



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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Proclamation

by the

PRESIDENT OF THE REPUBLIC OF NAMIBIA

No. 21

2020

AMENDMENT OF STAGE 2: STATE OF EMERGENCY – COVID-19 REGULATIONS: NAMIBIAN CONSTITUTION

Under the powers vested in me by Sub-Article (5) of Article 26 of the Namibian Constitution, I have amended the Regulations published under Proclamation No. 17 of 4 May of 2020 as set out in the Schedule in order to provide for Stage 3 of the State of Emergency declared by Proclamation No. 7 of 18 March of 2020.

Given under my Hand and the Seal of the Republic of Namibia at Windhoek, this 1st day of June, Two Thousand and Twenty.

HAGE G. GEINGOB

President

BY ORDER OF THE PRESIDENT

SCHEDULE

Definitions

1. In these regulations “the Regulations” means the Regulations published under Proclamation No. 17 of 4 May of 2020.

Amendment of regulation 1 of Regulations

2. Regulation 1 of the Regulations is amended by the substitution for the definition of “specified period” of the following definition:

“specified period” means the period referred to in regulation 3 and indicating Stage 3 of the State of Emergency as determined by Cabinet;”.

Amendment of regulation 2 of Regulations

3. Regulation 2 of the Regulations is amended -

(a) by the substitution for subregulation (1) of the following subregulation:

“(1) These regulations apply to the whole of Namibia during the specified period except for regulations 3, 4, 6, 7, 8, 9 and 12 which do not apply to the local authority area of Walvis Bay for the duration of the period of lockdown imposed in that area by the Stage 1: State of Emergency - Covid-19 Regulations: Walvis Bay Local Authority Area published under Proclamation No. 20 of 29 May 2020.”; and

(b) by the insertion after subregulation (1) of the following subregulation:

“(1A) At the expiry of the period of lockdown referred to in subregulation (1), regulations 3, 4, 6, 7, 8, 9 and 12 will apply to the local authority area of Walvis Bay, unless the President determines otherwise by regulation.”.

Substitution of regulation 3 of Regulations

4. The Regulations are amended by the substitution for regulation 3 of the following regulation:

“Specified period

3. The specified period starts from 23:59 on 1 June 2020 and ends at 23:59 on 28 June 2020.”.

Substitution of regulation 4 of Regulations

5. The Regulations are amended by the substitution for regulation 4 of the following regulation:

“Restrictions relating to schools and higher education institutions

4. (1) Except as provided in subregulation (2), all schools and higher education institutions in Namibia must remain closed during the specified period, but the closure of schools and higher education institutions does not prevent –

- (a) in the case of a state school, the relevant minister responsible for education; and
- (b) in any other case, the governing bodies of schools and institutions,

from employing other alternative forms of learning that do not involve the physical presence of learners or students at the schools or institutions.

(2) During the specified period -

- (a) vocational training centres contemplated in section 49(16) of the Vocational Education and Training Act, 2008 (Act No. 1 of 2008) may resume for normal classroom contact education and training as from 3 June 2020;
- (b) secondary schools and other educational institutions that provide secondary education at grade 11 or 12 level, may resume for normal classroom contact learning for grade 11 and grade 12 as from 3 June 2020; and
- (c) schools and other educational institutions providing early childhood development learning, pre-primary learning and primary education at grade one to three levels may resume for normal classroom contact learning as from 22 June 2020.

(3) Heads of vocational training centres, schools, educational institutions and other institutions referred to in subregulation (2) must ensure that the persons accessing their services at all times adhere to the measures to combat, prevent and suppress the spread of COVID-19 as specified in and under these regulations.”.

Substitution of regulation 6 of Regulations

6. The Regulations are amended by the substitution for regulation 6 of the following regulation:

“Gatherings

6. (1) For the purpose of this regulation, “gathering” means a group of more than 50 persons who meet for a common purpose.

(2) During the specified period, all gatherings are prohibited, except where -

- (a) all persons at the gathering are members of the same household gathered at their place of residence;
- (b) persons are gathered at their workplace;
- (c) the gathering is by a government institution at national, regional or local level or the Cabinet or the Parliament for purposes of its normal operations;
- (d) the gathering is for purposes of court or tribunal proceedings; or
- (e) a group of persons independently or coincidentally find themselves at a specific place.

(3) Persons who gather in the circumstances referred to in subregulation (2) must at all times adhere to the measures to combat, prevent and suppress the spread of COVID-19 as specified in and under these regulations.

