

South Africa

Disaster Management Act, 2002

International Air Services (COVID-19 Restrictions on the movement of air travel) Directions, 2020

Legislation as at 2020-10-01.

FRBR URI: /akn/za/act/gn/2020/415/eng@2020-10-01

PDF created on 2020-11-24 at 06:41.

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Disaster Management Act, 2002

International Air Services (COVID-19 Restrictions on the movement of air travel) Directions, 2020

Government Notice 415 of 2020

Published in [Government Gazette no. 43160](#) on 26 March 2020

Assented to on 25 March 2020

Commenced on 26 March 2020

[Up to date as at 1 October 2020]

[Amended by [International Air Services \(COVID-19 Restrictions on the movement of air travel\) Directions: Amendment \(Government Notice 423 of 2020\)](#) on 27 March 2020]

[Amended by [International Air Services \(COVID-19 Restrictions on the movement of air travel\) Directions: Amendment \(Government Notice 438 of 2020\)](#) on 31 March 2020]

[Amended by [International Air Services \(COVID-19 Restrictions on the movement of air travel\) Directions, 2020: Amendment \(Government Notice 615 of 2020\)](#) on 1 June 2020]

[Amended by [International Air Services \(COVID-19 Restrictions on the movement of air travel\) Directions, 2020: Amendment \(Government Notice 726 of 2020\)](#) on 2 July 2020]

[Amended by [International Air Services \(COVID-19 Restrictions on the movement of air travel\) Directions, 2020: Amendment \(Government Notice 814 of 2020\)](#) on 24 July 2020]

[Amended by [International Air Services \(COVID-19 Restrictions on the movement of air travel\) Directions, 2020: Amendment \(Government Notice 924 of 2020\)](#) on 25 August 2020]

[Amended by [International Air Services \(COVID-19 Restrictions on the movement of air travel\) Directions, 2020: Amendment \(Government Notice 969 of 2020\)](#) on 9 September 2020]

[Amended by [International Air Services \(COVID-19 Restrictions on the movement of air travel\) Directions, 2020: Amendment \(Government Notice 997 of 2020\)](#) on 16 September 2020]

[Amended by [International Air Services \(COVID-19 Restrictions on the movement of air travel\) Directions, 2020: Amendment \(Government Notice 1032 of 2020\)](#) on 1 October 2020]

1. Definitions

In these Directions, any word or expression bears the meaning assigned to it in the International Air Services Act, 1993 ([Act No. 60 of 1993](#)) or its regulations, unless the context otherwise indicates-

"**air service operator**" means a commercial air transport operator providing a scheduled, a non-scheduled or a general air service.

"**the Act**" means the International Air Services Act, 1993 ([Act No. 60 of 1993](#));

"**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 World Health Organisation(WHO) during the year 2020 that has previously not been scientifically identified in humans;

"**High and Medium risk countries**" are countries that are listed in the Appendix No. 1;

"**International Airports Designated as Ports of Entry**", means the International Airports that have the Ports Health capability.

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 regulations 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 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

- (1) The purpose of these directions is to provide for the -
 - (a) international and domestic passenger flights prohibition;
 - (b) provision of conditions for air cargo entering the country;
 - (c) improved hygiene control and disinfection facilities on International Airports Designated as Ports of Entry operated by licensed airport operator, cargo handling facility, airports repair facilities, provider of airports maintenance or services, airport terminals, terminal operations and in licensed airports operations;
 - (d) oversight responsibilities;

4. Application of the directions

These directions are applicable to all air service operators, foreign nationals, and crew in respective of the risk category of the country of origin as well as South African citizens and permanent residents.

