

Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown)
Order, 2020

*As amended by: SI 84/2020; SI 86/2020; SI 93/2020; SI 94/2020; SI 99/2020; SI 101/2020;
SI 102/2020; SI 110/2020; SI 115/2020; SI 136/2020; SI 144/2020; SI 153/2020;
SI 160/2020; SI 174/2020; SI 186/2020*

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Title.
2. Interpretation.
3. Scope of Order.

PART II

NATIONAL LOCKDOWN AND PROHIBITION OF GATHERINGS

4. National lockdown.
5. Prohibition of gatherings.

PART III

BORDER CLOSURE ORDERS

6. Automatic extension of permitted residence of foreign nationals.
7. Closure of airports and restrictions on aerial transportation.
8. Power to close ports of entry and exit.
9. Enforcement of border closure.
10. Commencement and notice of closure order.
11. Offence and penalty under this Part.

PART IIIA

PHASED RELAXATION OF NATIONAL LOCKDOWN

- 11A. Interpretation.

- 11B. Designation of decentralised tobacco auction floors.
- 11C. Exempted persons.

PART IIIB

LEVEL 2 PHASED RELAXATION OF NATIONAL LOCKDOWN

- 11D. Application of Part IIIB.
- 11E. Interpretation.
- 11F. Part IIIB exempted persons.
- 11G. Additional Part IIIB exempted persons: low-risk sportspersons.
- 11H. Certain informal traders deemed to be Part IIIB exempted persons.

PART IV

GENERAL

- 12. Prohibition of hoarding of medical supplies needed to combat COVID-19 and other offences.
- 13. Local authorities to make land or premises available for isolation and quarantine.
- 14. False reporting during national lockdown.
- 16. Special provisions for restaurants, hotels and the tourism sector.
- 17. Curfew; limitation of business hours and other measures affecting businesses.
- 17. Deferment of expiry of certain documents issued under Cap. 12:11.
- 18. Seizure of public transport vehicles used in contravention of lockdown.

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) Order, 2020.

Interpretation

- 2. In these regulations—
 - “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;

[Definition inserted by s.2 of SI 93/2020]

“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;

[Definition inserted by s.2 of SI 136/2020]

“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;

[Definition inserted by s.2 of SI 93/2020]

“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;

[Definition inserted by s.2 of SI 93/2020]

“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 changes, money transfer services;
- (h) any fire brigade or ambulance service;

- (i) communications and telecommunication services, including the Internet, and any public or licensed broadcasting service;¹

[Paragraph substituted by s. 2 of SI 84/2020]

- (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;

[Paragraph substituted by s. 2 of SI 93/2020]

- (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 and civil courts together with their support staff (including the Sheriff of the High Court or messengers of court:

Provided that no action for eviction shall be entertained against any person for exercising any right conferred by the Presidential Powers (Temporary Measures) (Deferral of Rent and Mortgage Payments During National Lockdown) Regulations, 2020, published in Statutory Instrument 96 of 2020);

[Paragraph inserted by s. 2 of SI 84/2020, substituted by s. 2 of SI 101/2020 and amended by s. 2 of SI 153/2020]

- (n) the manufacture and distribution of medical supplies to combat COVID-19 and other medical emergencies;

[Paragraph inserted by s. 2 of SI 86/2020]

- (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);

[Paragraph inserted by s. 2 of SI 86/2020]

- (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;

[Paragraph inserted by s. 2 of SI 86/2020]

- (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;

[Paragraph inserted by s. 2 of SI 86/2020]

- (r) the supply of agricultural inputs and stock feeds;

[Paragraph inserted by s. 2 of SI 86/2020]

- (s) the supply and distribution of veterinary requirements for domesticated farm and non-farm animals and the dipping of cattle;

[Paragraph inserted by s. 2 of SI 86/2020]

¹ This paragraph originally read: “(i) coal mining;”

It was amended by SI 84/2020, as indicated, but the amendment may have been an error; the real intention was probably to amend the next paragraph, paragraph (j).

