

Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown)  
(No. 2) Order, 2020<sup>1</sup>

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*As amended by SI 208/2020; SI 216/2020; SI 217/2020; SI 223/2020; SI 239A/2020;  
SI 282/2020; SI 287/2020; SI 299A/2020; SI 10/2021; SI 11/2021; SI 13/2021;  
SI 37/2021; SI 42/2021; SI 45/2021; SI 49/2021; SI 61/2021*

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<sup>1</sup> The original title of the Order, before its amendment by SI 208 of 2020, was the Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Consolidation and Amendment) Order, 2020.

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SCHEDULE: Repeals.

THE Minister of Health, in terms of section 8(1) of the Public Health (COVID-19 Prevention, Containment and Treatment) Regulations, 2020 (published as Statutory Instrument 77 of 2020), and in consultation with the President, makes the following order:–

PART I  
PRELIMINARY

*Title*

1. This order may be cited as the Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (No. 2) Order, 2020.

[Section substituted by s. 2 of SI 208 of 2020]

*Interpretation*

2. In this Order—

“attendant” in relation to—

- (a) a designated truck stop, means an enforcement officer, fuel attendant or other employee at such stop; or
- (b) a border post, means a revenue or customs officer, enforcement officer or other person employed at such border post to assist drivers of goods vehicles during the period of national lockdown;

“closure order” means an order made by the Minister responsible for Home Affairs in terms of section 8 for the closure of any port or ports between Zimbabwe and a neighbouring country;

“COVID-19-free certificate” means a certificate issued and authenticated by or on behalf of a medically qualified enforcement officer or by the appropriate authority in another country certifying that at the date of issuance shown on the certificate the bearer was tested for COVID-19 and found to be free of it;

“crossborder goods vehicle” means goods vehicle ferrying goods from Zimbabwe to a neighbouring country and back, or from a neighbouring country to Zimbabwe and back;

“customs officer” means any person acting as such in terms of the Customs and Excise Act [Chapter 23:02];

“designated truck stop” means a location for the refuelling and the supply of other services (including the facility for drivers and their crews to sleep in their vehicles overnight at the stop) in respect of transit goods vehicles and crossborder goods vehicles, designated by the Minister responsible for transport in the *Gazette* or by notice in such manner as the Minister thinks necessary for bringing such designation to the attention of all persons who, in his or her opinion, ought to have notice thereof;

“depart”, in the context of section 8(1)(b) (permitting the exit of a person departing from Zimbabwe) means to depart from Zimbabwe after making a temporary visit or, being a resident of Zimbabwe, to depart from Zimbabwe permanently or for a period of three months or more;

“essential service” includes—

- (a) any hospital service;
- (b) any transport service referred to in sections 4(2) and 7(2), whether terrestrial, aerial or waterborne;

- (c) any service relating to the generation, supply or distribution of electricity;
  - (d) any service relating to the supply and distribution of water;
  - (e) any sewerage or sanitary service;
  - (f) any service relating to the production, supply, delivery or distribution of food (in particular supermarkets and food retail stores), fuel or coal;
  - (g) banking institutions, bureaux de change, money transfer services;
  - (h) any fire brigade or ambulance service;
  - (i) coal mining;
  - (j) communications and telecommunication services, including the Internet, any public or licensed broadcasting service, and the activities of persons as journalists, newspaper vendors or employees of such services;
  - (k) all arms and organs of the State engaged in providing security services, and licensed private security services;
  - (l) the Government Printer (Printflow (Private) Limited);
  - (m) all criminal courts and, to the extent directed by the Chief Justice by a Practice Direction, other courts, together with their support staff (but not the Sheriff of the High Court or messengers of court, except to the extent permitted by the aforesaid Practice Direction);
- [Paragraph substituted by s. 2 of SI 11 of 2021]
- (n) the manufacture and distribution of medical supplies to combat COVID-19 and other medical emergencies;
  - (o) the operations of funeral parlour and other funeral services, including the manufacture and sale of coffins (but not the operation of transport services for the purpose of ferrying mourners to or from funerals);
  - (p) the operation of the air carrier known as Ethiopian Airways through the airspace of Zimbabwe and into and out of aerodromes that are, in terms of this order, open for air traffic;
  - (q) the conduct of agricultural activities on farms, including in particular the planting of any winter season crops, the harvesting of crops and land preparations in connection with agricultural activities;
  - (r) the supply of agricultural inputs and stock feeds;
  - (s) the supply and distribution of veterinary requirements for domesticated farm and non-farm animals and the dipping of cattle;
  - (t) the operation of inland waterborne transport services in areas where this is the normal mode of transportation for access to essential goods and services permitted by this order;
  - (u) the operations of the Zimbabwe Stock Exchange or other stock exchanges licensed in terms of the Securities and Exchange Act [*Chapter 24:25*] (Act No. 17 of 2004);

- (v) the conducting of public examinations at schools, colleges, universities or other tertiary education institutions in accordance with circulars issued by the Ministries responsible for primary, secondary, tertiary or technical education;
- (w) the work of the of the Parliament of Zimbabwe (but not including public hearings by its portfolio or other committees conducted outside its precincts, which are subject to the conditions for permitted gatherings in section 4(2));
- (x) the work of the Zimbabwe Electoral Commission established in terms of the Electoral Act [*Chapter 2:13*] (Act No. 25 of 2004);
- (y) the work of ZIMSTAT established in terms of the Census and Statistics Act [*Chapter 10:29*] (No. 1 of 2007);

[Paragraph inserted by s. 2 of SI 216 of 2020]

- (y) for the purpose of attendance at any court to the extent permitted under paragraph (m) above, and of travelling to or from any other place for purposes preparatory to or in connection with such attendance, the work of persons who are legal practitioners registered as such in terms of the Legal Practitioners Act [*Chapter 27:07*];<sup>2</sup>

[Paragraph inserted by s. 2 of SI 13 of 2021]

- (z) the work of Vehicle Inspectorate Department (VID) in the Ministry responsible for transport;

[Paragraph inserted by s. 2 of SI 223 of 2020]

- (z) the work of clearing agents as defined in section 216A of the Customs and Excise Act [*Chapter 23:02*];<sup>3</sup>

[Paragraph inserted by s. 2 of SI 45 of 2021]

- (aa) the work of Chief Immigration Officer appointed in terms of section 5 of the Immigration Act [*Chapter 4:02*] and his or her staff;

[Paragraph inserted by s. 2 of SI 223 of 2020]

and any other service which is stated to be an essential service elsewhere in this Order, or is declared by the Minister, by General Notice, to be an essential service for the purposes of this Order;

“face mask” means a protective mask capable of covering the nose and mouth of the wearer (whether improvised or manufactured, and whether or not of a standard specified in the Public Health (Standards for Personal Protective Apparel, Materials and Equipment) Regulations, 2020, published in Statutory Instrument 92 of 2020);

“foreign mission” means a diplomatic or consular mission of a foreign state and includes any representation, department, branch or bureau of a foreign state or international organization the purpose of which is to give technical or other advice or assistance in Zimbabwe but which is not otherwise a foreign mission or agency;

“goods vehicle” means a motor vehicle, including an articulated vehicle, constructed or adapted for the conveyance of goods;

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<sup>2</sup> This paragraph is misnumbered: there are two paragraphs numbered “(y)”.

<sup>3</sup> This paragraph is also misnumbered; there are now two paragraphs numbered “(z)”.

“goods vehicle in transit” means goods vehicle ferrying goods through Zimbabwe between two countries;

“hoard”, in relation to food, or medical supplies needed to combat COVID-19, means to retain any such supplies in order to—

- (a) sell it later at an increased price; or
- (b) avoid any order or regulations relating to price control; or
- (c) sell it to a particular class of customer rather than to another class;

“hotel” means any premises registered or required to be registered as such in terms of the Tourism Act [*Chapter 14:20*];

“home”, in relation to an individual, means his or her place of ordinary residence or any place where he or she is permitted to reside overnight for the period of the lockdown;

“identity document” means—

- (a) a document issued to a person in terms of section 7(1) or (2) of the National Registration Act [*Chapter 10:17*], or a passport or drivers licence issued by or on behalf of the Government of Zimbabwe; or
- (b) any visitors entry certificate or other certificate or permit issued to a person in terms of the Immigration Act [*Chapter 4:02*], or in terms of any enactment relating to refugees; or
- (c) any passport, identity document or drivers licence issued by a foreign government;

“immigration officer” means any person who is an immigration officer as defined in section 2 of the Immigration Act [*Chapter 4:02*];

“liquor” means—

- (a) any spirit (including methylated and plain spirits), wine or beer (including traditional beer);
- (b) any fermented, distilled, spirituous or malted liquor not mentioned in paragraph (a) containing more than 2,75 % of absolute alcohol;
- (c) any drink with which anything defined as liquor in paragraph (a) or (b) has been mixed;

but does not include spirituous or distilled perfume, perfumery, medicated spirit or medicated wine;

“liquor establishment” means any place where patrons buy and consume liquor, whether or not food is also offered for consumption at the establishment;

“medical supplies needed to combat COVID-19” means nondurable disposable health care materials that are useful or purported to be useful in preventing the transmission of COVID-19, such as face masks, paper tissues, disinfectants, hand sanitizers, receptacles for dispensing sanitizers or disinfectants, and surgical or other gloves;

“member of the staff of a foreign mission or agency” means a member of the diplomatic or consular staff of a foreign mission or the principal executives of the agency, as the case may be, and includes a member of the administrative, technical and service staff, including domestic staff, of the mission or agency, as the case may be;

“Minister” means the Minister responsible for Health;

“national lockdown” means the restrictions on the movement of persons on intercity, airborne and cross border traffic prescribed by this Order;

