

Public Health (COVID-19 Prevention, Containment and Treatment)
(National Lockdown) (No. 2) (Amendment) Order, 2021 (No. 34)

IT is hereby notified that the Minister of Health and Child Care has, in terms of section 8(1) of the Public Health (COVID-19 Prevention, Containment and Treatment) Regulations, 2020 (published in Statutory Instrument 77 of 2020), made the following order:—

1. This order may be cited as the Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (No. 2) (Amendment) Order, 2021 (No. 34).

2. In this order—

“asymptomatic” means not exhibiting any symptoms of the COVID-19 disease;

“COVID-19 infection hotspot” or “hotspot” means any district or other locality that is subject to a special lockdown referred to in section 26E; or

“customer” does not include a resident guest of the hotel for the purpose of section 3(e), who may be served without restriction in accordance with the house rules of the hotel;

“fully vaccinated” means having received the first and second doses of a vaccine;

“Level 2 Lockdown” means the lockdown governed by less stringent conditions of the principal order before section 26E (“Partial reversion to Level IV national lockdown”) came into force;

“principal order” means the Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) Order, 2020, published in Statutory Instrument 200 of 2020;

“vaccinate” or “inoculate” and its derivative terms means to administer to a person a substance of a kind and a brand (Sinovac, Sinopharm, Sputnik etc) approved by the Ministry of Health for the purpose of producing in that person an immunity against the COVID-19 disease and any of its variants.

Public Health (COVID-19 Prevention, Containment and Treatment)
(National Lockdown) (No. 2) (Amendment) Order, 2021 (No. 34)

3. (1) Subject to section 5, with effect from the 7th September, 2021, all parts of Zimbabwe shall revert to a Level 2 Lockdown, subject to the following variations—

- (a) businesses will be open no earlier than 0800 hours or latter than 1900 hours; and
- (b) the curfew shall begin at 2200 hours and end at 0530 hours; and
- (c) bottle stores may only operate from 1000 hours to 1600 hours, subject to the prohibition against drinking on the premises of the bottle store and to strict adherence with all measures in this principal order with respect to the wearing of face masks, temperature checks, sanitising of hands and social distancing, for the purpose of verifying which any enforcement shall have unhindered access to any bottle store; and
- (c) bars attached to hotels, restaurants and lodges (being any premises or amenities referred to in section 23 (“Special provisions for restaurants, hotels and the tourism sector”) (2)(b) and (c)) must not open earlier than 0800 hours or close later 2200 hours; and
- (d) all bars, drinking places, night clubs and beerhalls shall otherwise remain closed; and
- (e) restaurants and hotels offering restaurant services must not open earlier than 0800 hours or close later 2200 hours, and may serve customers on a sit-in basis if they exhibit proof of having been fully vaccinated (a customer who fails to exhibit proof of full vaccination may only be served on a takeaway basis, and may not be provided with seating while being served);
- (f) all gatherings which under the principal order were restricted to 30 or 50 persons are permitted up to a maximum of 100 persons, subject to strict adherence with all measures in the principal order with respect to the wearing of face masks, temperature checks, sanitising of hands and social distancing, for the purpose of verifying which any enforcement shall have unhindered access to the gathering:

Provided that the convener of the gathering may, or at the direction of an enforcement officer acting to prevent the spread of the COVID-19 disease in or adjacent to a declared hotspot, shall, refuse participation at the gathering to persons who fail to exhibit proof of having been fully vaccinated; and

- (g) with respect to workshops and meetings held by or for the benefit of any business (other than any business that is or provides an essential service), and the concentration of staff or management in any office of a business —
 - (i) no workshops may be held except virtually, or otherwise as directed from time to time by an enforcement officer in a specific case; and
 - (ii) the offices of the business (other than any business that is or provides an essential service) must be so decongested (whether by rotation of personnel or otherwise) that at any time, if the staff complement of the business exceeds two employees, not more than half such complement must be present together at office of the business;
- and
- (h) for the avoidance of doubt intercity transport resumes subject to Level 2 conditions.

