

Botswana

Emergency (COVID-19) Regulations, 2020

Legislation as at 2020-05-06.

FRBR URI: /akn/bw/act/si/2020/61/eng@2020-05-06

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Botswana**Emergency (COVID-19) Regulations, 2020****Statutory Instrument 61 of 2020**

Published in [Government Gazette no. 32](#) on 2 April 2020

Commenced on 2 April 2020

[Up to date as at 6 May 2020]

[Amended by [Emergency \(COVID-19\) \(Amendment\) Regulations, 2020 \(Statutory Instrument 62 of 2020\)](#) on 5 April 2020]

[Amended by [Emergency \(COVID-19\) \(Amendment\) \(No. 2\) Regulations, 2020 \(Statutory Instrument 63 of 2020\)](#) on 9 April 2020]

[Amended by [Emergency Powers \(COVID-19\) \(Amendment\) \(No. 3\) Regulations, 2020 \(Statutory Instrument 71 of 2020\)](#) on 30 April 2020]

[Amended by [Emergency Powers \(COVID-19\) \(Amendment\) \(No. 4\) Regulations, 2020 \(Statutory Instrument 72 of 2020\)](#) on 4 May 2020]

[Amended by [Emergency Powers \(COVID-19\) \(Affirmation\) \(Amendment\) Regulations, 2020 \(Statutory Instrument 74 of 2020\)](#) on 6 May 2020]

IN RECOGNITION of the risk 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 —

Part I – Preliminary**1. Citation and commencement**

These Regulations may be cited as the Emergency (COVID-19) Regulations, 2020, and shall commence on publication and shall be subject to the affirmation by a resolution of the National Assembly.

2. Interpretation

In these Regulations, unless the context otherwise requires —

“**COVID-19**” means the Novel Coronavirus (2019-nCov) which is an infectious disease caused by a virus, and declared a global pandemic by the WHO on 11th March, 2020;

“**emergency services**” means the Botswana Police Service, Botswana Defence Force, Prisons Service, Fire Services, ambulance service, medical service and veterinary service;

“**essential services**” means any service that is provided in the following services —

- (a) Government printing and publishing services;
- (b) immigration services;
- (c) custom services;
- (d) banking services;
- (e) central banking services;
- (f) stock exchange services;
- (g) insurance services;

- (h) pension administrator services;
- (i) fund managers;
- (j) postal services;
- (k) electronic payment service providers;
- (l) maintenance and hardware services;
- (m) general dealer;
- (n) supermarket;
- (o) butchery;
- (p) tuckshop services;
- (q) procurement services;
- (r) pest control services;
- (s) chemical supply services;
- (t) manufacturing services;
- (u) water services;
- (v) power services;
- (w) emergency services;
- (x) communication services, including media;
[paragraph (x) substituted by section 3(b)(i) of Statutory Instrument 62 of 2020]
- (y) medical aid services;
- (z) sanitation and refuse removals services;
- (aa) health services;
- (bb) legal practitioners;
- (cc) energy sector services;
- (dd) farming services, including crop production services;
- (ee) social services;
- (ff) private security services;
- (gg) petroleum services;
- (hh) restaurant and takeaway services;
- (ii) bakery;
- (jj) courier and delivery services;
- (kk) funeral parlour services;
- (ll) administration of justice;
- (mm) air traffic control services;
- (nn) mining services; and
- (oo) any essential services as may be determined by the President and published by Notice in Government

Gazette,

[paragraph (oo) amended by section 3(b)(ii) of *Statutory Instrument 62 of 2020*]

and any other service in the supply chain connected with the provision of the above services;

"**essential service provider**" includes employees of the essential services;

"**essential supplies**" means -

- (a) food supplies;
- (b) medical equipment and supplies including sanitisers, surgical gloves, soap, antiseptics, bleach, surgical spirit, methylated spirit, disinfectants, baby wipes, wet wipes and surgical masks;
- (c) pharmaceutical supplies;
- (d) agricultural supplies;
- (e) maintenance and hardware supplies;
- (f) communication supplies;
- (g) air supplies;
- (h) rail supplies;
- (i) water supplies, including chemicals and equipment required by the water sector; and
- (j) mining supplies,

and any other commercial supplies connected with essential services;

