

EDO STATE DANGEROUS INFECTIOUS DISEASES (EMERGENCY PREVENTION) REGULATIONS 2020

PREAMBLE

WHEREAS:

the World Health Organization has designated Coronavirus Disease 2019 (COVID-19) as a pandemic spreading rapidly all over the world with devastating effect;

on the 27th day of February, 2020, the first confirmed case of COVID-19 in Nigeria was identified in Ogun State, Nigeria and on the 23rd day of March, 2020, Edo State identified its first index case;

there was a slow rise in number of people in Nigeria testing positive for COVID-19, with a spike in numbers beginning on the 18th Day of March, 2020;

Since the onset of the Coronavirus Disease 2019 in Wuhan, China, up until the 21st day of March, 2020, when the Nigerian international airspace was closed to landing of passenger flights from other countries into Nigeria, a number of people have flown back to Nigeria from COVID-19 high incidence countries including China, South Korea, USA, the UK, Italy and Germany;

it has turned out that a number of people returning to Nigeria in the period aforesaid have been exposed to COVID-19 with many not proven to have self-isolated, but instead have mingled with other residents in Nigeria;

between the 23rd day of March, 2020 and the date hereof, I as Executive Governor have made announcements requesting certain measures to contain the spread of COVID-19.

in spite of the measures aforesaid, it is observed that many residents do not respect social distancing suggestions, and have carried on mingling in religious, social and other circles without regard to the high contagion rate of COVID-19;

the facilities and infrastructure for handling infectious diseases are severely limited in Edo State and indeed the whole federation;

it has become imperative to go beyond making suggestions and giving executive directives in order to stem the tide of the spread of COVID-19, save lives, reduce ill health and ensure that the fragile economy in which the people of Edo State operate does not become weakened and stretched.

NOW THEREFORE I, GODWIN NOGHEGHASE OBASEKI, Governor of Edo State, in the exercise of the plenitude of powers conferred on me in that regard by Public Health Law of Western Region 1959, and in particular, by Section 8 of the Quarantine Act, Cap Q2 Laws of the Federation of Nigeria 2004, (having regard to the provisions of Sections 2, 3 and 4 of the Quarantine Act, Cap Q2 Laws of the Federation of Nigeria 2004,) and further pursuant to all other enabling laws and powers in that regard, hereby, (subject to the provisions of the Constitution of Federal Republic of Nigeria, 1999 (as amended), make the following Regulations for the good order, safety, security and public health of and in Edo State.

1. CITATION, COMMENCEMENT AND APPLICATION

- (1) These Regulations may be cited as the Dangerous Infectious Diseases (Emergency Prevention) Regulations 2020 and shall come into force on the [●] day of March 2020.
- (2) All acts done prior to the commencement of these Regulations to curtail the spread of Coronavirus Disease 2019 (COVID 19) are hereby ratified.

2. DEFINITION OF TERMS

The terms below shall have the following meaning, for the purpose of the Regulation:

"Child" means a person under the age of 18;

"Coronavirus" means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

"Coronavirus disease" means COVID-19 (the official designation of the disease which is caused by coronavirus).

"Governor" means the Governor of Edo State.

"Infected area" means any country, territory or other area outside Edo State which the Governor so designates as a country, territory or area -

- (a) where there is known or thought to be sustained human-to-human transmission of COVID-19, or
- (b) from which there is a high risk that COVID-19 will be transmitted to the Local Area.

"Local Area" has the meaning assigned to it in section 4 of this Law.

"Permitted Essential Areas" means hospitals, pharmacies, medical and dental clinics, essential public utility offices, (like power, telecommunication, water, fire service, emergency and ambulance service, waste disposal and essential manufacturing companies), burial grounds, crematoriums, coffin makers, mortuaries, designated banks and financial institutions and markets for sale of food items, drinks and essential commodities (other than as otherwise provided in this Regulation) as the Governor may from time to time designate.

