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REVIEW OF COVID-19 REGULATIONS
2020 AND IMPLEMENTATION
GUIDELINES.

INSIGHTS

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1. Introduction

The Quarantine Act (“the Act”)¹ gives the President the power to declare a disease as a “dangerous infectious disease”², the President may also make regulations to prevent the spread of an infectious disease within and outside Nigeria³.

Further to those powers granted to the President by the Act, the COVID-19 Regulations 2020 (“The Regulations”) was enacted on March 30, 2020 to manage and curb further spread of the coronavirus (“COVID-19” or “the Virus”) to other states.

As the central coordinating body of Nigeria’s response to the pandemic and further to the Regulations, The Presidential Task Force on COVID-19 issued the Implementation Guidance for Lockdown Policy (“the Guidelines”).

We provide hereunder an overview and practical recommendations for the implementation and compliance with the Regulations.

2. Relevant Provisions

2.1 Restriction of Movement⁴

From Monday, March 30, 2020 at 11pm, movement in Lagos, Abuja FCT and Ogun State shall be restricted due to the number of confirmed Coronavirus cases in Lagos and Abuja and Ogun State (“affected states”). The order shall be in effect for an initial 14-day period⁵.

All citizens and residents of the affected states are required to stay at home so the government can effectively manage the spread of the virus and also provide treatment to confirmed cases⁶. Interstate travel within the affected states has also been restricted and borders linking these states to the other parts of the country are shut⁷. Residents shall only be allowed to leave their houses strictly for the purpose of performing essential services⁸, obtaining essential goods or seeking medical care⁹.

This restriction also includes all commercial and private airlines. Special permits shall be issued on a needs basis¹⁰ and there must be adequate spacing between passengers in transit and constant disinfection of frequently touched parts of the transit vehicle¹¹.

1 Quarantine Act CAP. Q2 Laws of the Federation of Nigeria 2004.
 2 Section 2 Quarantine Act
 3 Section 4(a)-(c) Quarantine Act
 4 Section 1, COVID-19 Regulations 2020
 5 Section 1(1) COVID-19 Regulations 2020
 6 Section 1(2) and (4) COVID-19 Regulations 2020
 7 Section 1, Presidential Taskforce on COVID-19: Implementations Guidance for Lockdown Policy.
 8 Persons who are staff of government agencies and organizations that are exempted from the lockdown.
 9 Section 1, Presidential Taskforce on COVID-19: Implementations Guidance for Lockdown Policy
 10 Section 3, COVID-19 Regulations 2020
 11 Section 2, Presidential Taskforce on COVID-19: Implementations Guidance for Lockdown Policy.

Sea ports in Lagos however remain operational subject to thorough screening of vehicles and drivers moving cargoes, food and other essential humanitarian items to and from the ports to other parts of the country by the Ports Health Authority¹².

Essential Business Operations

All businesses operating within the affected states (Lagos, Abuja and Ogun State) are to be closed¹³ during this period except those exempted from closure which are¹⁴;

- Farms and food retails services including supermarkets and selling food and essential items. Food markets shall be open between 10am to 2pm daily and supermarkets shall open between 10am and 4pm daily.
- Hospitals and all medical related establishments
- Logistics and transportation services including post offices, courier distribution companies, Trucks fuel retail stations.
- Hotels with guests and/or hosting essential staff (excluding the restaurants, bar, or night club services) and orphanages
- Government agencies in essential duties; power generation, transmission and distribution, water boards, waste management, environmental health services.
- Public and Private security agencies, and correctional services.
- Workers in telecommunication companies, and media staff who can prove they are unable to work from home.
- Court matters that are urgent, essential or time bound according to extant laws are also exempted.
- Financial institutions are granted a partial exemption to enable Nigerians to still perform online transactions and use ATMs.
- Diplomatic missions and international development partners
- Places of worship for funeral services limited to 20 persons only.

Businesses exempted from closure are to strictly adhere to the prescribed safety requirements of the Nigerian Centre for Disease Control and the guideline prescribes screening of staff to determine their temperature and refuse access to persons whose temperature is above 38.0°C.

12 Section 2, COVID-19 Regulations 2020

13 Closure here does not operate to stop organizations from providing services from home. Some organizations have already embraced teleworking (working from home)

14 Sections 1(5), (6), (7), (8) and (10) COVID-19 Regulations 2020, Sections 1 and 2 Presidential Task on COVID-19: Implementations Guidance for Lockdown Policy.

