ENS Africa have advised the Club of the following which we hope you will find of interest:

“that all sea ports in South Africa remain open.

During mid-July there were, however, disruptions at the ports of Durban and Richards Bay, as a result of violent mass riots, looting and insurrection in KwaZulu-Natal sparked by the incarceration of the former South African President Jacob Zuma.

There was also a recent act of cyber-attack, security intrusion and sabotage on Transnet, the state-owned South African rail, port and pipeline company, which resulted in Transnet Port Terminals declaring *force majeure* at its container terminals in Durban, Ngqura, Gqeberha and Cape Town.

Transnet have since recovered from the attack and operations have begun to normalise.

Please see answers to specific queries that we have received -

1. **Vessel arrival requirements – e.g. notifications, declarations, restrictions and pilotage arrangements.**

The Ports Authority (TNPA) has implemented various measures in light of the recent Covid-19 cases in South Africa, for the protection of port front line workers and to minimise the negative impact of Covid-19 on port users. In terms of the latest circular issued to port users by TNPA, these measures are:

* It is mandatory for all vessel masters to make accurate Maritime Declarations of Health and to report the wellbeing of all crew and passengers on board a vessel to the Authorities, including any suspicions of any other health infections. Any false declaration will be viewed in a serious light and reported to the South African Maritime Safety Authority (SAMSA) and Port Health officials for further action that may result in either detention, a fine, and / or additional penalty measures being taken. The Master is responsible and accountable for all the crew on-board the vessel and will be held liable for any false declarations;

* Masters of vessels must make a declaration of crew who joined the vessel in the last 30 days and the transit points they went through. This includes the declaration of stowaways, if any on board;

* All vessels arriving from outside South African ports are required to conduct Covid-19 testing for their crew prior to entry into port - a minimum of a rapid / antigen test is acceptable;

* If the last port of call was a South African port, the results of the tests conducted in that port will be usable in the next South African port. It will not be necessary to conduct another round of Covid-19 tests, unless circumstances require it;

* No shore leave is permitted except for emergency reasons in which case permission must be obtained from the relevant Harbour Master;

* All vessels calling at South African ports must have a Covid-19 management plan in place having identified all risks associated with its activities and have clear mitigation measures in place;

* The daily temperature monitoring must be accurately recorded and must be made available for inspections by any Authority;

* Vessels at the anchorage are to conduct Covid-19 testing prior to berthing;

* Vessels calling Off Port Limits (OPL) for crew changes must ensure all off signing crew are tested (PCR or antigen test); however, vessels calling for stores and spares are not required to be tested;

* Night-time crew changes and Covid-19 testing for OPLs where applicable, are to be approved by SAMSA;

* Vessels calling to ports with limitations in terms of night tests need to plan accordingly.

1. **Port operation status – e.g. are COVID-19 restrictions impacting on the operations of ports and logistics that may affect shipping, is shore leave allowed?**

There may be delays in having crew members tested for Covid-19, as referred to above, which may result in delays in berthing.

No shore leave is permitted except for emergency reasons, in which case permission must be obtained from the relevant Harbour Master.

1. **Are seafarers able to receive medical treatment for both COVID and non-COVID issues?**

Seafarers are able to receive medical treatment for both Covid and non-Covid issues.

In non-emergency situations, normal protocols and screening will apply before the seafarer can receive medical attention.

In emergency situations, the medical evacuation procedure as set out in Government Gazette 44121 should be followed-

*“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:*

1. *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);*

1. *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*

1. *all evacuated persons must be subjected to mandatory quarantine for a period of up to 10 days.”*

1. **Crew change status e.g. requirements and restrictions for both national and foreign crew.**

Government Gazette 44121 sets out the requirements in respect of crew changes, as below-

*“Commercial seaports and foreign crew changes*

1. *Foreign crew changes are permitted at all nine commercial ports.*

1. *(a) Signing - on crew must produce, at the first South African Port of Entry, a valid negative Polymerase Chain Reaction ("PCR ") test certificate or a valid certificate of negative COVID-19 test results, obtained not more than 72 hours before the date of travel, from an accredited laboratory and in line with World Health Organization requirements;*

*(b) in the event of the crew member's failure, for whatever reason, to submit a valid negative test certificate in terms of paragraph (a), upon arrival in South Africa, the crew member shall be required to do an antigen test at his or her own costs;*

*(c) The failure of a crew member to produce a valid negative PCR test certificate or a valid certificate of negative COVID -19 test results will warrant quarantine, at the crew member's or employer's own cost.”*

In terms of the measures adopted by Port Health, all off-signing crew must undergo either a PCR or antigen test.

**5.        COVID-19 vaccination requirements for seafarers – e.g. are authorities requiring a vaccination status.**

South African authorities do not require seafarers to be vaccinated, but see 6 below.

**6.         Details of any vaccination programmes offered to both national and foreign seafarers.**

Vaccination programmes initially only catered for South African nationals.

However, we attach a copy of SAMSA’s Marine Notice 19/21 **released today 23 September 2021**.

It will be noted that following the IMO’s call for member states to declare seafarers as ‘key workers’, all foreign seafarers in SA ports are now regarded as documented foreign nationals and as a result they are eligible for vaccination in our country.

The Notice articulates the requirements that must be met in order to obtain permission from Port Health and Immigration to visit a vaccination site.

Port agencies will be able to facilitate the above.

**7.         Any impacts on legal proceedings and courts – e.g. court delays, remote courts, extended time bars etc.**

South African courts remain open and functional but are dealing with a backlog of matters due to the various lockdowns implemented since March 2020. There are strict protocols regarding social distancing, the number of persons allowed in court and the wearing of masks.

Urgent matters are being attended to but each court may have specific timing and other requirements which will need to be adhered to. Certain courts have hosted remote hearings using virtual options such as Microsoft Teams, Webex and Zoom. Remote hearings are dependent on the presiding officer as well as the parties involved.

Courts are following the usual time limits as prescribed by legislation and the rules of court in respect of time bars.

All in all, restrictions depend largely on the jurisdiction of the court and the number of active Covid-19 cases. “