

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF TRANSPORT

NO. 496

04 MAY 2020

DISASTER MANAGEMENT ACT, 2002 (ACT NO. 57 OF 2002)**DIRECTIONS ISSUED IN TERMS OF REGULATION 4(7) READ WITH 22(2) OF THE REGULATIONS MADE IN UNDER SECTION 27(2) OF THE DISASTER MANAGEMENT ACT, 2002 (ACT NO. 57 OF 2002): MEASURES TO ADDRESS, PREVENT AND COMBAT THE SPREAD OF COVID-19 IN THE SEA PORTS**

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

DATE: 04/05/2020

SCHEDULE

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 directions 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 LICENSED 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.
- (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. PROHIBITION ON CRUISE SHIPS CALLING AT ANY OF THE SEA PORTS

- (1) No crew changes are permitted in all commercial ports until further notice.
- (2) Cruise ships are prohibited from calling at any of the sea ports except the disembarkation of a returning South African crew and a permanent resident.
- (3) South African citizens and permanent residents are advised to refrain from use of this form of travel until further notice.

7. PROHIBITION OF PASSENGER VESSELS VISITING SOUTH AFRICAN SEA PORTS

- (1) All passenger vessels are prohibited from disembarking any passengers or crew at any South African seaport.
- (2) Passenger vessels will be allowed to call at any South African sea port only for the following purposes:
 - (a) Disembarking South African crew;
 - (b) Disembarking returning South African citizens and holders of permanent resident permit; and
 - (c) Replenishing fuel, stores and provisions.
- (3) Registered research vessels and marine safety tug are allowed subject to mandatory quarantine laws as may be applicable.
- (4) The crew must be allowed to disembark subject to mandatory quarantine laws as may be applicable.
- (5) All other cargo vessels must be allowed to dock at sea ports for purposes of cargo works, repairs, replenishing fuel and provisions.

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.