"Potentially Infectious Person" means a person:

- (a) who is, or may be, infected or contaminated with COVID-19, and there is a risk that the person might infect or contaminate others in the Local Area with COVID-19, or
- (b) who has been in an Infected Area within 14 days preceding the arrival and entry into the Local Area.

3. PURPOSE

The Purpose of this Regulation is to prevent and contain the spread of COVID-19 within the Local Area.

4. LOCAL AREA DECLARATION

The following as of the date hereof and until otherwise notified by the Governor in writing by way of an Order under the hand of the Governor, are hereby designated as the local area –

- (a) all the land and water within the geographical boundaries of Edo State, including all land and water, roads, bridges, pathways, waterways, ports, jetties, airports or helipads in all the local government areas in Edo State.
- (b) all land, sea, lagoon, river and other entry points into Edo State, within the meaning and intendment of Section 2 of the Quarantine Act, Cap Q2 Laws of the Federation of Nigeria 2004.

5. DANGEROUS INFECTIOUS DISEASE DECLARATION

It is hereby declared that COVID-19 is a Dangerous Infectious Disease within the meaning and intendment of Section 2 of the Quarantine Act, Cap Q2 Laws of the Federation of Nigeria 2004 and that it constitutes a serious and imminent threat to the public health of the people in the Local Area.

6. POWER OVER POTENTIALLY INFECTIOUS PERSONS

- (1) The Governor may direct that a Potentially Infectious Person within the Local Area shall immediately go to a place specified for screening and assessment.
- (2) The Governor may direct the removal of a Potentially Infectious Person, where such person fails or refuses to go to a place specified for screening and assessment.
- (3) The Governor may direct that a Potentially Infectious Person within a Local Area goes into isolation for an initial period of fourteen (14) days, and thereafter for any other period prescribed as necessary by medical personnel who are in charge of the prescribed treatment.

- (4) For the purposes of sub-regulations (1) and (3), where the Potentially Infectious Person is a Child, the Governor may -
- (a) direct the parent or guardian of the Child to take the Child immediately to a place specified for screening and assessment in compliance with sub-regulations (1).
 - (b) direct that the parent or guardian of the Child shall, so far as reasonably practicable, secure that the Child complies with any direction, instruction, requirement or restriction given to or imposed on the Child under sub-regulation (3).
- (5) Where the Potentially Infectious Person is a Child and is not accompanied by a parent or guardian, the Governor may direct that —
- (a) if practicable, the parent or guardian be notified before the powers under sub-regulations (1) and (3) are exercised, or
 - (b) if not practicable because of the circumstances of the situation, the parent or guardian shall be notified within twenty-four hours.
- (6) Where the Potentially Infectious Person fails or refuses to go into or remain in isolation for the prescribed period, the Governor may direct the removal of such person to an isolation center within the Local Area and shall hold the person in an isolation centre for an initial period of fourteen (14) days, in accordance with subsection 1 of this regulation.
- (7) The Governor shall make provision for the proper care of any Potentially Infectious Person that has been placed in isolation, in an isolation centre within the Local Area, as it deems necessary.

7. RESTRICTION OF MOVEMENT

- (1) Save as otherwise provided in this Regulation, the Governor shall have the power to restrict, and hereby restricts, the movement

within, into, or out of the Local Area, particularly, the movement of persons, vehicles, aircraft, and watercraft on waterways within the Local Area, for the period of fourteen (14) days or such other period as the Governor may by order proclaim, save for –

- (a) transportation or movement of essential supplies such as food, water, pharmaceutical products, medical supplies and medicines, and any other essential supplies as the Governor may deem necessary;
 - (b) movement for the purposes of procuring essential supplies such as food, water, pharmaceutical products and medical supplies, and any other essential supplies as the Governor may deem necessary;
 - (c) movement of essential services personnel.
- (2) Nothing in sub-regulation (1) shall preclude the Governor from prescribing and restricting the hours and the days of the week when the movements within, into, or out of the Local Area may be allowed.

