

CHAPTER 242

PUBLIC HEALTH ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

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**PUBLIC HEALTH (DECLARATION OF
FORMIDABLE EPIDEMIC DISEASE) ORDER, 2020**

ARRANGEMENT OF SECTIONS

1. Citation
 2. Declaration of formidable disease
-

**PUBLIC HEALTH (DECLARATION OF
FORMIDABLE EPIDEMIC DISEASE) ORDER, 2020**

[Legal Notice 37 of 2020]

1. Citation

This Order may be cited as the Public Health (Declaration of Formidable Epidemic Disease) Order, 2020.

2. Declaration of formidable disease

The coronavirus disease 2019 is hereby declared to be a formidable epidemic disease.

PUBLIC HEALTH (COVID-19 RESTRICTION OF MOVEMENT OF PERSONS AND RELATED MEASURES) (KILIFI COUNTY) ORDER, 2020

ARRANGEMENT OF SECTIONS

1. Citation
2. Interpretation
3. Restriction of movement

SCHEDULES

PUBLIC HEALTH (COVID-19 RESTRICTION OF MOVEMENT OF PERSONS AND RELATED MEASURES) (KILIFI COUNTY) ORDER, 2020

[Legal Notice 53 of 2020]

1. Citation

This Order may be cited as the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) (Kilifi County) Order, 2020.

2. Interpretation

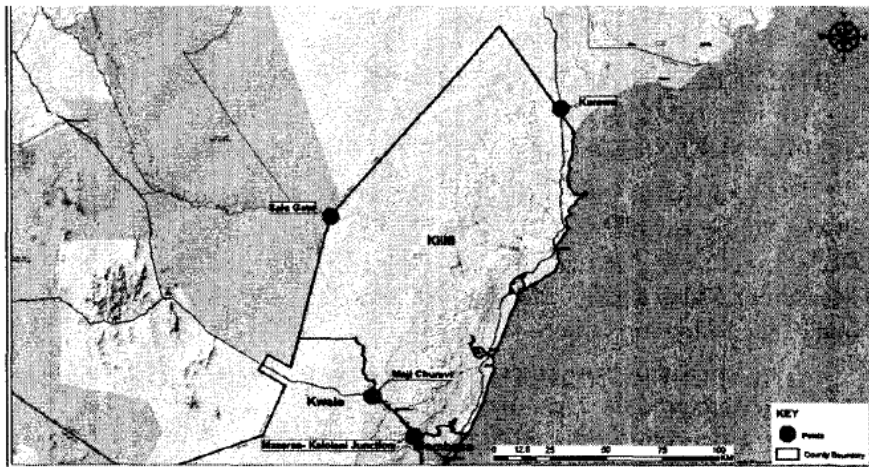
In this Order, unless the context otherwise requires—

"Kilifi County" means that area covering Kilifi County and all the adjoining areas as delineated on the map set out in Schedule I.

3. Restriction of movement

The Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules, 2020 shall be in force in Kilifi County for twenty-one days with effect from 1900HRS on Wednesday 8 April 2020 until 2359HRS on Wednesday 29 April 2020.

SCHEDULE I



**PUBLIC HEALTH (COVID-19 RESTRICTION OF
MOVEMENT OF PERSONS AND RELATED MEASURES)
(NAIROBI METROPOLITAN AREA) ORDER, 2020**

ARRANGEMENT OF SECTIONS

1. Citation
2. Interpretation
3. Restriction of Movement

SCHEDULES

PUBLIC HEALTH (COVID-19 RESTRICTION OF MOVEMENT OF PERSONS AND RELATED MEASURES) (NAIROBI METROPOLITAN AREA) ORDER, 2020

[Legal Notice 51 of 2020]

1. Citation

This Order may be cited as the Public Health Citation (COVID- 19 Restriction of Movement of Persons and Related Measures) (Nairobi Metropolitan Area) Order, 2020.