2.2 Essential Government Functions

Agencies performing essential government services are excluded from the lock down and directives in the regulation. These also covers all government personnel required in the performance essential tasks to be performed by government. There are 14 Ministries, 40 Departments and Agencies including the Presidency, listed in the guidelines although it was indicated that the list is not exhaustive.

Relief Materials

The Regulation has authorized the deployment of relief materials and continued issuance of conditional cash transfers¹⁵ by the Ministry of Humanitarian Affairs, Disaster Management and Social Development (“Ministry of Humanitarian Affairs”). This is in recognition of the hardship that will be faced due to the restriction on movement in satellite and commuter towns and communities in Lagos and Abuja FCT. Ministry of Humanitarian Affairs is also directed to develop strategy on the school feeding initiative of the government without compromising the social distance policies¹⁶

Health Facilities and Patient Care

All stadia and pilgrim facilities shall be converted to isolation centers and make shift hospitals¹⁷. Nigeria has 55 stadia¹⁸ the regulations did not specify if all or only designated facilities within the 3 affected states shall be used. The guidelines also did not make reference to the health facilities.

2.3 Private Sector Support

The Regulation also acknowledges the private sector fund held in trust by Central Bank of Nigeria, currently to the tune of ₦15,325,000,000.00¹⁹. All donations shall be coordinated and centralized to ensure impactful spending. Directives on the funds is yet to be issued by the coordinating body.

2.4 Public and Mass Gatherings

The guideline prohibits public and mass gatherings of more than 20 people and reiterates the requirement for social distancing. Funeral services shall be carried out in accordance with infection prevention and control regulations and also limited to 20 persons.

15 Section 5(6) COVID-19 Regulations 2020

16 Section 5(2) COVID-19 Regulations 2020

17 Section 5(9) COVID-19 Regulations 2020

18 World Stadiums. Stadiums in Nigeria Accessed from: www.worldstadiums.com/africa/countries/nigeria.shtml Accessed on April 2, 2020

19 COVID-19 Relief fund: CBN releases list of contributors Published April 2, 2020: www.tvcnews.tv/covid-19-relief-fund-cbn-releases-list-of-contributors/ Accessed on April 6, 2020.

2.5 Social Distancing Requirements

The guideline reiterates the requirements for social distancing, and all state and local governments shall be responsible for ensuring compliance with the market operation protocols. All Banks are also required to comply with the mode and scope of operation issued by the Central Bank and also develop a cleaning schedule for ATM Machines²⁰.

2.6 Penalties for Breach and Enforcement:

The Regulations did not prescribe new penalties for breach however the Act although dated²¹, prescribes a penalty of (₦200 or imprisonment for a term of 6 months) for persons who breach provisions of the Act or any regulation enacted pursuant to the Act. It is useful to note, the Act does not specify as a crime, actions of infected persons who go out and infect others. In view of the nature of the severity of the virus, and as applicable in other jurisdictions, penalties should include punishment for purposeful infection of persons and attempt to infect large amount of persons²²

The Regulation also does not confer additional powers to law enforcement agencies to enforce the Regulations or provisions of the Act²³. The Quarantine Act only gives the Government power to institute action against a person in breach of the Act at the Magistrate Court. To ensure compliance with rule of law the Nigerian Police Force and Nigerian Army have provided reporting lines for citizens to report any unprofessional conduct stating exact location, date and time of the incident.

3. Conclusion

The Quarantine Act and Regulation are the substantive legal instruments governing management of the pandemic in Nigeria. In view of global realities on biosecurity threats and the current pandemic it will be necessary for Nigeria to immediately evaluate and review the Quarantine Act or pass a sunset law specifically addressing COVID 19 threats. This would include express penalties for persons acting with intent to spread infectious diseases and also the management of the pandemic.

²⁰ Section 2, Presidential Taskforce on COVID-19: Implementations Guidance for Lockdown Policy.

²¹ Commencing on May 27, 1926

²² A woman, Margaret Cirko was charged for coughing and spitting on produce worth \$35,000 in Pennsylvania. NBC News, Woman who coughed on \$35,000 worth of grocery food charged with four felonies, Elisha Fieldstadt March 26, 2020 <https://www.nbcnews.com/news/us-news/grocery-store-throws-out-35k-worth-food-woman-coughed-twisted-n1169401> Accessed on March 31, 2020.

²³ Such powers are deemed implied by the enabling statute of some law enforcement agencies such as the Police in section 4, Police Act CAP P19 Laws of the Federation of Nigeria 2004

Got Questions?

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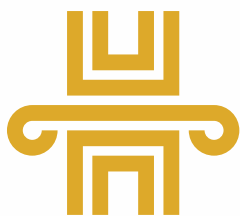
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