8. POWER RELATING TO EVENTS, GATHERINGS, PREMISES AND PERSONS

- (1) The Governor shall have the power to restrict or prohibit the gathering of persons in the Local Area such as conferences, meetings, festivals, private events, religious services, public visits, and such other events, and hereby declares that there shall be no gathering or social contact of persons beyond a maximum number of 20 persons within the Local Area, or as may prescribed by him under these regulations, subject always to the observance of the social distancing rule of at least a meter gap between each person. Provided Always that the officers of the State or law enforcement agents on the direction of the Governor, may direct such gathering to disperse if the venue of the gathering cannot afford at least a meter gap between each person in that venue;
- Provided Further that the Governor may by order allow meeting of people within the Permitted Essential Areas as set out from time to

time where such will be in the overall interest of public health and safety.

- (2) The Governor shall have the power to order the closure of all places of worship in particular, churches, mosques, chapels, praying squares in public spaces, praying places of temporary or make shift nature, shrines or any place howsoever described where people congregate from places other than their homes or offices or state or place of residence, within the Local Area, for an initial period of fourteen (14) days or such other period as the Governor may by order proclaim.

- (3) The Governor shall have the power to order the closure, and hereby orders the closure of all places where drinks, fast food, snacks and cooked food are sold including but not limited to eating or drinking joints, entertainment joints, hangouts, restaurants, eateries, cafeterias, coffee shops, bukas, bukateria, canteens, fast food chains, food on wheels, or any place for provision of eating and drinking at any place no matter howsoever described, within the Local Area, for an initial period of fourteen (14) days or such other period as the Governor may by order proclaim.

Provided that this provision shall not apply where such eating or drinking venue is offering only take away service in a manner that will permit observance of social distancing rule of at least a meter gap between each person, and the number of people in such place is no more than a total number of people that will allow distancing of no less than 1 meter space between each person in the venue, including workers in such venue and subject to the maximum number of **20** persons permitted under this Regulation;

- (4) The Governor shall have the power to order the closure, of all places of entertainment, leisure, pleasure, sports, games, and other places, by whatever name called where people congregate in places other than their homes or offices or state or place of residence, within the Local Area, for an initial period of fourteen (14) days or such other period as the Governor may by order proclaim.

- (5) The Governor shall have the power to order, and hereby orders that with effect from the date hereof, and for an initial period of fourteen (14) days or such other period as the Governor may by order proclaim, all residents in or within the Local Area are required to keep their immediate environment clean, safe and healthy and shall carry out such cleaning or sanitizing exercise as may be ordered with regard to any premises within the Local Area by any official of the Edo State Ministry of Health, Edo State Ministry of Environment and Sustainability, Edo State Environmental Protection Agency or Edo State Waste Management Agency.
- (6) The Governor shall have the power to order any measures to ensure the protection of persons in the Local Area from coronavirus including ordering;
- a. that any person should be tested for the presence of the corona virus in his body;
 - b. that all or any persons should wear or utilize protective devices and items such as antiviral sanitizers in whatever format, and facemasks to protect the persons or to stop the infection of others in the Local Area;
 - c. the use of gloves or other protective clothing to guard against the infection of the persons and the spread of the coronavirus;
 - d. a restriction in the number of persons permitted to be in-
 - i. a taxi, bus, any commercial vehicle, or
 - ii. any vehicle owned by a juristic person or a ministry, department of agency, which is used for the transportation of employees in the course of work, or to and from work;
- (7) For the purposes of this Regulation, the Governor shall have the powers to direct and hereby directs relevant security agency in the Local Area to breakup any gathering of persons in the Local Area, and may take into custody, persons in such gatherings in breach of

this Regulation, for the purpose of screening and assessment, and if necessary, for isolation in an isolation centre within the Local Area Provided that any cost incurred in taking such person into custody for the purpose of screening and assessment, and to an isolation centre within the Local Area, shall be borne by such person.