2. Interpretation

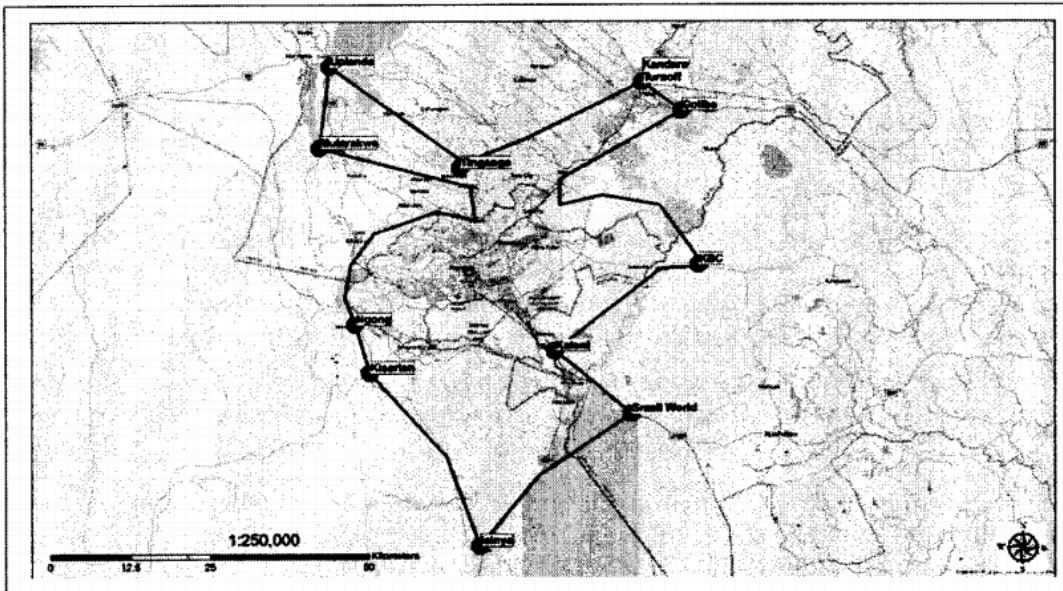
In this Order, unless the context otherwise requires—

"Nairobi Metropolitan Area" means Nairobi City County and all the adjoining areas including Part of Kiambu County up to Chania River Bridge (Thika), including Rironi, Ndenderu, Kiambu Town; Part of Machakos County, up to Athi-River including Katani; Part of Kajiado County including Isinya, Kiserian, Ongata Rongai and Ngong Town; and all other areas as delineated on the map set out in Schedule I.

3. Restriction of Movement

The Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules, 2020 shall be in force in the Nairobi Metropolitan Area for twenty-one days with effect from 1900HRS on Monday 6 April 2020 until 2359HRS on Monday 27 April 2020.

SCHEDULE I



PUBLIC HEALTH (COVID-19 RESTRICTION OF MOVEMENT OF PERSONS AND RELATED MEASURES) (KWALE COUNTY) ORDER, 2020

ARRANGEMENT OF SECTIONS

1. Citation
2. Definition
3. Restriction of movement

SCHEDULES

PUBLIC HEALTH (COVID-19 RESTRICTION OF MOVEMENT OF PERSONS AND RELATED MEASURES) (KWALE COUNTY) ORDER, 2020

[Legal Notice 54 of 2020]

1. Citation

This Order may be cited as the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) (Kwale County) Order, 2020.

2. Definition

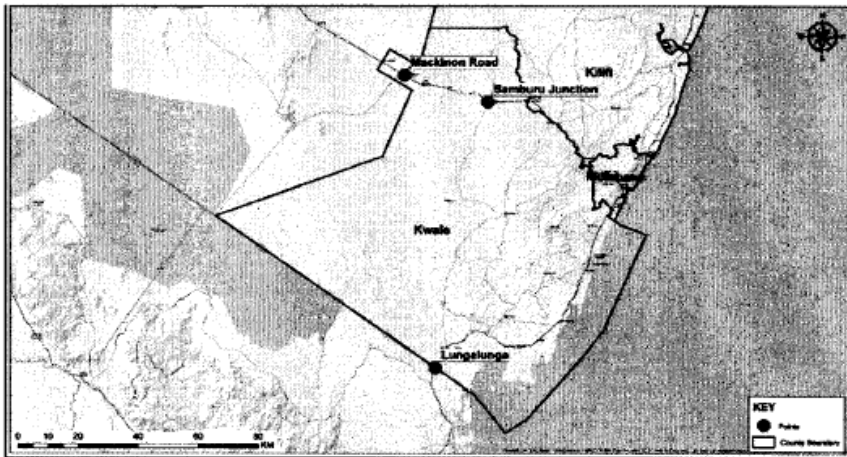
In this Order, unless the context otherwise requires—

"Kwale County" means that area covering Kwale County and all the adjoining areas as delineated on the map set out in Schedule I.

