

LEGAL NOTICE NO.

THE PUBLIC HEALTH ACT
(Cap. 242)

**THE PUBLIC HEALTH (COVID-19 RESTRICTION OF
MOVEMENT OF PERSONS) RULES, 2021**

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THE PUBLIC HEALTH ACT
(Cap. 242)

IN EXERCISE of the powers conferred by section 36 of the Public Health Act the Cabinet Secretary for Health makes the following Rules—

**THE PUBLIC HEALTH (COVID-19 RESTRICTION OF
MOVEMENT OF PERSONS) RULES, 2021**

Citation.

1. These Rules may be cited as the Public Health (Covid-19 Restriction of Movement of Persons) Rules, 2021.

Interpretation.

2. In these Rules, unless the context otherwise requires—

“essential services” means the services specified as such in the First Schedule;

“gathering” means any assembly or procession in or on any public road or any other building, place or premises, including wholly or partly in the open air, and including any premises or place used for any sporting, entertainment, funeral, recreational, religious or cultural purposes;

“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 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;

“restaurant” means any premises on which the business of supplying food and drink for reward is carried on and includes a staff canteen; and

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

Declaration of 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.

Restriction of movement of persons.

4. (1) There shall be no movement of persons into or out of an infected area during the restriction period unless the movement into or out of the infected area is for the purpose of—

- (a) performing an essential service;
- (b) seeking medical attention; or
- (c) attending a funeral.

(2) A person who, during the restriction period, enters or exits an infected area for the purpose of performing an essential service shall—

- (a) be duly designated in writing by the employer in a manner that substantially corresponds with Form 1 set out in the Second Schedule; and
- (b) produce the form referred to in sub paragraph (a) on demand by a law enforcement officer.

(3) The form referred to in paragraph (2) shall be endorsed upon entry and exit of an infected area by the police officer in charge of a road block.

(4) An employer shall—

- (a) maintain a register of the employees rendering essential services during the restriction period; and
- (b) on request by a law enforcement officer, produce the register referred to in sub paragraph (a).

(5) A person permitted to enter or exit an infected area under paragraph (1) may be subjected to screening for COVID-19 by a medical officer.

(6) A person who, during the restriction period, intends to enter or exit an infected area for purposes of attending a funeral or seeking medical attention, except emergency medical attention, shall obtain

authorization from the Assistant County Commissioner.

(7) A person who contravenes paragraph (1) commits an offence.

Prohibition of gatherings.

5. (1) Any gathering including a political, sports or religious gathering is prohibited during the restriction period.

(2) Despite paragraph (1) –

(a) a gathering for purposes of a funeral shall be allowed provided that —

(i) attendance at a funeral is limited to fifty people; and

(ii) night vigils shall not be held in relation to a funeral;

(b) a wedding or a marriage ceremony may be attended by not more than thirty people; and

(c) any meeting for a public purpose including security, public health initiative or statutory corporate meeting shall be attended by not more than fifteen people.

(3) The gatherings permitted under paragraph (2) shall be allowed provided that the hygiene conditions specified in the Public Health (COVID-19 General Public Safety) Rules, 2021 are adhered to.

(4) A person who contravenes paragraph (1) or (2) commits an offence.

Public transport.

6. (1) All public transport services including passenger rail services, bus services, taxi cab services, motor cycle services, tricycle services, e-hailing services and domestic passenger flights shall not be allowed into or out of the infected area during the restriction period.

(2) A Public Service Vehicle operating within the infected area shall, during the restriction period, carry a maximum of sixty percent of its licensed passenger capacity.

(3) A person who contravenes paragraph (1) or (2) commits an offence.

Disposal of dead bodies.

7. (1) Any dead body shall be interred or cremated within seventy two hours from the time of death.

(2) A person who contravenes paragraph (1) commits an offence.

Operation of restaurants.

8. (1) Every restaurant shall comply with the following operating conditions during the restriction period—

(a) a restaurant shall sell food on a take away basis;

(b) customers shall not eat their meals within the restaurant premises; and

(c) alcoholic drinks shall not be sold in a restaurant.

(2) A person who contravenes paragraph (1) commits an offence.

Restriction of sporting and recreational activities.

9. (1) Sporting and recreational facilities including member clubs and gymnasiums shall not operate during the restriction period.

(2) A person who contravenes paragraph (1) commits an offence.

Restriction of sale of alcoholic drinks.

10. (1) A person shall not, during the restriction period, operate a bar, night club or entertainment establishment engaged in the sale of alcoholic drinks.

(2) A person shall not consume any alcoholic drink in a public place including a restaurant, public parking lot, public park, roadside, food court or wines and spirits shop.

(3) A person who contravenes paragraph (1) or (2) commits an offence.

Educational institutions.

11. All educational institutions shall be closed during the restriction period except institutions –
(a) offering medical training; or

(b) used for purposes of administering and taking the Kenya Certificate of Secondary Education Examinations.

Revocation of LN 50/2020.

12. The Public Health (COVID-19 Restriction of Persons and Related Measures) Rules, 2020 are revoked.

Penalty.

13. 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.

FIRST SCHEDULE—ESSENTIAL SERVICE PROVIDERS

1. Medical professionals and health workers.
2. National security officers and national government administration officers.
3. Licensed pharmaceuticals companies, pharmacies and drug stores.
4. Licensed broadcasters and media houses.
5. Kenya Revenue Authority.
6. Kenya Airports Authority and Licensed Civil Aviation Service Providers.
7. Kenya Civil Aviation Authority.
8. Kenya Ports Authority and Licensed Port Operators.
9. Power production and distribution Companies.
10. Kenya Railways Corporation.
11. Kenya Pipeline Company.
12. Water and sanitation service providers.
13. Food and farm produce processors, distributors, dealers, wholesalers and transporters.
14. Licensed supermarkets, minimarkets and hypermarkets.

15. Licensed distributors and retailers of petroleum and oil products and lubricants.
16. Telecommunications operators and service providers.
17. Licensed banks, financial institutions and payment service providers.
18. Fire brigade and emergency response services.
19. Licensed security firms.
20. Postal and Courier services.
21. Factory and construction workers
22. Cargo transporters

SECOND SCHEDULE

Form 1

r. 4 (2)(a)

I,.....(Full name) of National Identity card number..... and telephone number hereby certify that our employee named below providesservices being an essential service for the purposes of the restriction period.

Full name of employee	
National Identity card number	
Residential area and details(Estate, location, street)	
Job description	
Telephone number	

Signed at, on this day of 2021.

Institution/ business / entity

Physical address

Postal address

Office telephone number

Signature of authorizing officer

Official stamp of institution
.....

Confirmed and verified by on this day.

Officer Commanding-Station Police Station.

Made on the, 2021.

MUTAHI KAGWE,
Cabinet Secretary for Health.