

Public Health (COVID-19 Prevention, Containment and Treatment)
(National Lockdown) (Amendment) Order, 2020 (No. 5)

Preamble: Further Extension of the National Lockdown

WHEREAS a State of Disaster in connection with the COVID-19 formidable epidemic disease was declared in the 23rd March, 2020, by Statutory Instrument 76 of 2020;

AND WHEREAS the Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) Order, 2020, was published on the 29th March, 2020 in Statutory Instrument 83 of 2020, declaring a national lockdown to contain the spread of the COVID-19 formidable epidemic disease with effect from the 30th March, 2020, to the 19th April, 2020, which period was extended to the 3rd May, 2020, by Statutory Instrument 93 of 2020;

AND WHEREAS it has become necessary to extend the national lockdown for a further period of fourteen (14) days to the 17th May, 2020, while providing for a limited relaxation of the lockdown further to the one specified in Statutory Instrument 94 of 2020;

NOW THEREFORE IT is hereby notified that the Minister of Health 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) (Amendment) Order, 2020 (No. 5).

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 section 2 (“Interpretation”) by the insertion of the following definition—

“face mask” means a protective mask capable of covering the nose and mouth of the wearer;”.

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

(a) in subsection (1)—

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- (i) by the deletion of “for the period from the 30th March, 2020, to the 3rd May, 2020” and the substitution of “for the period from the 30th March, 2020, to the 17th May, 2020”;
- (ii) by the insertion of the following paragraph after paragraph (h)—
 - “(i) every individual who by this order is permitted to leave his or her home or to be in any public space must wear a face mask (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).”;
- (b) by the insertion of the following subsection after subsection (2)—
 - “(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.”;
 - (c) in subsection (4) by the deletion of “subsection (1) or (2)” and the substitution of “subsection (1), (2) or (2a)”.

4. Section 5 (“Prohibition of gatherings”) of the principal order is amended in subsection (1).

- (a) by the deletion of “for the period from the 30th March, 2020, to the 3rd May, 2020, no gathering of more than

two individuals” and the substitution of “for the period from the 4th April, 2020, to the 17th May, 2020, no gathering of more than fifty individuals”;

- (b) in paragraph (g) by the insertion after “complies with the social gathering rule” of “and wears a face mask”.

5. The principal order is amended by the insertion of the following Part after Part IIIA—

“PART IIIB

LEVEL 2 PHASED RELAXATION OF NATIONAL LOCKDOWN

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.

Interpretation

11E. In these Part—

“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;

“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.

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) Before resuming work for the first time during the national lockdown, every person referred to in subsection (1) (including employers of the persons referred to in subsection (1)) must at the direction of an enforcement officer submit to screening and testing for the COVID-19 disease, whether by use of the rapid results diagnostic test or other test approved by the Minister of Health.

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

(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 1500 hours.

(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) Persons deemed or purporting to be employers or 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 submit to screening and testing for the COVID-19 disease;
- (b) 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;
- (c) to disperse and return home where any business or industry is not found to be a formal business or industry.

(7) Any 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 to ensure that the appropriate provisions of this order are being complied with.

(8) 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 (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.”.

