



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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WINDHOEK - 13 August 2020

No. 7307

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## Proclamation

by the

**PRESIDENT OF THE REPUBLIC OF NAMIBIA**

No. 46

2020

### STAGE 3: 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, subsequent to having declared by Proclamation No. 7 of 18 March of 2020 that a State of Emergency exists in the whole of Namibia following a worldwide outbreak of the disease known as Coronavirus Disease 2019 (COVID-19), I -

- (a) have made the regulations set out in the Schedule; and
- (b) have repealed the regulations published under Proclamation No. 33 of 14 July 2020, Proclamation No. 39 of 22 July 2020, Proclamation No. 40 of 24 July 2020, Proclamation No. 43 of 3 August 2020 and Proclamation No. 44 of 3 August 2020.

Given under my Hand and the Seal of the Republic of Namibia at Windhoek, this 13th day of August, Two Thousand and Twenty.

**HAGE G. GEINGOB****President****BY ORDER OF THE PRESIDENT****SCHEDULE****ARRANGEMENT OF REGULATIONS**

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**ANNEXURE A - CRITICAL SERVICES****ANNEXURE B - ESSENTIAL GOODS****Definitions**

**1.** In these regulations -

“authorised officer” means -

- (a) the Director referred to in section 32 of the Disaster Risk Management Act, 2012 (Act No. 10 of 2012);
- (b) a member of the Namibian Police as defined in section 1 of the Police Act, 1990 (Act No. 19 of 1990);
- (c) a member of the municipal police service referred to in section 43C of the Police Act, 1990 (Act No. 19 of 1990);
- (d) a member of the Defence Force as defined in section 1 of the Defence Act, 2002 (Act No. 1 of 2002);
- (e) a correctional officer as defined in section 1 of the Correctional Service Act, 2012 (Act No. 9 of 2012);
- (f) an immigration officer as defined in section 1 of the Immigration Control Act;
- (g) an officer as defined in section 1 of Customs and Excise Act, 1998 (Act No. 20 of 1998), charged with the responsibility of enforcing the customs and excise legislation; and

(h) any other staff member designated or person appointed as an authorised officer under section 32 of the Disaster Risk Management Act, 2012 (Act No. 10 of 2012);

“COVID-19” means the coronavirus disease of 2019 which is caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

“critical services” means the services listed as critical services in Annexure A;

“essential goods” means the goods listed as essential goods in Annexure B;

“head of the institution” means the administrative head of a public institution and the chief executive officer or the equivalent of a chief executive officer of a private institution;

“health regulations” means regulations on health matters pertaining to COVID-19 issued under Article 26(5) of the Namibian Constitution or any other applicable law;

“higher education institution” means an institution that provides learning programmes leading to qualifications higher than grade 12 or its equivalent;

“Immigration Control Act” means the Immigration Control Act, 1993 (Act No. 7 of 1993);

“liquor” means any spirits, wine, beer, cider or other beverage, including a traditional beverage, which contains alcohol and is intended for human consumption but excludes any substance that contains alcohol but is used or is intended to be used for medicinal purposes;

“Liquor Act” means the Liquor Act, 1998 (Act No. 6 of 1998);

“mask” means a covering made of any suitable material that is worn on and around a person’s nose and mouth so as to fully cover that person’s nose and mouth for purposes of preventing the transmission of COVID-19;

“restricted areas” means -

- (a) the local authority areas of Arandis, Swakopmund and Walvis Bay including the portion of the main tarred road that connects the local authority areas of Arandis and Swakopmund and which portion is situated outside these two local authority areas, as well as the strips of land of five kilometers on either side of that portion of the road; and
- (b) the local authority areas of Windhoek, Rehoboth and Okahandja including the portion of the main tarred road that connects these local authority areas and which portion is situated outside these three local authority areas, as well as the strips of land of five kilometers on either side of that portion of the road;

“school” means a school as defined in section 1 of the Education Act, 2001 (Act No. 16 of 2001);

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

“vulnerable employee” means a pregnant employee, an employee who is a nursing mother, an employee with a pre-existing condition such as a heart disease, high blood pressure, respiratory problems, obesity, diabetes, tuberculosis or a condition which might compromise the immune system of the employee.

