



## **LEGISLATIVE SUMMARY**

### **THE PUBLIC HEALTH ACT**

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

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The Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules 2020 were gazetted on 6<sup>th</sup> April 2020 by the Cabinet Secretary for Health. They provide for the following;

#### **1. Declaration of infected areas**

These rules give the Cabinet Secretary for Health the power to declare the application of these rules in a specified area (s), which shall be deemed as an infected area(s).

#### **2. Restriction of movement of persons**

The rules provide that 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 the infected area is for the following purpose;

- 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.

In addition, 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.

Commercial vehicles or vessels including lorries and pickup trucks are expected to carry **only the driver** and **no more than three assistants**, in addition to carrying the allowable goods under these rules. Employers are expected to designate in writing (**as provided in FORM 1, Schedule 1**) persons allowable in the commercial vehicles, which shall be presented to law enforcement officers.

Any person who enters or exits an infected area as permitted by these rules may be subjected to screening for COVID-19.

It shall be deemed a criminal offence to contravene the above or provide false information.

### **3. Restriction of transport services**

All public transport services and all private cars into or out of an infected area are prohibited.

Public transport services include; passenger rail services, bus services, matatu services, taxicab services, motorcycle services, tricycle services, e-hailing services, and air passenger transport services.

During the restriction period, all public transport services and private cars may operate within an infected area subject to the following conditions:

- a. All public transport service providers shall not carry more than 50% of their licensed capacity;
- b. Motorcycles shall carry only one passenger or goods;
- c. Bicycles shall carry only one 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.

Users of public or private transport and public transport operators are expected to wear a proper mask that must cover the person's mouth and nose.

Any person who contravenes this part commits an offence.

#### **4. Hygiene conditions**

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.

Further, an organization, business entity, trader or vendor whether in a market or enclosed premises is expected to do the following;

- 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.

Any person who contravenes this part commits an offence.

#### **5. Prohibition of gatherings**

These Rules prohibit public gatherings apart from funerals, which shall be limited to the following conditions;

- a. Limited to a number of 15 people,
- b. Night vigils shall not be held in relation to a funeral,
- c. Hygiene conditions as highlighted above should be adhered to.

These Rules also provide that the body of a person who died from COVID-19 to be interred or cremated within 48 hours from the time of death.

#### **6. Detention of Motor Vehicle**

A Person who contravenes these rules, specifically on the part on Restriction of movement of persons and Restriction of transport services may have their vehicles detained in a police station or any other place that the Inspector General may designate, pending their arraignment in court and/or for the duration of the restriction period.

## **7. 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.

## **8. Infected areas**

The rules shall be in force in the Nairobi Metropolitan Area, Mombasa County, Kilifi County and Kwale county.

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