

Public Health (COVID-19 Prevention, Containment and Treatment)
(National Lockdown) (No. 2) (Amendment) Order, 2020 (No. 2)

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, 2020 (No. 2).

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 2 (“Interpretation”) —

(a) in the definition of “essential service” subsection (1) by the insertion of the following paragraph after paragraph^(x) —

“(y) the work of ZIMSTAT established in terms of the Census and Statistics Act [*Chapter 10:29*] (No. 1 of 2007).”;

(b) by the insertion of in the following definition—

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

3. Section 4 (“National lockdown”) of the principal order is amended—

(a) in subsection 1(a) by the insertion of the following subparagraph after subparagraph (viii)—

“(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;”;

(b) by the repeal of subsection (3) and the substitution of—

“(3) In relation to transport services (whether permitted by virtue of subsection (2) or not)—

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- (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.”.

4. Section 7 (“Closure of airports and restrictions on aerial transport”) of the principal order is amended—

- (a) in subsection (1) by the insertion of the following paragraph after paragraph (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.”;
- (b) by the repeal of subsection (2) and the substitution of—
 - “(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, in the case of services operated for the purposes of paragraphs (b) and (c), no passenger may board an aircraft unless he or she exhibits a PCR COVID-19-free certificate issued within 72 hours of boarding.”.

5. Section 8 (“Power to close ports of entry and exit”) of the principal order is amended by the repeal of proviso (i) to subsection (1) and the substitution of—

“(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

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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.”.

6. The principal order is amended by the insertion in Part V of the following sections —

*“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).

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*];

“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); 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.

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(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
- (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.

(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—

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- (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.

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(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.

(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.

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 following licences—

- (a) a wholesale liquor licence;
- (b) a wine producer’s liquor licence;
- (d) a bottle store liquor licence;
- (e) an agent’s liquor licence;
- (f) a club liquor licence;
- (g) a restaurant (ordinary) liquor licence;
- (h) a restaurant (special) liquor licence;
- (i) an airport liquor licence;
- (j) a passenger vessel liquor licence;
- (k) a park area liquor licence;
- (l) a camp and caravan park liquor licence;
- (m) an airport liquor licence;
- (n) an hotel liquor licence;
- (o) an 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—

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

(2) Subject to this section—

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- (a) liquor licensees referred to in paragraphs (a) to (d) 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 (e) to (m) 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 (n) and (o) 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.”.

7. Section 23 of the principal order is repealed.

8. Section 26 of the principal order is repealed and the following is substituted—

“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*].

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(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.”.

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