“outdoor exercise” means—

- (a) walking or jogging along a public thoroughfare, in public parks or other open public spaces where persons may walk or jog for exercise, or at a sporting or recreational establishment (whether restricted to members or open to the public, but not including, subject to section 18, gymnastic clubs);
- (b) cycling, or walking or jogging along a public thoroughfare accompanied by one’s dog or dogs, in public parks or other open public spaces where persons may cycle, or walk or jog for exercise accompanied by one’s dog or dogs;

“passenger service vehicle” means a vehicle which is used to operate a passenger transport service as defined in the Road Motor Transportation Act [*Chapter 13:15*];

[Definition inserted by s. 2 of SI 223/2020]

“PCR COVID-19-free certificate” means a COVID-19-free certificate issued by a recognised testing facility using a polymerase chain reaction test;

[Definition inserted by s. 2 of SI 216/2020]

“principal regulations” means the Public Health (COVID-19 Prevention, Containment and Treatment) Regulations, 2020 (published in Statutory Instrument 77 of 2020);

“public place” means—

- (a) means any road, thoroughfare, building, open space or other place of any description to which the public or any section of the public have access, whether on payment or otherwise and whether or not the right of admission thereto is reserved;
- (b) includes (but is not limited to)—
  - (i) restaurants;
  - (ii) other tourist facilities, including private and public game reserves (except for the purpose of serving tourists and other persons who are resident therein at the time of the national lockdown);
  - (iii) backpackers’ lodges and other guesthouses (except for the purpose of serving tourists and other persons who are resident therein at the time of the national lockdown);
  - (iv) places of worship;
  - (v) clubs, sports and other recreational facilities;
  - (vi) flea markets, vegetable markets and bazaars (except such as are designated by the chief enforcement officer in any local authority for the sale of food and other basic necessities, and provided the persons gathered thereat do not exceed one hundred (100) persons at a time and also comply with the social distancing rule);

[Subparagraph amended by s. 2 of SI 287 of 2020]

- (vii) liquor establishments;

- (viii) theatres, cinemas, and shopping malls and centres (except food retail stores, pharmacies and other outlets offering essential necessities for sale);
- (ix) casinos and other gaming establishments licensed or required to be licensed under the Lotteries and Gaming [*Chapter 10:26*] (No. 26 of 1998);

“SADC country” means a country belonging to the Southern African Development Community established in terms of a treaty signed at Windhoek in the Republic of Namibia on the 17th August, 1992;

“social distancing rule” means the rule of interaction in public places that, for the sake of avoiding the person-to-person transmission of COVID-19, every individual must (otherwise than in exceptional cases) keep a distance from any other individual of at least one metre;

“travel document” means a passport or other document of identity of a class recognized by the Minister responsible for the Immigration Act which is issued by or on behalf of the Government or any other government or other authority recognized by the Government;

“wear a face mask” means, wherever in this order there is a requirement to wear it in a public place, to securely cover the mouth and the nose of the wearer with it;

#### *Scope of order*

3. This order has effect throughout Zimbabwe.

## PART II

### NATIONAL LOCKDOWN AND PROHIBITION OF GATHERINGS

#### *National lockdown*

4.(1) Subject to this order, for the period of 21 days<sup>4</sup> from the 30th March, 2020, to an indefinite date subject to fortnightly review from the 31st May, 2020, onwards—

- (a) every individual is confined to his or her home and may not leave therefrom except temporarily for the following purposes (not more than one person per household shall leave home for any one of these purposes of subparagraph (i), (ii) or (iv), except in exceptional cases demonstrated to an enforcement officer under subsection (2))—
  - (i) to buy basic necessities at a supermarket or food retail store, or fuel or gas at a fuel or gas retail outlet, within a radius not exceeding five (5) kilometres from his or her home (unless there is no such shop or outlet within that radius, or such shop or outlet is closed for business, in which case he or she may go to the nearest such shop from his or her home);
  - (ii) to buy medicine at the establishment of a pharmaceutical chemist within a radius not exceeding five (5) kilometres from his or her home (unless there is no such establishment within that radius, or the needed medicine is not

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<sup>4</sup> The reference to 21 days is an obvious error: the national lock-down lasts indefinitely.



available there, in which case he or she may go to the nearest such establishment from his or her home);

- (iii) if the individual is employed in an essential service, to go to and from his or her place of employment and go about the business of that essential service;
- (iv) to obtain medical assistance on his or her own behalf or on behalf of anyone to whom he or she is related or for whom the individual has a duty of care:

Provided that such assistance must be sought within a radius not exceeding five (5) kilometres from his or her home (unless it cannot be obtained within that radius, in which case he or she may obtain it from the nearest location to his or her home);

- (v) to go to the home of anyone to whom he or she is related or for whom the individual has a duty of care for purpose of rendering assistance to that person for the purposes contemplated by subparagraphs (i), (ii) and (iv);
- (vi) if he or she is a member of the staff of a foreign mission or agency going to or from such mission or agency;
- (vii) if he or she is a citizen, resident or protected subject of a foreign country going to or from a foreign mission of the country of which he or she is the citizen, resident or subject, for the purpose of obtaining services or assistance at such mission;
- (viii) for the purpose of outdoor exercise, alone or in pairs (who must each observe the social distancing rule and wear a face mask);
- (ix) if he or she is an international or domestic tourist or visitor proceeding to or returning from a tourist facility referred to in section 19B;

[Subparagraph inserted by s. 3 of SI 216 of 2020]

(b) every restaurant shall be closed—

- (i) with the exception of those restaurants attached to a hotel serving the residents thereof; or
- (ii) except to the extent that a restaurant provides food for consumption off the premises for mobile delivery, or on a takeaway basis for purchase and collection by persons not covered by the national lockdown or by persons temporarily permitted to leave lockdown under this subsection:

Provided that no liquor shall be sold, collected or delivered together with such food;

(c) every other business establishment shall be closed except for every business establishment providing an essential service or services in support of such a service, including but not limited to the following—

- (i) pharmacies;
- (ii) laboratories;
- (iii) banking institutions;
- (iv) payment and money transfer services;
- (v) supermarkets and food retail stores;

- (vi) fuel outlets;
- (vii) health care providers;
- (viii) transport services engaged in the carriage of staff for essential services, the carriage of sick persons to hospitals and other health care providers, and the transport of water, food, fuel, basic goods, medical supplies needed to combat COVID-19 and other medical supplies;

(the above list is merely illustrative and is not intended to limit the scope of the definition of “essential service”):

Provided that manufacturing business establishments or other businesses whose operations require continuous processes may operate with the minimum staff required for the care and maintenances of its operations;

- (d) every Government establishment, and every local authority, shall be closed except to the extent directed by—
  - (i) the responsible head of the Ministry or head of that establishment; or
  - (ii) the mayor or chairperson or chief executive officer of the local authority concerned;

[Paragraph (d) substituted by s. 2 of SI 49/2021 and amended by s. 2 of SI 61.2021]

- (e) every school and other educational institution (whether primary, secondary, tertiary or technical and vocational), except for institutions providing medical training or research useful for combating COVID-19 shall be closed;
- (f) subject to subsection (8), all intercity transport is prohibited except the operation of intercity transport services engaged in the carriage of staff for essential services, the carriage of sick persons to hospitals and other health care providers, the carriage of persons referred to in section 4(1)(a) (vi) or (vii), the transport of water, food, fuel, basic goods, medical supplies needed to combat COVID-19 and other medical supplies, and the carriage of police, Defence Forces personnel and other enforcement officers;

[Subsection as amended by s. 3 of SI 223/2020]

- (g) hospital visits are permitted, subject to the restriction that the hospital authority may admit only one visitor per patient per day (and the visitor and patient must comply with the social distancing rule);
- (h) gatherings in file of motorists queuing to obtain fuel or gas at a fuel or gas outlet are permitted, subject to the restriction that every motorist must remain in his or her vehicles and may only temporarily leave therefrom (and in that event without violating the social distancing rule) for the purpose of—
  - (i) obtaining food and other basic necessities;
  - (ii) using ablution facilities;
  - (iii) assisting in refuelling their vehicles while inside the forecourt of the fuel outlet.

(2) Transport services, whether intracity or intercity, for the carriage of passengers shall be restricted to those provided by—

- (a) the parastatal company known as the Zimbabwe United Passenger Company (ZUPCO);

- (b) omnibuses and other passenger service vehicles operated by or on behalf of the Public Service Association, the Police Service, the Defence Forces and the civil protection authorities;
  - (c) commuter omnibuses and other passenger service vehicles operated or chartered by local authorities for the carriage of staff for essential services, the carriage of sick persons to hospitals and other health care providers, and the transport of water, food, fuel, basic goods, medical supplies needed to combat COVID-19 and other medical supplies.
- (3) In relation to transport services (whether permitted by virtue of subsection (2) or not)—
- (a) every vehicle used by the transport service must be disinfected against COVID-19 by or at the direction of an enforcement officer at least twice daily; and
  - (b) every individual must be temperature tested and have his or her hands sanitised before being allowed to board any vehicle used by the transport service in question; and
  - (c) every individual in or about a vehicle used for a transport service must observe the social distancing rule and wear a face mask, and may not be allowed to board unless he or she is wearing the face mask in the defined manner; and
  - (d) every public transport service driver must, no less frequently than once in every calendar month, undergo the test required to obtain a PCR COVID- 19-free certificate, and may not be employed as such unless he or she has obtained that certificate.

[Subsection substituted by s. 3 of SI 216 of 2020]

(4) Any person covered by any of the exceptions listed in subsection (1), who is in a public place must comply with the social gathering rule and wear a face mask.

(5) Every individual found outside his or her home shall have the burden of proving, to the satisfaction of an enforcement officer, that he or she is covered by any of the exceptions listed in subsection (1) or is acting under demonstrably exceptional circumstances.

