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Statutory Instrument No. 63 of 2020

EMERGENCY POWERS ACT
(Cap. 22:04)

**EMERGENCY POWERS (COVID-19) (AMENDMENT) (No. 2)
REGULATIONS, 2020**
(Published on 9th April, 2020)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation and commencement
2. Amendment of Cap. 22:04 (Sub. Leg.)
3. Amendment of regulation 15 of the Regulations
4. Insertion of regulations 30B, 30C, 30D and 30E in the Regulations

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 —

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| <p>1. These Regulations may be cited as the Emergency (COVID-19) (Amendment) (No. 2) Regulations, 2020, and shall commence on publication and shall be subject to the affirmation by a resolution of the National Assembly.</p> | <p>Citation and commencement</p> |
| <p>2. The Emergency (COVID-19) Regulations (hereinafter referred to as “the Regulations”) are amended in regulation 9 by deleting subregulations (2), (3) and (4).</p> | <p>Amendment of Cap. 22:04 (Sub. Leg.)</p> |
| <p>3. The Regulations are amended in regulation 15 by substituting for the words “Transport permits” appearing in the sidenote, the words “Temporary permits”.</p> | <p>Amendment of regulation 15 of the Regulations</p> |
| <p>4. The Regulations are amended by inserting immediately after regulation 30A, the following new regulations —</p> | <p>Insertion of regulations 30B, 30C, 30D and 30E in the Regulations</p> |
| <p>“Suspension of court procedures</p> | <p>30B. During the state of public emergency, the Chief Justice may in accordance with section 3 (3) of the Act —</p> <ol style="list-style-type: none"> (a) suspend the operation of any of the procedures or timelines laid down in the Rules of any court; (b) issue Directives relating to the detention, bail or remand of prisoners awaiting arraignment, trial or appeal; or (c) take any necessary measures aimed at addressing or preventing the spread of COVID-19 in all courts in Botswana. |
| <p>Suspension of filling of council vacancy
Cap. 40:01</p> | <p>30C. The provisions of section 18 of the Local Government Act, which provides for the seat of a member of Council to be filled within three months is hereby suspended during the state of public emergency.</p> |
| <p>Suspension of industrial action
Cap. 48:02</p> | <p>30D. Part VI of the Trade Disputes Act which provides for the right to strike and lockouts is hereby suspended during the state of public emergency.</p> |

C.238

Suspension of
retrenchment
or dismissal

30E. Where a business is unable to have employees work remotely from home or where a business is unable to pay salaries, the business may cease operations but shall not retrench or dismiss an employee during the state of public emergency.”.

MADE this 9th day of April, 2020.

DR. MOKGWEETSI ERIC KEABETSWE MASISI,
President.