

Public Health (COVID-19 Prevention, Containment and
Treatment) Regulations, 2020

ARRANGEMENT OF SECTIONS

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

Title

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

Interpretation

2. In these regulations—

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

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

“enforcement officer” means—

- (a) a police officer, peace officer or member of the municipal police force established for any local authority; or
- (b) the Chief Health Officer, every Director (Health Services) of any local authority, every district health officer of any district, and every medical officer of health (in each case assisted by a police officer, peace officer or member of a municipal police force);
- (c) an area civil protection officers identified pursuant to section 10;

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

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

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

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

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

Declaration of COVID-19 as Formidable Epidemic Disease

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

(2) The declaration of COVID-19 as a formidable epidemic disease has effect till the 20th May, 2020, unless the Minister earlier, by general notice in the *Gazette*, extends these regulations by a further month, and may, upon expiry of that extension, in like manner further extend them for a month at a time.

Object and scope of regulations

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

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

Prohibition of gatherings

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

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

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

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

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

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

- (3) Any person partaking at a gathering or convener thereof—
 - (a) partakes in or convenes a gathering knowing that such gathering is prohibited in terms of subsection (1); or
 - (b) refuses to disperse from a gathering after being ordered to disperse in terms of subsection (2)(a);

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

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

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

- (a) order the individual or individuals concerned to submit to a medical examination, instantly or at the time and place ordered, which examination may include but not be limited to the taking of any bodily sample by a health practitioner or other person acting under the supervision of a health practitioner;
- (b) order the mandatory treatment or prophylaxis of the individual or individuals concerned;
- (c) order the sequestration or disinfection or both of the baggage and personal effects of the individual or individuals concerned;
- (d) order the disinfection or evacuation (for a period not exceeding 24 hours) or both of the homes of the individual or individuals concerned or of any building or premises wherein they work or gather for any purpose;
- (e) order the on-site detention, isolation or quarantining of the individual or individuals concerned, or their removal to a hospital or place of isolation or quarantine, and their detention at such site, hospital or place of isolation, pending the examination, treatment, prophylaxis or

disinfection contemplated by paragraph (a) or (b), for a period expiring 48 hours after such order or until the certification of the individual or individuals concerned to be free of infection from COVID-19, which occurs the later.

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

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

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

- (a) shall be communicated by any means (verbal, written, broadcast or electronic) likely to make them known to the persons affected by them;
- (b) that provide for the detention, isolation or quarantine of any individual or group of individuals must make reasonable provision for the individual or individuals concerned—
 - (i) to have access to or be provided with basic necessities to enable them to maintain an acceptable standard of nutrition and hygiene;
 - (ii) to be released temporarily from such detention, isolation or quarantine under specified conditions with the knowledge or consent of an enforcement officer;
- (c) shall be enforced, as needed, with the assistance of persons referred to in paragraph (a) of the definition of “enforcement officer” in section 2;

(d) shall be recorded and authenticated by the enforcement officers who issued them, and be kept for a period of at least twelve months in the event that they are required for the purposes of any audit or judicial proceedings.

(4) Any person who—

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

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

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

Places of quarantine and isolation

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

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

Ministerial orders

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

- (a) impose restrictions of public traffic and of the movements of persons by means of curfews in any local authority;
- (b) close schools or regulate and restrict school attendance in any local authority;

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

(1) authorise in any local authority the evacuation, closing, alteration or, if deemed necessary, the demolition or destruction of any premises the occupation or use of which is considered likely to favour the spread or render more difficult the eradication of such disease, and define the circumstances under which compensation may be paid in respect of any premises so demolished or destroyed and the manner of fixing such compensation;

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

Certification of certain enforcement officers

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

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

Assistance by area civil protection officers

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