

EMERGENCY POWERS ACT
(Cap. 22:04)

EMERGENCY POWERS (COVID-19) (AMENDMENT)
(No. 4) REGULATIONS, 2020
(Published on 4th May, 2020)

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IN RECOGNITION of the risks posed by the COVID-19 pandemic and in exercise of the powers conferred on the President by section 3 of the Emergency Powers Act, the following Regulations are hereby made —

1. These Regulations may be cited as the Emergency Powers (COVID-19) (Amendment) (No. 4) Regulations, 2020, shall commence on publication and shall be subject to the affirmation by a resolution of the National Assembly. Citation and commencement

2. The Emergency Powers (COVID-19) Regulations (hereinafter referred to as “the Regulations”) are amended in regulation 5 by inserting immediately after subregulation (2), the following new subregulations — Amendment of Cap. 22:04 (Sub. Leg.)

“(3) The lockdown declared under subregulation (2) is hereby extended to 20th May, 2020 at midnight, under the following conditions —

(a) from 30th April, 2020 at midnight until 7th May, 2020 at midnight, the lockdown shall be subject to the following conditions —

(i) Part II of the Regulations shall apply, and

(ii) during this phase of the lockdown and until further notice —

(aa) a person in a public place shall wear a face mask or home made item or appropriate item that covers the person’s nose and mouth:

Provided that, where a person has a disability which requires that the person cannot wear a face mask, home made item or appropriate item that covers the nose and mouth and such disability has been certified by a medical practitioner, in writing, the person shall not be required to wear a face mask or home made item or appropriate item that covers the nose and mouth, and

- (bb) a person who is the parent or guardian of a child, or a person responsible for the care of a child, shall when with the child in a public place, ensure that the child is wearing a face mask, home made item or appropriate item that covers the nose and mouth of the child;
- (b) from 8th May, 2020 until 20th May, 2020 at midnight —
 - (i) during this phase of the lockdown and for the remainder of the state of public emergency, a trade, business or school may operate where it has satisfied the Director of Health Services, or any person authorised by the Director for that purpose, of its ability to prevent the spread of COVID-19, including the following —
 - (aa) it is able to implement the provisions of regulation 16 (4),
 - (bb) the checking of body temperature of all persons accessing the trade business or school, and where a person's body temperature is 37.4 degrees celsius and above, such person shall not be allowed to access the trade, business or school premises and the person shall be referred to the Director,
 - (cc) regular disinfecting of the trade, business or school premises, under the supervision of the Director,
 - (dd) upon direction by the Director, closing the trade, business or school, where there is a reasonable suspicion that a person who has had access to the trade, business or school premises has come into contact with a person who has tested positive for COVID-19 or that a person who has tested positive for COVID-19 has had access to the trade, business or school premises, and
 - (ee) a person in the care of a child at a pre-primary school, primary school or post primary school shall, as far as practicably possible, ensure that a child is wearing a face mask, home made item or appropriate item that covers the nose and mouth: Provided that —
 - (i) the provisions of regulation 7 (1) shall not apply to a student who travels to school within a COVID zone and any person who transports such student to school,
 - (ii) the provisions of regulation 16 (1) shall not apply to a trade, business or school that has satisfied the Director of Health Services about its ability to operate,
 - (iii) the Director of Health Services may, in consultation with the Ministry responsible for licensing the trades or businesses concerned, direct that trades or businesses open in a phased manner, and under such conditions, including operating capacity, as may be specified by the Director in consultation with the Ministry,
 - (iv) the Director of Health Services may, in consultation with the Ministry responsible for basic education or the Ministry responsible for tertiary education, as the case may be, direct that schools open in a phased manner, and under such conditions as may be specified by the Director in consultation with the Ministry,

(ii) the provisions of paragraph (i) shall not apply to the following trades or businesses until further notice —

(aa) any trade or business issued with a licence in terms of the Liquor Act, and

(bb) the importation and sale of tobacco,

(iii) during this phase of the lockdown and for the remainder of the state of public emergency, regulation 8 shall not apply to a person who —

(aa) attends a funeral of an immediate member of the family, or

(bb) leaves his home to access a farm, ranch, garden, ploughing field (*masimo*) or cattle post (*moraka*):

Provided that the person has been issued with a permit under regulation 7 (1), and

(iv) for the purposes of subparagraph (iii) (aa), “immediate member of the family” means a spouse, son, daughter, sibling or parent; and

(c) from 21st May, 2020 until the end of the state of public emergency, a person shall only be required to have a permit under regulation 7 (1) when travelling across the COVID zones referred to under regulation 8:

Provided that:

(i) a trade or business, a religious place of worship and funeral host shall, for purposes of contact tracing, maintain a register containing the personal details and contact details of all persons accessing the trade or business, place of worship or attending a funeral,

(ii) the register shall be open for inspection by the Director of Health Services for the purposes of contact tracing,

(iii) the register shall be open for inspection by a law enforcement officer for investigation of an offence under the Regulations,

(iv) in relation to a religious place of worship, there shall be one religious service per week and the number of persons attending the service shall not exceed 10,

(v) the provisions of paragraph (b) (i) (aa), (bb), (cc) and (dd) shall apply to a trade or business and a religious place of worship, and

(vi) for the purposes of this paragraph, “religious place of worship” means a faith based organization registered by the Registrar of Societies under the Societies Act.

Cap. 18:01

(4) Where the President is satisfied, based on evidence submitted to him by the Director of Health Services, that the risks posed by COVID-19 have increased, the President may, by notice published in the *Gazette*, suspend any of the provisions of subregulation (3) for the whole of Botswana or in a particular location or area of Botswana and may, in a like manner, reinstate the provisions of subregulation (3) where the risks posed by COVID-19 have decreased.”

3. The Regulations are amended by substituting for regulation 8, the following new regulation —

“Non-essential 8. (1) For the purposes of preventing, controlling or containing the spread of COVID-19, the country is hereby divided into COVID zones as set out in Schedule 5.

(2) A person shall not undertake non-essential travel between COVID zones until further notice.”

Amendment of regulation 8 of the Regulations

4. Regulation 9 (1) is amended by substituting for the words “with effect from midnight of 2nd April, 2020”, the words “until further notice”.

Amendment of regulation 9 of the Regulations

Amendment of regulation 10 of the Regulations

5. Regulation 10 is amended —

- (a) in subregulation (1), by substituting for the words “during the state of public emergency”, the words “until further notice”; and
- (b) in subregulation (2) —
 - (i) by substituting for the word “permits” appearing in paragraph (a), the word “services”, and
 - (ii) by inserting immediately after the word “citizen” appearing in paragraph (b), the words “or non-citizen”.

Amendment of regulation 11 of the Regulations

6. Regulation 11 is amended by substituting for subregulation (1), the following new subregulation —

“(1) In order to control the spread of COVID-19, a citizen or non-citizen resident in Botswana shall, upon entering Botswana be subjected to the provisions of section 80 (1) (c) and (d) of the Public Health Act:

Provided that any person quarantined under this regulation may be required by the Director of Health Services to pay for any costs related to such quarantine.”.

Amendment of regulation 12 of the Regulations

7. Regulation 12 (1) is amended by substituting for the words “during the state of public emergency”, the words “until further notice”.

Amendment of regulation 14 of the Regulations

8. Regulation 14 is amended by substituting for subregulation (1), the following new subregulation —

“(1) A person who has tested positive for COVID-19 and who has not recovered shall not —

- (a) be an essential service provider;
- (b) transport essential supplies; or
- (c) travel or visit any place, except a health facility under the supervision of the Director of Health Services, unless the person has completed his isolation or quarantine and has been certified by a medical practitioner that it is safe for that person to leave their place of residence.”.

Amendment of regulation 15 of the Regulations

9. Regulation 15 is amended by substituting for the words “during the state of public emergency” wherever they appear, the words “until further notice”.

Amendment of regulation 16 of the Regulations

10. Regulation 16 is amended by substituting for the words “during the state of public emergency” wherever they appear, the words “until further notice”.

Amendment of regulation 18 of the Regulations

11. Regulation 18 is amended by substituting for the words “During the state of public emergency”, the words “Until further notice”.

Amendment of regulation 19 of the Regulations

12. Regulation 19 is amended by —

- (a) substituting for the words “During the state of public emergency”, the words “Until further notice”; and
- (b) substituting for the words “1000 hours” appearing in paragraph (a), the words “0800 hours”.

Amendment of regulation 20 of the Regulations

13. Regulation 20 is amended by substituting for the words “during the state of public emergency”, the words “until further notice”.

Amendment of regulation 21 of the Regulations

14. Regulation 21 is amended by substituting for the words “during the state of public emergency”, the words “until further notice”.