**Application of regulations**

2. (1) Except where otherwise indicated, these regulations apply to the whole of Namibia during the specified period.

(2) If there is a conflict between the provisions of these regulations and any other law the provisions of these regulations prevail, but the provisions of the health regulations prevail in respect of health related matters.

**Specified period**

3. The specified period is from the date of commencement of these regulations and ends at 24:00 on 29 August 2020.

**Restrictions on learning**

4. (1) During the specified period -

- (a) schools and educational institutions providing early childhood development learning and pre-primary learning must remain closed;
- (b) schools and educational institutions providing primary education from the level of the first grade to the level of the seventh grade and secondary education from the level of the eight and the ninth grade must remain closed;
- (c) schools and educational institutions providing secondary education from the level of the tenth grade, eleventh grade and the twelfth grade may continue face to face learning; and
- (d) higher education institutions must close or remain closed, but higher education institutions providing practical training may resume face to face learning and training where it would be impractical to achieve such learning and training through alternative forms of learning contemplated in subregulation (2).

(2) The closure of schools, higher education institutions and other educational institutions contemplated in subregulation (1) 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 body of the school or institution in question,

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

(3) Heads of schools, higher education institutions and other educational institutions which provide face to face learning must ensure that the persons accessing their premises at all times adhere to the measures to combat, prevent and suppress the spread of COVID-19 as specified in these regulations and the health regulations.

**Wearing of masks**

5. (1) During the specified period every person must wear a mask whenever he or she is at or in a public place.

(2) During the specified period, wearing of a see-through face shield is permitted, provided that a mask is worn together with the face shield.

(3) An authorised officer may instruct a person who is not wearing a mask as contemplated in subregulation (1) or (2) to wear a mask or to leave the public place.

(4) A person who fails or refuses to comply with an instruction given under subregulation (3) 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.

### **Gatherings**

**6.** (1) For the purpose of this regulation, “gathering” means a group of more than 10 persons.

(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 or the health regulations.

(4) An authorised officer may instruct a gathering, 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, except a gathering referred to in subregulation (2)(a) and (2)(e) 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 the 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) treat the information provided under this regulation as confidential, and may not disclose that information to any other person except as provided in paragraph (b) or when required to so disclose it in terms of any law or by a court.

(7) The register referred to in subregulation (5) must contain the full name, identification number or passport number and telephone number or cellular phone number of each person who attended the gathering.

(8) A person who -

- (a) facilitates, instigates or organises a gathering, except a gathering permitted by subregulation (2);
- (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.

### **Restrictions relating to liquor**

7. (1) For the purposes of this regulation, a term defined in the Liquor Act, except for the word “liquor”, bears that meaning.

(2) A person may only sell liquor and a person may only purchase liquor if -

- (a) the person who sells the liquor holds a liquor licence authorising the sale of liquor, and the sale of liquor is in accordance with that licence; and
- (b) the sale and purchase of liquor are in accordance with subregulation (3) or (4).

(3) During the specified period and despite any contrary condition applicable to any type of liquor licence issued under the Liquor Act, the sale of liquor in terms of a liquor licence and the purchase of liquor may -

- (a) only take place between 12:00 and 18:00 on a week day;
- (b) only take place between 09:00 and 13:00 on a Saturday;
- (c) not take place on a Sunday and on a public holiday; and
- (d) only take place if the liquor is sold or purchased on an off-sales basis.

(4) The provisions of subregulation (3) do not apply in respect of a hotel, a restaurant or a similar business, operating in an area which is not a restricted area, and which lawfully sells food that is intended to be consumed on the premises of the seller and the liquor is sold, for on-consumption, in relation to a meal sold to be consumed on the premises, provided that liquor may only be sold between 12:00 and 22:00.

(5) A hotel, a restaurant or a similar business operating in a restricted area may not during the specified period sell liquor despite having a liquor licence authorising the sale of liquor.

(6) A person who contravenes or fails to comply with subregulation (2), (3), (4) or (5) 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.

(7) 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.

