

South Africa

Disaster Management Act, 2002

Directions on Measures to Address, Prevent and Combat the Spread of COVID-19 in the Public Transport Services

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South Africa

Disaster Management Act, 2002

Directions on Measures to Address, Prevent and Combat the Spread of COVID-19 in the Public Transport Services

Government Notice 59 of 2021

Published in [Government Gazette no. 44120](#) on 29 January 2021

Assented to on 21 January 2021

Commenced on 29 January 2021

[Up to date as at 25 March 2021]

[Amended by [Directions on Measures to Address, Prevent and Combat the Spread of COVID -19 in the Public Transport Services: Amendment \(Government Notice 255 of 2021\)](#) on 25 March 2021]

I, Fikile Mbalula, Minister of Transport, in terms of regulation 4(7)(a), read with regulations 43, 44(6) and 86(6), of the Regulations made under section 27(2) of the Disaster Management Act, 2002 ([Act No. 57 of 2002](#)), after consultation with the Cabinet members responsible for cooperative governance and traditional affairs, health, police, justice and correctional services, trade, industry and competition, hereby issue the directions set out in the Schedule hereto, to address, prevent and combat the spread of the COVID-19 in the public transport services for Adjusted Alert Level 3.

Mr F.A. Mbalula, MP

Minister of Transport

1. Definitions

In these directions, any other word or expression bears the meaning assigned to it in the Disaster Management Act, the Act or in the Regulations, and, unless the context otherwise indicates–

"Disaster Management Act" means the Disaster Management Act, 2002 ([Act No. 57 of 2002](#));

"public transport facility" means any rank, train station, terminal or any facility which may be used for public transport purposes;

"public transport vehicle" means a motorcar, minibus, midibus, minibus taxi-type service and bus as defined in terms of the Act and, for purposes of these Directions, includes a sedan, e-hailing service, meter taxi, shuttle service, chauffer driven vehicle, or rail operation;

"the Act" means the National Land Transport Act, 2009 ([Act No. 5 of 2009](#)); and

"the Regulations" means the Regulations made under section 27(2) of the Disaster Management Act, as published under Government Notice No. R 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 regulations 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 regulation 43, 44(6) and 86(6), of the Regulations, to provide for measures necessary to manage COVID-19.
- (3) These directions are valid for the duration of the declared national state of disaster.

3. Purpose of directions

The purpose of these directions is to provide for–

- (a) improved access to hygiene control and disinfection of facilities at all public transport facilities, including ranks, terminals and train stations;
- (b) improved access to hygiene control and disinfection in all public transport vehicles;
- (c) the loading capacity of public transport vehicles;
- (d) the extension of the validity period for all public transport operating licences, accreditation certificates for tourist transport services and charter services;
- (e) the transportation and storage of liquor; and
- (f) the enforcement of these directions.

4. Application of directions

These directions are applicable to all public transport services and public transport facilities.

5. Provision of improved access to hygiene control and disinfection at public transport facilities

- (1) All owners of public transport facilities must, at least twice daily, sanitise their facilities and provide adequate sanitisers or other hygiene dispensers for washing of hands and disinfection equipment for users

of public transport services for the duration of the declared national state of disaster.

- (2) All owners of public transport facilities must put measures in place to adhere to the requirements of social distancing of at least 1.5 meters to curb the spread of COVID-19, including systems to ensure that a physical distance of least 1.5 meters is maintained, while commuters are queuing for public transport.
- (3) Passengers who are queuing to board a public transport vehicle must maintain a physical distance of least 1.5 meters.
- (4) Except as authorised in terms of subdirection (3), the gathering at public transport facilities by passengers or any other persons, who are not at that facility for work purposes, is prohibited.
- (5)
 - (a) All employees working at public transport facilities, including any marshal or security officer who interacts with members of the public, must wear a face mask.
 - (b) All employees working at public transport facilities, including any marshal or security officer who interacts with members of the public, may, in addition to a face mask, further wear a face shield.
- (6) The owners of public transport facilities may not allow any member of the public to enter their facilities without wearing a face mask.

