**BILL WATCH 9/2021**

[17th February 2021]

Public Health Lock-down Order : Further Extension of Lock-down

The lock-down has been slightly relaxed and extended until Monday 1st March.

In a statement on Monday the President announced the decision to extend it and new measures that would be in force during the extension. He said that although a consignment of vaccines had arrived from China, and more were on the way from Russia, India and the United Kingdom, the lock-down had to be extended for another two weeks in order to reduce COVID-19 cases and deaths, which were still very high.

The new measures he announced have been given legal effect through a new statutory instrument [SI 42/2021] which can be accessed on the Veritas website *[*[*link*](http://www.veritaszim.net/node/4762)*]*. A consolidated version of the Lock-down Order, incorporating the latest amendment, can be accessed on the Veritas website *[*[*link*](http://www.veritaszim.net/node/4767)*]*.

The new measures are the following:

Business hours

Shops and businesses that are allowed to be open can do so from 8 a.m. to 5 p.m. on business days. Businesses providing essential services are allowed to open and their employees can travel to and from home and their place of work. So too can tobacco auction floors and mines. Other businesses in the formal commercial and industrial sectors must remain closed *[although the provision is not very clear].*

Curfew

A nightly curfew remains in force, but with reduced hours. The curfew now begins at 8 p.m. every evening and lasts till 5:30 a.m. the next morning.

Inter-city and inter-provincial commuting

Although the President said in his announcement that inter-city and inter-provincial commuting would not be allowed, that is not quite what the law says:

* Under section 4(2) of the Lock-down Order, which is unaffected by the latest amendments, transport services operated by ZUPCO, and vehicles that transport State employees and local authority staff for essential services, can continue to operate
* Under section 4(8) of the Lock-down Order – which is also unaffected by the new amendments – the Commissioner of Road Transport can temporarily register transport operators to ply intercity routes while the lock-down lasts. The operators have to comply with guidelines issued by the Ministry of Health and Child Care, based on WHO guidelines.
* Private vehicles, it seems, can still travel between towns if their occupants have a legitimate reason for leaving home.

Funerals and burials

Up to 30 people may gather for the purpose of funerals so long as they observe social distancing and wear face masks. Although the President said burials are to be conducted in accordance with “WHO regulations”, there is nothing in the Lock-down Order that requires this – and nothing to indicate what those regulations might be.

Other social gatherings

The general rule is that no more than two people may gather together in public places. However, so long as they observe social distancing and wear face masks, up to 100 people can congregate to get transport, and people can come together in supermarkets, food stores, in public transport vehicles and in places offering essential services such as hospitals and pharmacies.

Churches and other places of worship are still closed for public services, and parliamentary committees still cannot hold public hearings. Restaurants remain closed, except that hotel restaurants can serve guests staying at their hotels.

**Essential services**

Essential services, as the President said, remain “functional”, though – as he did not say – businesses that provide essential goods and services, such as pharmacies, have to observe the business hours stated above.

Government manning levels

The President said that manning levels of government offices would be increased from 10 per cent to 25 per cent. But, this is not stated in the new SI and will have to be effected through civil service circulars and instructions*. [Whether the increased number of civil servants will improve efficiency remains to be seen.]*

Testing for COVID-19

Companies that resume operations, the President said, must have their employees tested “in compliance with WHO protocols”. Unfortunately this is not a requirement of the Lock-down Order as currently amended, because Part V of the Order – which provides for such testing – is suspended until the end of the lock-down. The provision is not very clear, however, and common sense and social responsibility dictate that businesses should have their employees tested before opening, and that they should take all other reasonable precautions to prevent the spread of COVID-19.

Courts

According to Practice Direction 4 of the 16th February 2021 *[*[*link*](http://www.veritaszim.net/node/4768)*]*:

* Courts remain open only for initial remands, bail applications, and urgent applications and processes
* The only people allowed into courtrooms are litigants, their lawyers, necessary witnesses and “identified” journalists. Though the Practice Direction does not say so, one assumes that judicial officers, court staff and accused persons will also be allowed in.
* Everyone who attends court must submit to being tested and sanitised, must observe social distancing and wear a face mask

Schools

Schools remain closed for the duration of the lock-down. Universities, on the other hand, can remain open to the extent they provide essential services.

Markets

Our markets, said the President, shall remain open. He was a bit too sweeping: according to the lockdown order, only those flea markets, vegetable markets and bazaars that are designated by a chief enforcement officer – i.e. the chief health officer in a local authority area – are allowed to open. People attending such markets must observe social distancing and wear face masks.

Liquor licensees

Liquor licensees cannot sell liquor for the duration of the lock-down.

Informal sector

The President said that those in the informal sector could open once they had satisfied WHO protocols. Regrettably, he was again too sweeping. Food vendors who sell in markets designated by chief enforcement officers can sell their wares, but no one else in the informal sector can open for business.

Comment

Generally, as we have shown, the new measures continue the tight lock-down that began on the 3rd January, though with some slight relaxations. In view of the high level of COVID-19 cases and deaths, the continuation was inevitable.

We need to repeat one comment which we have made before, and with increased urgency. The Lock-down Order has been amended 13 times and has become very difficult to understand. In this Bill Watch we have pointed out several errors the President made when he announced the new measures on Monday. We too may have made mistakes in summarising the provisions of the Order in this Bill Watch. The point is that if we and the President and his advisers are unable to get the details of the Order right, what hope do ordinary people have of understanding what they can and cannot do under the Order? This is not just a matter of legal tidiness. The law must be obeyed, particularly in the case of the Lock-down Order, which everyone must comply with if we are to survive this dreadful pandemic. In order for the law to be obeyed it must be understood.

The Order must be consolidated and simplified as soon as possible, for the sake of us all.

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