### **Restrictions relating to certain businesses, operations and activities**

8. (1) Subject to the provisions of regulation 7 and subregulation (4), all businesses, operations and activities, except those listed in subregulation (3), are permitted, during the specified period.

(2) Despite subregulation (1), in the restricted areas, hotels, restaurants and other similar businesses including kapana selling businesses, which in the course of business or trade or commerce sell food item intended to be consumed on the premises must operate on a take away basis.

(3) 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.

(4) 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 the applicable number of people stipulated for a gathering in regulation 6(1) and that the head of the institution or organiser keeps and maintains a register that contains the full name, identification number or passport number and telephone number or cellular phone number of each client or customer that visits the business or attends the event -

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

(5) Every head of the institution or the manager or person in control of any business, operation and activity which is permitted during the specified period must ensure that the persons accessing the premises and services of the business, operation or activity at all times adhere to the measures to combat, prevent and suppress the spread of COVID-19 as specified in and under these regulations.

(6) A person who contravenes or fails to comply with the requirements of subregulation (2), (3) or (4) 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.

### **Additional provisions relating to workplace**

9. (1) Heads of institutions are encouraged to allow vulnerable employees to work from home, subject to suitable arrangements between the employer and employee.

(2) Heads of institutions are encouraged to provide masks to their employees.

(3) Heads of institutions must ensure that their employees at all times adhere to the measures to combat, prevent and suppress the spread of COVID-19 as specified in and under these regulations.

**Restrictions relating to entry into and departure from restricted areas**

- 10.** (1) Subject to subregulation (2), during the specified period, a person may not -
- (a) enter a restricted area; or
  - (b) depart from a restricted area to any other part of Namibia,

unless that person is in possession of a valid permit issued by a police officer under subregulation (4) and which permit the person must, on request by a police officer, produce to that police officer.

(2) Subregulation (1) does not apply to a person who at the commencement of these regulations is -

- (a) in a restricted area and intends to return to his or her place of residence which is situated outside a restricted area; or
- (b) outside a restricted area and intends to return to his or her place of residence which is situated in a restricted area,

if the returning is within a period of 48 hours from that period of commencement, except that the person must obtain a permit to leave the area from a police officer at the point of exit and such person may be subject to quarantine measures specified in the health regulations or guidelines.

(3) Subregulation (1) is not construed as preventing a person from moving within a restricted area as long as that person complies with the requirements of these regulations relating to the movement of persons or goods.

- (4) A person who wishes to enter into or depart from a restricted area, for purposes of -
- (a) receiving essential medical treatment which cannot reasonably be performed outside or inside the restricted area as the case may be, and which cannot reasonably be postponed;
  - (b) transporting essential goods;
  - (c) performing an action necessary for the enforcement of law or public order;
  - (d) maintaining or repairing infrastructure necessary or useful for the provision of essential goods or critical services;
  - (e) performing a critical service that cannot reasonably be postponed; or
  - (f) performing any other function or doing any other thing which the police officer considers sufficient to warrant the entering into or departing from the restricted area with due consideration of the fact that travel to and from the restricted area must be minimised: Provided that the attendance of a funeral, wedding or other family event is (except for the funeral of a parent, child, spouse or sibling) not deemed to be a sufficient reason to enter or leave a restricted area for the purposes of this paragraph,

may request a police officer nearest to that person or at the point of entry into or exit from a restricted area, to issue a permit authorising entry into or departure from the area.



(5) A permit referred to in subregulation (2) or (4) may contain conditions relating to any of the following matters -

- (a) the entering of quarantine facilities at a designated place;
- (b) having a specified test taken at a specified place;
- (c) entering isolation facilities if the result of the test indicates that the person is infected with COVID-19; and
- (d) that persons who are travelling from a restricted area to another area be subject to quarantine measures specified in the health regulations or guidelines.

(6) The Inspector-General of the Namibian Police may after consultation with the Executive Director of the Ministry of Health and Social Services issue directives to police officers relating to the issuing of permits, which directives must be consistent with these regulations, and which directives may require consultation with any functionary indicated in the directives.

(7) During the specified period, a person entering into or departing from a restricted area must, at every point where so required by an authorised officer, enter into a register kept by an authorised officer, the particulars that are specified in that register.

