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CONTENTS

No.	Page
LEGAL NOTICE	
68	Public Health (COVID-19) (Risk Determination and Mitigation Measures) (No. 3) Regulations, 2020 747

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LEGAL NOTICE NO. 68 OF 2020

Public Health (COVID-19) (Risk Determination and Mitigation Measures) (No. 3) Regulations, 2020

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,

MOTLATSI MAQELEPO

Minister responsible for health, make the following regulations -

Citation and commencement

1. These regulations may be cited as the Public Health (COVID-19) (Risk Determination and Mitigation Measures) (No.3) Regulations, 2020 and shall come into operation on the date of publication in the Gazette.

Interpretation

2. Unless the context otherwise requires -

“COVID-19” means Corona Virus Disease of 2019, caused by Severe Acute Respiratory Syndrome-Corona Virus 2 (SARS-COV-2);

“face mask” in the case of -

- (a) the general public, means a mask or material which covers the nose and mouth in compliance with WHO hygiene and safety standards for the purposes of preventing and controlling the spread of COVID-19; and
- (b) a health officer or personnel, means a surgical or N95 mask;

“institution” includes a Government department, Government Agency, Non-Governmental Organisation working in collaboration with the

Government in providing goods and services, and a care facility for vulnerable groups;

“lockdown” means the restriction of movement of persons in accordance with the COVID -19 Risk Determination and Mitigation Measures set out in the Schedule and as may be determined by the Minister;

“place of residence” includes the dwelling place and surrounding yard;

“Risk Determination and Mitigation Measures” means the official document which determines the colour coding system and different stages of infection rate set out in the Schedule; and

“security officer” means an officer of an agency deployed pursuant to regulation 16.

Prevention of introduction and spread of COVID-19

3. (1) No persons are allowed into or out of Lesotho during the period of the lockdown except as provided for in the Schedule.

(2) For 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.

(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 any other purpose not specified in this regulation.

(4) For the period of the lockdown, every person shall be confined to his place of residence unless the person has to leave the residence as provided for under the Schedule.

(5) A person shall, while in a public place, wear a face mask, except where a security officer requires that he remove the mask for security purposes.

(6) A health worker, security agent or border agent shall wear a disposable face mask.

(7) The Government may provide the following categories of people with face masks:

- (a) students and learners;
- (b) vulnerable groups determined as such by the Minister responsible for social development; and
- (c) inmates.

(8) All businesses and other entities engaged in economic activity shall carry out the economic activity in accordance with the Schedule.

(9) 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 and a customer wears a face mask;
- (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 clothing and a 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 in accordance with WHO guidelines; or
 - (iv) a person who enters the institution, business or enterprise wears a face 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.

(10) All gatherings and social activities are prohibited, except those provided for in the Schedule.

(11) A person responsible for a gathering or social activity allowed in these regulations shall ensure that the provisions of these regulations are adhered to as provided for in the Schedule.

(12) 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 institutions;

- (e) holding cells; and
- (f) military detention facilities,

are suspended for the duration of the lockdown.

Restrictions on transport

4. (1) All public and private transport is allowed to provide services in accordance with the Schedule.

(2) A person in control of a vehicle shall ensure that all measures in respect of WHO hygiene and safety and the limitation of exposure of persons to COVID-19 are adhered to, including wearing a face mask.

(3) Subregulation (2) shall apply to a vehicle which transports children.

Education

5. Schools shall be opened in accordance with the Schedule.

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

6. (1) Operating hours for enterprises and businesses shall be in accordance with the Schedule.

(2) Restaurants, shisanyama and similar entities, enterprises and businesses shall only offer take-aways in accordance with the Schedule.

(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 the 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 ensure that the factory operates in shifts and that, within the factory, a minimum distance of one meters is maintained between workers, and shall observe WHO COVID-19 health and safety measures.

Cleaning and disinfection of public places and places of business

7. (1) For purposes of this section, “public place” means an area which is accessible to members of the public.

(2) The Government shall ensure that public places are cleaned and disinfected based on risk assessment.

(3) An owner or manager of an entity, enterprise or business, in an outdoor area shall clean 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 clean 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 cleaned or disinfected after every service.

Sale, distribution or transportation of liquor

8. (1) All premises selling liquor shall operate in accordance with the Schedule.

- (2) A person is prohibited from consuming liquor in a public place.

Medical screening and testing

9. (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 hygiene conditions to prevent the spread of COVID-19.

Quarantine

10. (1) A person who is identified with symptoms of COVID-19 shall be subjected to compulsory quarantine at a place designated as such under sub-regulation (5).

(2) A person, other than a foreign tourist coming from an affected country with no signs or symptoms of COVID-19, shall -

- (a) be subjected to self-quarantine for a period of 14 days with health personnel monitoring his health status or as

otherwise directed by a health personnel; and

(b) observe 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 quarantine 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.

(6) Notwithstanding subregulations (1), (2) and (3) a person entering Lesotho from an affected country with or without signs and symptoms of COVID-19 or health personnel who is exposed to a confirmed case of a COVID-19 patient shall be quarantined and tested, and upon receipt of results, if they test negative, shall be cleared by the Ministry of Health and released from quarantine without waiting for the lapse of the 14 day quarantine period.

Authority to issue directives

11. 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.

Offences and penalties

12. (1) A person who contravenes regulations 3(5), 7(3), (4) and 8(2) commits an offence and is liable on conviction to a fine not exceeding 5,000 Maloti or imprisonment for a period not exceeding one month or both.

(2) An owner, a manager or person in charge of a business who contravenes regulations 3(9), 4(2), 6(1), (2) and 8(1) 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.

(3) In addition to the penalty set out in subregulation (2), a business or enterprise which contravenes these regulations shall have its license suspended for the period of the lockdown.

(4) A person who fails to confine himself in accordance with regulation 3(4) commits an offence and is liable to a fine not exceeding 5,000 Maloti or to imprisonment for a period not exceeding one month.

(5) A person who tests positive but refuses to be quarantined under regulation 10 commits an offence and is liable on conviction to a fine not exceeding 20,000 Maloti or compulsory quarantine.

(6) A person who publishes or spreads fake or false information 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.

(7) A person who refuses to be screened or tested for COVID-19 commits an offence and is liable on conviction to a fine not exceeding 5,000 Maloti or imprisonment for a period not exceeding one month, or both.

General penalty

13. 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.

Loss or damage

14. 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.

Powers and indemnity

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

Deployment of security agencies

16. The Lesotho Defence Force, Lesotho Mounted Police Service, National Security Services, Lesotho Correctional Services and private security services may be deployed for purposes of enforcing and operationalising these regulations.

Announcement of stages of lockdown

17. The Prime Minister shall, on the recommendation of the Minister, announce the different stages of the lockdown.

Repeal

18. The Public Health (COVID-19) (Risk Determination and Mitigation Framework) (No. 2) Regulations, 2020³ are repealed.

DATED:

**MOTLATSI MAQELEPO
MINISTER OF HEALTH**

NOTE

1. Act No. 12 of 1970
2. Act No. 2 of 1997
3. L.N. No. 64 of 2020

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