 tons	1 250,00
6	Exceeding 50 000 tons	1 500,00

(f) by the insertion of the following items after item VII:

"VIII. For the issuing of a Deratting Extension Certificate by a port health officer, a fixed fee of R100,00.

IX. For the transmission of a message relating to the provisions of the Act or the Regulations, the actual cost of the relevant radio-telephone call or the relevant e-mail, telex or telefax transmission, as the case may be."; and

(2) by the substitution in subregulation (2) for the expression "rail and road traffic" of the expression "rail, road and pedestrian traffic."

**19. Amendment of regulation 34 of the Supplementary Regulations**

Regulation 34 of the Supplementary Regulations is hereby amended by the substitution for the expression "R200,00 ", where it occurs, of the expression "R500,00".

**20. Addition of regulation 35 to the Supplementary Regulations**

The following regulation is hereby added to the Supplementary Regulations after regulation 34:

**"Appointment and functions of port health officers**

35. (1) The Head of a provincial health administration may, from the staff of the provincial health administration concerned, appoint as a port health officer for the purposes of these regulations and the Regulations, a medical practitioner, an environmental health officer or any other person that may be considered fit.
- (2) A port health officer appointed in terms of subregulation (1), shall –
- (a) perform the duties imposed on a port health officer by these regulations; and
  - (b) perform such duties in connection with the powers and functions with which a port health authority is charged in terms of the Regulations, as may be assigned by the Head of the provincial health administration concerned –
    - (i) to port health officers of the relevant province, generally; and/or
    - (ii) specifically to the port health officer concerned, whether on an *ad hoc* or standing basis.
- (3) (a) Upon appointment, each port health officer shall be issued with an identification document signed by or on behalf of the Head of the relevant provincial health administration, in which, subject to paragraph (b), it is

certified that the person to whom the identification document relates, has been appointed as a port health officer and that he or she is authorised to conduct any inspection or investigation, and perform any other duty, entrusted to such an officer by or in terms of these regulations.

- (b) Where the Head of the relevant provincial health administration –
- (i) has generally assigned any of the duties of a port health authority under the Regulations, to port health officers of the relevant province in terms of subregulation (2)(b)(i) of this regulation, those duties shall be stipulated in the identification document issued to each such port health officer;
  - (ii) has specifically assigned any of the duties of a port health authority under the Regulations, to a particular port health officer of the relevant province, on a standing basis, in terms of subregulation (2)(b)(ii), those duties shall be stipulated in the identification document issued to the port health officer concerned;
  - (iii) has specifically assigned any of the duties of a port health authority under the Regulations, to a particular port health officer of the relevant province, on an *ad hoc* basis, in terms of subregulation (2)(b)(ii), those *ad hoc* duties shall be stipulated in a letter of authority specially issued to the port health officer concerned and signed by or on behalf of the Head of that provincial health administration.
- (4) When conducting any inspection or investigation or performing any other duty or act in terms of these regulations or the Regulations, a port health officer –
- (a) shall, at the request of any person affected by the inspection, investigation, duty or act, produce for inspection by such person -
    - (i) the identification document issued to that officer in terms of subregulation (3); and



- (ii) in the case of a port health officer performing an *ad hoc* duty assigned to him or her under subregulation (2)(b)(ii), the letter of authority issued to him or her under subregulation (3)(b)(iii); and
- (b) may be accompanied and assisted by an interpreter or assistant, and such an interpreter or assistant, while and in so far as he or she acts under the direction of the port health officer, shall for the purpose of that inspection, investigation, duty or act have the same powers as the port health officer."

**21. Short title and commencement**

These regulations will be called the Amendment Regulations to the Supplementary Regulations, 2003, and will come into operation 90 days after the date of their promulgation in the *Gazette*.



**DR M. E. TSHABALALA-MSIMANG**  
**MINISTER OF HEALTH**