(6) Any person who—

- (a) contravenes subsection (1) or (2); or
- (b) being the driver of a goods vehicle in transit, or of any goods vehicle travelling intercity (but not intracity), carries any passenger other than a member of the crew of such vehicle; or
- (c) being the driver of a goods vehicle in transit, fails (except in exiguous circumstances, the burden of proving which rests on him or her) to proceed without deviation to the nearest designated truck stop (as designated in or by amendment of General Notice 686 of 2020) on his or her route;

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

(7) Any person not covered by any of the exceptions listed in subsection (1) who is found to be in breach of the lockdown shall—

- (a) be charged and notified that he or she will be summoned before a court to answer that charge, and ordered to return immediately to his or her home, for which purpose an enforcement officer may accompany him or her; or

- (b) if he or she refuses to return immediately to his or her home, or has no home, or is unable to immediately return his or her home by reason of being outside of a radius of 5 kilometres (or in the case of a person who is a driver or passenger of a vehicle, 20 kilometres) from his or her home, be treated as having escaped from any place of detention, isolation or quarantine, and accordingly may be arrested without warrant and put in any place of detention, isolation or quarantine under the terms of the principal regulations.

(8) With effect from the 20th September, 2020, the operator of any passenger service vehicle may ply intercity routes, subject to the following conditions—

- (a) the operator shall apply in writing to the Commissioner of Road Motor Transportation<sup>5</sup> appointed in terms of section 3 of the Road Motor Transportation Act (No. 1 of 1997) to ply the intercity routes he or she was previously licensed to operate in terms of that Act or, if not so previously licensed, to ply the intercity routes specified in his or her application;
- (b) the Commissioner of Road Motor Transportation will assign a temporary registration number (for the duration of the national lockdown) to operators approved under this section, and specify which intercity routes the operator is registered to ply;
- (c) it is a condition of registration under paragraph (b) that operators will comply with any applicable guidelines issued by the Minister of Health from time to time (taking into account WHO guidelines on the operation of public passenger transport);
- (d) operators of passenger service vehicles registered to ply intercity routes under this subsection shall operate their vehicles with the curfew hours specified in section 25;
- (e) the period of validity of registration under this section expires on the date when the national lockdown ends, whereupon operators who had been licensed under the Road Motor Transportation Act before the national lockdown and operators plying intercity routes solely by virtue of registration under this section must obtain the appropriate licence under that Act.

[Subsection inserted by s. 3 of SI 223/2020]

#### *Prohibition of gatherings*

5.(1) Subject to this order, for the period from the 30th March, 2020, to an indefinite date subject to fortnightly review from the 31st May, 2020, onwards, no gathering of more than two individuals in any public place are permitted except in the following cases—

- (a) a gathering at a stopping point for the purpose of using a transport service referred to in section 4(2), provided that not more than fifty (50) persons at a time are gathered for that purpose, and that every individual at the gathering complies with the social distancing rule and wears a face mask;

[Paragraph amended by s. 3 of SI 287 of 2020 and s. 3 of SI 61/2021]

- (b) a gathering at a funeral service, provided that not more than thirty (30) people at a time are gathered for that purpose, and that every individual at the gathering complies with the social distancing rule and wears a face mask;

[Paragraph amended by s. 3 of SI 287 of 2020 and s. 3 of SI 61/2021]

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<sup>5</sup> The Commissioner's title is the Commissioner of Road Transport.

- (c) individuals carried within a transport service vehicle, provided that it is possible within that vehicle to comply with the social distancing rule, and that every individual in that vehicle is complying with the social distancing rule and wears a face mask;
  - (d) individuals gathered at a supermarkets and food retail stores to buy basic necessities, provided that every individual at such gathering complies with the social distancing rule and wears a face mask;
  - (e) individuals gathered at a hospital or other health service provider, provided that every individual at such gathering (except the staff at such establishment, if they are wearing a face mask) complies with the social distancing rule and wears a face mask;
  - (f) individuals gathered at the establishment of a pharmaceutical chemist, provided that every individual at such gathering complies with the social distancing rule and wears a face mask;
  - (g) individuals gathered for the purpose of an essential service, provided that every individual at such gathering complies with the social distancing rule and wears a face mask;
  - (h) individuals gathered pursuant to, and in accordance with conditions of, Part IV (“Phased Relaxation of National Lockdown”);
  - (i) individuals gathered pursuant to, and in accordance with conditions of, Part V (“Level 2 Phased relaxation of National Lockdown”);
  - (j) not more than fifty (50) adult individuals gathered at a place of worship for the purpose of worship, being a place where such gatherings customarily take place (such as a church, mosque or temple or, subject to this paragraph, an open space), subject to the following conditions—
    - (i) participants at such gatherings—
      - A. must wear face masks and observe the social distancing rule;
      - B. submit to having their hands sanitised and their temperatures taken on admission to the space;
    - (ii) in the case where worship is held in a building, the person officiating must see to the disinfection (before the next gathering for worship) of the building and all benches, chairs, seats, basins, vessels and tables within the building in accordance with any guidelines issued by the Minister of Health from time to time;]
- [Paragraph amended by s. 4 of SI 223/2020 and s. 3 of SI 61/2021]
- (k) not more than fifty (50) adult individuals gathered for the purpose of a public hearing conducted by a portfolio or other committee of Parliament, subject to the following conditions—
    - (i) participants at such public hearings—
      - A. must wear face masks and observe the social distancing rule;
      - B. submit to having their hands sanitised and their temperatures taken on admission to the public hearing;
- [Paragraph amended by s. 3 of SI 287 of 2020 and s. 3 of SI 61/2021]

- (ii) the committee concerned must see to the disinfection (before the next sitting of the public hearing) of the building where the public gathering takes place, and all benches, chairs, seats, basins, vessels and tables within the building, in accordance with any guidelines issued by the Minister of Health from time to time;
  - (1) individuals gathered pursuant to, and in accordance with conditions of, section 16 (“Special provisions for restaurants and hotels”)<sup>6</sup>.  
 [Subsection amended by s. 2 of SI 299A of 2020 and s. 2 of SI 10 of 2021]
  - (2) An enforcement officer must, where a gathering takes place in contravention of subsection (1)—
    - (a) order the persons at the gathering (other than one referred to subsection (1)(d), (e), (f) or (g)) to disperse immediately; and
    - (b) order the persons at a gathering referred to in subsection (1)(d), (e), (f), (g), (h), (i), (j) and (k) to observe the social distancing rule and wear face masks (except that the staff wearing face masks and gloves at the place of the gathering may in unavoidable circumstances interact at distance of less than a metre from each other and from other persons at the gathering); and
    - (c) if they refuse to disperse after being ordered to do so under paragraph (a), take appropriate action, including (subject to the Criminal Procedure and Evidence Act) arrest and detention.
  - (3) Any person partaking at a gathering or convener thereof who—
    - (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); or
    - (c) refuses to observe the social distancing rule after being ordered to do so in terms of subsection (2)(b);
- 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.

### PART III

#### BORDER CLOSURE ORDERS

##### *Automatic extension of permitted residence of foreign nationals*

6.(1) Despite anything to the contrary contained in the Immigration Act [Chapter 4:02], the diplomatic visa, temporary residence permit or employment permit of every foreign national who, during the period of national lockdown, is permitted to be in Zimbabwe by virtue of that visa or permit is hereby extended so that the period of the national lockdown is not counted as part of the period during which they are permitted to be in Zimbabwe.

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<sup>6</sup> The section is actually section 19B.

(2) With effect from the seventh day after the date of promulgation of the Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (No. 2) (Amendment) Order, 2020 (No. 4),<sup>7</sup> the period of extended validity under subsection (1) of a diplomatic visa, temporary residence permit or employment permit of every foreign national during the period of national lockdown is terminated, and any affected person wishing to extend or renew such visa or permit must do so in accordance with the provisions of the Immigration Act [*Chapter 4:02*].

[Subsection inserted by s. 5 of SI 223/2020]

*Closure of airports and restrictions on aerial transportation*

7.(1) For the period of 21 days from the 30th March, 2020, to an indefinite date subject to fortnightly review from the 31st May, 2020, onwards, all airports and aerodromes are closed except for the following—

- (a) the Robert Gabriel Mugabe International Airport (Harare); and
- (b) the Joshua Mqabuko Nkomo International Airport (Bulawayo); and
- (c) the Victoria Falls International Airport; and
- (d) aerodromes operated by or on behalf of Government establishments that are directed to be opened in accordance with section 4(1)(d);
- (e) for the purposes of subsection (2)(b), airports, aerodromes and other terminals, whether or not operated by or on behalf of Government establishments.

[Paragraph inserted by s. 4 of SI 216 of 2020]

(2) All aerial transport services are prohibited except—

- (a) the operation of such services (whether commercial, private, chartered or scheduled) engaged in the carriage of staff for essential services, the carriage of sick persons to hospitals and other health care providers, the carriage of persons referred to in section 4(1)(a) (vi) or (vii), and the transport of water, fuel, food, basic goods, medical supplies needed to combat COVID-19 and other medical supplies, and the carriage of police, Defence Forces personnel and other enforcement officers;
- (b) those services (whether commercial, private, chartered or scheduled) engaged in the domestic carriage of passengers and cargo, that is, where the flight of the aerial transport service departs from and arrives at a domestic terminal;
- (c) with effect from the 1st October, 2020, those services (whether commercial, private, chartered or scheduled) engaged in the international carriage of passengers and cargo;

and, the case of services operated for the purposes of paragraph (c)—

- A. no passenger may board an aircraft unless he or she exhibits a PCR COVID-19-free certificate issued within 48 hours of boarding;
- B. any passenger, whether or not exhibiting a COVID-19-free certificate issued not earlier than the previous 48 hours shall, if they present with symptoms of COVID-19, shall—
  - I. be charged a processing fee of sixty (60) United States dollars; and

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<sup>7</sup> The seventh day after the Order was published was Wednesday 30th September, 2020.