"**gathering**" means any assembly, concourse or procession of more than two persons, wholly or partially in open air or premises and shall exclude a household or a group of essential service providers;

"**high risk countries**" means, Australia, Belgium, Canada, Chechnya, China, Denmark, United Kingdom, South Korea, France, Japan, Iran, United States of America, Germany, Italy, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, India, and includes any other country that may be declared as a high risk country by WHO for purposes of COVID-19;

"**home**" means a place where a person resides alone or as a member of a family or household, including in a multi-residential property:

Provided that a home may, subject to regulation 8, include a ploughing field (*masimo*) or a cattle post (*moraka*);

[definition of "home" inserted by section 3(a) of *Statutory Instrument 62 of 2020*]

"**law enforcement officer**" means any member of the Botswana Police Service, Botswana Prison Service, Botswana Defence Force, wildlife officer or Directorate of Intelligence Services officers;

"**lockdown**" means a severe form of social distancing under conditions as set out in Part II;

"**midnight**" in reference to a day, means the point of time at which that day ends;

"**social distancing**" means any public health measure taken to reduce interaction and contact between persons, to limit spread of diseases that are transmitted between persons including through contact and coughing; and

"**WHO**" means the World Health Organization.

3. Application of Regulations

These Regulations shall apply for the duration of the emergency proclamation and shall apply to the whole of Botswana.

4. Taking of possession, control, etc. of property on behalf of the Republic

- (1) For the purposes of these Regulations and in the interest of public health, the President may authorise, on behalf of the Republic –
 - (a) the taking of possession or control of any property or undertaking; and
 - (b) the acquisition of any property other than land.
- (2) Any possession or control of property or any arrangements made before the commencement of these Regulations, shall continue to be in force as if made under these Regulations.
- (3) Any person whose property is taken under this regulation shall be compensated and remunerated in terms of regulation 30.

Part II – Lockdown

5. Declaration of lockdown

- (1) During the state of public emergency declared by the President under the Emergency Proclamation, the President may declare a national lockdown for the whole of Botswana or a lockdown in a particular location or area of Botswana.
- (2) For the purpose of preventing, controlling and suppressing the spread of COVID-19, a lockdown is hereby declared with effect from 2nd April, 2020 at midnight until 30th April, 2020, for the whole of Botswana.
- (3) The lockdown declared under subregulation (2) is hereby extended to 20th May, 2020 at midnight, and for the avoidance of doubt, a permit under regulation 7 (1) shall be required for the duration of the lockdown, and under the following conditions –

[introductory phrase of subregulation (3) substituted by section 2(a) of Statutory Instrument 74 of 2020]

- (a) from 30th April, 2020 at midnight until 7th May, 2020 at midnight, the lockdown shall be subject to the following conditions –
 - (i) *[subregulation (3)(a)(i) deleted by section 2(b) of Statutory Instrument 74 of 2020]*
 - (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 he 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 two religious services per week, one to be held during the week and another to be held during the weekend, and the number of persons attending the service shall not exceed 50,
[proviso (iv) substituted by section 2(c) of [Statutory Instrument 74 of 2020](#)]
- (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.

[subregulation (3) inserted by section 2 of [Statutory Instrument 71 of 2020](#) and by section 2 of [Statutory Instrument 72 of 2020](#)]

- (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.

[subregulation (4) inserted by [section 2 of Statutory Instrument 72 of 2020](#)]

6. Work remotely from homes

During the period of a lockdown –

- (a) all businesses and offices may only continue their business operations by allowing their employees to work remotely from home except employees designated as essential service provider; and
- (b) all persons employed within the public service, parastatals and any other state owned entity, unless specifically designated as essential service providers, shall work remotely from home.