3. Restriction of movement

The Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules, 2020 shall be in force in Kwale County for twenty-one days with effect from 1900HRS on Wednesday 8 April 2020 until 2359HRS on Wednesday 29 April 2020.

SCHEDULE I



**PUBLIC HEALTH (COVID-19 RESTRICTION
OF MOVEMENT OF PERSONS AND RELATED
MEASURES) (MOMBASA COUNTY) ORDER, 2020**

ARRANGEMENT OF SECTIONS

1. Citation
2. Interpretation
3. Restriction of Movement

SCHEDULES

PUBLIC HEALTH (COVID-19 RESTRICTION OF MOVEMENT OF PERSONS AND RELATED MEASURES) (MOMBASA COUNTY) ORDER, 2020

[Legal Notice 52 of 2020]

1. Citation

This Order may be cited as the Public Health (COVID-19 Citation Restriction of Movement of Persons and Related Measures) (Mombasa County) Order, 2020.

2. Interpretation

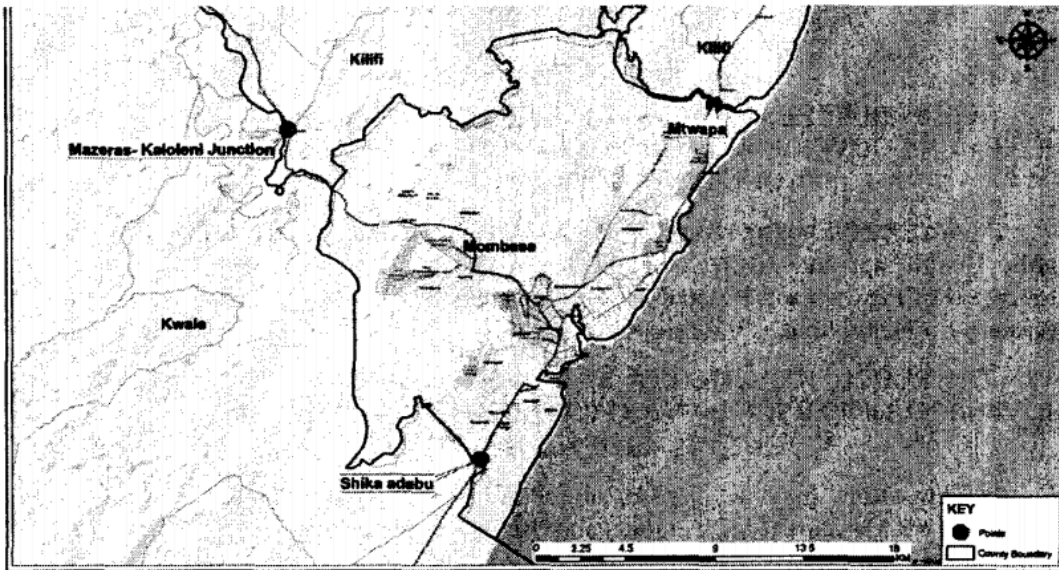
In this Order, unless the context otherwise requires —

"Mombasa County" means that area covering Mombasa County and all the adjoining areas as delineated on the map set out in Schedule 1.

3. Restriction of Movement

The Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules, 2020 shall be in force in Mombasa County for twenty-one days with effect from 1900HRS on Wednesday 8 April 2020 until 2359HRS on Wednesday 29 April 2020.

SCHEDULE I



**PUBLIC HEALTH (PREVENTION, CONTROL
AND SUPPRESSION OF COVID-19) RULES, 2020**

ARRANGEMENT OF SECTIONS

1. Citation
 2. Responsibility for notification
 3. Medical officer of health and medical practitioner to notify
 4. Powers for the control of COVID-19
 5. Power of search
 6. Power of medical officer of health or public health officer to disinfect premises
 7. Power of medical officer of health or public health officer to direct the use of building
 8. Removal and disposal of bodies
 9. Reception by health facilities
 10. Escaping from isolation and quarantine
 11. Carriers of disease
 12. Infected area
 13. Designation of Facilities
 14. General powers
 15. Penalty
-

**PUBLIC HEALTH (PREVENTION, CONTROL
AND SUPPRESSION OF COVID-19) RULES, 2020**

[Legal Notice 49 of 2020]

1. Citation

These Rules may be cited as the Public Health (Prevention, Control and Suppression of COVID-19) Rules, 2020.

