

This NL is based on the legislative framework in force on the date of its publication. TTA will update the information in this NL when necessary and if additional regulations are published on the measures to contain the spread of the new Coronavirus that is responsible for the COVID-19 pandemic.

MOZAMBIQUE

Global Vision, Local Experience.

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CORONAVIRUS: SITUATION OF PUBLIC CALAMITY

This newsletter takes a comparative approach by focusing only on the issues changed by Decree 72/2021 of 24 September with reference to Decree 62/2021 of 27 August.

I. BACKGROUND:

Decree 72/2021 of 24 September came into force on 25 at midnight on 25 September. Like several others before it, it maintained the Situation of Calamity and revised the measures to contain the spread of the COVID-19 pandemic while the situation of calamity lasts.

This newsletter takes a comparative approach by focusing only on the issues changed by Decree 72/2021 of 24 September with reference to Decree 62/2021 of 27 August.

II. CHANGES TO THE RULES:

■ VISITS TO HOSPITALS AND PRISONS, AND CLASSES:

The change here has to do with the maximum number of visits to hospitals and prisons establishments. Under Decree 62/2021 of 27 August, each patient was only allowed one visitor a day and each prisoner was only allowed one visitor a month. However, under the law currently in force, the permission has been increased to two people in both cases. In other words, hospital patients can now have two visitors a day and prisoners can have two visitors a month.

There has also been an extension in the permission to attend classes. Under the current Decree, pre-school education can be resumed throughout the country in strict compliance with the health protocol for the prevention of COVID-19.

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■ **Public and private events and commercial leisure and similar establishments:**

The first important point here is the fact that the maximum capacity of museums, galleries and similar establishments is no longer limited to 20%. This had now been increased to 40%, which is a significant increase and doubles the number allowed under the previous Decree 62/2021 of 27 August. The same has happened with regard to public swimming pools. Under the previous Decree, swimming pools were only allowed to open in hotels for the exclusive use of guests and they could not exceed 20% of their maximum capacity. However, the Decree now in force allows public swimming pools to open and, like hotels, they must not exceed 20% of their maximum capacity. In both cases, the sanitary protocol for the prevention of COVID-19 must be strictly observed.

Three changes have been made with regard to gyms. Under the previous rules, multi-purpose and large gyms could not exceed 25% of their maximum capacity, but the new law has increased this percentage to 30%. Medium-sized gyms could not exceed 10% of their maximum capacity, but the new Decree provides doubles the maximum capacity and these gyms can now receive 20% of their maximum capacity.

The third change affects small gyms which could not open under the previous Decree. They are now allowed to open under the new law, but they cannot exceed 20% of their maximum capacity.

The previous Decree did not allow theatres, cinemas, shows held in cultural centres, auditoriums and similar venues to open. In contrast, the Decree now in force authorises the opening of these venues and of gaming arcades, cultural centres, auditoriums and similar venues, but they must not exceed 30% of their maximum capacity. However, they must always comply with the health protocol for the prevention of COVID-19. As a way of relaxing some measures, the Decree now in force allows people to go to beaches from 6 am to 5 pm, as a place of recreation for bathers (which had been forbidden), but, similarly to other measures, they may not exceed 30% of their maximum capacity. However, due to the overcrowding that occurred on the beaches in the days following the approval of the Decree in force, the Government approved Decree number 80/2021 of 6 October, which bans people from going to the following beaches:

- a. Costa do Sol and Katembe, in the City of Maputo
- b. Ponta de Ouro and Macaneta, in the City of Maputo
- c. Bilene and Xai-Xai, in the Province of Gaza
- d. Tofo, Barra and Guinjata, in the Province of Inhambane
- e. Estoril, Macúti and Ponta Gêa, in the City of Beira
- f. Zalala, in the City of Quelimane
- g. Fernão Veloso and Chocas-Mar, in the Province of Nampula
- h. Wimbe, Maringanha, Sagal and Inos, in the City of Pemba
- i. Praia de Chuanga – Metangula, in the Province of Niassa

While the last Decree was in force, the municipalities and local governments had to (i) take appropriate measures to fully comply with the Regulation on the Management and Use of the Coastal Zone and Beaches, approved by Decree 97/2020 of 4 October and Ministerial Order 56/2021 of 9 July, (ii) approve regulations on the protection, management and use of beaches, (iii) establish specific action plans to implement the measures to prevent the spread of COVID-19 on beaches, (iv) control the crowding of people and the sale and consumption of alcoholic beverages on beaches, and (v) form multi-sector teams to monitor and supervise beaches.

However, due to the overcrowding that occurred on the beaches in the days following the approval of the Decree in force, the Government approved Decree number 80/2021 of 6 October, which bans people from going to some beaches.

There has been a considerable change regarding the holding of private social events. The previous Decree stipulated that only marriages were permitted and they were restricted to a maximum of 20 people at the signing ceremony, with any celebrations being forbidden. However, the new Decree authorises private social events with a maximum of 30 and 50 participants in closed and open venues respectively. In both cases, numbers must not exceed 30% of the maximum capacity of the venue and they must comply with the sanitary protocol for the prevention of COVID-19.

In sports, the previous Decree suspended training in the high level competitions and for the teams of the provincial championships. It also banned spectators. However, under new Decree, spectators are now allowed to attend matches of the national championships in all sports but they must not exceed the capacity of 25% of the maximum capacity of the venues.

Restaurant, take away and home delivery services must operate in strict compliance with the measures to prevent and combat the spread of the COVID-19 pandemic. They can open from 6 am to 9 pm. The maximum capacity per table in restaurants must not exceed four people per table at a distance of 1.5 metres. In contrast, under Decree 56/2021 of 13 August, restaurants could only stay open until 8 pm.

Bottle stores and food stalls have also seen significant changes to their opening hours. Previously, bottle stores could only operate until 1 pm and food stalls until 5 pm, but the current law extends their opening hours to 3 pm and 6 pm respectively.

■ **Curfew, religious services, conferences and religious celebrations, and state meetings and events:**

A change has been made to the scope and period of the curfew. Under Decree 62/2021 of 27 August, the curfew was in force from 10 pm to 4 am. In contrast, the subsequent Decree 72/2021 of 24 September put back the start of the curfew by one hour, so it will now be in force from 11 pm to 4 am.

The previous Decree authorised a maximum of 25 and 50 people in meetings in public or private institutions, in closed and open spaces, respectively, and not exceeding 20% of the capacity of the venue. However, under the new Decree, the maximums are 50 and 100 people in closed and open spaces, respectively, again not exceeding 20% of the venue's capacity. There has also been an increase in the maximum number of participants in meetings or events of the State. The previous law provided for a maximum number of 80 people, but the new law establishes a maximum number of 100 people for these meeting and events, without any distinction between open and closed spaces, as occurs in the other cases already mentioned.

Finally, it is important to mention that, exceptionally, in properly justified situations and after prior evaluation by the Minister of Justice, Constitutional and Religious Affairs, the holding of State meetings or events may be authorised, with a number of participants not exceeding 300 people.

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