

SPECIAL ISSUE

655

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LEGAL NOTICE NO. 50

THE PUBLIC HEALTH ACT

(Cap. 242)

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

IN EXERCISE of the powers conferred by section 36 of the Public Health Act and in view of the serious threat posed to the health and lives of Kenyans by the spread of the COVID-19 pandemic, the Cabinet Secretary for Health makes the following Rules—

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

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

Citation.

2. Unless the context otherwise requires, in these Rules—

Interpretation.

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

“gathering” means any gathering, 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 any barber shop, massage parlor and beauty salon activities, gymnasium, spa, sporting, religious, cultural, political, academic, and fundraising purposes but does not include a market;

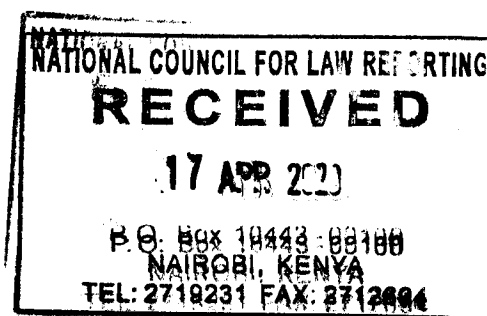
“market” means any public place used for the trade of food and farm produce;

“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.



3. 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.

Declaration of infected area.

4. (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—

Restriction of movement of persons.

- (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)—

- (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. (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.

Restriction of transport services.

(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.

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

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

Hygiene conditions.

- (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. (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.

Prohibition of gatherings.

(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.

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

Disposal of bodies.

9. 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.

Detention of Motor Vehicle.

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

Exemption

11. 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.

Penalty.

SCHEDULE I

Form 1

I,.....(Full name) of National Identity Card number..... and telephone number hereby certify that our employee named below providesservice 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	
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

Dated the 6th April, 2020.

MUTAHI KAGWE,
Cabinet Secretary for Health.