- II. submit to being 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
- III. ordered to be detained at a holding facility until they can be tested for COVID-19, and upon being tested shall be discharged immediately for self-quarantine at the place where they will reside in Zimbabwe or, if found to be positive, shall be ordered to be detained at a place of isolation for a period of fourteen (14) days.

[Subsection substituted by s. 4 of SI 216 of 2020 and s. 2 of SI 239A of 2020]

(3) Any person who operates any airport or aerodrome in contravention of subsection (1), or who contravenes subsection (2), shall be guilty of an offence and liable to fine not exceeding level 12 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

(4) All cross-border aerial transport services must abide by the health screening protocols prescribed by the authorities of the neighbouring State or other State of destination.

*Power to close ports of entry and exit*

8.(1) Where the Minister responsible for home affairs, after consultation with the Minister, is of the opinion that it is necessary or desirable in the interests of combating the transmission of COVID-19 that any or all of the ports of entry or ports of exit between Zimbabwe and a neighbouring country or territory concerned should be closed to traffic, he or she may, despite anything to the contrary contained in the Customs and Excise Act, the Immigration Act, the One Stop Border Post Act or any other law, order that such port or ports as he or she may specify be closed for such period as the Minister may think fit and, subject to the proviso to subsection (2), the entry or exit of goods and of persons through such port or ports shall be prohibited subject to the following exceptions and such other exceptions as may be specified by the Minister or by any person authorised by the Minister to specify such exceptions—

- (a) the re-entry of citizens and returning residents:

Provided that the responsible enforcement officer at the port of entry concerned—

- (i) citizens or returning residents—
  - A. exhibiting a COVID-19-free certificate issued not earlier than the previous 48 hours shall, if they do not present with symptoms of COVID-19, be permitted immediately to proceed to self-quarantine at home;
  - B. not exhibiting the certificate referred to in subparagraph A, shall be ordered to be detained at a holding facility until they can be tested for COVID-19, and upon being tested shall be discharged immediately for self-quarantine at home if found to be negative or, if found to be positive, shall be ordered to be detained at a place of isolation for a period of fourteen (14) days;
  - C. presenting with symptoms of COVID-19, whether or not they exhibit the certificate referred to in subparagraph A, shall be ordered to be detained at a holding facility until they can be tested for COVID-19, and upon being tested shall be discharged immediately for self-quarantine at home



if found to be negative or, if found to be positive, shall be ordered to be detained at a place of isolation for a period of fourteen (14) days.

[Subparagraph (i) substituted by s. 5 of SI 216 of 2020]<sup>8</sup>

- (ii) shall have the power (in order to secure compliance with this Part) to retain in his or her custody for the period of the detention, isolation or quarantine of such citizens or returning residents any travel document or identity document or both of such citizens or returning residents, for which purpose the officer shall—
  - A. issue an adequate receipt for the same to the citizen or returning resident concerned, stating to which place the citizen or resident may go to collect the same upon his or her release from detention, isolation or quarantine; and
  - B. keep the same in a safe and secure place of custody until it is collected;
- (b) the departure of persons from Zimbabwe in accordance with Part V of the Immigration Act [*Chapter 4:02*] from a designated port of exit or from any other port of exit he or she is permitted to depart from in terms of section 25(3) of that Act;
- (c) the exit or evacuation of members of the staff of a foreign mission or agency or of the citizens, subjects or residents of any country under a bilateral arrangement with such country;
- (d) the entry and exit of vehicles involved in the transportation of food and essential supplies and items during the national lockdown;
- (e) the arrival and departure of any passenger or cargo aircraft engaged in an essential service, in accordance with the following restrictions—
  - (i) unless flight plan of the aircraft contemplated an overnight stopover, or except in exiguous circumstances, every such aircraft must depart within ten (10) hours of arrival;
  - (ii) every member of the crew of such aircraft not on overnight stopover must remain on board the aircraft until its departure, but if it is necessary for any of them to disembark—
    - A. the crew member must submit to being sanitised or disinfected in the manner required by an enforcement officer immediately on disembarkation, wear a face mask, and not associate with any other persons than (subject to the social distancing rule) members of the relevant airport or aerodrome services staff;
    - B. if it becomes necessary for any member of the crew of such aircraft to stay overnight, every such member shall proceed to and remain at a place of quarantine at the airport or aerodrome until departure (or if any such member is infected with COVID-19, a place of isolation), or at some other place indicated by an enforcement officer;
  - (iii) every member of the crew of such aircraft on overnight stopover must proceed to and remain at a place of quarantine at the airport or aerodrome until

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<sup>8</sup> The new subparagraph, it will be noted, does not fit in with the opening words of the proviso.

departure (or if any such member is infected with COVID-19, a place of isolation), and otherwise comply with subparagraph and (ii);

(f) the entry and exit of any goods vehicle in transit or cross-border goods vehicle engaged in an essential service, in accordance with the following restrictions—

(i) when arriving at the border the driver must—

A. be in possession of a functional thermometer for measuring body temperature, sufficient face masks for himself or herself and any member of the crew of the vehicle, sufficient hand sanitizing fluid or disinfectant, and at least one receptacle for dispensing such fluid or disinfectant (or if not in possession thereof must be able to obtain them at the border post);

B. together with every member of his or her crew, if any—

I. present to the immigration officer and (if so requested) to any enforcement officer a COVID-19-free certificate issued within the previous seven working days; and

II. submit to being 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

III. if the driver or any member of his or her crew tests positive for the COVID-19 disease, submit to being removed to and placed in a hospital or place of isolation or quarantine until their transit to the intended destination through the next appropriate border post is facilitated by the assistance or under escort of an enforcement officer designated for that purpose (and in the event that the driver tests positive, the consignor, consignee or transporter of the goods in question, as may be appropriate, has the duty of substituting the driver or of removing the goods vehicle from Zimbabwe):

Provided that the driver or any affected crew member shall have the option (signified by signing the appropriate form) to turn back under escort of an enforcement officer to the country from which he or she arrived;

(ii) the driver of the goods vehicle must not stop except at a border post, or a designated truck stop, and at such post or stop the driver and every member of the crew of such vehicle must remain in the vehicle and may only temporarily leave therefrom (and in that event without violating the social distancing rule) for the purpose of—

A. using ablution facilities;

B. assisting in refuelling their vehicles while inside the forecourt of the fuel outlet;

(if the driver or any member of his or her crew requires to obtain food or other basic necessities, the driver or crew member must not disembark from the vehicle but such food or supplies must be obtained through attendants at such border post or designated truck stop);

- (iii) in the case of drivers of crossborder goods vehicles, enforcement officers at the border or designated truck stop where the goods are offloaded must disinfect the goods and the premises at which they are offloaded as soon as possible after the offloading;
  - (iv) every driver and every member of the crew of a transit goods vehicle or cross-border goods vehicle requiring to remain in Zimbabwe for a period in excess of 24 hours must proceed to and remain at a place of quarantine at the border post, designated truck stop or other place designated by an enforcement officer until departure (or if any such member is infected with COVID-19, a place of isolation);
  - (v) every driver and every member of the crew of a transit goods vehicle or cross-border goods vehicle who, being a citizen or resident of Zimbabwe, returns to Zimbabwe upon delivery of the goods in question, shall be treated as a returning citizen or resident for the purposes of subsection (1)(a);
- (g) the arrival by land of any national or ordinary resident of a SADC country in transit to the SADC country of which he or she is a national or ordinary resident (hereinafter referred to a “person in transit”), subject to the following conditions—
- (i) he or she must present to the immigration officer and (if so requested) to any enforcement officer a COVID-19-free certificate issued within the previous seven working days; and
  - (ii) submit to being screened and tested for the COVID-19 disease, whether by use of the PCR or rapid diagnostic test or other test approved by the Minister of Health; and
  - (iii) if the person in transit tests positive for the COVID-19 disease, submit to being removed to and placed in a hospital or place of isolation or quarantine until his or her transit to the intended SADC country is facilitated by the assistance of an enforcement officer designated for that purpose:
 

Provided that the person in transit shall have the option (signified by signing the appropriate form) to turn back under escort of an enforcement officer to the country from which he or she arrived;
  - (iv) if the person in transit tests negative for the COVID-19 disease, but does not arrive at the SADC country of which he or she is a national or ordinary resident (or, as the case may be, arrive at the SADC country bordering Zimbabwe through which he or she must transit) within thirty-six hours of being so tested, he or she shall be removed to and placed in a hospital or place of isolation or quarantine until his or her transit to the intended SADC country is facilitated by the assistance of an enforcement officer designated for that purpose:
 

Provided that the person in transit shall have the option (signified by signing the appropriate form) to turn back under escort of an enforcement officer to the country from which he or she arrived;
- (h) the entry or re-entry of any expert or specialist employed or retained by a person holding (in his or her name or in the name of an entity of which he or she is the owner, shareholder, manager or director) a current investment licence from the Zimbabwe

Investment and Development Agency 2019 (Act No. 10 of 2019), or any of the predecessor bodies of the Agency:

Provided that—

- (i) the Zimbabwe Investment and Development Agency shall determine the classes of experts and specialists who shall be regarded as such for the purposes of this paragraph and shall notify the immigration authorities in writing accordingly; and
  - (ii) every such expert or specialist shall be subject to normal immigration procedures and shall be treated in accordance with paragraph (a) as a re-entering citizen or returning resident;
- (i) the entry and exit of—
- (i) any envoy to the President from another country sent by the head of State or government of that country;
  - (ii) the head of State or government of another country on an official visit, or of any Minister from another country on an official visit;
  - (iii) any national or international senior civil servant or other dignitary holding a letter of introduction or accreditation from the head of State or government or the foreign minister of another country, or from the head of an international organisation, in connection with any visit on official business.