(8) A person who contravenes or fails to comply with subregulation (1) or (7), or fails to comply with a condition imposed under subregulation (5), 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.

(9) If an authorised officer finds a person under circumstances which create a reasonable suspicion that the person is likely to contravene subregulation (1) or (4), that authorised officer may instruct the person to stop the journey in question and failure to obey such an instruction is deemed to be a contravention of, or failure to comply with that subregulation, and that person is liable to the penalties provided for in subregulation (8).

### **Curfew**

**11.** (1) Subject to subregulation (2), a person who is in the restricted area may not leave his or her place of residence between 20h00 and 05h00 on each day.

(2) A person does not contravene subregulation (1) if that person leaves his or her place of residence for purposes of -

- (a) providing a critical service, provided the person is in possession of a document issued under subregulation (6);
- (b) seeking medical assistance;
- (c) seeking law enforcement assistance; or
- (d) attending to any other emergency situation that could not be reasonably avoided.

(3) An authorised officer may instruct a person to return to his or her place of residence if that officer finds a person at a place which is not his or her place of residence during the curfew hours specified in subregulation (1).

(4) A person who contravenes subregulation (1) or fails to comply with an instruction under subregulation (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.

(5) For the purpose of facilitating movement during the curfew hours referred to in subregulation (1), the head of the institution involved in the provision of a critical service or a person delegated by the head of the institution must determine -

- (a) the critical service to be performed during the curfew hours; and
- (b) the staff members who must perform the critical service during the curfew hours.

(6) After making a determination in terms of subregulation (5), the head of the institution or a person contemplated in that subregulation must issue a document to every staff member who is to perform the critical service during the curfew hours referred to in subregulation (1).

(7) The document referred to in subsection (6) -

- (a) must specify the name and surname of the staff member, the identification number of the staff member and the critical service and the name of the institution in sufficient detail; and
- (b) be signed by the head of the institution or the person referred to in subregulation (5).

(8) A person performing a critical service must show the document issued to him or her in terms of subregulation (6) to an authorised officer or any person in relation to whom he or she may seek to perform a function.

#### **Prohibition relating to entry into Namibia**

**12.** (1) Subject to the other provisions of these regulations, every person who -

- (a) is not a Namibian citizen;
- (b) does not hold a permanent residence permit for Namibia;
- (c) is not domiciled in Namibia or otherwise lawfully resident in Namibia;
- (d) is not part of a team of medical personnel that is required to provide medical services in Namibia to alleviate the COVID-19 pandemic;
- (e) is not a member of the diplomatic or consular staff of a country that is accredited to Namibia or in transit to another country; or
- (f) is not a spouse or child of a person referred to in paragraphs (a) to (e),

must, during the specified period, be refused entry into Namibia under section 10 of the Immigration Control Act.

(2) Persons permitted to enter Namibia must, two weeks before entering Namibia, in writing inform the relevant Namibian diplomatic representative in the country of intended departure of the intention to enter Namibia.

(3) Despite subregulation (1) a person who -

- (a) is not a Namibian citizen;

- (b) does not hold a permanent residence permit for Namibia; or
- (c) is not domiciled in Namibia or otherwise lawfully resident in Namibia;

may, for the purpose of undertaking tourism activities in Namibia, subject to the Immigration Control Act and subregulation (4), enter Namibia during the period, starting on 15 July 2020 and ending on 15 August 2020 as provided for in the repealed Proclamation No. 33 of 14 July 2020.

(4) Persons permitted to enter Namibia under subregulation (3) may not enter Namibia unless such persons at the time of entering Namibia present to an authorised officer a negative SARS-COV-2 PCR test result that -

- (a) is not older than seven days; and
  - (b) was issued by a laboratory that is certified to issue SARS-COV-2 PCR test results.
- (5) Subject to the Immigration Control Act, a person who -
- (a) is a driver of a motor vehicle, an operator of a locomotive, a pilot in command of an aircraft or a captain or master of a shipping vessel transporting goods;
  - (b) performs any service relating to the operation of the vehicle referred to in paragraph (a); or
  - (c) performs a necessary service relating to the transportation of goods referred to in paragraph (a),

in the course of business or trade or commerce may be allowed to enter Namibia if such entry is otherwise lawful.

