

Public Health (COVID-19 Prevention, Containment and Treatment) Regulations, 2020<sup>1</sup>

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*As amended by: SI 82/2020; SI 98/2020, SI 103/2020*

ARRANGEMENT OF SECTIONS

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IT is hereby notified that the Minister of Health and Child Care has, in terms of section 68 of the Public Health Act [*Chapter 15:17*], made the following regulations:—

*Title*

1.(1) These regulations may be cited as the Public Health (COVID-19 Prevention and Containment) Regulations, 2020.

*Interpretation*

2. In these regulations—

“area civil protection officer” means an area civil protection officer referred to in section 17 of the Civil Protection Act [*Chapter 10:06*];

“COVID-19” means the Novel Coronavirus (2019-nCov), which is an infectious disease caused by a virus which, having emerged during 2019, was declared a global pandemic by the World Health Organisation on the 11th March, 2020;

“enforcement officer” means—

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<sup>1</sup> The correct title is the Public Health (COVID-19 Prevention and Containment) Regulations, 2020 – see section 1.

- (a) a police officer, peace officer or member of the municipal police force established for any local authority; or
- (b) the Chief Health Officer, every Director (Health Services) of any local authority, every district health officer of any district, and every medical officer of health (in each case assisted by a police officer, peace officer or member of a municipal police force);
- (c) an area civil protection officers identified pursuant to section 10;
- (f) a member of the Defence Forces of Zimbabwe authorised by his or her commanding officer and acting by virtue of section 213(2)(c) of the Constitution under the guidance of any enforcement officer referred to in paragraph (b);

[Paragraph inserted by s.2 of SI 82/2020]

“FED declaration” means the declaration in terms of section 3(1) of COVID-19 as a formidable epidemic disease;

“gathering” means any assembly, concourse or procession of more than one hundred (100) persons, whether wholly or partially in open air or in a building:

Provided that an order made under section 8 may reduce the number of persons constituting a gathering for the purpose of this definition to any number down to two persons;

[Proviso inserted by s. 2 of SI 82/2020]

“isolation” means separating a sick individual with COVID-19 from healthy individuals in such a manner as to prevent the spread of infection or contamination by COVID-19;

“quarantine” means separating asymptomatic individuals potentially exposed to COVID-19 from non-exposed individuals in such a manner as to prevent the possible spread of infection or contamination by COVID-19;

“school” means a Government school or a school registered under the Education Act [*Chapter 25:04*].

#### *Declaration of COVID-19 as Formidable Epidemic Disease*

3.(1) In terms of section 64(1)(a) of the Act, and for the purposes of Sub-Part C of Part IV (“Infectious Diseases”) of the Act, COVID-19 is declared to be a formidable epidemic disease.

(2) The declaration of COVID-19 as a formidable epidemic disease has effect till the 1st January, 2021, unless the Minister earlier terminates these regulations by General Notice in the *Gazette*, or extends them in like manner by a further month (and may, upon expiry of that extension, in like manner further extends them for a month at a time).

[Subsection substituted by s. 2 of SI 98/2020]

#### *Object and scope of regulations*

4.(1) The object of these regulations is to enable the implementation of measures to prevent, contain and treat the incidence of COVID-19.

(2) These regulations are enforceable whether or not a State of Disaster in relation to COVID-19 is in force under the Civil Protection Act [*Chapter 10:06*].

*Prohibition of gatherings*

5.(1) In order to contain the spread of COVID-19, all gatherings for whatever purpose, are hereby prohibited during the period when the FED declaration is in force.

(2) An enforcement officer must, where a gathering takes place in contravention of subsection (1)—

- (a) order the persons at the gathering to disperse immediately; and
- (b) if they refuse to disperse, take appropriate action, including (subject to the Criminal Procedure and Evidence Act) arrest and detention.

(3) Subsection (2) does not apply to any school, unless—

- (a) a district health officer, in relation to any school within a district for which the district health officer is responsible; or
- (b) a Director (Health Services), in relation to any local authority for which the Director (Health Services) is responsible; or
- (c) the Minister, acting on the advice of the Chief Health Officer; or
- (d) the Chief Health Officer, after consulting the Minister; or

declares by any means likely to make such declaration known to the school or schools concerned, that any specified school or group or class of schools shall be regarded as a gathering for the purposes of this section.