(4)<sup>9</sup>All cross-border terrestrial or waterborne transport services must abide by the health screening protocols prescribed by the authorities of the neighbouring State or other State of destination.

(2)<sup>10</sup> With effect from the 1st December, 2020, all of the ports of entry or ports of exit between Zimbabwe and a neighbouring country or territory shall be opened, with the effect that the entry or exit of goods and of persons through such port or ports shall be permitted subject to the restrictions contained in this Order and to the following additional restriction in respect of persons entering Zimbabwe who are not citizens or returning residents, namely that such persons must, at the port of entry, exhibit a COVID-19-free certificate issued not earlier than the previous 48 hours and not present with symptoms of COVID-19:

Provided that any such person—

- (i) exhibiting a COVID-19-free certificate issued not earlier than the previous 48 hours shall, if they present with symptoms of COVID-19, be refused entry into Zimbabwe;
- (ii) not exhibiting the certificate referred to in this subsection, shall, even if they do not present with symptoms of COVID-19, be refused entry into Zimbabwe.

[Subsection inserted by s. 2 of SI 282/2020]

#### *Enforcement of border closure*

9.(1) It shall be the duty of every police officer, customs officer or immigration officer at a port specified by the Minister in terms of section 8 to ensure that, notwithstanding anything to the contrary contained in any law, effect is given to a closure order:

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<sup>9</sup> There are no subsections (2) or (3).

<sup>10</sup> This subsection is wrongly numbered; it should be subsection (3).

Provided that a customs officer or immigration officer may permit the entry or exit of any particular goods or persons (whether or not they are citizens or returning residents) for humanitarian reasons.

(2) Notwithstanding anything to the contrary contained in the Civil Aviation Act [*Chapter 13:16*] (No. 7 of 1998), where the Minister has made a closure order, the Director General of the Civil Aviation Authority of Zimbabwe shall not authorise any flight by an aircraft between Zimbabwe and that country without the authority of the Minister.

*Commencement and notice of closure order*

10.(1) Notwithstanding anything to the contrary contained in any other law, a closure order shall have effect immediately upon the making thereof.

(2) When a closure order is made, the Minister shall cause notice of the effect of such order to be given as soon as may be in such manner as he or she thinks necessary for bringing it to the attention of all persons who, in his or her opinion, ought to have notice thereof.

(3) A copy of any closure order certified under the hand of the Minister shall, on its mere production in any proceedings before a court, be accepted as proof of the making and of the contents thereof.

*Offence and penalty under this Part*

11. Any person who—

- (a) hinders or obstructs a police officer, customs officer, immigration officer or enforcement officer;
- (b) fails or refuses without sufficient cause to comply with any request made or direction given by a police officer, customs officer, immigration officer or enforcement officer;

in the carrying out of this Part 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.

PART IV

PHASED RELAXATION OF NATIONAL LOCKDOWN

*Interpretation in Part IV*

12. In this Part—

“auction tobacco” means tobacco which is declared in terms of the Tobacco Marketing and Levy Act to be auction tobacco;

“auctioneer” means the holder of an auction floor licence issued in terms of the Tobacco Marketing and Levy Act;

“buyer” means a person who is—

- (a) licensed or required to be licensed under the Tobacco Marketing and Levy Act as a buyer of auction tobacco; or
- (b) registered or required to be registered under the Tobacco Marketing and Levy Act as an authorized buyer of auction tobacco;

“designated tobacco auction floor” means premises for the sale of auction tobacco designated at sites specified by the Minister responsible for agriculture under section 13;

“exempted person” means a person deemed to be employed or engaged in an essential service by virtue of subsection 14(1);

“manufacturer” includes a person (whether engaged in a large-scale industry or in a small or medium scale enterprise or in the informal sector) who fabricates, assembles, refines or processes any commodity or adds value to any raw material;

“mining operations” means obtaining or extracting any mineral by any mode or method or any purpose directly or indirectly connected therewith or incidental thereto, including—

(a) the sinking of shafts; and

(b) the installation of machinery, equipment, implements, utensils and other articles required for the extraction or production of minerals; and

(c) the construction and erection of—

(i) facilities or the production, treatment, storage, gathering and conveyance of minerals; and

(ii) offices, residential units, schools, hospitals, nursing homes or clinics for use by persons employed in or in connection with mining operations by their families;

and

(d) the construction of roads in or to the mining area;

“seller”, in relation to auction tobacco, means a person who sells auction tobacco;

“Tobacco Marketing and Levy Act” means the Tobacco Marketing and Levy Act [*Chapter 18:20*].<sup>11</sup> Designation of decentralised tobacco auction floors

13.(1) Notwithstanding anything to the contrary contained in any other law, the Minister responsible for agriculture may by order designate any site in Zimbabwe as a designated tobacco auction floors.

(2) An order designating a tobacco auction floor shall have effect immediately upon the making thereof.

(3) When an order designating a tobacco auction floor is made, the Minister responsible for agriculture shall cause notice of the effect of such order to be given as soon as may be in such manner as he or she thinks necessary for bringing it to the attention of all persons who, in his or her opinion, ought to have notice thereof.

(4) A copy of any closure order certified under the hand of the Minister responsible for agriculture shall, on its mere production in any proceedings before a court, be accepted as proof of the making and of the contents thereof.

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<sup>11</sup> The title of the Act is in fact “the Tobacco Industry and Marketing Act”.

*Exempted persons*

14.(1) Subject to this section, with effect from the 20th April, 2020—

- (a) employees of manufacturers; and
- (b) persons employed in mining operations:

Provided that, before resuming work for the first time during the national lockdown, every such person must at the direction of an enforcement officer submit to screening and testing for the COVID-19 disease;

- (c) buyers and sellers at designated tobacco auction floors, and employees of such designated tobacco auction floors;

shall be regarded as persons employed in an essential service for the purposes of section 4(1)(a)(iii) and section 5(1)(g).

(2) Persons employed in mining operations who ordinarily reside in accommodations provided around or adjacent to the mining operations shall be confined to such accommodations for the duration of the national lockdown except for the purpose of going to and from work or for the purposes specified in section 4(1)(a).

(3) Buyers and sellers at designated tobacco auction floors shall not remain on site for longer than is needed to complete the transactions for which they assembled.

(4) If any question arises whether any formal or informal undertaking or operation is that of a manufacturer, the person purporting to be the manufacturer shall have the burden of proving, to the satisfaction of an enforcement officer, that he or she is a manufacturer.

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

- (a) to remain in or return to the accommodations referred to in subsection (3), in the case of persons employed in mining operations;
- (b) to submit to screening and testing for the COVID-19 disease;
- (c) at all times to observe the social distancing rule at the workplace, to wear protective masks and to make available for use by employees and other persons hand sanitising liquid;
- (d) to disperse and return home where any undertaking or operation is not found to be a *bona fide* undertaking or operation of a manufacturer.

(6) Any enforcement officer shall at any time during normal working hours have the right of access to any land premises where exempted persons are present or employed to ensure that the appropriate provisions of this order are being complied with.

(7) Any person who fails to comply with an order of an enforcement officer given under the proviso to subsection (1) (b), or given under subsection (5), or who hinders or obstructs an enforcement officer from have the access referred to in subsection (6), 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.

## PART V

## LEVEL 2 PHASED RELAXATION OF NATIONAL LOCKDOWN

*Application of Part V*

15. This Part applies to businesses in the formal commercial and industrial sector that are not essential services or are not businesses of a type governed by Part IV, and to the engagement in low-risk sports in any public place or place to which members of the public have access.

*Interpretation in Part V*

16. In this Part—

“associated sport staff” means any coach, official or other person required to enable athletes to compete in low-risk sports;

“business in the formal commercial and industrial sector” means any business, industry, trade or occupation (other than a industry, business, trade or occupation operating as an essential service) dealing (whether on a wholesale, retail or other basis) in goods or services for the generation of income or the making of profits, the formalisation of which is evidenced in any one or more of the following ways—

- (a) the holding of a shop or other licence from a local authority enabling it to operate the business in question from a specified premises; or
- (b) being the lessee of premises governed by the Commercial Premises (Lease Control) Act [*Chapter 14:04*]; or
- (c) being a registered operator for the purposes of the Value Added Tax Act; or
- (d) being a registered as an employer for the purpose of paying employees’ tax under the Income Tax Act, or otherwise making a regular return of income for the purposes of that Act; or
- (e) being a party to a collective bargaining agreement negotiated through an Employment Council governing the business in question;
- (f) the business of a metered taxicab operator or operator of a driving school;

[Paragraph inserted by s. 3 of SI 239A of 2020]

“enforcement officer” includes, for the purposes of section 18, any person accredited by the Ministry as an enforcement officer responsible for monitoring compliance with this Part;

“informal trader” means an individual who—

- (a) carries on a trade for his or her own account from which he or she makes a turnover of less than the amount that would require him or her to be registered operator for the purposes of the Value Added Tax Act; and
- (b) has not, in the most recent year of assessment for which he or she could have done so, furnished a return in terms of Part V of the Income Tax Act for the assessment of the income referred to in paragraph (a);

and, without limiting the generality of paragraph (a), includes—

- (c) a hawker or street vendor; and



(d) a person who sells articles at a place commonly known as a “people’s market” or a “flea market”; and

(e) a person who manufactures or processes any articles in or from residential premises;

but does not include a small-scale miners, operator of a taxicab, omnibus or goods vehicle, informal cross-border trader, operators of a restaurant or bottle-store or a cottage industry operator;

