

Lesotho

Public Health Act, 1970

Public Health (COVID-19) Regulations, 2020

Legal Notice 38 of 2020

Legislation as at 22 April 2020

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Public Health (COVID-19) Regulations, 2020

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Commenced on 22 April 2020

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In exercise of the powers conferred on me under sections 16, 17, 18, 38 and 43 of the Public Health Act, 1970¹ and in respect of the state of emergency declared by the Right Honourable the Prime Minister under section 23(1) of the Constitution of Lesotho against COVID-19 pandemic. I, Nkaku Kabi, Minister responsible for health, make the following notice -

¹ Act No. 12 of 1970

1. Citation and commencement

These regulations shall be cited as the Public Health (COVID-19) Regulations, 2020 and shall come into operation on the 22nd April, 2020.

2. Interpretation

Unless the context otherwise requires -

"**institution**" includes a Government department, Government Agency, Non-Governmental Organisation working in collaboration with the Government in providing essential goods and services and a care facility centre for the vulnerable groups;

"**lockdown**" means the restriction of movement of persons during the period for which these regulations apply, being the period from the 22nd April, 2020 to the 5th May, 2020; and

"**place of residence**" includes the dwelling place and surrounding yard.

3. Prevention of introduction and spread of COVID-19

- (1) No persons are allowed into or out of Lesotho during the period of lockdown.
- (2) For the purposes of subregulation (1), all borders of Lesotho shall be closed except the following designated points of entry -
 - (a) Caledonspoort (Butha-Buthe);
 - (b) Maseru bridge;
 - (c) Moshoeshoe I International Airport;
 - (d) Vanrooyens Gate (Mafeteng);
 - (e) Maputsoe bridge; and
 - (f) Qacha's Nek bridge,

which shall be open for the purposes of the conveyance of essential goods and services.

- (3) Notwithstanding subregulation (1), the Minister responsible for home affairs, or a person designated by him, may allow a person to -
 - (a) enter or leave Lesotho to provide or receive emergency medical services for a life-threatening condition; or
 - (b) enter Lesotho to provide specialized consultancy services at the invitation of the Government of Lesotho.
- (4) A foreign tourist who arrived in Lesotho prior to the lockdown shall remain at his place of temporary residence for the duration of the lockdown and may be subjected to screening for COVID-19 and quarantined or isolated, if determined necessary by a health officer, at his own cost.
- (5) For the period of lockdown, every person shall be confined to his place of residence, unless the person has to leave the residence to provide or acquire an essential service or goods as set out in Schedule I or to attend a funeral.
- (6) All businesses and other entities shall cease operations during the lockdown period except for any business or entity involved in the manufacturing, supply or provision of essential goods and services.
- (7) All places and premises not involved in the provision of essential goods or services as set out in Schedule I shall remain closed to all persons for the duration of the lockdown.
- (8) Shopping malls shall be closed, except where essential goods are sold.
- (9) A person in control of an institution, business or enterprise where essential goods are sold or essential services are supplied shall
 - (a) ensure that the institution, business or enterprise has put in place controls to ensure that persons and customers within the institution, business, enterprise keep a distance of at least one meter from each other;
 - (b) ensure that
 - (i) all directions in respect of hygienic conditions and the prevention of exposure of person to COVID-19 are adhered to; and
 - (ii) where appropriate, an employee wears protective gloves and surgical mask or N95 mask to prevent the spread of COVID-19;
 - (c) limit the number of people entering the business to prevent the spread of COVID-19; and
 - (d) maintain prices as they were prior to the lockdown.
- (10) A business or enterprise selling essential goods shall not sell any other goods except those provided for in Schedule I.
- (11) During the lockdown period the head of an institution or owner or manager of a business or enterprise shall
 - (a) determine essential services to be performed by his institution, business or enterprise;
 - (b) determine the essential staff who shall perform those services; and
 - (c) submit a list of essential services and essential staff to the head coordinator of the National Emergency Command Center COVID-19 for onward transmission to the Commander of the Lesotho Defence Force and the Commissioner of Police.
- (12) Persons performing essential services shall be duly designated, in writing, by the head of an institution or owner or manager of a business or enterprise, and shall carry the letter of designation, passport or national identity card on them at all times.