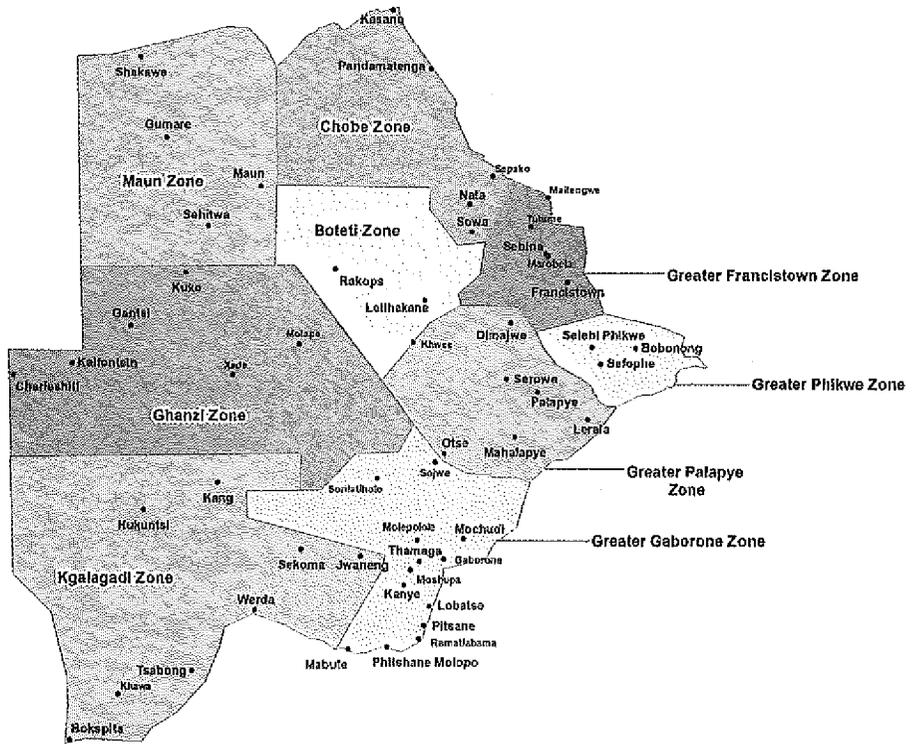
Amendment of regulation 23 of the Regulations

15. Regulation 23 is amended by substituting for the words “during the state of public emergency” wherever they appear, the words “until further notice”.

- 16. Regulation 27 is amended by inserting the following new subregulation —**
- “(2) During the state of public emergency, a trader shall not sell surgical masks to individuals who have not proved to the traders that they are —
- (a) in the medical profession;
 - (b) health workers;
 - (c) handling clinical waste; or
 - (d) involved in COVID-19-related activities.”.
- Amendment of regulation 27 of the Regulations
- 17. The Regulations are amended by inserting immediately after regulation 30E, the following new regulations —**
- “Deferment of self-assessment tax
Cap. 52:01
- 30F.** During the state of public emergency, the Minister responsible for finance may, by Order, notwithstanding the provisions of section 95 and 97 of the Income Tax Act, defer the amount of tax payable under section 95 and where the amount is deferred —
- (a) the amount shall be treated as unpaid tax for the tax year in which the amount is due and payable;
 - (b) the amount shall be due and payable within the time specified in the Order; and
 - (c) the Minister shall determine any interest payable and the time for the payment of such interest.
- Insertion of regulations 30F and 30G in the Regulations
- 30G.** Wherever the words “until further notice” appear in these Regulations, the Director of Health Services may cause to be published, a Notice in the *Gazette*, for the lifting of a restriction referred to in the Regulations after consultation with the President and may, in a like manner, reinstate such restriction where the risks posed by COVID-19 have increased.”.
- Amendment of Schedule to the Regulations
- 18. The Regulations are amended by inserting, immediately after Schedule 4, the following new Schedule —**
- Amendment of Schedule to the Regulations

Notice to be published by Director

"SCHEDULE 5
(Reg. 8)
COVID ZONES



<i>Zone</i>	<i>Description</i>
Greater Francistown	From Ramokgwebana to Gojwane Gate/Dukwi/Mokubilo
Greater Gaborone	From Dibete to Ramatlabama/Kanye/Molepolole
Greater Selebi Phikwe	From Makoro all the way to Bobirwa up to Sefhophe Gate
Greater Palapye	From Makoba Gate to Dibete/Makoro/Martin's Drift/Sefhophe Gate
Greater Maun	The whole of Ngami
Kgalagadi Region	From Jwaneng to Kgalagadi North and South
Ghanzi Region	The whole of Ghanzi District
Chobe Region	The whole of Chobe District up to Zoroga/Dukwi Gate
Boteti Region	From Makoba to Makalamabedi/Mokubilo/Kaka."

Revocation of
S.I. No. 71 of
2020

19. The Emergency Powers (COVID-19) (Amendment) (No. 3) Regulations, 2020, are hereby revoked.

MADE this 4th day of May, 2020.

DR. MOKGWEETSI ERIC KEABETSWE MASISI,
President.