

Public Health (COVID-19 Prevention, Containment and Treatment)
(National Lockdown) (Amendment) Order, 2020 (No. 4)

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:—

1. This order may be cited as the Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 4).

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

- (a) in the first paragraph by the deletion of “Disinter” and the substitution of “Disaster”;
- (b) in the last paragraph by the deletion of “in terms of section 68 of the Public Health Act [*Chapter 15:17*]” and the substitution of “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.”.

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

- (a) in paragraph (e) by the deletion of “goods vehicle in transit” and the substitution of “goods vehicle in transit or cross-border goods vehicle”;
- (b) in subparagraph (e)(v) by the deletion of “teh” and the substitution of “the”.

4. The principal order is amended by the insertion of the following Part after Part III—

“PART IIIA

PHASED RELAXATION OF NATIONAL LOCKDOWN

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*].

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.

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.

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