(3) Any person partaking at a gathering or convener thereof—

- (a) partakes in or convenes a gathering knowing that such gathering is prohibited in terms of subsection (1); or
- (b) refuses to disperse from a gathering after being ordered to disperse in terms of subsection (2)(a);

shall be guilty of an offence and liable to fine not exceeding level 12 or to imprisonment for a period not exceeding one year to both such fine and such imprisonment.

*Compulsory testing, detention, etc. to contain COVID-19*

6.(1) An enforcement officer referred to in paragraph (b) of the definition of “enforcement officer” in section 2 may, in relation to any individual or group of individuals who are suspected of being infected with, or who may have recently been exposed to the risk of infection by, COVID-19, order any one or a combination of the following things—

- (a) order the individual or individuals concerned to submit to a medical examination, instantly or at the time and place ordered, which examination may include but not be limited to the taking of any bodily sample by a health practitioner or other person acting under the supervision of a health practitioner;
- (b) order the mandatory treatment or prophylaxis of the individual or individuals concerned;
- (c) order the sequestration or disinfection or both of the baggage and personal effects of the individual or individuals concerned;

- (d) order the disinfection or evacuation (for a period not exceeding 24 hours) or both of the homes of the individual or individuals concerned or of any building or premises wherein they work or gather for any purpose;
- (e) order the on-site detention, isolation or quarantining of the individual or individuals concerned, or their removal to a hospital or place of isolation or quarantine, and their detention at such site, hospital or place of isolation, pending the examination, treatment, prophylaxis or disinfection contemplated by paragraph (a) or (b), for a period expiring 48 hours after such order or until the certification of the individual or individuals concerned to be free of infection from COVID-19, which occurs the later.

(2) An enforcement officer may order any individual or group individuals who have been confirmed, clinically or by a laboratory, as having COVID-19 to be quarantined for a period of up to 14 days within their homes or in a hospital or place of isolation and, during the period the quarantine is in force—

- (a) to submit to further medical examination (including, but not limited to, the taking of any bodily sample by a health practitioner or other person acting under the supervision of a health practitioner);
- (b) to be admitted or removed to a hospital or place of isolation;
- (c) to undergo mandatory treatment or prophylaxis.

(3) Orders made under subsection (1) or (2)—

- (a) shall be communicated by any means (verbal, written, broadcast or electronic) likely to make them known to the persons affected by them;
- (b) that provide for the detention, isolation or quarantine of any individual or group of individuals must make reasonable provision for the individual or individuals concerned—
  - (i) to have access to or be provided with basic necessities to enable them to maintain an acceptable standard of nutrition and hygiene;
  - (ii) to be released temporarily from such detention, isolation or quarantine under specified conditions with the knowledge or consent of an enforcement officer;
- (c) shall be enforced, as needed, with the assistance of persons referred to in paragraph (a) of the definition of “enforcement officer” in section 2;
- (d) shall be recorded and authenticated by the enforcement officers who issued them, and be kept for a period of at least twelve months in the event that they are required for the purposes of any audit or judicial proceedings.

(4) Any person who—

- (a) disobeys an order made under subsection (1) or (2); or
- (b) having been ordered to be detained, isolated or quarantined in any place, removes himself or herself from such detention, isolation or quarantine without the knowledge or consent of an enforcement officer, or contrary to any conditions specified for any temporary release from such detention, isolation or quarantine;

shall be guilty of an offence and liable to fine not exceeding level 12 or to imprisonment for a period not exceeding one year to both such fine and such imprisonment.

(5) Any person who escapes from any place of detention, isolation or quarantine may be arrested without warrant.

*Places of quarantine and isolation*

7.(1) The Minister may identify or approve sites to be used as isolation and quarantine facilities for the temporary confinement and treatment of individuals or groups of individuals who are suspected of being infected with, or who may have recently been exposed to the risk of infection by, or who have been confirmed as having COVID-19.

