

GN 79 of 10 February 2021: Directions on measures to address, prevent and combat the spread of COVID-19 at Sea Ports for Adjusted Alert Level 3
(Government Gazette No. 44140)

Notice 1076	as amended by <i>Government Gazette</i> 45375	Date 22 October 2021
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DEPARTMENT OF TRANSPORT

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.

(Signed)

MR F. A MBALULA

MINISTER OF TRANSPORT

DATE: 21.01.2021

SCHEDULE

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) the commercial sea ports, foreign crew changes, passenger vessels on international voyages calling at any of the sea ports;
[Para. (b) substituted by GN 1076 of 22 October 2021.]
- (c)
[Para. (c) deleted by GN 1076 of 22 October 2021.]
- (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 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 sea ports, foreign crew changes, passenger vessels on international voyages calling at sea ports.—(1) All commercial sea ports remain open.

(2) Foreign crew changes are permitted at all nine commercial ports.

(3) Passenger vessels are permitted for international voyages.

(4) (a) International embarkation and disembarkation for passenger vessels are restricted to the following sea ports:

(i) Port of Cape Town;

(ii) Port of Durban;

(iii) Port of Port Elizabeth;

(b) Coastal voyages are restricted to the following sea ports:

(i) Port of Richards Bay;

(ii) Port of Ngqura;

(iii) Port of Mossel Bay;

(iv) Port of Saldanha Bay;

(v) Port of East London; and

(vi) sea ports listed in paragraph (a).

(5) All passenger vessels embarking on international voyages must utilize seaports listed in subdirection (4) (a) for first and last South African port of call.

(6) Embarkation and disembarkation must comply with the curfew restrictions.

(7) All international travellers and crew arriving at seaports must provide a valid certificate of a negative COVID-19 test recognised by the World Health Organization, which was obtained not more than 72 hours before the date of last foreign shore excursion.

(8) In the event of the traveller's failure to submit a valid certificate of a negative COVID-19 test, the traveller will be required to do an antigen test on arrival, at his or her own cost, and in the event of a traveller testing positive for COVID-19, he or she will be required to isolate himself or herself at their own cost for the period of 10 days.

(9) (a) Signing-off crews are not required to produce a valid certificate of a negative COVID-19 test 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) Where the vessel has had crew changes or has visited a foreign port within 10 days before arrival at a South African sea port, the crew must undergo antigen testing on arrival and, in the event of a crew member testing positive for COVID-19, he or she will be required to isolate himself or herself for the period of 10 days, at the crew member's or employer's own cost.

(10) The agents and cruise liners will be responsible for all arrangements relating to the transportation of travellers and crew who are required to isolate or quarantine at approved facilities ashore.

(11) Shore leave is allowed for foreign crew in line with South African immigration requirements and port health protocols.

(12) All port facilities or terminals must enforce Maritime Security Level 2 when facilitating passenger vessels and enforce Maritime Security Level 1 when handling cargo operations.

[Direction 6 substituted by GN 1076 of 22 October 2021.]

7. Passenger vessels visiting South African sea port.—(1) Passenger vessels will be permitted to call at designated South African sea ports for the following purposes:

- (i) international cruising;
- (ii) coastal cruising and tourism activities;
- (iii) crew changes;
- (iv) replenishing fuel, stores and provisions;
- (v) repairs and maintenance;
- (vi) medical evacuation;
- (vii) emergencies; and
- (viii) other services approved by the Department of Transport.

(2) All passenger vessels must comply with national legislation, including COVID-19 protocols in accordance with adjusted alert levels, whilst on coastal voyages.

(3) Cruise companies must assess all identified risks to their crew, travellers and other persons in relation to COVID-19 and establish appropriate measures through a company and ship management plan.

(4) All travellers embarking on passenger vessels must be subjected to antigen testing and screening prior to embarkation.

(5) All passenger vessels must have designated cabins for isolation as per the on-board contingency plan in reasonable proportion with overall capacity.

(6) Should the passenger vessel experience an outbreak where 50% or more of persons on board are infected, the cruise or voyage must be cancelled until the South African Maritime Safety Authority has, after consultation with the Department of Health, certified that the cruise or voyage may resume.

(7) All travellers and crew must wear face masks whilst in public or shared spaces.

(8) Embarkation and disembarkation at terminals must be staggered to ensure social distancing.

(9) Travellers who contract COVID-19 on board must be isolated and receive the necessary medical health care.

(10) No visitors are allowed to board passenger vessels whilst docked.

(11) Stevedores, consultants, contractors and maritime port operators rendering services to passenger vessels must adhere to Maritime Security Level 2 measures as contained in port or port facility plans.

(12) Travellers must be given clear information during embarkation, and should be reminded hourly during the cruise that they should contact the cruise medical services if they have any COVID-19 symptoms.

(13) Should travellers develop any COVID-19 symptoms they must contact the cruise medical services.

(14) Travellers developing symptoms during a cruise must be, isolated in dedicated cabin, wear a medical facemask, be tested for COVID-19 on board and be given appropriate treatment by qualified medical personnel on board.

(15) Where COVID-19 cases are detected and there is not enough capacity to isolate persons, the vessel must discontinue the voyage and call the closest port for further medical assistance.

(16) Contact tracing must be initiated when a possible or probable case of COVID-19 is identified whilst waiting laboratory confirmation.

(17) All close contacts must be moved to isolation cabins.

(18) Other possible contacts may quarantine in their designated cabins if there is no space available at isolation facilities.

(19) Any local excursions must be conducted in a staggered manner to ensure that all health protocols can be adhered to during the excursion.

(20) Persons going ashore and re-embarking on coastal voyages must be subjected to COVID-19 screening upon embarkation and disembarkation.

(21) (a) On-board dining and recreational facilities must adhere to social distancing measures.

(b) COVID-19 screening must be conducted before persons make use of the facilities contemplated in paragraph (a).

[Direction 7 substituted by GN 1076 of 22 October 2021.]

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 mssc@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 Directions 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*.