7. Movement of persons during lockdown

- (1) During the period of a lockdown every person shall remain confined to their home, inclusive of the yard space to avoid contact outside person his household except –
 - (a) to attend an urgent meeting of Cabinet;
 - (b) to attend an urgent meeting of the National Assembly;
 - (c) to attend an urgent meeting of a council;
 - (d) to attend an urgent meeting of the National Task Force on COVID-19;
 - (e) if the person is an essential service provider in the discharge of his duties; or
 - (f) if the person, not being an essential service provider, leaves his home to access essential supplies as provided under subregulation (2),

and shall be required to fill out the Form in Schedule 1.

[subregulation (1) amended by section 4(a) of Statutory Instrument 62 of 2020]

- (2) A person referred to in subregulation (1) (f) may leave his home between the hours of 0800 hours and 2000 hours to access the following essential supplies at the nearest —

[opening phrase of subregulation (2) amended by section 4(b) of Statutory Instrument 62 of 2020]

- (a) butchery;
 - (b) funeral parlour;
 - (c) general dealer;
 - (d) bakery;
 - (e) maintenance or hardware services;
 - (f) tuckshop;
 - (g) health facility;
 - (h) medical aid services;
 - (i) restaurant or takeaway;
 - (j) supermarket;
 - (k) fuel filling station;
 - (l) pharmacy or chemist;
 - (m) agricultural shop;
 - (n) designated place for the collection of social protection packages,
 - (o) bank; or
 - (p) insurance company;
- (3) Notwithstanding subregulation (1), a person may leave his home between the hours of 0800 hours and 2000 hours to assist the elderly or the sick in accessing the facilities provided under subregulation ((2) (g), (h), (l) and (n).
- (4) For purposes of subregulation (2), a person means an individual from a household, except when rendering assistance under subregulation (3).
- (5) A meeting of Cabinet, National Assembly, council and National Taskforce on COVID-19 shall at all times adhere to the social distancing requirements issued by the Director of Health Services as published in the *Government Gazette*.
- (6) A trader or supplier under subregulation (2) shall —
- (a) ensure that all customers and staff maintain physical social distancing requirements issued by the Director of Health Services;
 - (b) determine the number of persons that may be permitted in the establishment at any one time;
 - (c) place any distance markers that may be required to ensure that the social distancing requirements issued by the Director of Health Services are complied with.
- (7) The provisions of this regulation shall continue to apply after the lockdown.
- (8) A person who contravenes this regulation commits an offence and is liable to a fine not exceeding P5 000 or to imprisonment for a term not exceeding six months, or to both.

8. Non-essential travel

- (1) For the purposes of preventing, controlling or containing the travel 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.
[regulation 8 substituted by section 3 of [Statutory Instrument 72 of 2020](#)]

9. Suspension of transport permits

- (1) A permit issued in terms of –
 - (a) section 5 (1) (b) of the Road Transport (Permits) Act for hire or reward to use a vehicle to convey any person by means of a motor vehicle;
 - (b) section 6 (1) (e) of the Road Transport (Permits) Act to carry passengers and baggage for hire or reward or on own account;
 - (c) section 10 (3) of the Road Transport (Permits) Act which is a short-term permit;
 - (d) regulation 10 (a) of the Road Traffic Regulations for road worthiness; and
 - (e) regulation 11 (1), (2) and (3) of the Road Traffic Regulations for conversion of foreign licence, is suspended until further notice.
[subregulation (1) amended by section 4 of [Statutory Instrument 72 of 2020](#)]
- (2) ***
[subregulation (2) deleted by section 2 of [Statutory Instrument 63 of 2020](#)]
- (3) ***
[subregulation (3) deleted by section 2 of [Statutory Instrument 63 of 2020](#)]
- (4) ***
[subregulation (4) deleted by section 2 of [Statutory Instrument 63 of 2020](#)]