“lessor” means—

(a) a local authority to which an informal trader pays rent in respect of residential accommodation; or

(b) any person, including a local authority, to whom an informal trader pays rent in respect of premises or a place in or from which he or she carries on his or her trade as such;

“low-risk sport” means any non-contact sport where compliance with the social distancing rule is possible, as described and classified by the Sports Minister (taking into account WHO guidelines) and notified in accordance with section 17(2);

“metered taxicab operator”, in relation to the operation of a taxicab for the carriage of passengers for hire or reward, means the person in whose name a taxicab is or is required to be registered in terms of the Road Motor Transportation Act, 1997 (No. 1 of 1997);

[Definition inserted by s. 3 of SI 239A of 2020]

“operator of a driving school” means a person required to be registered or licensed as such in terms of the Road Traffic Act [*Chapter 13:11*]<sup>12</sup>;

[Definition inserted by s. 3 of SI 239A of 2020]

“Part V exempted athletes and associated sport staff” means athletes and associated sport staff competing or assisting in any low-risk sports;

“Part V exempted informal trader” means an informal trader who qualifies in terms of section 19 to be exempted from the national lockdown in accordance with this Part;

“PPEs” means personal protective apparel, materials and equipment as defined in section 3 of the Public Health (Standards for Personal Protective Apparel, Materials and Equipment) Regulations, 2020;

“rapid results diagnostic test” means a test for the presence or absence in an individual of COVID-19 whose results are obtainable instantly or on the same day as the test;

“spectator”, in relation to a venue where any low-risk sports event takes place, includes every person who is not an athlete or member of the associated sport staff;

“Sports Minister” means the Minister responsible for the administration of the Sports and Recreation Commission Act [*Chapter 25:15*], and “Ministry” shall be construed accordingly;

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<sup>12</sup> Driving schools are registered under the Traffic Safety Council Act [*Chapter 13:17*], not the Road Traffic Act.

“Sports and Recreation Commission” means the Sports and Recreation Commission established by the Sports and Recreation Commission Act [*Chapter 25:15*].

*Part V exempted persons*

17.(1) Subject to this section, for the duration of the national lockdown, persons operating or employed in a business or industry in the formal commercial and industrial sector shall be regarded as persons employed in an essential service for the purposes of section 4(1)(a)(iii) and section 5(1)(g):

Provided that, for the duration of the national lockdown or unless earlier prescribed otherwise, gymnastic clubs shall remain closed for business.

[Subsection substituted by s. 4 of SI 61/2021]

(2) Within fourteen working days of resuming work for the first time since the 7th May, 2020, every person referred to in subsection (1) (including employers of the persons referred to in subsection (1)) 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 V exempted persons) to keep in custody for the period during which the declaration of a formidable epidemic disease is in force under the principal regulations documentary proof that such screening and testing has taken place in relation to each individual subjected to the screening and test.

(3) Every employer or operator in a business or industry in the formal commercial and industrial sector is deemed for the purpose of subsection (2) 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) (the 6th May, 2020), 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 fourteen days from such opening to comply with subsection (2).

(4) 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 (1) who has undergone screening and testing as mandated by subsection (2) to again submit to such screening and testing at intervals of not less than thirty working days from the last time such screening and testing took place, and this section shall apply to such rescreening and re-testing.

(5) Employers of the persons referred to in subsection (1) may arrange with enforcement officers for the testing contemplated by subsection (2) or (4) 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.

(6) Except for good cause shown to an enforcement officer a business in the formal commercial and industrial sector must open for business no earlier than 0630 hours and close no later than 1900 hours.

[Subsection substituted by s. 2 of SI 217 of 2020 and amended by s. 4 of SI 61/2021]

(7) If any question arises whether any business in the commercial and industrial sector is formal or not, the person purporting that the business or industry is formal shall have the burden of proving, to the satisfaction of an enforcement officer, that the business is formal.

(8) An owner, employer or operator of a business in the formal commercial and industrial sector exempted by this Part 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 exempted persons are present or employed—

- (a) to demand that the documentary proof referred to in subsection (2) be exhibited to him or her showing that the Part V 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 V 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 V exempted persons concerned are screened and tested for 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 order 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 have the access referred to in subsection (9), 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; or
- (b) employer or operator in a business or industry in the formal commercial and industrial 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.

*Additional Part V exempted persons: low-risk sportspersons*

18.(1) The Sports Minister shall specify sport codes in which all sports are classified according to whether they are low-risk, medium-risk or high-risk sports.

(2) Where a specification of sport codes is made, the Sports Minister shall cause notice of the sport codes to be given as soon as may be in such manner as he or she thinks necessary for bringing it to the attention of all persons who, in his or her opinion, ought to have notice thereof.

(3) Any person representing athletes and their associated sport staff who wish to train, exercise or compete in any low-risk sports must obtain the approval beforehand of the Sports

Ministry for the competition to take place by applying in writing through the Sports and Recreation Commission to the Minister, giving—

- (a) all relevant particulars of the proposed event or events (including the nature of the low-risk sport, the names of the persons, if any, officiating or presiding at the competition, the venue and times of the event or events, and the names of the athletes and staff members) for approval; and
- (b) particulars of what measures (not inconsistent with those set forth in subsection (4) or (5)) will be taken to prevent the transmission of the COVID-19 formidable epidemic disease during the competition; and
- (c) if it is proposed that spectators should be allowed at the competition, particulars of what measures (not inconsistent with those set forth in subsection (5)) will be taken to prevent the transmission of the COVID-19 formidable epidemic disease during the competition.

(4) Except for good cause shown in advance to an enforcement officer—

- (a) venues at which low-risk sports take place must not be open earlier than 0800 hours or later than 1630 hours;
- (b) if spectators are allowed at the venue as approved under subsection (6), no gathering in excess of one hundred (100) spectators is permitted at any venues at which low-risk sports events take place.

[Paragraph amended by s. 4 of SI 287 of 2020]

(5) The Sports Ministry shall give the approval applied for under subsection (3)(a) and (b) if it is satisfied that, at any venue where the low-risk sport event is to take place—

- (a) every athlete and member of the associated sport staff must, before training, exercising or competing, submit to temperature checks and, before, after and between competitions, sanitise their hands;
- (b) every athlete and member of the associated sport staff and spectator observe the social distancing rule and (in the case of spectators) wear face masks;
- (c) the following items must not be shared among or between athletes and members of the associated sport staff—
  - (i) personal and sports equipment and apparel, towels and other laundry;
  - (ii) consumables and receptacles thereof, such as water bottles and cups;
  - (iii) PPEs in the form of face masks, tissues or wipes;
- (d) PPEs in the form of face masks, tissues, wipes and alcohol-based sanitiser must be available for distribution to athletes and members of the associated sport staff;
- (e) PPEs for distribution to athletes and members of the associated sport staff must be safely stored before use in closed containers and disposed of safely after use;
- (f) gloves must be worn by every member of the handling sports equipment and apparel, towels and other laundry, and by every athlete if there is any risk of physical contact with other athletes or members of the associated sport staff;
- (g) no liquor shall be served or offered for sale;
- (h) food may be offered for sale but only on a take-away basis;

- (i) the responsible authority at the venue shall keep a logbook of all athletes and associated sport staff entering and exiting the venue and keep such logbook for inspections by enforcement officers at any time within 30 days from the date the event to which it relates took place.

(6) The Sports Ministry shall give the approval applied for under subsection (3)(c) if it is satisfied that, at any venue where the low-risk sport event is to take place—

- (a) spectators will observe the social distancing rule, wear face masks, submit to temperature checks on entry to the venue and on such entry have their hands sanitised, and be afforded the facility of sanitising their hands at any location in the venue designated for that purpose; and
- (b) no liquor shall be served or offered for sale; and
- (c) food is offered for sale but only on a take-away basis.

(7) Persons training, exercising or competing in a venue where low-risk sports take place, or who are members of the associated sport staff at that venue, 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 applicable provisions of this section;
- (c) to disperse and return home where the applicable provisions of this section are not being observed.

(7a) With effect from the 20th September, 2020, the operator of any gymnasium falling within the definition of “business in the formal commercial and industrial sector” in section 16 is permitted to open for business at any time between 0630 hours and 1830 hours, and the patrons thereof shall comply with subsection (6) as if they were spectators at low risk sports events.

[Subsection inserted by s. 6 of SI 223/2020]

(8) An enforcement officer shall in the course of any low-risk sports event have free and unhindered access to the venue where it is taking place to ensure that the appropriate provisions of this Order are being complied with.

(9) Any person who fails to comply with an order given under this section, or who hinders or obstructs an enforcement officer from having the access referred to in subsection (5), or who fails to keep or to provide for inspection by an enforcement officer the logbook referred to in subsection (5)(i), 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 or to both such fine and such imprisonment.

*Certain informal traders deemed to be Part V exempted persons*

19.(1) Every informal trader who—

- (a) is registered with a local authority for the purpose of paying presumptive tax in terms of the Twenty-Sixth Schedule to the Income Tax Act [*Chapter 23:06*]; or
- (b) in accordance with the Twenty-Sixth Schedule to the Income Tax Act [*Chapter 23:06*], notifies a lessor to whom or to which he or she pays rent that he or she carries on his or her trade as such from the rented premises;

shall, subject to this section, be deemed to be a person operating or employed in a business or industry in the formal commercial and industrial sector.

(2) A person shall be presumed to be a Part V exempted informal trader if he or she produces to an enforcement officer on demand proof of registration or notification as an informal trader in terms of subsection (1)(a) or (b).

(3) Section 17(3), (5), (6) and (7) applies to Part V exempted informal traders.