(2) If (by virtue of this section or section 26D) any person is unable to exhibit proof of full vaccination as a condition for his or her entry to any place or gathering, but, being asymptomatic, is able to exhibit proof that he or she has been tested negative for COVID-19 within the preceding forty-eight hours by means of a PCR or rapid antigen test, then entry into the place or gathering shall be permitted at the discretion of the person responsible for the place or the convener of the gathering.

4. Sections 17 (“Part V exempted persons”)(1) is amended by the repeal of the proviso thereto and the substitution of—

“Provided that (subject to the exception with respect to vaccination mentioned in section 3(2) of the Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown)

Public Health (COVID-19 Prevention, Containment and Treatment)
(National Lockdown) (No. 2) (Amendment) Order, 2021 (No. 34)

(No. 2) (Amendment) Order, 2021 (No. 34)), for the duration of the national lockdown or unless earlier prescribed otherwise—

- (a) low-risk sporting activities will be permitted to take place no earlier than 0800 hours or latter than 1600 hours, but shall be open only to such sportspersons as have been fully vaccinated;
- (b) the employees of gymnastic clubs, health spas and fitness centres must be fully vaccinated, and no such establishment shall admit any customer unless he or she exhibits proof of having been fully vaccinated; and
- (c) the employees of theatres and cinemas must be fully vaccinated, and no such establishment shall admit any customer unless he or she exhibits proof of having been fully vaccinated.”.

5. Sections 26C (“Persons entering Zimbabwe from neighbouring and other countries”) of the principal order is amended by the insertion of the following subsection after subsection (5)—

“(6) The provisions of subsection (5)(c) and (d) are suspended from the date of the Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (No. 2) (Amendment) Order, 2021 (No. 34) with respect to asymptomatic persons entering Zimbabwe who comply with subsection (2).”.

6. Sections 26E (“Partial reversion to Level IV national lockdown”) and 26F (“Special lockdowns of Hurungwe, Kariba, Kwekwe and Makonde Districts”) are repealed and substituted by—

“Power of Minister to declare hotspots

26E. (1) Notwithstanding anything to the contrary contained in any other law, the Minister may make a COVID-19 infection hotspot order (“hotspot order”) having effect immediately upon the making thereof, in relation to which—

- (a) the Minister shall cause notice thereof and of its effect 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; and

- (b) any copy of the same, 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.

(2) A hotspot order shall have effect for a specified period not exceeding 14 days, subject to renewal once, and may provide for any restriction for which provision was made in the repealed section 26F (“Special Lockdowns of Hurungwe, Kariba, Kwekwe and Makonde Districts”).

(3) In addition a hotspot order may restrict any gathering in a public place to those persons who exhibit proof of having been fully vaccinated.

(4) Any restriction ordered under subsection (3) shall be subject to the exception mentioned in section 3(2) of the Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (No. 2) (Amendment) Order, 2021 (No. 34).

Qualified application of section 194 of Cap. 9:07 during national lockdown

26F. (1) Notwithstanding section 194 (“Presence of accused”) of the Criminal Procedure and Evidence Act [*Chapter 9:07*] or any other provision to the contrary in any law, for the duration of the national lockdown—

- (a) proceedings in any court for the remanding of an accused person (other than proceedings on initial remand) or the admission of an accused person to bail shall be done at a virtual sitting of the court by means of closed circuit television or similar electronic media, but only if facilities therefor are readily available or obtainable;
- (b) the court may, in order to ensure the fair and just conduct of proceedings in a virtual sitting as contemplated in paragraph (a), make the giving of evidence at such a sitting subject to such conditions as it may deem necessary:

Public Health (COVID-19 Prevention, Containment and Treatment)
(National Lockdown) (No. 2) (Amendment) Order, 2021 (No. 34)

Provided that the prosecutor and the accused have the right, by means of that procedure, to question a witness and to observe the reaction of that witness.”.

7. Sections 26H (“Medium or high-risk sports”) is amended by the insertion of the following paragraph after paragraph (c)—

“(d) the spectators or partakers at the sports venue exhibiting to the host or convener proof of having been fully vaccinated:

Provided that the host or convener shall have due regard to the exception with respect to vaccination mentioned in section 3(2) of the Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (No. 2) (Amendment) Order, 2021 (No. 34).”.