

Lesotho

Public Health Act, 1970

Public Health (COVID-19) Regulations, 2020 (2)

Legal Notice 41 of 2020

Legislation as at 6 May 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 disaster induced state of emergency declared by the Right Honourable the Prime Minister under section 3 and 15 of the Disaster Management Act, 1997² against COVID-19 pandemic, I, Nkaku Kabi, Minister responsible for health, make the following regulations -

¹ Act [No. 12 of 1970](#)

² Act [No. 2 of 1997](#)

1. Citation and commencement

These regulations may be cited as the Public Health (COVID-19) Regulations, 2020 and shall come into operation on the 6th May, 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 for vulnerable groups;

"**lockdown**" means the restriction of movement of persons during the period for which these Regulations apply, being the period from the 6th May, 2020 to the 19th 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 lockout.
- (2) For the purposes of subregulation (1), all borders of Lesotho shall be closed except the following designated points of entry -
 - (a) Caledonspoot (Butha-Buthe);
 - (b) Maseru bridge;
 - (c) Moshoeshoe 1 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 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;
 - (b) enter Lesotho to provide specialised services at the invitation of the Government of Lesotho;
 - (c) enter or leave Lesotho for purposes of extreme an unforeseen emergency circumstances.
- (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 or testing by a health officer for COVID-19 and quarantined or isolated if determined necessary, 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 -
 - (a) provide or acquire a service or goods;
 - (b) attend a funeral or religious service.
- (6) A person who leaves his place of residence shall wear a mask.
- (7) A health worker, security agent, border agent shall wear a disposable mask.
- (8) Government shall provide learners, students and vulnerable groups with masks.
- (9) All businesses and other entities except those provided for under Schedule I shall operate during the lockdown period.
- (10) A person in control of an institution, business or enterprise where goods are sold or services are supplied shall -
 - (a) ensure that the institution, business or enterprise has put in place controls to ensure that customers keep a distance of at least one meter from each other;
 - (b) ensure that -
 - (i) all directions in respect of hygienic conditions and the exposure of persons 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;
 - (iii) where necessary, employees work in shifts to avoid overcrowding and maintain social distancing; or
 - (iv) a person who enters the institution, business or enterprise wears a mask;
 - (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.
- (11) No movement of persons is allowed beyond a place of residence or workplace, except in circumstances set out in these Regulations.
- (12) All gatherings are prohibited, except a funeral and a religious service of not more than fifty people and a person holding the funeral or religious service shall ensure that all WHO hygiene and safety measures to COVID-19, are strictly adhered to.
- (13) Notwithstanding subregulation (15), no person shall be allo to hold a funeral service of more than fifty people.
- (14) No night vigil shall be held at a funeral and a person holding the funeral shall ensure that all safety measures are strictly adhered to.

- (15) 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 are allowed to provide services.
- (2) A person in control of a vehicle shall ensure that -
- (a) in the case of a 4+1 vehicle, the vehicle shall carry 3 passengers;
 - (b) in the case of a 15 seater taxi, the vehicle shall carry 9 passengers;
 - (c) in the case of a 22 seater sprinter, the vehicle shall carry 13 passengers;
 - (d) in the case of a 65 seater bus, the vehicle shall carry 35 passengers;
 - (e) in the case of a private vehicle, the vehicle shall carry strictly two passengers, per row in a vehicle; and
 - (f) all safety measures in respect of WHO hygiene and safety and the limitation of exposure of persons to COVID-19, are adhered to, including wearing a mask.

5. Education

- (1) Schools shall be opened for the following external classes -
- (a) Grade 7;
 - (b) Junior Certificate;
 - (c) Grade 11;
 - (d) Lesotho General Certificate for Secondary Education (LGCSE) ;
 - (e) International General Certificate for Secondary Education (IGCSE);
 - (f) Advanced Subsidiary (AS);
 - (g) A Level; and
 - (h) International Baccalaureate (IB).
- (2) Technical and Vocational Education and Training (TVET) and Tertiary Institutions shall resume classes.