Part III – Prevention of introduction or spread of COVID-19

10. Prohibition of entry into Botswana

- (1) Subject to subregulation (2), until further notice no person shall enter Botswana other than a citizen or a non-citizen resident in Botswana.
[subregulation (1) amended by section 5(a) of [Statutory Instrument 72 of 2020](#)]
- (2) The President may, in so far as it appears to be necessary and expedient for the purposes of these Regulations –
 - (a) allow entry into Botswana of a non-citizen for the provision of essential services or the delivery of essential supplies;
 - (b) allow the exit from Botswana of a citizen or non-citizen for medical purposes; and
 - (c) deport and exclude from Botswana a person who is a non-citizen.
[subregulation (2) amended by section 5(b) of [Statutory Instrument 72 of 2020](#)]
- (3) Any person who enters Botswana in contravention of subregulation (1) commits an offence and is liable to a fine not exceeding P5 000 or to imprisonment for a term not exceeding six months, or to both.

11. Quarantine of persons entering Botswana

- (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.

[subregulation (1) substituted by section 6 of Statutory Instrument 72 of 2020]

- (2) A person who refuses to be subjected to the provisions of section 80 (1) of the Public Health Act commits an offence and is liable to a fine not exceeding P5 000 or to a term of imprisonment not exceeding six months, or to both.

12. Suspension of issue of visa at port of entry and embassies

- (1) Until further notice, the processing of visas at a port of entry or at any embassy shall be suspended.

[subregulation (1) amended by section 7 of Statutory Instrument 72 of 2020]

- (2) All valid visas save for those non-citizens who are already present in Botswana are hereby revoked.
- (3) Subject to regulation 10 (2) (c), a person with a valid visitor's permit who entered Botswana before the declaration of the state of public emergency and whose permit expires during the state of public emergency shall be deemed to have a valid visitor's permit during the state of public emergency.

13. Departure from, or transit through, high risk country

- (1) Any person who departed from a high risk country or transited through a high risk country and entered Botswana on or after 11th March, 2020 and did not undergo Government-monitored quarantine shall, within five days after coming into force of these Regulations, notify —

- (a) the Director of Health Services of the people who he has come into contact with since his arrival into Botswana and the places visited in Botswana at the following numbers —

- (i) 997,
- (ii) 3632756,
- (iii) 3632757, or
- (iv) 3632773; or

- (b) any law enforcement officer,

and the provisions of regulation 11 (1) shall apply to such person.

- (2) Any person who contravenes the provisions of subregulation (1) commits an offence and is liable to a fine not exceeding P5 000 or to imprisonment for a term not exceeding six months, or to both.

Part IV – Restriction of movement of people

14. Restriction on persons testing positive for COVID-19

- (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.

[subregulation (1) amended by section 2 of Statutory Instrument 62 of 2020 and substituted by section 8 of

Statutory Instrument 72 of 2020]

- (2) A person under subregulation (1) who —
- (a) is an essential service provider; or
 - (b) transports essential supplies,
- and who does not declare to his employer that he has tested positive for COVID-19 commits an offence.

15. Temporary permits

- (1) Notwithstanding the provisions of regulation 9 (1), the Minister shall issue temporary permits for the purposes of subregulation (2).
- (2) The following persons shall be permitted to access public transport —
- (a) essential service providers;
 - (b) persons accessing essential supplies at regulation 7 (2):
- (3) A person issued with a temporary permit under subregulation (2) shall —
- (a) regularly wash his hands with clean water and soap or use hand sanitiser;
 - (b) observe the social distancing requirements of being at least two metres apart from each other; and
 - (c) comply with directions for the prevention of spread of COVID-19 issued by the Director of Health Services as published in the *Government Gazette*, and shall ensure that passenger comply with this subregulation.
- (4) Regulation 22 shall apply to any renewal of a licence or permit under the Road Traffic Act and the Road Transport (Permits) Act.
- (5) A driving test provided under section 39 of the Road Traffic Act and regulation 13 of the Road Traffic Regulations, except a driving test carried out for the purpose of obtaining a driver's licence for a freight truck, is suspended until further notice.
- (6) Section 84 of the Road Traffic Act which empowers the police to inspect, remove and detain vehicles involved in accidents shall not apply until further notice.
- (7) Regulation 126 of the Road Traffic Regulations which restricts the movement of certain vehicles at night shall not apply to freight trucks carrying essential services until further notice.