*Additional Part V exempted persons: restaurants, hotels other tourism services and liquor licensees*

19A. Subject to this section and section 17, with effect from the 10th September, 2020, persons operating or employed in a business or industry referred to in sections 19B and 19C shall be regarded as persons employed in an essential service for the purposes of section 4(1)(a)(iii) and section 5(1)(g).

[Section inserted by s. 6 of SI 216 of 2020]

*Special provisions for restaurants, hotels and the tourism sector*

19B.(1) In this section—

“commercial waterborne vessel” has the meaning given to it in Part IVF of the 26th Schedule to the Income Tax Act [*Chapter 23:06*];<sup>13</sup>

“hunting safari” includes a photographic or viewing safari conducted by a hunting safari operator, whether or not in conjunction with a hunting safari;

“hunting safari operator” means a person who, for reward, conducts any other person on a hunting safari;

“foreign client”, in relation to a hunting safari operator, means a person not ordinarily resident in Zimbabwe who contracts directly or indirectly with the operator to go on a hunting safari conducted by the operator;

“parks and wild life land” means land which—

(a) is Parks and Wild Life Estate in terms of the Parks and Wild Life Act [*Chapter 20:14*] (s. 2(1) Regional, Town and Country Planning Act)<sup>14</sup>; and

(b) is open to visitors and tourists under conditions prescribed by or under that Act;

“Parks and Wild Life Management Authority” means the Parks and Wild Life Management Authority established under the Parks and Wild Life Act [*Chapter 20:14*];

“professional hunter” means a person licensed as such in terms of the Parks and Wild Life (General) Regulations, 1990, published in Statutory Instrument 362 of 1990;

“restaurant” means any place where food or drink is served to members of the public for payment, and, for the purposes of this section, includes a restaurant attached to a hotel serving the residents thereof.

(2) Subject to this section—

(a) restaurants may serve customers for sit-in meals during licensed hours, and, subject to section 19C, may sell liquor to customers for consumption on the premises; and

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<sup>13</sup> The definition in the 26th Schedule to the Income Tax Act covers fishing rigs as well as ships, boats, canoes and other vessels employed for the carriage of passengers for profit on inland waters.

<sup>14</sup> The words in brackets seem to have been inserted in error.

- (b) national parks and other amenities and facilities operated by or on behalf of the Parks and Wild Life Management Authority may be opened and operated for the benefit of tourists and visitors, including foreign tourists, visitors or clients already in the country at the date of promulgation of the Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 13) (the 3rd July, 2020), and who are not in quarantine or isolation in terms of the principal regulations or this order; and
- (c) hunting safari operators may provide services for professional hunters and other customers of their services and facilities who are not foreign clients or foreign tourists (except those already in the country at the date of promulgation of the Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 13), (the 3rd July, 2020), and who are not in quarantine or isolation in terms of the principal regulations or this order);
- (d) operators of commercial waterborne vessels may provide services to visitors, tourists, excursionists or passengers generally;
- (e) the Trustees of the National Museums and Monuments established under the National Museums and Monuments Act [*Chapter 25:11*] may open the monuments, museums and other facilities for which they are responsible to members of the public.

[Paragraph inserted by s. 7 of SI 223/2020]

(3) In addition to the restrictions imposed on restaurants by this order and to the extent that restaurants are by this order permitted to operate, every owner or operator of a restaurant must see to it that—

- (a) only such chairs and tables are set out as will enable the restaurant to operate at not more than half its full capacity, and that customers at sit-in meals must observe the social distancing rule in relation to each other and cover their mouths and noses with a face mask when not consuming food or drink;
- (b) disinfect all counters and any tables and chairs in use in the restaurant or hotel, before and after the opening of the premises for business;
- (c) every member of the staff of the restaurant—
  - (i) has a COVID-19-free certificate issued within the previous fourteen working days, and be tested for the presence of the COVID-19 disease on or before the expiry of such certificate; and
  - (ii) wears a face mask and gloves while at work at the restaurant; and
  - (iii) on removal for any reason of his or her gloves, and in any event at intervals not exceeding three hours at a time, washes and sanitises his or her hands.

(4) Every customer of the restaurant must—

- (i) wear a face mask while at the restaurant and observe the social distancing rule; and
- (ii) submit to having his or her hands sanitised on entry into and on exit from the restaurant.

(5) Subsections (3) and (4) shall apply to facilities of a like nature to restaurants operated by the Parks and Wild Life Management Authority and operators of commercial waterborne vessels.

(6) Every hotel shall dedicate a room in the premises of the hotel for isolating any patron or resident of the hotel is found to exhibit symptoms of the COVID-19 disease, until such time as an enforcement officer may remove the patron or resident to a hospital or place of isolation or quarantine for testing and, if necessary temporary detention.

(7) In addition to the restrictions imposed by this order, the Parks and Wild Life Management Authority and every hunting safari operator and operator of a commercial waterborne vessel must see to it that—

- (a) where appropriate in any gathering of more than two persons each person wears a face mask and observes the social distancing rule;
- (b) disinfect all premises, vehicles, vessels, tables and chairs in use in connection with the facility operated by the Parks and Wild Life Management Authority, operator of a commercial waterborne vessel and hunting safari operator concerned, before and after the opening of the facility for business;
- (c) every member of the staff of the Parks and Wild Life Management Authority, operator of a commercial waterborne vessel and hunting safari operator concerned—
  - (i) has a COVID-19-free certificate issued within the previous fourteen working days, and be tested for the presence of the COVID-19 disease on or before the expiry of such certificate; and
  - (ii) wears a face mask and gloves while at work; and
  - (iii) on removal for any reason of his or her gloves, and in any event at intervals not exceeding three hours at a time, washes and sanitises his or her hands.

(7a) Subsection (7) shall apply to the employees of and facilities managed by the Trustees of the National Museums and Monuments as they apply to the Parks and Wild Life Management.

[Subsection inserted by s. 7 of SI 223/2020]

(8) Any order of an enforcement officer issued for the purposes of this section to the owner or operator of a restaurant or hotel, or to a responsible person at a facility operated by the Parks and Wild Life Management Authority or a hunting safari operator, or to a patron or resident of an hotel for the purposes of subsection (5), shall have the same force and be subject to the same penalties for non-compliance therewith as are specified in section 6 of the principal regulations.

[Section inserted by s. 6 of SI 216 of 2020]

*Special provisions for liquor licensees*

19C.(1) In this section—

“liquor licensee” means the holder under the Liquor Act [*Chapter 14:12*], of any one or more of the following licences—

- (a) a wholesale liquor licence;
- (b) a wine producer’s liquor licence;
- (c) a bottle liquor licence;
- (d) an agent’s liquor licence;
- (e) an airport bottle liquor licence;
- (f) a club liquor licence;



- (g) a restaurant (ordinary) liquor licence;
- (h) a restaurant (special) liquor licence;
- (i) a special bottle liquor licence for rural areas;
- (j) a passenger vessel liquor licence;
- (k) a park area liquor licence;
- (l) a camp and caravan park liquor licence;
- (m) hotel liquor licence;
- (n) hotel (private) liquor licence;

but does not, for the purpose of this section, include the holder under the Liquor Act [Chapter 14:12] of any one or more of following licences—

- (o) a bar liquor licence (other than one granted to an hotel);
- (p) a beerhall liquor licence;
- (q) a casino liquor licence;
- (r) a nightclub liquor licence;
- (s) a theatre liquor licence;
- (t) a theatre club liquor licence.

(2) Subject to this section—

- (a) liquor licensees referred to in paragraphs (a) to (e) of the definition of “liquor licensee” may sell liquor to customers for consumption off the premises during licensed hours or no earlier than 0800 hours and no later 1630 hours (whichever is the more restrictive time period);
- (b) liquor licensees referred to in paragraphs (f) to (l) of the definition of “liquor licensee” may sell liquor to customers for consumption on the premises during licensed hours or no earlier than 0800 hours and no later 1630 hours (whichever is the more restrictive time period);
- (c) liquor licensees referred to in paragraphs (m) and (n) of the definition of “liquor licensee” may sell liquor to customers for consumption on the premises during licensed hours.

(3) Section 19B(3)(a), (b) and (c) and (4) shall apply to liquor licensees as they apply to hotels and restaurants.]

(4) Notwithstanding subsection (2)(b), for the duration of the national lockdown or unless earlier prescribed otherwise, the liquor licensees there mentioned may not sell liquor.

[Subsection inserted by s. 5 of SI 61/2021]

[Section inserted by s. 6 of SI 216 of 2020 and substituted by s. 4 of SI 217 of 2020.]

## PART VI

## GENERAL

*Prohibition of hoarding of medical supplies needed to combat COVID-19 and other offences*

20.(1) No person shall, at his or her home or in any other premises or location, hoard medical supplies needed to combat COVID-19.

(2) No person shall, at his or her home or in any other premises or location, hoard food in excess of what is needed to be stored for himself or herself and his or her family during the period of the national lockdown.

(3) No person shall export or attempt to export from Zimbabwe medical supplies needed to combat COVID-19 unless the exporter or other person in charge of the consignment for export of such supplies produces to a revenue, customs or enforcement officer a certificate issued by or under the authority of the Minister to the effect that such supplies are in excess of what is required in Zimbabwe to combat the disease.

(4) Any person who contravenes subsection (1), (2) or (3) 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) If there is a reasonable suspicion that any person is hoarding medical supplies needed to combat COVID-19, or food, whether at his or her home or in any other premises or location, an enforcement officer may, upon a warrant obtained from a magistrate or justice of the peace authorising such search and seizure, search such home, premises or location and seize any property suspected to be medical supplies needed to combat COVID-19, or any excess food as contemplated by subsection (2).

(6) A magistrate or justice of the peace may issue a warrant contemplated in subsection (4) if it appears to him or her on oath or affirmation by an enforcement officer that any person is reasonably suspected of hoarding medical supplies needed to combat COVID-19.