- (13) The letter of designation shall be on a duly stamped letter head and shall contain the following information -
- (a) names and surname;
 - (b) passport or national identification card;
 - (c) contact details including cellular number, work and home telephone numbers and email address;
 - (d) physical address of employee and of institution, business or enterprise;
 - (e) name and contact of head of institution or owner or manager of a business or enterprise.
- (14) Where there is no letter head or date stamp the head of the institution or owner or manager of the business or enterprise shall obtain a letter from the Chief or Headman certifying the existence of such an institution, business or enterprise.
- (15) No night vigil shall be held at a funeral.
- (16) All gatherings are prohibited, except a funeral services of not more fifty people, and a person holding the funeral shall ensure that all safety measures are strictly adhered to.
- (17) All visits by members of the public to -
- (a) isolation and quarantine facilities;
 - (b) hospitals;
 - (c) Ministry of Social Development facilities, including child and youth care centres, shelters and treatment facilities;
 - (d) correctional centres;
 - (e) holding cells; and
 - (f) military detention facilities.
- are suspended for the duration of the lockdown.

4. Restrictions on transport

- (1) All public and private transport is restricted except bus services, taxi services, air passenger transport and private motor vehicle for purposes of -
- (a) rendering and obtaining essential services and goods;
 - (b) seeking medical attention;
 - (c) funeral services; and
 - (d) receiving payment of grants.
- (2) A person in control of a vehicle exempted under subregulation (1) shall -
- (a) ensure that -
 - (i) in the case of a 4+1 vehicle, the vehicle shall carry 3 passengers;
 - (ii) in the case of a 15 seater taxi, the vehicle shall carry 9 passengers;
 - (iii) in the case of the 22 seater sprinter, the vehicle shall carry 13 passengers;
 - (iv) in the case of the 65 seater bus, the vehicle shall carry 35 passengers;
 - (v) in the case of a private vehicle, the vehicle shall carry strictly one passenger, who shall be seated behind the front passenger seat;

- (iv) all safe measures in respect of hygienic conditions and the limitations of exposure of persons to COVID-19, are adhered to; and
 - (b) provide hand sanitiser for a passenger.
- (3) Where a person rendering essential services is unable to travel to and from his place of employment, the employer shall make the necessary transport arrangements.

5. Operating hours for enterprises and businesses offering essential goods

Operating hours for enterprises and businesses which offer essential goods shall be as set out in Schedule III.

6. Total ban on purchase, sale, distribution or transportation of liquor

- (1) All premises selling liquor as set out in Schedule II shall be closed during the period of lockdown.
- (2) No person shall purchase, sell, distribute or transport liquor during the period of lockdown.
- (3) A person who contravenes subregulation (2) shall be liable, on conviction, to a penalty set out in regulation 11.

7. Medical screening and testing

- (1) A person allowed to enter the country during the period of lockdown shall be subjected to a screening process at the designated point of entry.
- (2) Screening shall be done on people who had travelled to affected countries, contacts of infected people and randomly to the general public.
- (3) Any health personnel who has been exposed to a confirmed case of COVID-19 shall be subjected to testing and self-isolation.
- (4) All persons providing essential services, obtaining essential services or seeking medical attention within Lesotho, may be subjected to screening for COVID-19 by an enforcement officer.
- (5) A person who enters the country conveying essential goods shall -
 - (a) be subjected to screening;
 - (b) wear a protective surgical or N95 mask; and
 - (c) adhere to hygienic conditions to prevent the spread of COVID-19.

8. Quarantine

- (1) A person who is identified with symptoms of COVID-19 shall be subjected to compulsory quarantine at a place designated as such under subregulation (5).
- (2) Any person other than a foreign tourist coming from an affected country with no sign or symptom of COVID-19 shall be subjected to self-quarantine for a period of 14 days with health personnel monitoring his health status and shall observe self-quarantine protocols.
- (3) A health personnel who is exposed to a confirmed case of a COVID-19 patient shall be subjected to self-quarantine for a period of 14 days under close monitoring.
- (4) For the period of lockdown, a person refusing to be evacuated from any place subject to lockdown may be removed by an enforcement officer to a temporary shelter, if such action is necessary for the preservation of life.