(2) The Minister shall as soon as practicable specify the sites identified or approved under subsection (1) by general notice in the *Gazette*.

*Special provision for Part IIIB exempted persons under SI 83 of 2020*

7A.(1) This section has effect during the period that the declaration of a formidable epidemic disease under these regulations is in force, notwithstanding the expiry of the national lockdown under the Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) Order, 2020, published in Statutory Instrument 83 of 2020 (hereinafter called the “lockdown order”).

(2) Any term to which a definition is or has been assigned by the lockdown order shall have the same meaning when used in this section.

(3) Within 14 working days of resuming work for the first time since the 7th May, 2020, Part IIIB exempted persons (including employers of such persons) must cause themselves and their employees to be screened and tested for the COVID-19 disease, whether by use of the rapid results diagnostic test or other test approved by the Minister of Health, and (in the case of employers of Part IIIB exempted persons) to keep in custody for the period during which the declaration of a formidable epidemic disease is in force under these regulations documentary proof that such screening and testing has taken place in relation to each individual subjected to the test.

(4) Every employer or operator in a business or industry in the formal commercial and industrial sector is deemed for the purpose of subsection (3) to have opened on the day after the promulgation of the Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 7), unless the employer or operator in question proves to the satisfaction of an enforcement officer that the business or industry opened on a later day, in which event the employer or operator in question is afforded a period of 14 days from such opening to comply with subsection (3).

(5) Enforcement officers may (by further order of the Minister notified in writing to the enforcement officers or by General Notice in the *Gazette* or in such manner as the Minister thinks necessary for bringing it to the attention of all persons who, in his or her opinion, ought to have notice thereof) require every person referred to in subsection (3) who has undergone screening and testing as mandated by that subsection to again submit to such screening and testing at intervals of not less than 30 working days from the last time such screening and testing took place, and this section shall apply to such re-screening and re-testing.

(6) Employers of the persons referred to in subsection (3) may arrange with enforcement officers for the testing contemplated by subsection (3) or (5) to take place at an agreed time at the workplace or at any other place agreed between them, for which purpose they may contact the Ministry of Health Call Centre or the Ministry of Information Call Centre.

(7) Persons deemed or purporting to be employers or employees of, or engaged in, an essential service for the purpose of Part IIIB of the lockdown order shall comply with any direction of an enforcement officer—

- (a) to submit to screening and testing for the COVID-19 disease;
- (b) at all times to observe the social distancing rule at the workplace, to avoid physical contact with each other, to wear protective masks and to make available for use by employees and other persons hand sanitising liquid;
- (c) to disperse and return home where any business or industry is not found to be a formal business or industry.

(8) An owner, employer or operator of a business in the formal commercial and industrial sector exempted by Part IIIB of the lockdown order shall ensure that its employees shall, on entry to the workplace, have their hands sanitised and their temperatures checked.

(9) An enforcement officer shall at any time during normal working hours have the right of access to any land or premises where Part IIIB exempted persons are present or employed—

- (a) to demand that the documentary proof referred to in subsection (3) be exhibited to him or her showing that the Part IIIB exempted persons concerned have undergone the screening and testing required by that subsection (in the case of a business or industry that has been open for more than fourteen working days);
- (b) where the proof mentioned in paragraph (a) is not exhibited to the enforcement officer—
  - (i) order the business or industry employing the Part IIIB exempted persons to be closed and the persons thereat to disperse within the hour; and
  - (ii) notify in writing the employer concerned or the person in charge at the workplace that the business or industry is not to reopen unless and until all the Part IIIB exempted persons concerned are screened and tested for the COVID-19 disease and the documentary proof required by this section is kept for exhibition to an enforcement officer;
- (c) to ensure that the appropriate provisions of this section are otherwise being complied with.

(10) Any—

- (a) person who fails to comply with subsection (8) or with an order of an enforcement officer given under this section, or who hinders or obstructs an enforcement officer from having the access referred to in subsection (9), shall be guilty of an offence and liable to a fine not exceeding level 12 or to imprisonment for a period not exceeding one year to both such fine and such imprisonment; or
- (b) employer or operator in a business or industry in the formal commercial and industrial sector who, having re-opened for business after being ordered to close under subsection (9)(b)(i), fails to screen and test themselves and their employees for the COVID-19 disease, or fails to exhibit to an enforcement officer on demand the documentary proof referred to in subsection (2) showing that such screening and testing has taken place;

shall be guilty of an offence and liable to fine not exceeding level 12 or to imprisonment for a period not exceeding one year to both such fine and such imprisonment.

