

Zimbabwe

Public Health Act

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

Statutory Instrument 83 of 2020

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[Repealed by Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (No. 2) Order, 2020 (Statutory Instrument 200 of 2020) on 20 August 2020]

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

1. Title

This order may be cited as the Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) Order, 2020.

2. Interpretation

In these regulations —

“**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;

“**customs officer**” means any person acting as such in terms of the Customs and Excise Act [Chapter 23:02],

“**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) coal mining;

- (j) communications and telecommunication services, including the Internet;
- (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); and any other service declared by the Minister, by General Notice, to be an essential service for the purposes of these regulations;

“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;

“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;

“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 maybe, and includes amemberof 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;

“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 comply with the social distancing rule);
 - (vii) liquor establishments;
 - (viii) theatres, cinemas, and shopping malls and centres (except food retail stores, pharmacies and other outlets offering essential necessities for sale);

“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.

3. Scope of order

This order has effect throughout Zimbabwe.

Part II – National lockdown and prohibition of gatherings

4. National lockdown

- (1) Subject to this order, for the period of 21 days from the 30th, March, 2020, to the 19th April, 2020—
- (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) 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”);
- 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, 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\(l\)\(a\)](#) (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.
- (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.
- (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 contravenes subsection (1) or (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.
- (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.

5. Prohibition of gatherings

- (1) Subject to this order, for the period of 21 days from the 30th March, 2020, to the 19th April, 2020, 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;
 - (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;
 - (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;

- (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;
 - (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;
 - (f) individuals gathered at the establishment of a pharmaceutical chemist, provided that every individual at such gathering complies with the social distancing rule;
 - (g) individuals gathered for the purpose of an essential service, provided that every individual at such gathering complies with the social distancing rule;
- (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 subsection (1)(d), (e), (f) or (g) to observe the social distancing rule (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
 - (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

6. Automatic extension of permitted residence of foreign nationals

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.

7. Closure of airports and restrictions on aerial transportation

- (1) For the period of 21 days from the 30th March, 2020, to the 19th April, 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.

- (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 a 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.

8. Power to close ports of entry and exit

- (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;
 - (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;
- (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.

9. Enforcement of border closure

- (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.

10. Commencement and notice of closure order

- (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.

11. Offence and penalty under this Part

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 IV – General

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

- (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) Any person who contravenes subsection (1) or (2) 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.
- (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.

13. Local authorities to make land or premises available for isolation and quarantine

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.

14. False reporting during national lockdown

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.