- (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;

[Paragraph inserted by s. 2 of SI 86/2020]

- (u) the operations of the Zimbabwe Stock Exchange;

[Paragraph inserted by s. 2 of SI 86/2020]

- (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;

[Paragraph inserted by s. 2 of SI 110/2020]

- (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));

[Paragraph inserted by s. 2 of SI 136/2020]

and any other service declared by the Minister, by General Notice, to be an essential service for the purposes of these regulations;

“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);

[Definition inserted by s. 2 of SI 99/2020 and substituted by s. 2 of SI 101/2020]

“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 organisation 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;

[Definition inserted by s.2 of SI 93/2020]

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

[Definition inserted by s.2 of SI 93/2020]

“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;

“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;

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

[Definition inserted by s.2 of SI 136/2020]

“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;

[Definition inserted by s.2 of SI 136/2020]

“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 & plain spirits), wine or beer (including traditional beer);
- (b) any fermented, distilled, spirituous or malted liquor not mentioned in subsection (a) containing more than 2,75 % of absolute alcohol;
- (c) any drink with which anything defined as liquor in subsection (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 non-durable 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 and on intercity, terrestrial, 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 11G, 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;

[Definition inserted by s.2 of SI 110/2020]

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

[Definition inserted by s.2 of SI 136/2020]

“public place” means—

- (a) 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 fifty (50) persons at a time and also liquor establishments;
 - (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);

[Subparagraph inserted by s.2 of SI 136/2020]

“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;

[Definition inserted by s.2 of SI 136/2020]

“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 recognised by the Government;

[Definition inserted by s.2 of SI 136/2020]

“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.

[Definition inserted by s.2 of SI 174/2020]

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 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 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) for the purpose of outdoor exercise, alone or in pairs (who must each observe the social distancing rule and wear a face mask);
[Subparagraph inserted by s. 3 of SI 110/2020 and amended by s. 2 of SI 115/2020]²
 - (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;
- (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”);

² The effect of the amendment is that there are two subparagraphs numbered (v).

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 shall be closed except to such extent as the responsible head of the Ministry or head of that establishment shall direct.
- (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) 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.
- (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);

[Paragraph inserted by s. 3 of SI 84/2020]

- (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 re-fuelling their vehicles while inside the forecourt of the fuel outlet.

[Paragraph inserted by s. 3 of SI 84/2020]

- (i) ...

[Paragraph inserted by s. 3 of SI 99/2020 and repealed by s. 4 of SI 101/2020]

[Subsection amended by s. 3 of SI 93/2020, s. 3 of SI 99/2020 and s. 3 of SI 110/2020]

(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.

(2a) 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.

[Subsection inserted by s. 3 of SI 99/2020]

(3) 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.

(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.

[Subsection substituted by s. 3 of SI 136/2020]

(4a) Any person who contravenes subsection (1), (2) or (4) 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.

[Subsection inserted by s. 4 of SI 101/2020]

(5) 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 to 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.

Prohibition of gatherings

5.(1) Subject to this order, for the period from the 18th May, 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) individuals 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. 5 of SI 101/2020]

- (b) a gathering at a funeral service, provided that not more than fifty (50) individuals 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. 5 of SI 101/2020]

- (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;

[Paragraph amended by s. 5 of SI 101/2020]

- (d) individuals gathered at 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;

[Paragraph amended by s. 5 of SI 101/2020]

- (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;

[Paragraph amended by s. 5 of SI 101/2020]

- (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;

[Paragraph amended by s. 5 of SI 101/2020]

- (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.

[Paragraph amended by s. 4 of SI 99/2020]

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

[Paragraph inserted by s. 4 of SI 136/2020]

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

[Paragraph inserted by s. 4 of SI 136/2020]

- (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 inserted by s. 4 of SI 136/2020]

(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;

[Paragraph inserted by s. 4 of SI 136/2020]

(l) individuals gathered pursuant to, and in accordance with conditions of, section 16 (“Special provisions for restaurants and hotels”).

[Paragraph inserted by s. 4 of SI 136/2020]

[Subsection amended by s. 4 of SI 93/2020, s. 4 of SI 99/2020, s. 5 of SI 101/2020, s. 4 of SI 110/2020 and s. 4 of SI 136/2020]

(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 subsections (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

[Paragraph amended by s. 4 of SI 136/2020]

(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 a fine not exceeding level twelve 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. 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.

Closure of airports and restrictions on aerial transportation

7.(1) For the period from the 30th March, 2020, to the 3rd May, 2020, 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;
- (d) aerodromes operated by or on behalf of Government establishments that are directed to be opened in accordance with section 4(1)(d).

[Paragraph inserted by s. 5 of SI 93/2020]

[Subsection amended by s. 5 of SI 93/2020]

(2) All aerial transport services are prohibited except 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.