[subregulation (7) amended by section 3 of Statutory Instrument 63 of 2020]

[regulation 15 amended by section 9 of Statutory Instrument 72 of 2020]

16. Prohibition of gathering

- (1) Until further notice, a gathering of more than two persons is hereby prohibited:
- Provided that this regulation shall not apply to a meeting of Cabinet, a meeting of the National Assembly, a council meeting or a meeting of the National Taskforce on COVID-19.
- (2) All religious places of worship shall be closed until further notice.
- (3) Until further notice, the number of persons attending a funeral shall not exceed 50.
- (4) All persons at a funeral, irrespective of their number, shall —
- (a) be provided by the host with clean water and soap to wash their hands or with hand sanitiser;
 - (b) observe the social distancing requirements of being at least two metres apart from each other; and

- (c) comply with directions for the prevention of spread of COVID-19 issued by the Director of Health Services as published in the *Government Gazette*.

[regulation 16 amended by section 10 of Statutory Instrument 72 of 2020]

17. Work arrangements in response to COVID-19

- (1) During the state of public emergency following a lockdown, all members of the public service shall work as directed by the Director of Public Service Management as per any directives or circulars as may be issued for that purpose and shall comply with directions for the prevention of spread of COVID-19 issued by the Director of Health Services.
- (2) During the state of public emergency following a lockdown, all members of the private sector shall arrange themselves to work in a manner that complies with directions for the prevention of spread of COVID-19 issued by the Director of Health Services.
- (3) An employer shall ensure that employees shall –
 - (a) wash their hands with clean water and soap or use hand sanitizer;
 - (b) observe the social distancing requirements of being at least two metres apart from each other; and
 - (c) comply with directions for the prevention of spread of COVID-19 issued by the Director of Health Services as published in the *Government Gazette*.

18. Restriction on visitation

Until further notice, a person other than a legal practitioner or medical practitioner shall not visit or be permitted to visit –

- (a) any place of quarantine or isolation station;
- (b) a patient in a hospital or facility, except a responsible adult in the case of a minor;
- (c) a detainee in a prison or police cell;
- (d) any rehabilitation centre; and
- (e) refugee camp or centre for illegal immigrants.

[regulation 18 amended by section 11 of Statutory Instrument 72 of 2020]

19. Limitation of hours of trade

Until further notice –

- (a) the following shall only operate as a take-away service for essential service providers between the hours of 0800 hours and 2000 hours
 - (i) a restaurant, and
 - (ii) a takeaway, and
- (b) the following shall operate between the hours of 0800 hours and 2000 hours –
 - (i) butchery,
 - (ii) funeral parlour,
 - (iii) general dealer,
 - (iv) bakery,
 - (v) maintenance and hardware services,

- (vi) tuckshop,
- (vii) health facility,
- (viii) medical aid services,
- (ix) supermarket,
- (x) fuel filling station,
- (xi) pharmacy or chemist,
- (xii) agricultural shop, or
- (xiii) designated place for the collection of social protection packages.

[regulation 19 amended by section 12 of [Statutory Instrument 72 of 2020](#)]

Part V – Closure of facilities

20. Closure of schools

- (1) All schools shall be closed until further notice.
- (2) For purposes of this regulation, "school" means a pre-primary school, primary school, post primary school, driving school and tertiary institution, including a university.

[regulation 20 amended by section 13 of [Statutory Instrument 72 of 2020](#)]

21. Closure of liquor stores

- (1) A liquor licence issued in terms of the Liquor Act is hereby suspended until further notice, all liquor stores shall remain closed and no liquor shall be sold.
- (2) For purposes of this regulation, "liquor" includes all traditional beers.

