SPECIAL ISSUE

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LEGAL NOTICE No. 136

THE PUBLIC HEALTH ACT

(Cap. 242)

THE PUBLIC HEALTH (COVID-19 OPERATION OF RESTAURANTS) RULES, 2020

ARRANGEMENT OF RULES

Rules

1.—Citation.
2.—Interpretation.
3.—Licensing of restaurants.
4.—Medical examination and screening.
5.—Training of restaurant employees.
6.—Hygiene requirements for restaurant employees.
7.—Physical requirements
8.—Operating conditions.
9.—Cleaning and disinfecting of restaurants.
10.—Penalty.
11.—Enforcement.
THE PUBLIC HEALTH ACT
(Cap. 242)

THE PUBLIC HEALTH (COVID-19 OPERATION OF
RESTAURANTS) RULES, 2020

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

THE PUBLIC HEALTH (COVID-19 OPERATION OF
RESTAURANTS) RULES, 2020

1. These Rules may be cited as the Public Health (COVID-19

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

"COVID-19" means an infectious disease caused by coronavirus;

"County Director" means the County Director responsible for
Public Health in a county;

"Health Care Professional" has the meaning assigned to it under
the Health Act, 2017;

"Restaurant" means any premises on which the business of
supplying food and drink for reward is carried on and includes a staff
cafe or canteen; and

"Restaurant Employee" means any person who works in a
restaurant.

3. (1) A person shall not operate a Restaurant unless the person
holds a permit issued under these Rules.

(2) A person who intends to operate a Restaurant shall apply to
the County Director for a permit in Form A set out in the Schedule.

(3) The County Director shall, upon receipt of an application
under this rule, inspect the premises and complete Form B set out in the
Schedule and may require the applicant to provide such other
information as may be deemed necessary to enable the County Director
consider the application.

(4) After considering an application under this rule, the County
Director may—

(a) issue the applicant with a permit in Form C set out in the
Schedule if satisfied that the applicant has fulfilled the
requirements of these Rules and may attach to such permit
such conditions as he may deem expedient; or
(b) reject an application and communicate the reason for the rejection in writing to the applicant.

(5) The County Director may revoke a permit if the applicant breaches the conditions attached to the permit or contravenes these Rules.

(6) The permit shall be displayed prominently in the restaurant.

(7) A permit shall not be transferred from the permit holder to any other person.

(8) A permit issued under this rule does not replace other licences or permits that may be required by any other written law for the operation of a restaurant.

(9) A person who contravenes paragraph (1), (6) or (7) commits an offence.

4. (1) Every Restaurant Employee shall be tested and certified by a Government licensed or accredited laboratory to be free from COVID-19—

(a) before the Restaurant is issued with a permit; or

(b) whenever a suspected case has been traced to the Restaurant.

(2) Every Restaurant Employee shall be screened for COVID-19 at the Restaurant, at the beginning and at the end of a work shift.

(3) The screening under paragraph (2) shall be carried out by measuring and recording body temperature using a contact free thermometer approved by the Kenya Bureau of Standards.

(4) A Restaurant Employee whose temperature is above thirty-seven point three degrees Celsius shall not be allowed into the Restaurant and the permit holder shall immediately notify the County Director of such findings.

(5) The permit holder shall keep a register of the results of the body temperature of every employee who is screened and the register shall be produced by the permit holder on demand by a public health officer.

(6) A permit holder who makes a false entry in the register referred to in paragraph (5) commits an offence.

5. The permit holder shall ensure that the Restaurant Employees are trained by a Health Care Professional on the prevention of the spread of COVID-19 and a record of the training maintained.

6. (1) Every Restaurant Employee shall wear a head cover, clean overalls, slip reduction work shoes and a face mask that covers the mouth and nose.
(2) Where a Restaurant Employee uses disposable gloves, the employee shall—

(a) dispose the gloves at least after every one hour;

(b) wash his hands after removing the gloves; and

(c) dispose the gloves after carrying out non-food related activities including opening and closing doors or emptying bins.

(3) Restaurant Employees shall maintain a physical distance of at least one point five metres from each other in food preparation areas.

(4) A person who contravenes this Rule commits an offence.

