

South Africa

Disaster Management Act, 2002

National Ports Act (COVID-19 Restrictions on the Movement of Persons and Crew) Directions, 2020

General Notice 216 of 2020

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National Ports Act (COVID-19 Restrictions on the Movement of Persons and Crew) Directions, 2020 General Notice 216 of 2020

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[Amended by [National Ports Act \(COVID-19 Restrictions on the Movement of Persons and Crew\) Directions, 2020: Amendment \(Government Notice 453-A of 2020\)](#) on 7 April 2020]

[Repealed by [Measures to Address, Prevent and Combat the Spread of COVID-19 in the Sea Ports Directions, 2020 \(Government Notice 496 of 2020\)](#) on 4 May 2020]

I, Fikile Mbalula, MP, Minister of Transport, in terms of regulation 10(7) of the Directions 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.

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-nCov) which is an infectious disease caused by a virus, which emerged during 2019 and was declared a global pandemic by the WHO during the year 2020 that has previously not been scientifically identified in humans;

"**isolation**" means separating a sick individual with a contagious disease from healthy individuals without that contagious disease in such a manner as to prevent the spread of infection or contamination;

"**Minister**" means the Minister as defined in the Act;

"**National Institute of Communicable Diseases**" means a specialised national public health institute established under the National Health Laboratory Services to provide reference microbiology, virology, epidemiology, surveillance and public health research to support the government's response to communicable disease threats; and

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

2. Authority

- (1) COVID-19 was declared a global pandemic by the World Health Organisation and following related developments within the Republic, the government of the Republic declared a national state of disaster relating to the virus in terms of the Disaster Management Act, 2002.
- (2) On 15 February 2020 the President of the Republic of South Africa made a pronouncement detailing urgent and immediate measures to be undertaken in order to manage COVID-19, and the measures included, amongst others, the imposition of travel ban in respect of nationals from High Risk countries and Medium Risk countries. On 23 March 2020 the President of the Republic of South

Africa further made a pronouncement on the 21-day lockdown which will begin at midnight Thursday 26 March 2020 calling on the country to urgently and dramatically escalate its response.

- (3) 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.
- (4) These directions are issued pursuant to the provisions of section 27(2) of the Disaster Management Act, 2002 and specifically in terms of Regulation 10(7) of the Disaster Management Directions 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

- (1) The purpose of the directions is to provide for the:
 - (a) prohibition on cruise ships calling at any of the sea ports;
 - (b) improved hygiene control and sterilization facilities on ships, sea ports, port facilities operated by licensed operator; off-shore cargo handling facility; port repair facilities; provider of port services, port terminals, terminal operations and in licensed port operations; and
 - (c) implementation of a tracking, tracing and monitoring system at sea ports and reporting.

4. Application of the Directions

This directions is applicaple to all nine (9) commercial ports in terms of the Act.

5. 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.
- (4) The loading and off-loading of cargo in and out of commercial ports is permitted.

5A. Prohibition of passenger vessels visiting South African sea ports

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

- (5) Repatriation of South African seafarers
 - (a) Repatriation of South African seafarers:
 - (i) South African seafarers returning to South Africa via any of the sea ports will be allowed to disembark;
 - (ii) South African seafarers returning to South Africa via any means other than a ship calling at a sea ports will be subjected to the provisions of the applicable laws that govern the respective mode of transportation they use; and
 - (iii) All returning seafarers will 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.
 - (6) Evacuation
 - (a) Evacuation of seafarers and passengers on board all ships along the South African coastline will be allowed in terms of Search and Rescue as well as the Merchant Shipping Act, 1957 ([Act No. 57 of 1957](#)) 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 will be subjected to mandatory quarantine for a period of up to 21 days.
 - (7) (a) The following ships are allowed:
 - (i) Cargo working ships;
 - (ii) Passenger vessels allowed only for purposes of disembarking SA crew and returning SA citizens;
 - (iii) Ships calling for refuelling and supplies.
 - (8) 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;
 - (viii) Saldanha Bay.

[Directions 5A added by [Government Notice 453-A of 2020](#)]

6. 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) All port users entering port shall be screened for COVID-19.
- (3) 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.
- (4) Security and screening staff must be provided with appropriate safety gear and equipment.

7. 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.

8. Offences

- (1) A person who contravenes a provision of these directions shall be guilty of an offence and on conviction be liable to a fine, or imprisonment not exceeding 6 months or both fine and imprisonment.

9. Short title and commencement

- (1) These Directions are called the National Ports Act (COVID-19 Restrictions on the Movement of Persons and Crew) Directions, 2020, and take effect on the date of publication in the Gazette by the Minister.