2. Responsibility for notification

Every owner, person in charge of, or occupier of premises, and every employer and head of a household, who suspects that any person who is residing at his or her premises or who is in his or her employment, is suffering from COVID-19, shall notify a medical officer, public health officer, a medical practitioner and or the nearest administrator or take that person to a medical officer, medical practitioner or health facility for treatment.

3. Medical officer of health and medical practitioner to notify

(1) Every medical officer of health, public health officer or medical practitioner who attends to, or who is called in to visit a patient, shall immediately, on becoming aware or suspecting that the patient is suffering from COVID-19, transfer the patient to the nearest health facility.

(2) Every medical officer of health, public health officer or medical practitioner who becomes aware, by post-mortem examination or otherwise, that any person has died of COVID-19, shall immediately inform the head of the household, or the occupier of the premises, or any person who has been in attendance on or contact with the deceased person, of the infectious nature of COVID-19 and of the precautions to be taken to prevent its transmission to other persons.

4. Powers for the control of COVID-19

Where any case of COVID-19 is transferred to a health facility, the medical officer of health or public health officer shall immediately visit and inspect the premises where that person resides and may —

- (a) order all persons who have attended to or been in contact with the person to remain on the premises where the person was at the time of infection; or
- (b) cause those persons to be removed to a health facility or other suitable place provided for the reception of persons suffering from COVID-19 or for quarantine.

5. Power of search

(1) A medical officer of health, public health officer or a health inspector, or other person acting on the written instructions of a medical officer of health, may enter any premises in order to search for any case of COVID-19, or to inquire whether there is or has been on the premises, any case of COVID-19.

(2) Where any public health officer or health inspector or other person discovers any case of COVID-19, he or she shall report the discovery to a medical officer.

6. Power of medical officer of health or public health officer to disinfect premises

Where a building, premises or conveyance has signs of contamination with COVID-19 or where a medical officer of health has information of contamination of a building, premises or conveyance, the medical officer of health may decontaminate or cause the decontamination of the affected building, premises or conveyance.

7. Power of medical officer of health or public health officer to direct the use of building

[Subsidiary]

Where a building, premises or conveyance has signs of contamination with COVID-19 or where a medical officer of health or public health officer has information of contamination of a building, premises or conveyance, the medical officer of health or public health officer may direct the manner in which that building, premises or conveyance may be used and may, in that regard, direct the evacuation of that building, premises or conveyance, or prohibit entry into that building, premises or conveyance, for such duration as may be necessary to decontaminate or cause the decontamination of that building, premises or conveyance.

8. Removal and disposal of bodies

(1) The following shall apply in relation to removal and disposal of bodies of all persons who die from COVID-19:

- (a) The person applying for burial or cremation permit shall be regarded as the responsible person for purposes of section 18 of Public Health Act;
- (b) The burial or cremation ceremony may only take place between 0900 hours — 1500 hours;
- (c) The attendance at the burial or crematorium shall not exceed fifteen persons without prior written consent of a medical officer of health;
- (d) No child under the age of twelve years may enter any cemetery or crematorium unless when accompanied by an adult, or with the medical officer of health;
- (e) No person shall be allowed to carry on or solicit business, hold demonstration, or perform an activity which is not normally associated with a cemetery or crematorium;
- (f) The mode of transport used during the funeral procession at the cemetery or crematorium, must be fumigated immediately after the procession;
- (g) Every person taking part in a funeral procession at the cemetery, or attending a cremation service, must comply with instructions or directions issued by the medical officer of health or public health officer;

(2) Any person who fails and neglects to follow directions issued by a medical officer of health or public health officer, commits an offence.

(3) The Cabinet Secretary may designate an area as a burial site for persons whose deaths result from COVID-19.

9. Reception by health facilities

Any health facility that receives a person suffering or suspected of suffering from COVID-19, shall receive and deal with that person in accordance with the directions of the medical officer of health or public health officer.