5. International flights and domestic flights

- (1) International flights to and from the Republic, as well as domestic flights within the Republic, are permitted in terms of regulation 75, read with regulation 76(2)(a) of the Regulations.
- (2) With effect from 01 October 2020, international passenger flights, inbound to the Republic from the African Continent and from other countries outside the African Continent, as determined in accordance with the list contemplated in regulation 75(4)(b) of the Regulations, are permitted, subject to the following conditions:
 - (a) A foreign Operator is required to submit procedures that show the level of compliance with South African COVID-19 legislation for approval to the South African Civil Aviation Authority;
 - (b) foreign Air Ambulance Services are permitted to transport COVID-19 positive patients: Provided that they obtain approval from the Department of Health, obtain a permit issued by the Department of Transport, and comply with the Department of Health Protocols and the Air Ambulance Guidelines issued by the Minister;

- (c) passengers are required to wear face masks at all times, may only remove face masks during emergencies or when social distancing, hand washing and sanitize regularly;
- (d) a child under the age of two years may be exempted from wearing a face mask;
- (e) a passenger who is unable to wear a face mask due to an underlying medical condition, must submit a medical certificate from a registered medical practitioner to the Operator prior to departure;
- (f) crew members are required to wear face masks at all times, except when conducting a safety briefing and during an emergency;
- (g) a passenger must provide to the Operator a negative Polymerase Chain Reaction (“PCR”) test certificate or a valid COVID-19 negative test certificate, obtained not more than 72 hours before the date of travel, from an accredited laboratory and in line with the World Health Organization requirements: Provided that South African Authorities reserve the right to verify the authenticity of presented PCR or COVID-19 test certificates;
- (h) if a passenger is symptomatic, the necessary protocols of the Department of Health will be followed;
- (i) in the event of the passenger’s failure, for whatever reason, to submit a certificate as proof of a negative PCR test certificate or a valid COVID-19 negative test certificate upon arrival in South Africa, the passenger shall be subjected to a compulsory quarantine at a government designated facility as contemplated for in Health Directions, at his or her own cost;
- (j) an “immunity passport”, “risk-free certificate” or “passport immunity” in respect of COVID-19 is not acceptable;
- (k) an Operator shall not board any passenger without a valid negative PCR or a valid COVID-19 negative test certificate;
- (l) international travel from countries listed as having a high COVID-19 infection and transmission rate, is prohibited, except for business travel, which may be allowed with the approval of the Cabinet member responsible for Home Affairs, in which case such passengers must comply with the requirements listed in paragraphs (c), (e), (g) and (h);
- (m) crew members shall upon arrival in South Africa be subjected to health protocols as contemplated for in Health Directions.
- (n) an Operator must ensure the following risk mitigation measures for crew members:
 - (i) Conduct risk assessments to ensure that crew members are fit and proper before they undertake their travel duties and mitigate the risk of COVID-19 crew infections; and
 - (ii) ensure that crew members are protected whilst on duty;
- (o) Operators are allowed to provide catering on-board an aircraft: Provided that they take all risk mitigation, health and safety measures to contain the spread of COVID-19, including the provision of pre-packed meals;
- (p) a passenger in transit—
 - (i) must be in possession of a negative PCR test certificate or a valid COVID-19 negative test certificate, obtained not more than 72 hours before the date of travel, from an accredited laboratory;
 - (ii) who displays symptoms of COVID-19 must, upon arrival and under the direction of Ports Health—
 - (aa) be taken through primary and secondary screening, including COVID-19 testing, where applicable;
 - (bb) be quarantined, at own cost, if a positive test result is obtained. All Department of

Health protocols and Department of Transport guidelines must be followed; and

- (cc) if travelling with family, be quarantined, at own cost, with the whole family;
- (q) international scheduled and Charter flights carrying passengers are allowed through the following airports:
 - (i) OR Tambo International Airport;
 - (ii) King Shaka International Airport; and
 - (iii) Cape Town International Airport; and
- (r) Charter Operators conducting cargo operations from outside the Republic are permitted to operate at the following airports with Ports Health capacity:
 - (i) Bram Fischer International Airport;
 - (ii) Cape Town International Airport;
 - (iii) King Shaka International Airport;
 - (iv) Kruger Mpumalanga International Airport;
 - (v) Lanseria International Airport;
 - (vi) OR Tambo International Airport;
 - (vii) Polokwane Airport;
 - (viii) Port Elizabeth International Airport; and
 - (ix) Upington International Airport.
- (3) With regard to international outbound flights—
 - (a) subject to the travel requirements of a country of destination, a passenger must provide to the Operator a negative PCR test certificate or a valid COVID-19 negative test certificate from an accredited laboratory certified by the South African Health Products Regulatory Authority (“SAHPRA”); and
 - (b) an Operator is responsible to ensure that passengers comply with COVID-19 requirements of the country of destination.
- (4) Domestic passenger flights are permitted at the following domestic airports, as approved:
 - (a) Bram Fischer International Airport;
 - (b) Cape Town International Airport;
 - (c) East London Airport;
 - (d) George Airport;
 - (e) Hoedspruit Airport;
 - (f) Kimberly Airport;
 - (g) King Shaka International Airport;
 - (h) Kruger Mpumalanga International Airport;
 - (i) Lanseria International Airport;
 - (j) Margate Airport;
 - (k) Mthatha Airport;

