

Namibia

Namibian Constitution

Directives Relating to Sale of Liquor

Government Notice 129 of 2020

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Republic of Namibia
Annotated Statutes

Namibian Constitution

Directives Relating to Sale of Liquor

Government Notice 129 of 2020

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Under regulation 15(1) and (3) of the Stage 2: State of Emergency - Covid-19 Regulations, published under Proclamation No. 17 of 4 May 2020, with the authorisation of the President and the approval of the Attorney-General, I issue the directives set out in the Schedule.

L. Iipumbu

Minister of Industrialisation and Trade

1. Definitions

In these directives, a word or an expression to which a meaning has been assigned in the Regulations has that meaning and unless the context indicates otherwise -

"hotel liquor licence" means a hotel liquor licence as defined in section 1 of the Liquor Act;

"licence" means a licence as defined in section 1 of the Liquor Act;

"licence holder" means a licensee as defined in section 1 of the Liquor Act;

"licensed premises" means the licensed premises as defined in section 1 of the Liquor Act;

"Liquor Act" means the Liquor Act, 1998 (Act [No. 6 of 1998](#));

"off-sales" means the off-sales as defined in section 1 of the Liquor Act;

"off-sales licence" means off-sales licence as defined in section 1 of the Liquor Act;

"on-consumption" means on-consumption as defined in section 1 of the liquor Act;

"on-consumption licence" means on-consumption licence as defined in section 1 of the Liquor Act;

"Regulations" means the Stage 2: State of Emergency - Covid-19 Regulations, published under Government Notice No. 17 of 4 May 2020; and

"restaurant liquor licence" means the restaurant liquor licence referred to in section 4 of the Liquor Act.

2. Application of directives

These directives do not apply to the restricted area contemplated in regulation 4 of Regulations published under Proclamation No. 24 of 8 June 2020 during the period of lockdown referred to in regulation 3 of those Regulations.

3. Period of application of directives

These directives apply for the duration of the specified period.

4. Selling of liquor by on-consumption licence holders

- (1) Except for a holder of hotel liquor licence or restaurant liquor licence, an on-consumption licence holder must not, in accordance with regulation 7(1) of the Regulations, sell liquor on the licensed premises for on-consumption, despite any contrary conditions applicable to the licence holder's on-consumption licence.
- (2) Despite the on-consumption licence authorising a licence holder to sell liquor for on-consumption at the licensed premises, during the specified period the on-consumption licence holder may only sell liquor for off-sales and as if the licence holder was a holder of an off-sales licence.

5. Obligations of licence holders and employees of licence holders

A licence holder and licence holder's employees must at all times ensure that -

- (a) all persons entering the licensed premises are sanitised with an alcohol-based hand sanitiser;
- (b) all persons in the licensed premises or waiting to enter the licensed premises maintain a distance of at least one and half meters between them;
- (c) the social distance referred to in paragraph (b) is demarcated inside and outside the licensed premises with clear signs to ensure adherence with the social distance;
- (d) all persons in the licensed premises or waiting to enter the licensed premises queue up and must be monitored at all times to ensure compliance with the social distance;
- (e) only one person per 10 square metres of trading floor or three persons per number of counters in any licensed premises may be allowed at any time, excluding employees of the licence holder;
- (f) the maximum number of people allowed in licensed premises at any time are displayed at the entrance of the licensed premises;
- (g) all employees of service providers providing services to the licensed premises wear protective gear;
- (h) counters, till screens and speedpoint pads are cleaned and sanitised after every customer's transaction; and
- (i) cashiers clean and sanitise their hands after every customer's transaction.

6. Selling and purchasing of traditional liquor

- (1) For purposes of this directive, a traditional liquor includes tombo as defined in section 1 of the Liquor Act.
- (2) A person selling or purchasing a traditional liquor must -
 - (a) only sell or purchase such traditional liquor during the days and hours specified in regulation 7 of the Regulations; and

- (b) not sell or purchase such traditional liquor for consumption at the place of the sale or purchase.
- (3) A person selling a traditional liquor must -
 - (a) ensure that all persons entering or waiting to enter the premises where the person sells the traditional liquor -
 - (i) are sanitised with an alcohol-based hand sanitiser;
 - (ii) maintain a social distance of at least one and half meters between them; and
 - (iii) queue up, and are monitored at all times to ensure compliance with the social distance;
 - (b) ensure that the social distance referred to in paragraph (a)(ii) is demarcated inside and outside the premises where the person sells the traditional liquor with clear signs to ensure adherence to social distance; and
 - (c) ensure that the person or person's employees wear protective gear and that the premises where the person sells traditional liquor is cleaned and sanitised.

7. Transport and delivery of liquor

- (1) A driver or person delivering liquor or any packaging materials related to the production of liquor either within Namibia or sourced from outside Namibia is allowed to transport and deliver liquor or packaging materials at any time.
- (2) Third party merchandisers are only allowed access to licensed premises during normal business hours as determined by a licence holder.
- (3) A person referred to in subdirective (2) and (3) must at all times adhere to the measures to combat, prevent and suppress the spread of COVID-19.
- (4) A licence holder offering online sale of liquor may only sell liquor during the days and hours specified in regulation 7 of the Regulations and is allowed to transport or deliver liquor during the normal business hours of the licence holder.

8. Renewal of licences

Subject to regulation 15 of the Regulations published under Proclamation No. 18 of May 2020 providing that a licence is valid during the specified period or such longer period as a Minister or other functionary may determine, a licence holder intending to renew the holder's licence in terms of section 38(5) of the Liquor Act may renew the licence on or before 28 June 2020.

9. Offences and penalties

A person who contravenes or fails to comply with these directives commits an offence and on conviction is liable to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.