10. Escaping from isolation and quarantine

(1) Where a person who is confined in a place designated for isolation or for quarantine for COVID-19 escapes from that place, a medical officer shall immediately notify the police and request the police to apprehend and return the person to the designated place.

(2) A person commits an offence if that person —

- (a) aids a person who is confined in a place designated for isolation or quarantine for COVID-19, in escaping or attempting to escape from the place; or
- (b) conveys anything or causes anything to be conveyed into a place designated for isolation or quarantine for COVID-19 with the intent to facilitate the escape of any person confined in the place.

(3) A person who commits an offence under subparagraph (1) is liable, on conviction, to imprisonment for a term not exceeding two months or a fine not exceeding twenty thousand shillings.

11. Carriers of disease

(1) In this paragraph, "carrier" includes any person who, although he or she does not at the time present the clinical symptoms of COVID-19, has been proved, or is believed on reasonable grounds, to be harboring the infection and consequently to be liable to cause the spread of COVID-19.

(2) Any person who is believed or suspected, on reasonable grounds, by a medical officer of health to be a carrier shall allow, on request by the medical officer of health, or by any person authorized by the medical officer of health in writing, the medical officer of health to obtain from him or her specimens of blood, excreta, discharges or other material required for examination and investigation.

(3) Where a medical officer of health determines that a person is believed or suspected to be a carrier and that the necessary examination and investigations cannot be properly carried out at the house or place of residence of that person, the medical officer of health may direct that person to proceed or to be removed to a hospital or other suitable place for the purpose of examination and investigation and to remain or to be detained in that place for such reasonable period as may be required for that purpose.

(4) Every carrier shall at all times observe and give effect to all reasonable instructions given to him or her by the medical officer of health in regard to the disposal of his or her infectious materials and the cleansing of the articles used by the carrier, and any other precautions for preventing the spread of infection.

(5) Every carrier or patient who so wishes shall, within seven days before the change, inform the the medical officer of his or her intention to change his or her place of residence or work and of his or her intended new place of residence or work.

12. Infected area

(1) The Cabinet Secretary may, by notice in the Gazette and in a newspaper with a wide circulation, declare any place to be an infected area, and thereupon regulate and/or prescribe such activities and conduct that may be carried out within the infected area where it is deemed necessary for preventing the spread of or for the eradication of COVID-19.

Any person who contravenes the directives issues under rule 12 (1) commits an offence and shall be liable to a fine not exceeding twenty thousand shillings, or to imprisonment for a term not exceeding six months, or to both.

(2) The Cabinet Secretary or any medical officer of health may direct any person residing in a declared infected area to undergo such medical inspection or examination as the Cabinet Secretary or medical officer of health may direct and the person so directed shall have to undergo such inspection.

(3) A medical officer of health may keep all or any persons in a declared infected area under observation in any place selected by him or her and under such surveillance as the medical officer of health may consider necessary.

(4) Where any person from a declared infected area is placed under observation or surveillance, the period of observation or surveillance shall be fourteen days.

13. Designation of Facilities

(1) Subject to the conditions to be specified by the Cabinet Secretary by notice in the Gazette, the Cabinet Secretary may depending on the circumstances in an area, whether designated as an infected area or not, designate a private health facility, an educational institution, hotel or any other establishment as he may deem appropriate as a designated facility for purposes of handling and or treatment of COVID-19 patients.

(2) A designated facility under this rule that fails to comply with the directions of the Cabinet Secretary as regards the handling and or treatment of COVID-19 cases commits an offence.

14. General powers

[Subsidiary]

The Cabinet Secretary may, by notice in the Gazette and in a newspaper with a wide circulation, put in place such measures as may from time to time become necessary to contain and curb the further spread of COVID-19.

15. Penalty

(1) Except as otherwise provided in these Rules, any person who contravenes the provisions of these Rules shall be liable to a fine not exceeding twenty thousand shillings, or to imprisonment for a term not exceeding six months, or to both.

(2) If the offence, contravention or default referenced under rule 15 (1) herein is of a continuing nature, the person shall be liable to a further fine not exceeding one thousand shillings for each day it continues.