- (l) OR Tambo International Airport;
- (m) Phalaborwa Airport;
- (n) Pietermaritzburg Airport;
- (o) Plettenberg Bay Airport;
- (p) Polokwane Airport;
- (q) Port Elizabeth International Airport;
- (r) Richards Bay Airport;
- (s) Sishen Airport;
- (t) Skukuza Airport; and
- (u) Upington International Airport.

[direction 5 substituted by [Government Notice 438 of 2020](#), amended by section 1 of [Government Notice 615 of 2020](#), substituted by section 2 of [Government Notice 726 of 2020](#), by section 2 of [Government Notice 814 of 2020](#) and by section 2 of [Government Notice 924 of 2020](#), amended by section 2 of [Government Notice 969 of 2020](#) and by section 2 of [Government Notice 997 of 2020](#) and substituted by section 2 of [Government Notice 1032 of 2020](#)]

5A. Airport and airlines

- (1) Only employees who work at the airport with a permit, foreign consular and diplomatic agents rendering consular services to foreign nationals, crew and, passengers are allowed in the terminal building.
- (2) Drop off and pick up is only permitted outside the terminal building.
- (3) All persons entering the terminal building and boarding aircraft must be required to wear face masks, as specified in the Regulations, at all times and be subjected to applicable COVID-19 control measures contemplated in direction 7.
- (4) The airports and all airlines must develop and implement procedures consistent with the applicable COVID-19 Regulations and Directions.
- (5) *[subdirection (5) deleted by section 3 of [Government Notice 1032 of 2020](#)]*
- (6) All persons shall be screened before entering the terminal building, and will be denied access should they have elevated temperature or present with signs of being infected with COVID-19.

[direction 5A inserted by section 2 of [Government Notice 615 of 2020](#)]

5B. General aviation

- (1) Aerial work is permitted.
- (2) General aviation is permitted.
- (3) Recreational aviation is permitted.

[direction 5B inserted by section 2 of [Government Notice 615 of 2020](#) and substituted by section 3 of [Government Notice 726 of 2020](#) and by section 3 of [Government Notice 969 of 2020](#)]

5C. ***

[direction 5C inserted by section 2 of [Government Notice 615 of 2020](#) and deleted by section 4 of [Government Notice 1032 of 2020](#)]

5D. Compliance with the measures for the prevention of the spread of COVID-19

- (1) Aircraft Maintenance Organisations, Air Operators, Airports, Regulated Agents, Aviation Security Screening Organisations, Flight Examiners, Aviation Security Training Schools and Aviation Training Schools are required to submit for approval procedures to the South African Civil Aviation Authority consistent with the guidelines issued by the Minister.
- (2) The procedures referred to in subdirections (1) must demonstrate measures that will be put in place in order to minimise the risk of exposure and spreading COVID-19, as provided for in the Regulations made under the Disaster Management Act, the Directions issued by Ministers of respective government departments and the guidelines referred to in paragraph (1).

[direction 5D inserted by section 2 of [Government Notice 615 of 2020](#)]

6. Air cargo

- (1) The following International Airports designated as Ports of Entry have port health capability and are permitted to handle air cargo:
 - (a) Bram Fischer International Airport;
 - (b) Cape Town International Airport;
 - (c) King Shaka International Airport;
 - (d) Kruger Mpumalanga International Airport;
 - (e) Lanseria International Airport;
 - (f) OR Tambo International Airport;
 - (g) Pilanesberg Airport;
 - (h) Polokwane Airport;
 - (i) Port Elizabeth International Airport; and
 - (j) Upington International Airport.