(6) Despite the provisions of subregulation (1), a person referred to in that subregulation may be allowed to enter Namibia if that person complies with or meets such requirements as may be determined by the Minister responsible for immigration issued pursuant to the Immigration Control Act.

(7) A person who contravenes or fails to comply with subregulation (1), (4) or (5) 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.

### **Quarantine and COVID-19 testing**

**13.** (1) Any person who enters Namibia as contemplated in regulation 12 is subject to quarantine requirements as set out in these regulations and the health regulations or guidelines.

(2) All persons permitted to enter Namibia in terms of regulation 10 must on entering Namibia be tested for COVID-19 during the period of quarantine.

(3) Except where subregulation (4) and (5) apply, all persons entering Namibia during the specified period are subject to mandatory quarantine at own cost.

(4) The following categories of Namibian citizens may be quarantined at the cost of the State -

- (a) students enrolled for and undertaking a course of study at a school or an educational institution in Namibia or in a foreign country;

- (b) State patients;
- (c) health professionals;
- (d) persons entering Namibia on humanitarian grounds;
- (e) persons entering Namibia on official government business; or
- (f) such persons as may be specified in the regulations issued under Sub-Article (5) of Article 26 of the Namibian Constitution.

(5) Namibian citizens who are unable to pay for the cost of quarantine as required by these regulations may request, in the form and manner determined under the regulations issued under Sub-Article (5) of Article 26 of the Namibian Constitution, that the State cover the cost of their quarantine.

(6) Namibian citizens who leave Namibia for private business during the specified period are, on entering Namibia during that period, subject to mandatory quarantine at own cost.

(7) A person who unreasonably refuses to be quarantined or tested as specified in subregulation (1) or (2) 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.

### **Public transport**

**14.** (1) For the purposes of this regulation -

“vehicle” means a vehicle as defined in section 1 of the Road and Transport Act, 1999 (Act No. 22 of 1999) and includes a locomotive that is used for the transportation of passengers or goods by railway; and

“motor vehicle” means a motor vehicle as defined in section 1 of the Road and Transport Act, 1999 (Act No. 22 of 1999).

(2) A person who transports goods on a vehicle may not carry a passenger on the vehicle unless the person carried in or on the vehicle is necessary for the operation of the vehicle during the course of business or trade or commerce of the person.

(3) A person who conveys persons, whether for reward or for any other purpose, by means of a public or private motor vehicle, an animal-drawn vehicle or a pedal cycle may not transport -

- (a) more than three persons, including the driver, in a four-seater motor vehicle;
- (b) more than four persons, including the driver, in a five-seater motor vehicle;
- (c) more than four persons, including the driver, in a seven-seater motor vehicle;
- (d) a number of persons, including the driver which exceeds half of the number of passengers allowed to be transported in a motor vehicle not otherwise provided for in this regulation;
- (e) more than two persons, including the driver, in an animal-drawn vehicle; and

- (f) any person other than the driver on a motorcycle, motor tricycle or pedal cycle.
- (4) The -
  - (a) manner in which children are to be counted for purposes of subregulation (3) is as provided for in regulation 250 of the Road Traffic and Transport Regulations, published under Government Notice No. 53 of 30 March 2001; and
  - (b) number of seats of a motor vehicle is for the purposes of subregulation (3) determined in accordance with regulation 252 of the Road Traffic and Transport Regulations, published under Government Notice No. 53 of 30 March 2001.
- (5) Every owner or operator of a vehicle used for the purposes of conveying persons or goods for reward must -
  - (a) ensure that the driver of a public vehicle carrying passengers in terms of an authorisation granted in terms of any law wears a mask and the driver must ensure that all passengers wear masks at all times;
  - (b) provide alcohol-based hand sanitisers for use in the vehicle; and
  - (c) regularly disinfect or cause the regular disinfection of the vehicle used for the purposes of conveying persons or goods, and before and after each conveyance.
- (6) A person who contravenes or fails to comply with subregulation (2), (3) or (5) 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.