6. Provision of improved access to hygiene control and disinfection in public transport vehicles

- (1) The operators of public transport vehicles must ensure that public transport vehicles are sanitised before picking up and after dropping off passengers.
- (2) The windows on both sides of all public transport vehicles must be kept at least 5 cm open.
- (3)
 - (a) The operators of public transport vehicles must ensure that the door handles, window handles, seats, arm rests and hand rails of all public transport vehicles are sanitised after every load.
 - (b) The driver must ensure that the hands of passengers are sanitised before entering a public transport vehicle and after leaving the vehicle.
- (4) The operators of public transport vehicles must ensure that all public transport vehicles are clean and tidy.
- (5) The operators of public transport vehicles must, in manner that is easily accessible or visible to passengers and the general public, provide information on disinfection materials and procedures.
- (6)
 - (a) All drivers, owners or operators of public transport vehicles must wear a face mask.
 - (b) All drivers, owners or operators of public transport vehicles may, in addition to a face mask, further wear a face shield.
- (7) Passengers in public transport vehicles must wear face mask for the duration of the journey.
- (8) All public transport operators must put measures in place to adhere to social distancing requirements to curb the spread of COVID-19.
- (9) The sanitisers used to sanitise all public transport vehicles must have a minimum of 70% alcohol content.

7. Public transport services, private vehicles and loading capacity of public transport vehicles

- (1) Intra-provincial and inter-provincial travel, including long distance travel, by private vehicles and public transport services are permitted.
- (2) For purposes of long distance travel, as contemplated in regulation 43(1) of the Regulations–
 - (a) minibus, midibus or minibus taxi-type services are permitted to carry not more than 70% of their maximum licensed passenger carrying capacity for intra-provincial long distance travel and inter-

provincial travel and are subject to the following limitations:

- (i) A minibus licensed to carry 10 passengers, is limited to carry a maximum of 7 passengers;
 - (ii) a minibus licensed to carry 15 passengers, is limited to carry the maximum of 10 passengers; and
 - (iii) a midibus licensed to carry 22 passengers, is limited to carry a maximum of 15 passengers;
- (b) bus services are permitted to carry not more than 70% of their licensed passenger carrying capacity for intra-provincial and inter-provincial long distance travel; and
 - (c) buses, taxis and trains that transport passengers for a journey that is regarded as long distance travel, may continue to complete the journey, despite the declared curfew times.
- (3) For purposes of any trip that is not regarded as long distance travel in terms of regulation 43(1) of the Regulations–
- (a) buses, minibuses, midibuses, minibuses, taxi-type services, e-hailing services, meter taxis, shuttle services, chauffer driven vehicles and scholar transport vehicles are permitted to carry 100% of their maximum licensed passenger capacity; and
 - (b) rail operations are permitted to carry not more than 70% of their licensed passenger capacity.

8. Validity period for public transport operating licences and accreditation certificates for tourist transport services

- (1) All operating licenses and accreditation certificates for tourist transport services that expire during the period that commenced from 26 March 2020 up to and including 28 February 2021 are deemed to be valid, and their validity period is extended for a further grace period ending on 31 August 2021.
- (2) All the operating licenses for inter-provincial services and intra-provincial services that expire during the period that commenced from 26 March 2020 up to and including 28 February 2021 are deemed to be valid, and their validity period is extended for a further grace period ending on 31 August 2021.

9. Transportation of liquor

Transportation of liquor is permitted.

[direction 9 substituted by section 2 of [Government Notice 255 of 2021](#)]

10. Enforcement of directions

Authorised officers, as defined in section 1 of the Act, must enforce the provisions of these Directions.

11. Withdrawal of directions

These directions issued under Government Notice No. 493, published in *Government Gazette* No. 43538 of 22 July 2020, as amended, are hereby withdrawn.

12. Short title and commencement

These directions are called the Directions on measures to address, prevent and combat the spread of COVID-19 in the public transport services, and come into effect on the date of publication thereof in the *Government Gazette*.