[regulation 21 amended by section 14 of [Statutory Instrument 72 of 2020](#)]

Part VI – Miscellaneous provisions

22. Suspension of applicable penalties

- (1) Any licence, permit, identity card or authorisation issued to any person under any Act which expires during the duration of the state of public emergency shall be deemed to be valid for the duration of the emergency proclamation.
- (2) Subregulation (1) shall not apply to any licence, permit or authorisation which expired before the declaration of the state of public emergency.
- (3) Any penalty applicable for failure to renew any licence, permit, identity card or authorisation is hereby suspended for the duration of the emergency proclamation.

23. Designated places of entry, exit, etc.

- (1) The places of entry, exit, landing and loading and examination of goods in Botswana until further notice shall be as set out in Schedule 2.
- (2) Until further notice, the take-off and landing of aircrafts shall only be at the airports set out in Schedule 2.
- (3) A person who contravenes subregulation (2) commits an offence and is liable to a fine not exceeding P10 000 000 or to imprisonment for a term not exceeding ten years, or to both.

[regulation 23 amended by section 15 of Statutory Instrument 72 of 2020]

24. Import of essential supplies

- (1) During the state of public emergency essential supplies shall be imported and supplied by licensed suppliers only.
- (2) Any person who contravenes the provisions of subregulation (1) commits an offence and is liable to a fine not exceeding P100 000 or to imprisonment for a term not exceeding five years, or to both.

25. Pricing and sale of essential supplies

- (1) During the state of public emergency –
 - (a) where there is an increase in the cost of procurement or production of essential supplies, a trader shall not increase the price of procurement or production of essential supplies by more than the additional cost of procurement or production of such essential supplies; and
 - (b) a trader who sells essential supplies shall not sell any other goods which are not essential supplies.
- (2) A trader who contravenes the provisions of subregulation (1) commits an offence and is liable to a fine not exceeding P100 000 or to imprisonment for a term not exceeding five years, or to both.

26. Standards specifications for hand sanitisers

- (1) Standard BOS 844:2020 is hereby declared the hand sanitiser specification with immediate effect.
- (2) Any person who contravenes this regulation commits an offence and shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding P5 000, or to both.

27. Restriction of essential supplies

- (1) During the state of public emergency a trader shall, as far as practicably possible, ensure that the supplies listed in the first column of Schedule 3 do not exceed the limits set out in the second column of Schedule 3.
- (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.

[subregulation (2) inserted by section 16 of Statutory Instrument 72 of 2020]

28. Power to stop, detain and arrest

- (1) Where a law enforcement officer has reasonable cause to believe that a person is in violation of these Regulations, he may stop, detain, question and arrest such person and confiscate any vehicle being used by that person, if he considers it necessary so to do.
- (2) Any person who assaults, obstructs, hinders or resists or uses any threatening or abusive language or aids or incites any other person to assault, obstruct, hinder or resist any law enforcement officer in the execution of his duty under this regulation, commits an offence.

29. Dead bodies, conveyance, burial, etc.

Where a person dies of COVID-19, the provisions of section 5 of the Conveyance of Dead Bodies Act as read with the Public Health Act shall apply.

30. Payment of compensation and remuneration

- (1) Subject to the provisions of paragraph 8 (e) of the Public Finance Management (COVID-19 Pandemic (Corona Virus) Relief Fund) Order, 2020, the President may authorise the payment of compensation and remuneration to any person affected by these Regulations.
- (2) Any arrangement entered into before the coming into effect of these Regulations shall be deemed to have been made under these Regulations.
- (3) Any person who relays any information to the public about COVID-19 from a source other than the Director of Health Services, and the WHO commits an offence and is liable to a fine not exceeding P100 000 or to imprisonment for a term not exceeding five years, or to both.

30A. Prohibition of importation or sale of tobacco, etc.

- (1) The importation or sale of tobacco or tobacco-related products is prohibited during the state of public emergency.
- (2) A person who contravenes subregulation (1) commits an offence.