[subdirection (1) substituted by [Government Notice 423 of 2020](#) and by section 4(a) of [Government Notice 969 of 2020](#)]

- (2) *[subdirection (2) deleted by section 4(b) of [Government Notice 969 of 2020](#)]*

- (3) The loading and off-loading of air cargo in and out of International Airports, Designated as Ports of Entry, is permitted.

[subdirection (3) substituted by section 5 of [Government Notice 1032 of 2020](#)]

7. Provision of improved access and hygiene, disinfection control on international airports designated as ports of entry

- (1) The licensed international airports designated as Ports of Entry operated by licensed airport operator, cargo handling facility, airports repair facilities, provider of airports maintenance or services, airport terminals, terminal operations and in licensed airports operations, must provide adequate facilities for washing of hands and disinfection equipment for visitors, airport personnel and management for the duration of the regulations.
- (2) The air service operator must provide disinfection facilities and procedures.
- (3) Biometric screening airports shall be suspended and replaced with a card system until further notice.
- (4) Airport personnel shall be provided with appropriate safety gear and equipment by their respective

employers.

8. Oversight responsibilities by South African Civil Aviation Authority

- (1) The South African Civil Aviation Authority shall continue to monitor implementation of these Directions and the guidelines issued by the Minister of Transport.

[subdirection (1) substituted by section 3 of [Government Notice 615 of 2020](#)]

- (2)
 - (a) The South African Civil Aviation Authority and Port Health must support the national tracing and monitoring system.
 - (b) Operators must furnish the South African Civil Aviation Authority with air cargo records, manifests and other necessary and material flight information on demand.
- (3) The South African Civil Aviation Authority and Port Health must keep a register of air cargo manifest, flight information and, all personnel boarding an aircraft for purpose of providing a service to that aircraft.

9. Responsibilities by Airports Company South Africa

- (a) The Airport Company South Africa SOC Limited (ACSA) must comply and implement these Directions.
- (b) The Airports Company South Africa SOC Limited (ACSA) must ensure that for the duration of these Directions, it will provide its own personnel with the appropriate safety gear and equipment.
- (c) The Airports Company South Africa SOC Limited (ACSA) must provide adequate facilities for washing of hands and disinfection equipment for visitors, Airport personnel and management for the duration of the Directions.

10. Responsibilities by the Air Traffic and Navigation Services

- (a) The Air Traffic and Navigation Services must comply and implement these Directions.
- (b) Air Traffic and Navigation Services shall, if necessary, redirect or reroute any aircraft entering the South African airspace to an international airport designated as one of the ports of entry.

11. Offences

Any person who fails or refuses to comply with these directions, is guilty of an offence and on conviction, shall be liable to a fine or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

12. Amendments of Directions

The Minister may, as and when required, amend these directions.

13. Short title and commencement

- (a) These Directions are called the International Air Services (COVID-19 Restrictions on the movement of air travel) Directions, 2020, and take effect on the date of publication in the Gazette by the Minister.
- (b) These Directions shall remain in force until further notice.

Appendix 1

Countries impacted by South Africa's travel restrictions

- (1) The Republic of South Africa has categorised the following countries as High risk countries:
 - (a) China;

- (b) Germany;
 - (c) Italy;
 - (d) Iran;
 - (e) South Korea;
 - (f) Spain;
 - (g) United Kingdom;
 - (h) United States of America; and
 - (i) France.
- (2) The Republic of South Africa has categorised the following countries as Medium risk countries:
- (a) Hong Kong;
 - (b) Portugal; and
 - (c) Singapore.
- (3) This list is subject to change in line with risk rating of World Health Organization (WHO). Subject to the discretion of the Minister of Transport to declare any country high, medium and low risk to achieve the aims of the directions promulgated under the Disaster Management Act.