- (5) For the purposes of these regulations, the Minister shall identify temporary shelters or sites for quarantine and self-isolation that meet the necessary hygienic standards, for people who cannot isolate or quarantine in their place of residence.

9. Authority to issue directives

The Minister may issue directives to address, prevent and combat the spread of COVID-19 in any area of Lesotho, which directives may include -

- (a) recruitment and training of human resources in respect of health;
- (b) deployment of human resources in respect of health services;
- (c) sourcing of human resources from retired health professionals and non-governmental organisations to render services in identified sites;
- (d) identification of health equipment, sanitation materials and medical supplies;
- (e) identification of mortuaries that will accommodate all COVID-19 mortal remains; and
- (f) disposal of COVID-19 mortal remains.

10. Offences and penalties

- (1) A business which contravenes regulations 3(6), (7) and (9)(a), (b) and (c), 5 and 6(1) commits an offence and is liable, on conviction, to a fine not exceeding 10,000 Maloti.
- (2) In addition to the penalty set out in subregulation (1), a person who contravenes regulation 3(9)(d) shall have his license suspended for the period of the lockdown.
- (3) A person who fails to confine himself in accordance with subregulation 3(15) commits an offence and is liable, on conviction, to a fine not exceeding 5,000 Maloti or to imprisonment for a period not exceeding one month.
- (4) A person who fails to comply with regulation 4 commits an offence and is liable, on conviction, to a fine not exceeding 10,000 Maloti or imprisonment for a period not exceeding two months or both.
- (5) A person who tests positive but refuses to be quarantined under regulation 8 commits an offence and is liable, on conviction, to a fine not exceeding 20,000.00 Maloti or compulsory quarantine.
- (6) No person shall publish or spread fake or false information.
- (7) Any person who contravenes subregulation (6) commits an offence and is liable, on conviction, to a fine not exceeding 5,000 Maloti or to imprisonment for a period not exceeding one month or both.

11. General penalty

The penalty for an offence where no penalty is provided for shall be a fine not exceeding 5,000 Maloti or imprisonment for a period not exceeding one month or both.

12. Loss or damage

No person is entitled to compensation for any loss or damage arising out of any *bona fide* action or omission by an enforcement officer under these regulations.

13. Powers and indemnity

These regulations do not limit any powers or indemnities of security services provided for in any law.

14. Declaration of COVID-19 National Emergency Command Centre

For the purposes of strategic command and coordination of the activities in respect of COVID-19 pandemic, 'Manthabiseng Convention Centre is declared the National Emergency Command Centre COVID-19.

15. Repeal

The Public Health (COVID-19) Regulations, 2020² are repealed.

² Act L.N. No. 30 of 2020 as amended

Schedule I (regulation 3(5))

A – Essential goods

1. Food
 - (a) Any food product, including non-alcoholic beverages, but excluding fast food and deli;
 - (b) Animal food; and
 - (c) Chemicals, Packaging and ancillary products used in the production of any food product.
2. Cleaning and hygiene products
 - (a) Toilet Paper, sanitary pads, sanitary tampons, condoms;
 - (b) hand sanitisers, disinfectants, soap, alcohol for industrial use, household cleaning products and personal protective equipment; and
 - (c) chemicals, packaging and ancillary products used in the production of any of the above.
3. Medical
 - (a) Medical and hospital supplies, equipment and personal protective equipment; and
 - (b) chemicals, packaging, ancillary products used in the production of the above.
4. Fuel, including coal and gas
5. Basic goods including electricity and water.