7. (1) Every permit holder shall ensure that—

(a) a handwashing station, complete with clean running water, soap and paper towels, is installed at the entrance of the Restaurant and the effluent water from the handwashing station does not flow freely on the ground;

(b) a handwashing station, complete with clean running water, soap and paper towels, is installed inside the Restaurant;

(c) a handwashing station, complete with cold and hot running water, automated taps, automated soap dispensers and paper towels, is installed at the entrance of the kitchen;

(d) dining tables are placed at least two metres apart;

(e) the distance from the back of one chair to the back of another chair is at least two metres apart and chairs on each dining table are at least two metres apart;

(f) work stations are at least one point five metres apart;

(g) floors are marked to guide the physical distancing requirements;

(h) plexiglass barriers are installed at the tills and counters;

(i) signage on hand hygiene and physical distancing are placed outside and inside the Restaurant; and

(j) a telephone is provided at the Restaurant to be used by Restaurant Employees for purposes of contacting the County Director, as may be necessary.

(2) A person who contravenes any provision of this rule commits an offence.
8. (1) Every permit holder shall comply with the following operating conditions—

(a) a Restaurant shall operate between 5.00 a.m. and 7.00 p.m.;
(b) customers shall be limited to four people for every ten square metre space;
(c) there shall be no self-serving of food by customers and meals shall be delivered individually to customers to the dining table by a waiter;
(d) alcoholic drinks shall not be served in a Restaurant;
(e) condiments shall not be provided to customers in shared containers;
(f) the Restaurant shall provide contact free menus;
(g) a system for contact free payment shall be put in place by the permit holder; and
(h) a customer with body temperature exceeding thirty-seven point three degrees Celsius shall not be allowed into the premises.

(2) A person who contravenes any provision of this rule commits an offence.

9. (1) The surfaces in a Restaurant including floors and counters shall be disinfected after every four hours and a disinfection schedule maintained.

(2) Surfaces that are repeatedly touched by Restaurant Employees and customers including equipment handles, furniture, switches, telephones and door knobs shall be disinfected at least once every hour and a disinfection schedule maintained.

(3) Cleaning personnel shall wear heavy duty gloves, overalls, plastic aprons, head covers, gumboots and face masks that cover the mouth and nose.

(4) Toilets shall be disinfected after every hour, using a disinfectant approved by the Kenya Bureau of Standards and a cleaning schedule maintained.

(5) A person who contravenes any provision of this rule commits an offence.

10. 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.

11. These Rules shall be enforced by the National and County Governments as the respective health authorities in line with the provisions of the Public Health Act.
APPLICATION FOR A PERMIT TO OPERATE A RESTAURANT DURING THE COVID-19 PANDEMIC

To the County Director, Public Health
I hereby apply for a permit to operate a restaurant during the COVID-19 pandemic

Name of applicant ......................................................
Applicant’s National Identity Number ..................................
Applicant’s PIN Number ..................................................
Applicant’s telephone Number ...........................................
Name of person, firm or company to be issued with permit ...........
.......................................................................................Branch of the Business ............................................ Owner of the Premises
....................................................................................... Plot No ..................................................
L.R. No ..................... Physical Address ..........................
Telephone/Cellphone number ...........................................
Email address ..................................................................

Date .................................................................

..........................................................................................

..........................................................................................

Name and Signature of Applicant
**INSPECTION CHECKLIST FOR THE OPERATION OF RESTAURANTS DURING THE COVID-19 PANDEMIC**

Name of the Business: .................................................................

Name of Owner/Proprietor: ......................................................

Owner's/Proprietor's National Identity Number: .........................

Owner's/Proprietor's Telephone Number: .................................

Business Registration Number: ...............................................  

Plot No.: .................................................. L.R. No.: ..................

Physical Address: ....................................................................

Telephone/Cellphone number: ...................................................

Email address: ....................................................................... 

Date: ......................  Time: ......................