(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 twelve 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 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 such 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 must order such citizens, returning residents to be detained, isolated or quarantined in any place for a period of twenty-one days;

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.

[Second proviso inserted by s. 5 of SI 136/2020]

- (b) 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;
- (c) the entry and exit of vehicles involved in the transportation of food and essential supplies and items during the national lockdown;
- (d) 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 departure (or if any such member is infected with COVID-19, a place of isolation), and otherwise comply with subparagraph and (ii);

[Paragraph inserted by s. 6 of SI 93/2020]

- (e) 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 her-self 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;

[Subparagraph B substituted by s. 5 of SI 136/2020]

- (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 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).

[Paragraph inserted by s. 6 of SI 93/2020 and amended by s 3 of SI 94/2020]

- (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 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.

[Paragraph inserted by s. 5 of SI 136/2020]

- (g) the entry or re-entry of any person holding (in his or her name or in the name of an entity of which he or she is the owner, shareholder, manager, director or employee) 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 every such person shall be treated in accordance with paragraph (a) as a re-entering citizen or returning resident.

[Paragraph inserted by s. 3 of SI 153/2020]

(2) 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.

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:

Provided that a customs officer or immigration officer may permit the entry or exit of any particular goods or persons 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 twelve or to imprisonment for a period not exceeding one year to both such fine and such imprisonment.

PART IIIA

PHASED RELAXATION OF NATIONAL LOCKDOWN

[Part IIIA inserted by s. 4 of SI 94/2020]

Interpretation

11A. 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 11B;

“exempted person” means a person deemed to be employed or engaged in an essential service by virtue of subsection 11C (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*].³

[Section inserted by s. 4 of SI 94/2020]

Designation of decentralised tobacco auction floors

11B.(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 floor.

(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.

[Section inserted by s. 4 of SI 94/2020]

Exempted persons

11C.(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.

³ Actually, the title of the Act is the Tobacco Industry and Marketing Act.

(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 [a] fine not exceeding level twelve or to imprisonment for a period not exceeding one year [or] to both such fine and such imprisonment.

[Section inserted by s. 4 of SI 94/2020]

[Part IIIA inserted by s. 4 of SI 94/2020]

PART IIIB

LEVEL 2 PHASED RELAXATION OF NATIONAL LOCKDOWN

[Part IIIB inserted by s. 5 of SI 99/2020]

Application of Part IIIB

11D. 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 IIIA and to the engagement in low-risk sports in any public place or place to which members of the public have access.

[Section inserted by s. 5 of SI 99/2020 and amended by s. 5 of SI 110/2020]

Interpretation

11E. In these Part—

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

[Definition inserted by s. 6 of SI 110/2020]

“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;
- (e) being a party to a collective bargaining agreement negotiated through an Employment Council governing the business in question;

but does not include any business, industry trade or occupation referred to in paragraph (b) of the definition of "public place" in section 2;

"enforcement officer" includes, for the purposes of section 11G, any person accredited by the Ministry as an enforcement officer responsible for monitoring compliance with this Part;

[Definition inserted by s. 3 of SI 115/2020]

"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;

[Definition inserted by s. 6 of SI 136/2020]

"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;

[Definition inserted by s. 6 of SI 136/2020]

“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 11F(2)⁴;

[Definition inserted by s. 6 of SI 110/2020 and amended by s. 3 of SI 115/2020]

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

[Definition inserted by s. 6 of SI 110/2020]

“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;

[Definition inserted by s. 6 of SI 110/2020]

“PPEs” 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;

[Definition inserted by s. 6 of SI 110/2020]

“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;

[Definition inserted by s. 6 of SI 110/2020]

“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;

[Definition inserted by s. 3 of SI 115/2020]

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

[Definition inserted by s. 3 of SI 115/2020]

[Section inserted by s. 5 of SI 99/2020]

Part IIIB Exempted persons

11F.(1) Subject to this section, with effect from the 4th May, 2020, 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).

(2) Within 14 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 IIIB 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.

[Subsection substituted by s. 2 of SI 102/2020]

⁴ This is an error. Section 11G(2) is what is meant.

(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), 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 14 days from such opening to comply with subsection (2).

[Subsection substituted by s. 2 of SI 102/2020]

(3a) 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 30 working days from the last time such screening and testing took place, and this section shall apply to such rescreening and re-testing.

[Subsection inserted by s. 2 of SI 102/2020]

(3b) Employers of the persons referred to in subsection (1) may arrange with enforcement officers for the testing contemplated by subsection (2) or (3a) 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.