B – Essential Services

1. Medical, health, laboratory, and medical services;
2. Disaster management, fire prevention, firefighting and emergency services;
3. Financial services necessary to maintain the functioning of the banking and payments environment and insurance services;
4. Production and sale of goods listed in category A above;
5. Supermarkets and related stores;
6. Electricity, water, gas. fuel supplies;

7. Essential government services;
8. Death certificates;
9. Funeral services including mortuaries;
10. Veterinary services;
11. Newspaper, broadcasting and telecommunication services;
12. Production and sale of any chemicals, hygiene products, and medical products;
13. Cleaning, sanitation, sewage and waste collection services;
14. Services related to the functioning of courts, judicial officers, the master of the High Court, sheriffs, and legal practitioners required for those services;
15. Essential Lesotho revenue services as defined by the Commissioner General;
16. Police, peace officer, traffic officer, military medical personnel, soldiers and correctional services;
17. Postal services and courier services related to transport of medical products;
18. Private security services;
19. Civil aviation services;
20. Services rendered by the Executive and Parliament;
21. Essential agricultural services, including shearing sheds;
22. Local Government;
23. Diamond mine, which shall operate fully subject to COVID-19 health and safety guidelines;
24. Non-Governmental Organisation which provides essential goods and services;
25. Hardware;
26. Vehicle spares, tyres, repairs and service shops;
27. Baby and toddler clothing shops;
28. Small scale building and construction; and
29. Street vendors providing essential goods and services.

Schedule II

Placed closed to the public (regulation 3)

1. Any place or premises normally open to the public where religious, cultural, sporting, entertainment, recreational, exhibitional, organisational or similar activities.
2. Any place or premises normally open to the public where goods other than essential goods are procured, acquired, disposed of or sold.
3. Any place or premises normally open to the public such as -
 - (a) Public parks and swimming pools;
 - (b) Flea markets;
 - (c) Open air food markets;
 - (d) Night clubs;

- (e) Casinos;
- (f) Hotels, lodges and guest houses, restaurants, self-catering, bed and breakfast, youth hostel, resort, motel, catering, campsite, except to the extent that they are required for remaining tourists confined to hotels, lodges and guests houses;
- (g) Taxi ranks and bus ranks except for the purposes exempted under regulation 4(1)
- (h) Hotel liquor, club, service canteen, discotheque, motel liquor, night-club, lodge liquor, guest house liquor, public bar, restaurant liquor, casino liquor, taverns, shebeens, shisanyama where liquor is sold;
- (i) Off-consumption premises, including bottle stores, where liquor is sold;
- (j) Off-consumption areas in supermarkets where liquor is sold;
- (k) Shopping malls and centres (excluding grocery stores, baby and toddler clothing shops and pharmacies)

Schedule III

Operating hours of business (regulation 5)

The following businesses and enterprises are authorised to carry on business during weekdays, including Saturdays between the following hours, but all businesses and enterprises which operate from 8am to 2pm shall remain closed on Sundays and public holidays:

	Types of business	Trading hours
1.	Pharmacy/Chemist	24 hrs
2.	Petrol dealer	24 hrs
3.	Funeral undertaker/Mortuary	24 hrs
4.	Food and medicine manufacturing company	24 hrs
5.	Commercial bank	8am to 3pm
6.	General Cafe	8am to 2pm
7.	Super market	8am to 2pm
8.	Mini-Supermarket	8am to 2pm
9.	Specialised dealer in animal foods/farm feeds	8am to 2pm
10.	Wholesaler	8am to 2pm
11.	Wholesaler-Meat	8am to 2pm
12.	Transport (a) International Route, Air, Freight Transport and logistics; (b) Road, Freight and logistics; and (c) Public Transport	24 hrs 24 hrs 8am to 4pm
13.	Warehouse activities (distribution centres)	8am to 4pm
14.	Domestic fuel dealer	8am to 2pm
15.	Bakery	8am to 2pm

16.	Butcher	8am to 2pm
17.	Greengrocer	8am to 2pm
18.	Specialised dealer in pre-packing of grains	8am to 2pm
19.	Dairy shop	8am to 2pm
20.	Hardware	8am to 2pm
21.	Vehicle spares, tyres, repairs and service shops	8am to 2pm
22.	Baby and toddler clothing shops	8am to 2pm
23.	Small scale building and construction	8am to 5pm
24.	Street vendors providing essentials 8am to 2pm goods and services	8am to 2pm
25.	Shearing sheds	7am to 5pm

* Businesses and enterprises covered include those that operate in the areas of production and manufacturing, selling and provision of specialised services except for food and medicine manufacturing companies

* All other businesses shall remain closed until a notice to the contrary is made