**PUBLIC HEALTH (COVID-19 RESTRICTION OF MOVEMENT
OF PERSONS AND RELATED MEASURES) RULES, 2020**

ARRANGEMENT OF SECTIONS

1. Citation
2. Interpretation
3. Declaration of **infected area**
4. Restriction of movement of persons
5. Restriction of transport services
6. Hygiene conditions
7. Prohibition of gatherings
- 7A. Prohibited places and premises
8. Disposal of bodies
9. Detention of Motor Vehicle
10. Exemption
11. Penalty

SCHEDULES

PUBLIC HEALTH (COVID-19 RESTRICTION OF MOVEMENT OF PERSONS AND RELATED MEASURES) RULES, 2020

[Legal Notice 50 of 2020, Legal Notice 56 of 2020, Legal Notice 58 of 2020]

1. Citation

These Rules may be cited as the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules 2020.

2. Interpretation

Unless the context otherwise requires, in these Rules —

"commercial vehicle" has the meaning assigned to it in the Traffic Act;

"gathering" means any private gathering or meeting for a social, cultural, economic or other purpose or public gathering, meeting, grouping, assembly, crowd, or procession, in or on any public road or space, any building, place or premises including wholly or partly in the open air, and including any premises or place used for sporting, entertainment, religious, cultural, political, academic, and fundraising purposes, for any barber shop, massage parlour and beauty salon activities or as bars or similar establishments, theatres and cinema, gymnasium, spa, dine-in restaurants and food courts, but does not include a market and an ordinary family gathering within a single household or living unit;

"market" means any public place used for the trade of food and farm produce;

"infected area" means an area to which these Rules apply, as the Cabinet Secretary may, by order, declare;

"law enforcement officer" means a police officer, National Government Administration Officer or medical officer of health;

"public place" means any outdoor, indoor, enclosed, or partially enclosed area which is open to the public or any part of the public, or to which members of the public ordinarily have access, and includes a workplace and a public conveyance;

"restriction period" means the period specified by the Cabinet Secretary in the order declaring an area to be an infected area.

[L.N 56/2020, r. 2(a)]

3. Declaration of infected area

The Cabinet Secretary may, by order, declare these Rules to be in force within an area specified in the order and such area shall be deemed to be an infected area.

4. Restriction of movement of persons

(1) During the restriction period, there shall be no movement of persons into or out of an infected area, either by road, rail or air, unless the movement into or out of an infected area is for the purpose of—

- (a) transportation of food and farm produce for commercial purposes including rice, beans, maize, potatoes, cassava, cabbages, kale, spinach, tomatoes, onions, bananas, eggs, meat, fish, chicken, dairy products, tea, coffee, miraa and other food items and farm produce.
- (b) transportation of all types of lawful cargo and goods including construction material, fuel and pharmaceutical products.
- (c) Ambulances transporting patients to health facilities located within an infected area.

(2) Provided that for purposes of sub-rule (1)—

[Subsidiary]

- (a) commercial vehicles or vessels entering or exiting an infected area for purposes of collecting food and farm produce, cargo and goods, shall upon proof in writing, be deemed to be undertaking transportation of food and farm produce, cargo and goods.
- (b) commercial vehicles or vessels including lorries and pick-up trucks shall, in addition to food and farm produce, cargo and goods, carry only the driver and no more than three assistants.

(3) The persons referred to under sub-rule (2) (b) herein shall be designated in writing by the employer in a manner that substantially corresponds with Form 1 set out in Schedule I and shall on demand by a law enforcement officer, produce the prescribed documentation.

(4) A person permitted to enter or exit an infected area under sub-rule (1) or as the case may be; may be subjected to screening for COVID-19

(5) Any person who contravenes sub-rules (1), (2), (3) or provides false information, commits an offence.

5. Restriction of transport services

(1) All public transport services including passenger rail services, bus services, matatu services, taxicab services, motorcycle services, tricycle services, e-hailing services, and air passenger transport services into or out of an infected area are prohibited during the restriction period.

(2) All private cars into or out of an infected area are prohibited during the restriction period.

(3) During the restriction period, all public transport services including passenger rail services, bus services, matatu services, taxicab services, motorcycle services, tricycle services, e-hailing services and private cars may operate within an infected area subject to the following conditions —

- (a) passenger rail services, bus services, matatu services, taxicab services and e-hailing services vehicles shall not carry more than 50% of their licensed capacity;
- (b) motorcycles shall carry only one passenger or goods;
- (c) bicycles shall carry only the rider;
- (d) tricycles may carry goods and not more than one passenger; and
- (e) private vehicles shall not carry more than 50% of the licensed capacity.