(7) Any person taking advantage of the national lockdown to profiteer, or raise prices of goods or services or rents, shall be subject to the penalties prescribed by law for contravention of the appropriate statutory provisions.

*Local authorities to make land or premises available for isolation and quarantine*

21. By written order addressed to any local authority the Minister may require such local authority to set aside and make available during the period of national lockdown any land or premises adequate for the quarantine or isolations of more than fifty (50) persons at a time who are infected with or suspected of being infected with COVID-19, and to comply with the directions of any specified enforcement officer for the management of such land or premises.

*False reporting during national lockdown*

22. For the avoidance of doubt any person who publishes or communicates false news about any public officer, official or enforcement officer involved with enforcing or implementing the national lockdown in his or her capacity as such, or about any private individual that has the effect of prejudicing the State's enforcement of the national lockdown, shall be liable for prosecution under section 31 of the Criminal Law Code ("Publishing or communicating false

statements prejudicial to the State”) and liable to the penalty there provided, that is to say a fine up to or exceeding level 14 or imprisonment for a period not exceeding twenty years or both.

*Special provisions for restaurants, hotels and the tourism sector*

23. ...

[Section repealed by s. 7 of SI 216 of 2020]<sup>15</sup>

*Deferment of expiry of certain documents issued under Cap. 12:11*

24.(1) In this section—

“defensive driving certificate” means a defensive driving certificate issued in terms of section 4 of the Road Traffic (Public Service Vehicle Drivers) Regulations, 2006, published in Statutory Instrument 168 of 2006;

“learner’s license” means a learner’s license issued in terms of the Road Traffic (Licensing of Drivers) Regulations, 1977, published in RGN 240 of 1977;

“re-testing of a public service vehicle driver” means the re-testing referred to in section 5 of the Road Traffic (Public Service Vehicle Drivers) Regulations, 2006, published in Statutory Instrument 168 of 2006.

(2) If the period of validity of a learner’s licence expires after the 30th March, 2020, its validity shall be automatically extended from the date of expiry to a date ending 180 days thereafter, or to the date when the national lockdown ends, whichever is the earlier date.

(3) If the period of validity stated on a defensive driving certificate expires after the 30th March, 2020, its validity shall be automatically extended from the date of expiry to a date ending 180 days thereafter, or to the date when the national lockdown ends, whichever is the earlier date.

(4) If the date on which a public service vehicle driver must be re-tested falls due at any time between the 30th March, 2020, and the date when national lockdown ends, the driver shall be re-tested on a date or dates to be notified by the Minister of Transport and Infrastructural Development by General Notice in the *Gazette*, and until such date or dates the public service vehicle drivers concerned are deemed to have been duly and successfully re-tested.

(5) Notwithstanding this section, the period of extended validity under subsection (2) of a learner’s licence, or under subsection (3) of a defensive driving certificate, or the extension of the period before which a public service vehicle driver must again be tested under subsection (4), is terminated with effect from the seventh day after the date of promulgation of the Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (No. 2) (Amendment) Order, 2020 (No. 4),<sup>16</sup> unless the Minister of Transport and Infrastructural Development by General Notice in the *Gazette* specifies a later date or dates for such termination.

[Subsection inserted by s. 8 of SI 223/2020]

*Curfew; limitation of business hours and other measures affecting businesses*

25.(1) In this section—

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<sup>15</sup> The section is re-enacted as section 19B.

<sup>16</sup> The seventh day after the Order was published is Wednesday 30th September, 2020.

“curfew” means the restriction on the movement of persons imposed by subsection (3);

“non-essential business”, for the purpose of this section, means—

- (a) the business of a manufacturer as defined in Part IV (“Phased Relaxation of National Lockdown”);
- (b) a business referred to in Part V (“Level 2 Phased relaxation of National Lockdown”);
- (c) a business referred to in section 23 (“Special provisions for restaurants, hotels and the tourist sector”), other than a restaurant attached to a hotel serving the residents thereof;

“non-essential personnel”, for the purpose of this section, means—

- (a) persons employed in any service that is not an “essential service” as defined in this section; and
- (b) persons employed in a non-essential business;

“essential service”, for the purpose of this section, means—

- (a) any service that is defined as such in section 2 other than a service referred to in the following paragraphs of the definition of “essential service” in section 2—
  - (i) paragraph (f) (the production, supply, delivery and distribution of food, fuel and coal is permitted during a curfew but not the operation of supermarkets and food retail stores during the curfew); or
  - (ii) paragraph (g) (except such operations as are necessary for the after-hours security of banking institutions, bureaux de changes and money transfer services during a curfew); or
  - (iii) paragraphs (m) and (u);

and

- (b) mining operations and the operations of a designated tobacco auction floor as defined in Part IV (“Phased Relaxation of National Lockdown”).

(2) There shall be in force a curfew beginning at 2200 hours every day and ending at 0530 hours on the following day.

[Subsection substituted by s. 3 of SI 10/2021, s. 2 of SI 42/2021 and s. 6 of SI 61/2021]

(3) ...

[Subsection substituted by s. 3 of SI 282/2020 and repealed by s. 3 of SI 10/2021]

(4) The effect of the curfew is that the vehicular and non-vehicular movement of non-essential personnel outside of their homes is prohibited and subject to the penalties and measures specified in section 4(3), (4) and (5), unless any person can satisfy an enforcement officer that their movement is justified on any ground specified in section 4(a)(ii), (iii), (iv), (v), or (vi), or on exceptional or humanitarian grounds, the burden of showing which shall rest on the person invoking any such grounds.

(5) Notwithstanding anything in this order before its amendment by the Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 14)—

- (a) every supermarket, food retail store, fuel outlet, hunting safari operator, professional hunter and non-essential business shall open not earlier than 0800 and close no later than 1900 hours on every business day; and

[Paragraph substituted by s. 3 of SI 217 of 2020, by s. 5 of SI 287 of 2020 and by s. 6 of SI 61/2021]<sup>17</sup>

- (a1) every restaurant shall (to the extent it is permitted to operate by this order) open not earlier than 0800 and close no later than 1900 hours on every business day;

[Paragraph inserted by s. 5 of SI 287 of 2020 and substituted by s. 6 of SI 61/2021]

- (b) no low-risk sports event referred to in section 18 may take place earlier than 0800 hours or later than 1630 hours on any day; and
- (c) no gathering otherwise permitted by section 5(1) shall be permitted to take place earlier than 0800 hours or later than 1630 hours on any day, except for a gathering referred to in section 5(1)(a), (c), (e), (f) or (g).

(6) In addition to the restrictions and measures imposed by this order on supermarkets, food retail stores, fuel outlets, restaurants, hunting safari operators and professional hunters and non-essential businesses, every owner or operator of such an undertaking or establishment must see to it that, as soon as any employee of the undertaking or establishment tests positive for the presence of the COVID-19 disease, or is confirmed to have died or been hospitalised or isolated or quarantined because of it, the owner or operator shall—

- (a) close the premises of the undertaking or establishment and disinfect it and all furnishings in it before and after the opening of the premises for business; and
- (b) immediately before opening the premises for business ensure that every employee who had or may have had contact with the infected employee is tested for the presence of the COVID-19 disease.

(7) Any order of an enforcement officer issued for the purposes of subsections (5) and (6) shall have the same force and be subject to the same penalties for non-compliance therewith as are specified in section 6 of the principal regulations.

*Seizure of public transport vehicles used in contravention of lockdown; dedicated lanes for public transport vehicles*

26.(1) Where any public transport vehicle or other vehicle used for the transport of passengers for gain, is used in connection with any offence under this order (prohibiting the operation of such transport) an enforcement officer, if such vehicle is used again after the driver or owner thereof has been warned or charged for such offence, shall have the power to seize such vehicle as an exhibit in connection with the prosecution of such owner or driver for such offence in accordance with the relevant provisions of the Criminal Procedure and Evidence Act [*Chapter 9:07*].

(2) Wherever possible, enforcement officers manning a roadblock shall keep open a separate lane through the road block for the quick passing through of public transport vehicles operated in compliance with this order.

[Section substituted by s. 8 of SI 216 of 2020]

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<sup>17</sup> Both section 3 of SI 217 of 2020 and sec 5 of SI 287 of 2020 purported to amend section 25(6)(a) of the Order, but section 25(5)(a) was obviously intended.

*Proof of certain matters*

26A. Wherever in this order any person bears the burden of proving to the satisfaction of an enforcement officer that he or she is lawfully outside his or her home by reason of being covered by any exception prescribed by this order, such person may, in the absence of proof in the form of a letter from an employer or other appropriate letter, discharge his or her burden by any other means satisfactory to the enforcement officer.

[Section inserted by s. 7 of SI 61/2021]

*Repeals*

27. The orders specified in the Schedule are repealed.

*Partial Reversion to Level IV national lockdown*

27A. ...

[This section imposed a Level IV lock-down from the 3rd January until the 1st March, 2021. The lock-down was not renewed, so the section must be regarded as having expired.]

SCHEDULE (*Section 27*)

## REPEALS

<i>Order</i>	<i>Statutory Instrument</i>
Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) Order, 2020 (No. 3).....	83 of 2020
Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 1) .....	84 of 2020
Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 2) .....	86 of 2020
Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 3) .....	93 of 2020
Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 4) .....	94 of 2020
Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 5) .....	99 of 2020
Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 6) .....	101 of 2020
Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 7) .....	102 of 2020
Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 8) .....	110 of 2020
Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 9) .....	115 of 2020
Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 10) .....	136 of 2020

Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 11) .....	144 of 2020
Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 12) .....	153 of 2020
Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 13) .....	160 of 2020
Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 14) .....	174 of 2020
Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 15) .....	186 of 2020