(8). The Governor shall have the power to vary or modify any and all of the orders made under this sub-regulation, in furtherance of the purpose of this Regulation which is stated in regulation 3 above.

9. POWER OVER CONDUCT OF TRADE, AND COMMERCIAL ACTIVITIES

Save as otherwise provided in regulation 8, the Governor shall have power to restrict in whole or in part; the conduct of trade, business and commercial activities within the Local Area, for such period as the Governor may by order proclaim.

10. CLOSURE OF PUBLIC, EDUCATIONAL, VOCATIONAL INSTITUTIONS WITHIN THE LOCAL AREA

The Governor shall have the power to order and hereby orders the closure of public, educational and vocational institutions within the Local Area, for such period as the Governor may by order proclaim

11. POWER IN RELATION TO FOOD, DRUGS AND OTHER ESSENTIAL SUPPLY CHAIN, HOARDING AND PRICE MANIPULATION

(1) The Governor may –

- (a) direct and hereby directs that the prices of foods, drugs and other essential goods and services shall not be artificially inflated within the Local Area;
- (b) direct and hereby directs that no person shall hoard foods, drugs and other essential goods and services within the Local Area, or refuse to provide foods, drugs and other essential goods and services within the Local Area.

- (2) It shall be an offence to artificially inflate the prices of foods, drugs and other essential goods and services within the Local Area.
- (3) It shall be an offence to hoard foods, drugs and other essential goods and services within the local area or refuse to provide foods, drugs and other essential goods and services within the Local Area.
- (4) Where a person breaches the directives under sub-regulation 1(a), the person shall be liable to pay a penalty of ten times the difference between the normal price of the foods, drugs and other essential goods and services, and the artificially inflated price of such foods, drugs and other essential goods and services.
- (5) Where a person breaches the directives under sub-regulations (1) (a) and (b), the Governor may direct the seizure and forfeiture of the foods, drugs and other essential goods to the State, and may in addition, direct that such forfeited foods, drugs and other essential goods be utilized for the purposes of alleviating the supply needs in the Local Area.

12. TRANSPORTATION, STORAGE AND DISPOSAL OF THE REMAINS OF PERSON INFECTED WITH COVID-19

(1) Notwithstanding the provisions of any law in Edo State, the Governor shall have power to specify the manner in which the remains of any person who dies as a result of being infected with COVID-19 within the Local Area shall be transported, stored and disposed of, and shall include the power to order cremation of the remains of such person within the Local Area.

(2) Where an indigene of, or someone who is normally resident in Edo state dies outside the Local Area, as a result of being infected with the coronavirus, the persons remains shall not be brought into the Local Area but shall be disposed of in the place where the death occurred.

13. SUSPENSION OF COURT PROCEEDINGS AND PROVISION FOR CONDUCT OF PROCEEDINGS VIA VIDEO LINK OR OTHER ELECTRONIC MEANS

- (1) The Governor may direct the Chief Judge of Edo State, and other heads of Courts in the Local Area, to suspend court, judicial proceedings or other quasi-judicial proceedings within the local area, for a period of fourteen (14) in the first instance.
Provided that such direction shall not apply to the hearing of matters relating to the constitutional right to life and liberty of any person within the Local Area.
- (2) For matters relating to constitutional right to life and liberty of persons within the Local Area, the Chief Judge of Edo State and other heads of Court within the Local Area may order that;
 - (c) all proceedings are to be held via video conferencing or any other electronic means;
 - (d) a person may, take part in proceedings through a live audio link, a live video link; or any other electronic means.

14. POWER TO PROHIBIT THE TRANSMISSION OF FALSE INFORMATION

- (1) The Governor shall have power to prohibit and hereby prohibits the transmission, or dissemination through a computer system or network or otherwise, of false information regarding COVID-19 within the Local Area and/or any circumstances related to or bordering on the outbreak or possible outbreak of COVID-19 within a Local Area.
- (2) The Governor shall have power to prohibit and hereby prohibits persons from promoting unverified, untested, or unapproved cures, vaccines or other similar medicinal items that purport to cure, alleviate or reduce instances of persons infected, or believed to be infected, with COVID-19 within the Local Area.