(4) Users of public or private transport and public transport operators shall wear a proper mask that must cover the person's mouth and nose.

- (i) Transportation of passengers by ferries shall only take place between 5.30 O'clock in the morning and 6.30 O'clock in the evening.
- (ii) Ferry operators shall not engage in cargo transportation during the period set out under clause (i).
- (iii) The hygiene conditions under Rule 6 shall apply, with the necessary modifications, to users of ferry services and ferry operators.

(5) A person who contravenes sub-rules (1), (2), (3), (4) or (4A) commits an offence.

[L.N. 58/2020, s. 2 (a)(b)]

6. Hygiene conditions

(1) Every person who is in a public place during the restriction period shall—

- (a) maintain a physical distance of no less than one metre from the next person; and
- (b) use a proper face mask that must cover the person's mouth and nose.

(2) Every organisation, business entity, trader or vendor whether in a market or enclosed premises shall—

- (a) provide at their business location or entrance to their premises, a handwashing station with soap and water or an alcohol-based sanitizer approved for use by the Kenya Bureau of Standards;
- (b) put in place measures to ensure that physical distance of no less than one metre is maintained between persons accessing or within their premises or business location; and;
- (c) regularly sanitize their premises or business location.

(3) A person who contravenes sub-rules (1) or (2) commits an offence.

7. Prohibition of gatherings

(1) Save for a funeral undertaken in accordance with sub-rule (2), any gathering as defined under rule 2 is prohibited during the restriction period.

(2) For purposes of these Rules, a funeral shall not be regarded as a prohibited gathering provided that—

- (a) attendance at the funeral shall be limited to fifteen people;
- (b) night vigils shall not be held in relation to a funeral;
- (c) hygiene conditions under rule 6 are adhered to; and
- (d) all the conditions under rule 8 (1) of the Public Health (Prevention, Control and Suppression of COVID-19) Rules, 2020 are adhered to.

(3) A person who contravenes sub-rule (1) commits an offence.

7A. Prohibited places and premises

All places and premises listed in Schedule II shall remain closed during the restriction period.

[L.N 56/2020, r.2(b)]

8. Disposal of bodies

Where a person infected with COVID-19 dies, the body shall be interred or cremated within forty-eight hours from the time of death.

9. Detention of Motor Vehicle

A person who contravenes either rules 4 (1), (2), (3) or 5 (1), (2), (3), (4) may have their vehicle detained in a police station or any other place as the Inspector-General of the National Police Service may designate, pending their arraignment in court and/or for the duration of the restriction period.

10. Exemption

The Cabinet Secretary may exempt any person from the provisions of the Rules on such terms and conditions as he shall certify in writing.

11. Penalty

A person who commits an offence under these Rules shall, on conviction, be liable to a fine not exceeding twenty thousand shillings or to imprisonment for a period not exceeding six months or both.

SCHEDULE I

Form 1

I,..... (Full name) of National Identity Card number and telephone number..... hereby certify that our employee named below provides service being a service exempted under rule 4 (1) of the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules, 2020.

Full name of employee

National Identity Card number

[Subsidiary]

Residential area and details (Estate,
 location, street)
 Job description
 Telephone number
 Purpose of the trip
 Assigned motor vehicle's registration
 number
 Origin and destination of the vehicle
 Nature of cargo

Signed at, on this day of 2020.
 Institution/business/entity
 Physical address
 Postal address.....
 Office telephone number
 Signature of authorized officer
 Official stamp of institution

SCHEDULE II

[L.N 56/2020, r. 2(c)]

1.
Any place or premises normally open to the public where religious, cultural, social, economic, sporting, entertainment, political, academic, fundraising or similar activities may take place
2.
Golf clubs
3.
Night clubs
4.
Bars or similar establishments
5.
Casinos
6.
Barber shops
7.
Massage parlours
8.
Beauty salons
9.
Gymnasiums

10.

Spas

11.

Theatres and cinemas

12.

Dine-in restaurants and food courts

13.

Any other place or premises as may be determined by the Cabinet Secretary from time to time.
