

Public Health (COVID-19 Prevention, Containment and Treatment)
(National Lockdown) (Amendment) Order, 2020 (No. 10)

It is hereby notified that the Minister of Health 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) (Amendment) Order, 2020 (No. 10).

2. The Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) Order, 2020, published in statutory instrument 83 of 2020 (hereinafter called “the principal order”), is amended in section 2 (“Interpretation”):

(a) in the definition of “essential service” by the insertion of the following paragraph after paragraph (v)—

“(w) the work 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));;

(b) in the definition of “public place” by the insertion of the following subparagraph after paragraph (b)(viii)—

“(ix) casinos and other gaming establishments licensed or required to be licensed under the Lotteries and Gaming [*Chapter 10:26*] (No. 26 of 1998);

(c) by the insertion of in the following definitions—

““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

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on the certificate the bearer was tested for COVID-19 and found to be free of it;

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

“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;

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

“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;

“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;”.

3. Section 4 (“National lockdown”) of the principal order is amended by the repeal of subsection (4) and the substitution of—

“(4) 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 twelve or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.”.

4. Section 5 (“Prohibition of gatherings”) of the principal order is amended—

- (a) in subsection (1) by deletion of “no gathering of more than fifty individuals” and the substitution of “no gathering of more than two individuals”;
- (b) by the insertion in subsection (1) of the following paragraphs after paragraph (g)—

“(h) individuals gathered pursuant to, and in accordance with conditions of, Part IIIA (“Phased Relaxation of National Lockdown”);

(i) individuals gathered pursuant to, and in accordance with conditions of, Part IIIB (“Level 2 Phased relation 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,

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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;
- (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;
 - (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;

- (l) individuals gathered pursuant to, and in accordance with conditions of, section 16 (“Special provisions for restaurants and hotels”).”;
- (c) in subsection (2)(b) by the deletion of “subsection (1)(d), (e), (f) or (g) to observe the social distancing rule” and the substitution of “subsections (1)(d), (e), (f), (g), (h), (i), (j) and (k) to observe the social distancing rule and wear face masks”.

5. Section 8 (“Power to close ports of entry and exit”)(1) of the principal order is amended—

- (a) in paragraph (a) (concerning returning citizens and residents) by the insertion of the following additional proviso thereto—

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

- (i) 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
 - (ii) keep the same in a safe and secure place of custody until it is collected.”;
- (b) in paragraph (e)(i) (concerning truck drivers) by the repeal of subparagraph B and the substitution of—

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- “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;”;

- (c) by the insertion of the following paragraphs after paragraph (c)—

“(f) 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 rapid results 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 their 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

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to and placed in a hospital or place of isolation or quarantine until their 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.”.

6. Section 11E (“Interpretation in Part IIIB”) of the principal order is amended by the insertion of the following definitions—

““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 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 carries on his or her trade as such;

“Part IIIB exempted informal trader” means an informal trader who qualifies in terms of section 11H to be exempted from the national lockdown in accordance with this Part;”.

7. The principal order is amended in Part IIIB (“Level 2 Phased Relaxation of National Lockdown”) by the insertion of the following section after section 11G—

“Certain informal traders deemed to be Part IIIB exempted persons

11H. (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 IIIB exempted informal trader if he or she produces to an enforcement officer on

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demand proof of registration or notification as an informal trader in terms of subsection (1)(a) or (b).

(3) Section 11F (3), (5), (6) and (7) applies to Part IIIB exempted informal traders.”.

8. The principal order is amended by the insertion after section 15 of the following section—

“Special provisions for restaurants and hotels

16. (1) In this section—

“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) 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 are set out as will enable any customer who is an older person, an infirm person or a disabled person to sit in (while complying with the social distancing rule) until they are served, whereupon the customer must depart with his or her order;
- (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) no customer shall eat or drink at the premises of the restaurant if it is not a restaurant attached to a hotel serving the residents thereof;
- (d) 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;

(3) 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.

(4) Any order of an enforcement officer issued to the owner or operator of a restaurant or hotel for the purposes of this section, or to a patron or resident of a hotel for the purposes of subsection (2), 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.”.