15. POWER TO REQUIRE NOTIFICATION

The Governor shall direct medical practitioners and health workers within the Local Area to notify the Governor, through the Commissioner of Health or any other health officer charged with such responsibility, of any person that presents the symptoms of COVID-19 within the Local Area.

16. OMNIBUS POWERS

- (1) The Governor may where he has reasonable grounds to believe that members of the public in the Local Area are threatened by the imminent risk of being infected or contaminated by COVID-19, and that there is a risk that unless restrictions are imposed, there might be further contamination and/or infection of other members of the public in the Local Area, impose restrictions or requirements as may be necessary to curtail the spread.
- (2) Without prejudice to the provisions of this Regulation, the Governor shall have power to issue directives and take all necessary actions to prevent, protect, control or contain the incidence or transmission of COVID-19 within the Local Area.
- (3) For the purposes of sub-regulation 2, such power may include:
 - (a) power to order any person within the Local Area to stay at home for such time as the Governor may deem necessary;
 - (b) power to deploy law enforcement officers to enforce directives relating to restriction of movement or access to public spaces; and
 - (c) power to construct and allocate spaces as isolation centers, sanitary stations and sanitary anchorages as may be necessary;
 - (d) power to temporarily take over possession of property for the utilization as insolation centers, sanitary stations, sanitary anchorages, storage for pharmaceutical and medical equipment or other products within the Local Area, subject to the payment of adequate compensation.

17. EXERCISE OF THE POWERS OF THE GOVERNOR

- (1) All powers conferred on the Governor under this Regulation may be exercised by the Governor directly or through such other person(s) as the Governor may designate in that regard, by an instrument in writing.
- (2) Save as otherwise provided in this Regulation, the powers conferred on the Governor under this Regulation may be exercised by way of an oral or written declaration, notices, or any other medium as the Governor may deem necessary.

18. OFFENCES

- (1) Any person who –
 - (a) fails to comply with a restriction, prohibition or requirement imposed under this Regulation; or
 - (b) obstructs any person carrying out his or her duties under this Regulations;shall be guilty of an offence under this Regulation and shall be liable on conviction to a fine of not more than one hundred thousand naira, or such non-custodial sentencing as may be prescribed by the court, or a combination of the said punishments.
- (2) the charge for any offence under these regulations shall be in the format prescribed in Schedule 1 of these regulations.

19. POWERS TO ALTER, AMEND OR SUPPLEMENT REGULATIONS

The Governor may, by regulations make-

- (a) consequential alterations or amendments to these Regulations, and
- (b) supplementary, incidental, transitional or saving provisions in addition to these Regulations as he considers appropriate.

SCHEDULE 1

(Reg. 18(2))

IN THE MAGISTRATE COURT OF EDO STATE

IN THE ----- MAGISTERIAL DISTRICT

HOLDEN AT -----

CHARGE NO- _____

THE STATE

VS

A-B-C

COUNT 1

THAT YOU **ABC** on or about the day of2020 at.....in the ----- Magisterial District did.....thereby contravening regulation. Of these Regulations which is punishable under S.18 (1) (a) or S.18(2) (b) of **EDO STATE DANGEROUS INFECTIOUS DISEASES (EMERGENCY PREVENTION) REGULATIONS 2020.**

DATED THIS.....DAY OF.....2020

STATE COUNSEL

PLEA.....

ADJOURNMENT.....

BAIL CONDITIONS.....

ORDER.....

SENTENCE.....

Dated this 30th day of March 2020

A red ink signature, appearing to be 'G. Obaseki', is written over the name in the block below.

MR. GODWIN NOGHEGHASE OBASEKI
GOVERNOR OF EDO STATE