[regulation 30A inserted by section 5 of [Statutory Instrument 62 of 2020](#)]

30B. Suspension of court procedures

During the state of public emergency, the Chief Justice may in accordance with section 3 (3) of the Act —

- (a) suspend the operation of any of the procedures or timelines laid down in the Rules of any court;
- (b) issue Directives relating to the detention, bail or remand of prisoners awaiting arraignment, trial or appeal; or
- (c) take any necessary measures aimed at addressing or preventing the spread of COVID-19 in all courts in Botswana.

[regulation 30B inserted by section 4 of [Statutory Instrument 63 of 2020](#)]

30C. Suspension of filling of council vacancy [Cap. 40:01]

The provisions of section 18 of the Local Government Act, which provides for the seat of a member of Council to be filled within three months is hereby suspended during the state of public emergency.

[regulation 30C inserted by section 4 of [Statutory Instrument 63 of 2020](#)]

30D. Suspension of industrial action [Cap. 48:02]

Part VI of the Trade Disputes Act which provides for the right to strike and lockouts is hereby suspended during the state of public emergency.

[regulation 30D inserted by section 4 of [Statutory Instrument 63 of 2020](#)]

30E. Suspension of retrenchment or dismissal

Where a business is unable to have employees work remotely from home or where a business is unable to pay salaries, the business may cease operations but shall not retrench or dismiss an employee during the state of public emergency.

[regulation 30E inserted by section 4 of [Statutory Instrument 63 of 2020](#)]

30F. Deferment of self-assessment tax

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.

[regulation 30F inserted by section 17 of [Statutory Instrument 72 of 2020](#)]

30G. Notice to be published by Director

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.

[regulation 30G inserted by section 17 of [Statutory Instrument 72 of 2020](#)]

31. Offences and penalties

- (1) A person who contravenes a provision of these Regulations in which a penalty is not provided for commits an offence and is liable to a fine not exceeding P100 000 or to imprisonment for a term not exceeding five years, or to both.
- (2) A person who intentionally exposes another person to COVID-19 commits an offence and is liable to a fine not exceeding P100 000 or to imprisonment for a term not exceeding five years, or to both.
- (3) A person who publishes any statement, through any medium, including social media, with the intention to deceive any other person about —
 - (a) COVID-19;
 - (b) COVID-19 infection status of any person; or
 - (c) any measure taken by the Government to address COVID-19,commits an offence and is liable to a fine not exceeding P100 000 or to imprisonment for a term not exceeding five years, or to both.
- (4) Any person who intentionally misrepresents that he or any other person is infected with COVID-19 commits an offence and is liable to a fine not exceeding P100 000 or to imprisonment for a term not exceeding five years, or to both.

32. Revocation of instruments

The instruments specified in Schedule 4 are hereby revoked.

Schedule 1

Form A (reg. 7(1))

Declaration form of exceptional movement of persons during state of public emergency

(To be filled in duplicate)

Applicant's details:				
Surname				
First, middle names				
Sex (<i>tick where appropriate</i>)		Male		Female
Identity No. (omang)/Passport No.				
Nationality				
Date of birth (dd/mm/yyyy)				
Physical address				
Plot/House number				
Ward				
Village/City				
Email address				
Mobile/Contact No. 1:				
Mobile/Contact No. 2:				
Household characteristics:		Multiple houses	Single house	Private toilet
Other (<i>Please describe</i>)		shared toilets		
Contact details of household members				
Contacts:				
Surname:				
First, middle names:				
Mobile No:				
Surname				
First, middle names				
Mobile No:				
I declare that the need to travel from (<i>insert date</i>) to (<i>insert date</i>) is due to the following reasons:				
Category of permit (<i>fill appropriate part</i>) state Reasons below (as applicable)				
Part 1 - Essential services (state):				
Name of organization:				
Contact person:				
Designation:				
Mobile numbers:				

Provide travel details	
Destination:	
Departure date:	
Departure time:	
Return time:	
Part 2 - Transport of essential goods (state):	
Name of organization:	
Contact person:	
Designation:	
Mobile numbers:	
Provide travel details	
Departure:	
Destination:	
Departure date:	
Departure time:	
Return time:	
Part 3 - Special permit	
*Reason	
Provide travel details:	
Departure:	
Destination:	
Date:	
Departure time:	
Return time:	
Applicant signature:	
Date (day/month/year)	
<i>For official use only (To be completed by Authorizing Officer)</i>	
Authorizing Office	
Organization	
Contact number	
*If special permit is selected, provide details	
Approving Official	

