

Statutory Instrument No. 61 of 2020

EMERGENCY POWERS ACT
(Cap. 22:04)

EMERGENCY POWERS (COVID-19) REGULATIONS, 2020
(Published on 2nd April, 2020)

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SCHEDULES

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

Citation and commencement 1. 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.

Interpretation 2. 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;
- (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*,

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;

“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.

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

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

4. (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

Declaration of
lockdown

5. (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.

Work remotely
from homes

6. 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. (1) During the period of a lockdown every person shall remain confined to their place of residence, inclusive of the yard space to avoid contact outside his household except —

Movement of persons during lockdown

- (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 place of residence to access essential supplies as provided under subregulation (2),

and shall be required to fill out Form A or B as set out in Schedule 1.

(2) Subject to subregulation (1) (e), a person may leave his place of residence between the hours of 0800 hours and 2000 hours to access the following essential supplies at the nearest —

- (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 place of residence 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.

Non-essential travel

8. A person shall not travel between villages, towns, cities and districts for non-essential travel during a lockdown.

Suspension of transport permits
Cap. 69:03
Cap. 69:01
(Sub. Leg.)

9. (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 with effect from midnight of 2nd April, 2020.

(2) Notwithstanding the provisions of subregulation (1), during the lockdown the Minister responsible for transport shall issue temporary permits for the purposes of subregulation (3).

(3) The following persons shall be permitted to access public transport —

- (a) essential service providers; or
- (b) persons accessing essential supplies at regulation 7 (2).

(4) A person issued with a temporary permit under subregulation (2) shall —

- (a) wash their 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*.

PART III — Prevention of Introduction or Spread of COVID-19

Prohibition of entry into Botswana

10. (1) Subject to subregulation (2), during the state of public emergency no person shall enter Botswana other than a citizen or a non-citizen resident in Botswana.

(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 permits or the delivery of essential supplies;
- (b) allow the exit from Botswana of a citizen for medical purposes; and

(c) deport and exclude from Botswana a person who is a non-citizen.

(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. (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.

Quarantine of persons entering Botswana
Cap. 63:01

(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. (1) During the state of public emergency, the processing of visas at a port of entry or at any embassy shall be suspended.

Suspension of issue of visa at port of entry and embassies

(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. (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 —

Departure from, or transit through, high risk country

(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. (1) A person who has tested positive for COVID-19 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,

Restriction on person testing positive for COVID-19

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.

(2) A person under subregulation (1) who —

- (a) is an essential service provider; or
- (b) transports essential supplies,

Transport permits

and who does not declare to his employer that he has tested positive for COVID-19 commits an offence.

15. (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 during the state of public emergency.

(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 during the state of public emergency.

Prohibition of gathering

16. (1) During the state of public emergency, 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 during the state of public emergency.

(3) During the state of public emergency, 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*.

Work arrangements in response to COVID-19

17. (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. During the state of public emergency, a person other than a legal practitioner or medical practitioner shall not visit or be permitted to visit — Restriction on visitation

- (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.

19. During the state of public emergency —

(a) the following shall only operate as a take-away service for essential service providers between the hours of 1000 hours and 2000 hours Limitation of hours of trade

- (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.

PART V — *Closure of Facilities*

20. (1) All schools shall be closed during the state of public emergency.

(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. Closure of schools

Closure of
liquor stores
Cap. 43:11

21. (1) A liquor licence issued in terms of the Liquor Act is hereby suspended during the state of public emergency, all liquor stores shall remain closed and no liquor shall be sold.

(2) For purposes of this regulation, "liquor" includes all traditional beers.

PART VI — *Miscellaneous Provisions*

Suspension of
applicable
penalties

22. (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.

Designated
places of
entry, exit, etc.

23. (1) The places of entry, exit, landing and loading and examination of goods in Botswana during the state of public emergency shall be as set out in Schedule 2.

(2) During the state of public emergency, 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.

Import of
essential
supplies

24. (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.

Pricing and sale
of essential
supplies

25. (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.

Standards
specifications
for hand
sanitisers

26. (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.

Restriction of
essential
supplies

27. 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.

28. (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.

Power to stop, detain and arrest

(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. 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.

Dead bodies, conveyance, burial etc.
Cap. 65:01
Payment of compensation and remuneration
S.I. No. 38 of 2020

30. (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.

31. (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.

Offences and penalties

(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. The instruments specified in Schedule 4 are hereby revoked.

Revocation of instruments



Republic of Botswana

FORM A

(reg. 7(1))

DECLARATION FORM OF EXCEPTIONAL MOVEMENT OF PERSONS DURING STATE OF PUBLIC EMERGENCY

I, the undersigned

Surname first

Tick the appropriate box.

Male:

Female:

Date of birth:

Identity Number:

(Oman card to be shown to the law enforcement officer)

Passport Number:

(Travel document to be shown to the law enforcement officer)

Physical Address:

Postal Address:

declare that the need to travel athours is due to accessing essential services as defined under the definition of "essential services" in regulation 2 of the Emergency Powers (Covid-19) Regulations as follows (specify the essential service):

.....

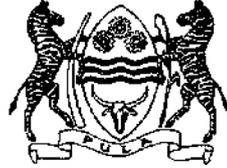
.....

Date:

Signature:

To be presented to a Law Enforcement Officer upon request

.....



Republic of Botswana

FORM B

(reg. 7(1))

CONFIRMATION OF EMPLOYMENT IN ESSENTIAL SERVICES

(Name of the employer/company)

Company Registration Number (where applicable): _____

conducts the business of _____

under the name (where applicable) _____ and is an essential business as designated by the Emergency Powers (Covid-19) Regulations, 2020, which company is required to continue its operations during the state of public emergency.

The employee, whose details are set out below, fulfills an essential function, and is required to travel to and from work during the state of public emergency.

EMPLOYEE'S DETAILS:

Surname				
Full name				
Identity number				
Contact details	Cell Number	Tel. No. (W)	Tel. No. (H)	E-mail address

The Company confirms that the information set out above is true and correct.

Signed at _____ on this _____ day of _____, 2020.

Name and Signature of Head of The Company/Entity

Official Stamp of the Company:

NB: The person in possession of this Form shall have her/his Identity Document / Passport in her/his possession and shall present it to any law enforcement officer upon request.

SCHEDULE 2
(reg. 23)

BORDER POSTS	(i) Kazungula Road, (ii) Kazungula Ferry, (iii) Mamuno, (iv) Martin's Drift, (v) Mohebo, (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

Essential Supplies
(regulation 27)

<i>Essential Supplies</i>	<i>Quantities per person per transaction</i>
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

MADE this 2nd day of April, 2020.

DR. MOKGWEETSI ERIC KEABETSWÉ MASISI,
PRESIDENT.