6. Operating hours and mode of operation for entities, enterprises and businesses

- (1) Operating hours for enterprises, businesses shall be as set out in Schedule II.
- (2) Restaurants, shisanyama and similar entities, enterprises and businesses shall only offer take-aways;

- (3) An owner of a hotel, lodge, guest house, self-catering, bed and breakfast, motels and similar entities, businesses and enterprises shall -
 - (a) keep a proper register of guests for purposes of contact tracing, and the register shall contain the following details of guest -
 - (i) full names;
 - (ii) a copy of an identity document;
 - (iii) full address and place of residence; and
 - (iv) contacts; and
 - (b) when registering a guest who comes from outside Lesotho, request proof that the guest has been cleared of COVID-19 after quarantine.
- (4) A manager of a factory shall operate in shifts and within the factory, a minimum distance of two meters and shall observe WHO COVID-19 health and safety measures.
- (5) For purposes of transporting factory workers, public transport shall operate from 6 am to 7 pm.

7. Fumigation and disinfection of public places and places of business

- (1) For purposes of this section, "public place" means an area which is accessible to members of the public.
- (2) Government shall ensure that public places are fumigated and disinfected every fourteen days.
- (3) An owner or manager of an entity, enterprise or business, shall fumigate and disinfect his place of business every fourteen days.
- (4) Where an entity, enterprise or business operates in an enclosed area, the owner or manager of the entity, enterprise or business shall fumigate and disinfect the place of business on a daily basis.
- (5) A head of an institution which provides a religious service shall ensure that the place, where the religious gathering is held is fumigated or disinfected after every service.
- (6) A religious service shall take an hour.

8. Sale, distribution or transportation of liquor

- (1) All premises selling liquor shall operate only on Mondays and Thursdays and shall only offer take-aways.
- (2) A person shall be allowed to purchase a maximum quantity of -
 - (a) one case per person for a beverages which contain 10% alcohol or less;
 - (b) three litres per person for a beverages which contain 10% to 20% alcohol; or
 - (c) one and half litres per person for a beverages which contains 20% alcohol or above.

9. Medical screening and testing

- (1) A person allowed to enter the country during the period of lockdown shall be subjected to a screening or testing process at the designated point of entry or any other designated place.
- (2) Screening or testing 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 services, obtaining goods 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 goods or services 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.

10. 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 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.

11. 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.

12. Offences and penalties

- (1) A business which contravenes regulation 3(6), and (9)(a), (b) and (c) 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(16) commits an offence and is liable to a fine not exceeding 5,000 Maloti or to imprisonment for a period not exceeding 1 month.
- (4) A person who fails to comply with regulation 4(2) commits an offence and is liable on conviction to a fine not exceeding 10,000 Maloti or imprisonment for a period not exceeding 2 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. Any person who contravenes the provisions of subregulation (5) 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.

13. General penalty

A 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 1 month or both.

14. 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.

15. Powers and indemnity

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

16. 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.

Schedule I

Places closed to the public (regulation 3)

1. Any place or premises normally open to the public where cultural, sporting, entertainment, recreational, exhibitional, organisational or similar activities.
2. Any place or premises normally open to the public such as -
 - (a) Public parks and swimming pools;
 - (b) Night clubs;
 - (c) Casinos;
 - (d) Youth hostel;
 - (e) Discotheque;

Schedule II

Operating hours of business (regulation 6)

All businesses and enterprises are authorised to carry on business from 8am to 4pm except the following businesses, which shall operate as follows:

| | 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. | Transport | |
| | (a) International Route, Air, Freight, Transport and Logistics; | 24 hrs |
| | (b) Road, Freight and Logistics; | 24 hrs |
| | (c) Public transport | 8am to 4pm |
| 6. | Shearing sheds | 7am to 5pm |