

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF TRANSPORT

NO. 413

26 MARCH 2020

DISASTER MANAGEMENT ACT, 2002**DIRECTIONS ISSUED IN TERMS OF REGULATION 10(7) 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 CROSS-BORDER ROAD TRANSPORT**

I, Fikile Mbalula, MP, Minister of Transport, in terms of regulation 10(7) of the Regulations issued in terms of the Disaster Management Act, 2002 (Act No. 57 of 2002) on measures, hereby issue the directions set out in the Schedule hereto regarding temporary measures in respect of Cross-Border Road Transport in order to address, prevent and combat the spread of the COVID-19.

**MR F.A. MBALULA, MP****MINISTER OF TRANSPORT**

DATE: 25 / 03 / 2020 .

SCHEDULE

1. Definitions

In these directions, any word or expression bears the meaning assigned to it in the Cross-Border Road Transport Act, 1998 or its regulations, unless the context otherwise indicates—

“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;

“passenger” means any person conveyed by way of a public transport service as defined in the National Land Transport Act, 2009 Act No 5 of 2009); and

"the Act" means the Cross-Border Road Transport Act 1998 (Act No. 4 of 1998).

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

The purpose of the directions is to provide for measures relating to cross-border road transport to prevent the spread of COVID-19.

4. Application of the directions

These directions are applicable to all cross-border road passenger transport within the Republic and from a foreign carrier of any member state conveying passengers to the Republic.

5. Prohibition to provide cross-border road transport

- (1) Despite any permit issued in terms of the Act, no person may provide cross-border Road Passenger transport for the duration of lockdown.
- (2) Cross-Border freight movement will continue to and from our neighbouring countries.

6. Offences

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

7. Short title and commencement

These Directions are called the Cross-Border Road Transport Special Dispensation (COVID-19 Restrictions on the movement of Cross-Border Road Transport Passengers) Directions, 2020, and comes in to operation on the date of publication by the Minister in the Gazette.