Surname	
First name	
Designation	
Contact number	
Time contacted	
Approving Officer's signature	
Date (day/month/year)	

1. Each Ministry headquarters to determine officers who will be authorised to sign off.
2. At District level, District Commissioner (DC) and the Head of the District Health Management Team (DHMT) will coordinate in overseeing the granting of permission to travel by authorised officers e.g. Senior Government Officials, Dikgosi, Council Secretary, Headmen, Head of School/Training Institution, Police Officers, etc.
3. In a locality without the above, two Village Extension Teams (VET) approved by the District Commissioner will facilitate sign off on authorisation to travel. Typically, a health official (Nurse, etc.) should be part of the authorising team.
4. The authorised travel permit is valid for a maximum of 5 days from date of issue and will need renewal.
5. Authorised officials shall submit a copy of all issued permits, plus an accompanying summary (report) of permits issued on a daily basis to the National Emergency Operations Centre (call 0800 600 111 or 369 8337)

[Schedule 1 substituted by section 6 of [Statutory Instrument 62 of 2020](#)]

Schedule 2 (reg. 23)

Border posts	(i) Kazungula Road, (ii) Kazungula Ferry, (iii) Mamuno, (iv) Martin's Drift, (v) Mohembo, (vi) Ngoma, (vii) Pioneer, (viii) Ramatlabama, (ix) Ramokgwebana, and (x) Tlokweng,
Rail entry points	(i) Ramatlabama, and (ii) Vakaranga
Airports	(i) PG Matante International, (ii) Kasane, (iii) Maun, and (iv) Sir Seretse Khama International.

Schedule 3 (regulation 27)

Essential Supplies

Essential Supplies	Quantities per person per transaction
1. Antiseptics	2 litres
2. Baby wipes	3 packets
3. Bleach	1 litre
4. Disinfectants	1 litre
5. Face masks	30 masks
6. Methylated and surgical spirit	1 litre
7. Sanitisers	1 litre
8. Soap	3 bars
9. Surgical gloves	30 pairs
10. Wet wipes	1 packet

Schedule 4 (reg. 32)

Instrument	Revocation
1. Immigration Act, Immigration (Points of Entry) Order, 2020	S. I No. 34 of 2020 is hereby revoked
2. Public Health Act, Public Health (Prevention of Introduction of Covid-19 into Botswana), Order, 2020	S. I No. 36 of 2020 is hereby revoked
3. Public Health Act, Public Health (Prohibition of entry into Botswana) Order, 2020	S.I No. 37 of 2020 is hereby revoked
4. Road Transport Permits Act, Road Transport (Permits) (Suspension of Permits) Regulations, 2020	S.I No. 45 of 2020 is hereby revoked
5. (a) Education Act, Education (Closure of schools) Notice (b) Education Act, Education (Closure of tertiary schools)	(a) Government Notice No. 130 of 2020 is hereby revoked (b) Government Notice No. 131 of 2020 is hereby revoked
6. Liquor Act, Liquor (Amendment) Regulations, 2020	S.I No. 42 of 2020 is hereby revoked
7. Shops and Restaurant Hours Act, Shops and Restaurant Hours (Restaurant Hours) Regulations, 2020	S.I. No. 33 of 2020 is hereby revoked
8. Civil Aviation Act (Air Routes and Always) Order	SI No. 58 of 2020 is hereby revoked
9. Customs Act (Designated Places of Entry, Exit and Landing, Loading and Examination of Goods in Botswana)	Government Notice No. 146 of 2020 is hereby revoked

Schedule 5 (reg. 8)

COVID zones



Zone	Description
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.

[Schedule 5 inserted by section 18 of [Statutory Instrument 72 of 2020](#)]