(11) While the lockdown order is in force, prosecutions for contraventions of this section that are identical to those contained in Part IIIB of the lockdown order shall be charged in terms of that order.

(12) In this section “Part IIIB exempted persons” means persons deemed to be engaged in an essential service by virtue of Part IIIB of the lockdown order.

[Section inserted by s. 2 of SI 103/2020]

#### *Ministerial orders*

8.(1) In pursuance of the object of these regulations the Minister may (in consultation with the President, and in conformity with any directions the President may give) by orders published in the *Gazette*—

- (a) impose restrictions of public traffic and of the movements of persons by means of curfews in any local authority;
- (b) close schools or regulate and restrict school attendance in any local authority;
- (c) close places of worship and restrict gatherings or meetings for the purpose of public worship in any local authority;
- (d) regulate, restrict or, where deemed necessary, close in any local authority any place or places of public entertainment, recreation or amusement, or where intoxicating liquor is sold by retail, and regulate or restrict, or, where deemed necessary, prohibit the convening, holding or attending of entertainments, assemblies, meetings or other public gatherings of less than one hundred persons;
- (e) direct the making of inquiries into the cause of death of any person, apart from any inquiry by a magistrate under any other enactment;
- (f) order, when deemed necessary, post-mortem examinations or exhumations;
- (g) prohibit in special circumstances the burial of any dead body in any local authority except on a certificate by a medical officer appointed to grant such certificates or after compliance with any other specified conditions;
- (h) regulate the mode of disposal, the times and places of burial of dead bodies and the manner of conducting removals and burials thereof in any local authority;
- (i) regulate and restrict and, if deemed necessary, prohibit the removal of merchandise or any article or thing into, out of or within any in any local authority or specified or defined area;
- (j) facilitate the provision of disinfecting plant and equipment, and the disinfection or, where disinfection is impossible, the destruction of any article or thing, or the disinfection of any premises which are or are believed to be contaminated with the infection of such disease;
- (k) authorise in any local authority the inspection of premises and articles and the discovery and remedying of sanitary or other defects likely to favour the spread or render difficult the eradication of COVID-19;
- (l) authorise in any local authority the evacuation, closing, alteration or, if deemed necessary, the demolition or destruction of any premises the occupation or use of

which is considered likely to favour the spread or render more difficult the eradication of such disease, and define the circumstances under which compensation may be paid in respect of any premises so demolished or destroyed and the manner of fixing such compensation;

(1a) Orders made under subsection (1) may apply to the whole of Zimbabwe.

[Subsection inserted by s.3 of SI 82/2020]

(2) Any person who disobeys or fails to comply with an order made in terms of subsection (1) shall be guilty of an offence and liable to fine not exceeding level 12 or to imprisonment for a period not exceeding one year to both such fine and such imprisonment.

*Certification of certain enforcement officers*

9.(1) The chief executive officer of every local authority shall furnish each enforcement officer referred to in paragraph (b) of the definition of “enforcement officer” who is acting within the jurisdiction of the local authority with a certificate signed by or on behalf of the chief executive officer stating that he or she has been appointed as an enforcement officer for the purpose of these regulations.

(2) An enforcement officer referred to in paragraph (b) of the definition of “enforcement officer” shall, on demand by any person affected by the exercise of the powers conferred upon enforcement officers under these regulations, exhibit the certificate issued to him or her in terms of subsection (1).

*Assistance by area civil protection officers*

10. At the request of the Minister, the National Civil Protection Committee constituted under the Civil Protection Act [*Chapter 10:06*] may identify area civil protection officers who, in any local authority and acting under the guidance in that local authority of any enforcement officer referred to in paragraph (b) of the definition of “enforcement officer”, shall act as enforcement officers for the purposes of these regulations.