No. of Personnel: [ ] Male  [ ] Female

No. of Food Handlers: [ ]

Restaurants operating during COVID-19 Pandemic MUST observe the following TICK (✓) APPROPRIATELY

<table>
<thead>
<tr>
<th>NO.</th>
<th>CONDITION</th>
<th>PROVIDED</th>
<th>NOT PROVIDED</th>
<th>REMARKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Person(s) assigned at the entrance points to carry out screening of employees and customers</td>
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<td>2</td>
<td>Functional wall mounted and contract free thermometer at both employee and customer entry areas</td>
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<td>3</td>
<td>Visibly mounted notice on screening of employees and clients;</td>
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<td>4</td>
<td>Visibly mounted notice on promotion of hand hygiene and physical distancing</td>
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<td>5</td>
<td>Visibly mounted notice on denial of entry of suspected COVID-19 Cases</td>
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<td>6</td>
<td>Notice indicating mandatory donning of face masks</td>
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<td>7</td>
<td>Plexiglas barriers at tills and counters</td>
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<td>8</td>
<td>Tables Spaced 6 feet apart in dining areas and have four people for every 10 square metres space</td>
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<tr>
<td>9</td>
<td>Distance from back of one chair to the back of the other at 1 metre</td>
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<td>10</td>
<td>Floor markings to guide the physical distancing within the premise</td>
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<td>11</td>
<td>Adequate ventilation and lighting</td>
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<tr>
<td>12</td>
<td>Water supply points in the kitchen and dining area</td>
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<tr>
<td>13</td>
<td>Physical distancing (1 metre - 3 feet) in food preparation areas</td>
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<td>14</td>
<td>Staggered and spaced out workstations on either side of food processing areas</td>
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<td>15</td>
<td>Duty roster indicating the number of staff in a food preparation area at any one time.</td>
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<td>16</td>
<td>Proof of contactless payment systems</td>
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<td>17</td>
<td>Disinfectants, cleaning equipment and detergent</td>
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<td>18</td>
<td>Visible notices for staff promoting hand hygiene and physical distancing</td>
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<td>19</td>
<td>Availability of Instructions and training on how to prevent the spread of COVID-19 for all employees</td>
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<td>20</td>
<td>Alcohol-based hand sanitizers at premises entry and exit points</td>
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<td>21</td>
<td>Hand wash facility at the entry of the kitchen and restaurant, complete with:</td>
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<td></td>
<td>• hot and cold running water,</td>
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<td></td>
<td>• hygienically operated taps,</td>
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<td></td>
<td>• detergent/soap,</td>
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<td></td>
<td>• alcohol-based sanitizer and</td>
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<td></td>
<td>• appropriate hand drying</td>
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<td>22</td>
<td>Strategic installation of hand wash facilities inside the kitchen/food preparation areas, complete with:</td>
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<td></td>
<td>• hot and cold running water,</td>
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<td>• hygienically operated taps,</td>
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<td>• appropriate hand drying</td>
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<td>23</td>
<td>Availability and evidence of implementation of Standard Operating Procedures (SOPs) for cleaning</td>
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<td>24</td>
<td>Availability and evidence of implementation of Standard Operating Procedures (SOPs) for disinfection</td>
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<td>25</td>
<td>Standard Operating Procedures (SOPs) for reporting illness</td>
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<td>26</td>
<td>Trained cleaners assigned for cleaning and disinfection duty roster</td>
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<td>27</td>
<td>Valid medical examination certificates for all personnel</td>
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<tr>
<td>28</td>
<td>Proof of personnel tested and certified to be COVID-19 Negative by a Government certified laboratory. Check validity of the COVID-19 Clearance Certificate (Form D).</td>
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<td>29</td>
<td>Adequate Personal Protective Equipment (dust coats, hair nets, face masks, overalls, gumboots, disposable gloves)</td>
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<tr>
<td>30</td>
<td>Scheduled waste management procedures</td>
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<tr>
<td>31</td>
<td>Colour coded waste receptacles: Black for general wastes; Red for hazardous wastes</td>
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</tbody>
</table>

General personal hygiene: Good □ Fair □ Bad □

Comments:

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FORM C r. 3(4)(a)

PERMIT TO OPERATE A RESTAURANT DURING THE COVID-19 PANDEMIC

Inspected By: .................................................................
Designation: ...................................................................
Signature: ......................................................................
Official Stamp

Serial No...........................................................................

Permit is hereby granted to ................................................. (Owner/proprietor)
Name of business to sell, prepare, pack, store or display food at
Plot No................................................L.R.No.................................
Situated at...........................................................................
Nature of business............................................................
Branch of business ............................................................

1. This permit is valid for three (3) months with effect from the date of issue.
2. This permit is not transferable to any other person or premise.
3. The County Director of Public Health has authority to revoke this permit in the event of contravention of the Public Health Act.

Name and Signature of Issuing Officer  Official Stamp of the Office


MUTAHI KAGWE,
Cabinet Secretary for Health.