#### **Applicability of Act No. 1 of 2015**

**15.** (1) Despite the provisions of section 96 of the Public and Environmental Health Act, 2015 (Act No. 1 of 2015), the provisions of Part 3 of that Act are, for purposes of these regulations, brought into operation.

(2) In order to attain the objectives of subregulation (1), any provision of the Public Health Act, 1919 (Act No. 36 of 1919) that is inconsistent with any provision of Part 3 of the Public and Environmental Health Act, 2015 (Act No. 1 of 2015) is suspended to the extent of the inconsistency during the period that this regulation is in force.

(3) Despite the provisions of section 22(2) of the Public and Environmental Health Act, 2015 (Act No. 1 of 2015) the disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) is deemed to be a formidable epidemic disease and it is declared that the threatened outbreak of that disease necessitates the measures referred to in section 29(1) of that Act.

#### **Offences and penalties**

- 16.** (1) A person commits an offence if that person -
- (a) not being an authorised officer, by words, conduct or demeanour falsely represents himself or herself to be an authorised officer;
  - (b) hinders, obstructs or improperly attempts to influence an authorised officer when exercising or performing a power or function conferred or imposed by or under these regulations or another law;

- (c) furnishes or gives false or misleading information to an authorised officer; or
- (d) does anything calculated to improperly influence an authorised officer concerning a matter connected with the functions of the authorised officer.

(2) A person commits an offence if that person, through any form of media, including social media, knowingly or without having taken reasonable steps to ascertain the correctness of any information -

- (a) publishes any false or misleading statement about the COVID-19 status of any person; or
- (b) publishes any false or misleading statement, in connection with measures to combat, prevent and suppress COVID-19 as specified in and under these or other regulations made under Article 26(5) of the Namibian Constitution.

(3) A person convicted of an offence in terms of subregulation (1) or (2) 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.

### **Regulations to bind State**

17. These regulations bind the State.

## **ANNEXURE A CRITICAL SERVICES (Regulation 1)**

### PART 1

1. Ambulance services
2. Casualties services
3. Theatre Services
4. Intensive Care Unit (ICU) services
5. Hospital Wards
6. Laboratory Services
7. Pharmaceutical services
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10. Physiotherapy services
11. Mortuary services
12. Medical services including medical specialised services
13. Hospital Kitchen Services
14. Hospital laundry services
15. Emergency management services
16. Disaster management services
17. Potable water services
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30. Air traffic management services
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32. Search and rescue services
33. Aeronautical information services
34. Meteorological services for air navigation services

## PART 2

### **1. Agriculture and forestry**

Agricultural production and value chains (animal husbandry, agronomic and horticulture) supply related operations, including farming, veterinary and phyto-sanitary provider services, pest control services, feed and chemical and fertilizer remedies providers. Millers and logistics services.

### **2. Fishing**

Harvesting of fish (including artisanal fishing other than for leisure), cultivation of fish and value chain activities relating to fish, as part of food production for Namibia and for export; maintenance of fishing vessels and maintenance of fishing processing plants.

### **3. Mining and quarrying**

Mining and related activities to maintain mining operations including critical maintenance work on plant and equipment. Normal mining operations, including value chain activities will be allowed.

### **4. Manufacturing**

Manufacturing of health related products, hygiene and sanitary related products, supplies, devices, equipment, and medicines, including complementary health products and supplements; food, non-alcoholic beverages and essential products, as well as essential inputs thereto. This includes production for exporting the same product categories. Production for disposable health and hygiene and sanitary related products, as well as for the production of packaging for essential health and food supply chains. Food, beverages and essential goods manufacturing and processing facilities, to the extent they are supporting essential or critical business continuity services to fight COVID-19.

### **5. Electricity, gas, steam and air conditioning supply**

Public and private organisations, their staff and service providers essential to the generation, transmission and distribution of electricity, fuel, gas, steam and air conditioning will need to continue to operate. This includes local authorities and regional councils, and the suppliers of logistics, feedstock and maintenance will be required to continue to operate and provide security of electricity supply.

