

Public Health (COVID-19 Prevention, Containment and Treatment)
(National Lockdown) (No. 2) (Amendment) Order, 2021 (No. 35)

IT is hereby notified that the Minister of Health and Child Care has, in terms of section 8(1) of the Public Health (COVID-19 Prevention, Containment and Treatment) Regulations, 2020 (published in Statutory Instrument 77 of 2020), made the following order:—

1. This order may be cited as the Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (No. 2) (Amendment) Order, 2021 (No. 35).

2. The Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (No. 2) Order, 2020, published in Statutory Instrument 200 of 2020 (hereinafter called “the principal order”), is amended in section 17 (“Part V exempted persons”)(1) is amended by the repeal of paragraph (a) of the proviso thereto and the substitution of—

“(a) low-risk, medium risk and high risk sporting activities will be permitted to take place no earlier than 0800 hours or later than 2000 hours, but shall be open only to such sportspersons as have been vaccinated;”.

3. The principal order is amended by the insertion of the following section after section 26H—

“Vaccine mandate

26HH. (1) In this section—

“asymptomatic” means not exhibiting any symptoms of the COVID-19 disease;

“COVID-19 infection hotspot” or “hotspot” means any district or other locality that is subject to a special lockdown referred to in section 26E;

“fully vaccinated” means having received the first and second doses of a vaccine;

“gathering” means a gathering of more than two persons for a purpose specified in section 5(1)(j), (gatherings at a place of worship for the purpose of worship) which are subjected to a vaccine mandate;

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“proof of full vaccination” means a material or electronic certificate wherein is recorded—

- (a) the name of the person vaccinated and his or her date of birth; and
- (b) his or her national identification number, passport number or driving licence number; and
- (c) the place or places of vaccination; and
- (d) the date of administration of the second vaccine dose; and
- (e) the kind of vaccine administered by its brand name (Sinovac, Sinopharm, Sputnik, etc.);

“vaccinate” or “inoculate” and its derivative terms means to administer to a person a substance of a kind and a brand (Sinovac, Sinopharm, Sputnik etc) approved by the Ministry of Health for the purpose of producing in that person an immunity against the COVID-19 disease and any of its variants;

“vaccine mandate” means the requirement under subsection (2) for the classes of persons there mentioned to be fully vaccinated by the 15th October, 2021.

(2) For the avoidance of doubt, this section does not apply to gatherings of two or more persons for a purpose specified in section 5(1) other than gatherings referred to in paragraph (j) of that provision (gatherings at a place of worship for the purpose of worship).

(3) Notwithstanding anything to the contrary contained in this order or any other law, no later than the 15th October, 2021—

- (a) every member of the Public Service shall be fully vaccinated, and any member—
 - (i) not so vaccinated shall be barred from the workplace after the 15th October, 2021, and not be paid while he or she is so barred;

- (ii) who refuses to be fully vaccinated shall be subject to disciplinary proceedings on the basis that he or she failed to obey a lawful instruction:

Provided that if the head of Ministry or head of department is satisfied that any member of the Public Service is employed in that Ministry or department has a reasonable excuse for not being fully vaccinated by the 15th October, 2021 (which excuse shall be recorded in writing and promptly notified by the head concerned to the Commission), the head concerned may in relation to that member extend the vaccine mandate to no later than the 31st December, 2021;

- (b) the convener or person responsible for any place at which a gathering may occur shall not admit any person to that gathering unless he or she exhibits proof of full vaccination:

Provided that—

- (i) if any person is unable to exhibit proof of full vaccination, but, being asymptomatic, is able to exhibit proof that he or she has been tested negative for COVID-19 within the preceding forty-eight hours by means of a PCR or rapid antigen test, then entry into the place or gathering shall be permitted at the discretion of the person responsible for the place or the convener of the gathering;
- (ii) notwithstanding proviso (i), the convener or person responsible for any place at which a gathering may occur shall, at the direction of an enforcement officer acting to prevent the spread of the

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COVID-19 disease within or adjacent to a declared hotspot, refuse participation at the gathering to persons who fail to exhibit proof of full vaccination.

(4) For the avoidance of doubt, any person who exhibits false proof of full vaccination or is concerned in any way with the production, distribution, sale or offer for sale of any such certificate or who alters any such certificate with intent to deceive shall be guilty of forgery as provided in the Criminal Law Code.”.

4. Section 3(1) of the Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (No. 2) (Amendment) Order, 2021 (No. 34)), published in Statutory Instrument 228B of 2021, is amended by the insertion of the following paragraph after paragraph (h)—

“(i) with respect to all gatherings referred to in section 5(1)(j) of the principal order (gatherings at a place of worship for the purpose of worship), no admittance shall be permitted into the place of worship concerned in excess of fifty *per centum* of the maximum number of persons such place can hold (sitting or standing);”.