(4) An authorised officer may instruct a gathering or a group of more than 50 persons, other than a gathering referred to in subregulation (2), to disperse and may use all reasonable measures to cause a gathering or group to disperse.

(5) The person organising or hosting a gathering permitted in terms of this regulation must -

- (a) open and maintain a register of the persons who attend the gathering; or
- (b) ensure that the register of the persons referred to in paragraph (a) is opened and maintained,

for the purpose of recording the particulars of persons who attend a gathering.

(6) The persons who are required to open and maintain a register in accordance with subregulation (5) must -

- (a) keep the register in a safe place for the duration of the State of Emergency;
- (b) on request, make the register available for inspection by an authorised officer; and
- (c) consider the information provided under this regulation to be confidential, and may not disclose that information to any other person except as provided in paragraph (b) or when required to so disclose in terms of any law.

(7) The register referred to in subregulation (6) must contain the following particulars in respect of each person who attended the gathering:

- (a) the full names of the person;
- (b) the identification number of the person;
- (c) the nationality and country of residence or origin of the person;
- (d) the physical address of the person;
- (e) the contact telephone or cell phone number of the person; and
- (f) the email address of the person.

(8) A person who -

- (a) facilitates, instigates or organises a gathering;
- (b) fails or refuses to obey an instruction issued under subregulation (4); or
- (c) fails or refuses to comply with subregulation (5) or (6),

commits an offence and is on conviction liable to a fine not exceeding N\$2 000 or to imprisonment not exceeding six months or to both such fine and imprisonment.”.

Substitution of regulation 7 of Regulations

7. The Regulations are amended by the substitution for regulation 7 of the following regulation:

“Restrictions relating to liquor

7. (1) Despite any contrary condition applicable to any type of liquor licence issued under the Liquor Act, 1998 (Act No. 6 of 1998) during the specified period -

- (a) the sale or purchase of liquor in terms of that licence may only take place -
 - (i) between the hours 12H00 and 18H00 on Mondays to Fridays;
 - (ii) between the hours of 09H00 and 13H00 on Saturday; and
 - (iii) if the liquor sold or purchased is not for consumption at the place of sale or purchase; and
- (b) a person may not purchase or sell liquor on a Sunday or public holiday.

(2) Subsection (1) does not apply to the sale of liquor by the holder of a hotel liquor licence or a restaurant liquor licence issued under the Liquor Act, 1998 (Act No. 6 of 1998) and the holder of such licence is permitted to sell liquor on an on-consumption basis and in accordance with the conditions of the respective licence.

(3) A person who contravenes or fails to comply with a provision of subregulation (1) or (2) commits an offence and is on conviction liable to a fine not exceeding N\$2 000 or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(4) An authorised officer who is a peace officer within the meaning of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) may, without a warrant, seize any liquor that is suspected to have been sold or has been purchased in contravention of this regulation and the seized liquor must, subject to changes required in the context, be dealt with in accordance with the provisions of the Liquor Act as if it were liquor seized in terms of that Act.”.

Substitution of regulation 8 of Regulations

8. The Regulations are amended by the substitution for regulation 8 of the following regulation:

“Restrictions relating to certain businesses, operations and activities

8. (1) Subject to the provisions of regulation 7 and subregulation (3), all businesses, operations and activities, except those listed in subregulation (2), are permitted, during the specified period.

(2) During the specified period, the following businesses, operations and activities are prohibited:

- (a) contact sports, which for purposes of this regulation refers to sports in which players may directly or indirectly have physical contact, such as rugby, boxing, football, martial arts, or wrestling;
- (b) casinos and gambling houses; and
- (c) nightclubs.

(3) During the specified period, the following businesses, operations and activities are permitted subject to the condition that the people attending the event inclusive of the organisers do not exceed 50 and that the head of the institution or organisers keeps and maintains a logbook that contains the name, identification and contact telephone or cell number of each client or customer or person that visits the business or attend the event:

- (a) sporting events inclusive of gyms, other than contact sports;
- (b) entertainment events and concerts; or
- (c) seminars, conferences, workshops and summits.

(4) Heads of institutions of businesses, operations and activities which are permitted during the specified period must ensure that the persons accessing their services at all times adhere to the measures to combat, prevent and suppress the spread of COVID-19 as specified in and under these regulations.

(5) A person who contravenes, or fails to comply with the requirements of, subregulation (2) or (3) commits an offence and is on conviction 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.”