### **6. Water supply, purification, desalination, sewerage, waste management and remediation activities**

Public and private organisations, their staff and service providers essential to the security of supply of bulk and potable water and sanitation must continue to operate and provide vital

water and sanitation services. This includes local authorities and regional councils and those involved in the supply of materials, chemicals and related equipment.

**7. Construction**

Any maintenance support requirements for retailers, manufacturers producing essential goods, support to medical services; any construction that cannot be reasonably postponed; plumbing and electrical services, security installations and maintenance, water treatment and sewerage. Building of medical infrastructures and quarantine camps in support of essential goods and critical services to fight COVID-19.

**8. Wholesale and retail trade, repair of motor vehicles and motorcycles**

Retail, wholesale, supermarkets, the open markets and informal traders, home kiosks for food and essential goods. Essential hygiene goods include: toilet paper, cleaners, sanitizers and disinfectants, personal hygiene products, and essential supplies for those taking care of the sick and elderly and in order for people to remain healthy. All services related to the repair of motor vehicles and motorcycles to continue in as far as they are providing support to the fight against COVID-19.

**9. Transportation, logistics and storage**

Warehousing, transport (including courier services), distribution, cold storage and logistics for essential goods, production inputs and health related goods. This includes operations at all entry points. Humanitarian and relief functions in the fight against COVID-19 will be permitted.

**10. Accommodation and food service activities**

To the extent that they are supporting essential or critical business continuity services to the fight of the COVID-19 subject to take away and not dining in restaurants.

**11. Information and communication**

Communication and media services on screen, television, radio, print, broadcast and online.

**12. Legal, financial, banking, social security and insurance activities**

Legal, court, financial, banking and insurance services and health funders required to finance and support essential and critical business continuity and provide short term bridging finance to people and businesses during the restricted period.

**13. Professional, scientific and technical activities**

Professional, scientific and technical services, to the extent that they are providing support in the COVID-19 response, essential and critical services.

**14. Support service activities**

Private services to the extent that they are providing support in the COVID-19 response, essential and critical business continuity services.



**15. Public administration, defense, safety and security**

Public Office Bearers, personnel and functionaries at national, regional and local levels to the extent that they are providing support in the COVID-19 response, essential and critical business continuity services. Safety and security services protecting people and property.

**16. Human health and social work activities**

All centers providing life and health services; energy, food and water supply, social, transactional, communications, law and order and international critical business continuity services. Care services relating to the sick, frail, children, or other vulnerable persons, in a home or homestead; and care facilities for children of critical service workers.

**17. Information communications technology**

Data centers, fiber optic infrastructure, towers and antennae will need to operate at high efficiency to ensure connectivity remains stable.

**ANNEXURE B**  
**ESSENTIAL GOODS**  
(Regulation 1)

1. Food:
  - (a) any food product, including water and non-alcoholic beverages;
  - (b) animal food; and
  - (c) chemicals, packaging and ancillary products used in the production of any food product.
2. Cleaning and hygiene products:
  - (a) toilet paper, sanitary pads, sanitary tampons;
  - (b) hand sanitiser, disinfectants, soap, alcohol for industrial use, household cleaning products, and personal protective equipment;
  - (c) chemicals, packaging and ancillary products used in the production or preservation of any of the above;
  - (d) products for the care of children;
  - (e) personal care including but not limited to, body and face washes, roll-ons, deodorants, toothpaste and any other products ordinarily used for hygiene purposes.
3. Medical:
  - (a) medical and hospital supplies, equipment and personal protective equipment;
  - (b) chemicals, packaging and ancillary products used in the production or preservation of any of the above;
  - (c) pharmaceutical supplies, including but not limited to prescribed medication; and

- (d) contraceptives including condoms.
  - 4. Fuel, including coal and gas.
  - 5. Wood for cooking purposes.
  - 6. Basic goods, including airtime and electricity.
  - 7. Fish and fish products.
  - 8. Mining products.
  - 9. Coffins and related services.
  - 10. Plumbing and electrical supplies.
  - 11. Educational materials.
  - 12. Goods necessary for the effective provision of critical services specified in Part 1 and 2 of Annexure A.
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