[Subsection inserted by s. 2 of SI 102/2020]

(4) 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 0800 hours and close no later than 1630 hours.

[Subsection substituted by s. 7 of SI 110/2020]⁵

(5) 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.

(6) 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.

[Subsection substituted by s. 2 of SI 102/2020]

(7) 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 IIIB 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 IIIB exempted persons to be closed and the persons thereat to disperse within the hour; and

⁵ The amendment purported to replace subsection (3), but that was obviously an error.

- (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 IIIB exempted persons concerned are 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.

[Subsection substituted by s. 2 of SI 102/2020]

(8) Any—

- (a) person who fails to comply with subsection (6) or with an order of an enforcement officer given under this section, or who hinders or obstructs an enforcement officer from having the access referred to in subsection (7), 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 sector who, having re-opened for business after being ordered to close under subsection (7)(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.

[Subsection substituted by s. 2 of SI 102/2020]⁶

[Section inserted by s. 5 of SI 99/2020]

Additional Part IIIB exempted persons: low-risk sportspersons

11G.(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) When a specification of a 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 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 names of the athletes and staff members) for approval; and

⁶ Strictly speaking SI 102/2020 did not repeal the original subsection (8), but that was clearly the intention.

- (b) particulars of what measures (not inconsistent with those set forth in subsection (4)) 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 fifty spectators is permitted at any venues at which low-risk sports events take place.
- (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 completions, sanitise their hands;
 - (b) every athlete, member of the associated sport staff must, and spectator must 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 associated sport staff 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.

(8) Any 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 of an enforcement officer 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 fine not exceeding level twelve or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[Section inserted by s. 8 of SI 110/2020 and substituted by s. 4 of SI 115/2020]

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 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.

[Section inserted by s. 7 of SI 136/2020]

[Part IIIB inserted by s. 5 of SI 99/2020]

PART IV

GENERAL

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

12.(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.

[Subsection substituted by s. 7 of SI 93/2020]

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

[Subsection inserted by s. 7 of SI 93/2020]

(4) 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).

(5) 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.

(6) 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

13. 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

14. 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 fourteen or imprisonment for a period not exceeding twenty years or both.

Special provisions for restaurants, hotels and the tourism sector

16.(1)⁷ 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 an hotel serving the residents thereof;

“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 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.

(2) Subject to this section—

(a) restaurants may serve customers for sit-in meals during licensed hours, but no alcoholic beverages may be served to such customers; 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, but not for foreign tourists, visitors or clients (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), 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), and who are not in quarantine or isolation in terms of the principal regulations or this order).

(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—

⁷ This section is incorrectly numbered 16. There is no section 15.

- (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 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.

(5) In addition to the restrictions imposed by this order, the Parks and Wild Life Management Authority and every hunting safari operator 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, tables and chairs in use in connection with the facility operated by the Parks and Wild Life Management Authority 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 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.

(6) 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 a hotel for the purposes of subsection (4), 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. 8 of SI 136/2020 and substituted by s. 2 of SI 160/2020]

Curfew; limitation of business hours and other measures affecting businesses

17.(1)⁸ In this section—

⁸ The insertion of this section by SI 174/2020 means that there are two sections numbered 17.

“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 IIIA (“Phased Relaxation of National Lockdown”);
- (b) a business referred to in Part IIIB (“Level 2 Phased relaxation of National Lockdown”);
- (c) a business referred to in section 16 (“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), (u);

[Subparagraph amended by s. 2 of SI 186/2020]

and

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

(2) Any word or phrase used in this section to which a meaning has been assigned by any other provision of this order shall bear the same meaning in this section.

(3) 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), there shall be in force a curfew beginning at 1800 hours every day and ending at 0600 hours on the following day.

(4) The effect of the curfew is that the vehicular and nonvehicular 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, restaurant, hunting safari operator, professional hunter and non-essential business shall open not earlier than 0800 hours and close no later than 1500 hours on every business day; and
- (b) no low-risk sports event referred to in section 11G may take place earlier than 0800 hours or later than 1500 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 1500 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.

[Section inserted by s. 3 of SI 174/2020]

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

17.(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 licence” means a learner’s licence 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.

[Section inserted by s. 3 of SI 144/2020]

Seizure of public transport vehicles used in contravention of lockdown

18. 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*].

[Section inserted by s. 3 of SI 186/2020]