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CONTENTS

Page

GOVERNMENT NOTICE

No. 128	Amendment of Public Health Covid-19 General Regulations: Public and Environmental Health Act, 2015	1
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Government Notice

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 128

2021

AMENDMENT OF PUBLIC HEALTH COVID-19 GENERAL REGULATIONS: PUBLIC AND ENVIRONMENTAL HEALTH ACT, 2015

In terms of section 29(1) of the Public and Environmental Health Act, 2015 (Act No. 1 of 2015), I have amended the Public Health Covid-19 General Regulations published under Government Notice No. 91 of 30 April 2021 as set out in the Schedule.

DR. K. SHANGULA
MINISTER OF HEALTH AND SOCIAL SERVICES

Windhoek, 16 June 2021

SCHEDULE

Definitions

1. In these regulations “the Regulations” means the Public Health Covid-19 General Regulations published under Government Notice No. 91 of 30 April 2021 as amended by Government Notice No. 108 of 31 May 2021.

Amendment of regulation 1 of Regulations

2. Regulation 1 of the Regulations is amended by the insertion -
- (a) after the definition of “COVID-19 vaccine” of the following definition:
““critical services” means the services listed as critical services in Annexure A;”;
- (b) after the definition of “directives” of the following definition:
““essential goods” means the goods listed as essential goods in Annexure B;”;
- (c) after the definition of “regional council” of the following definition:
““restricted areas” means the areas referred to in regulation 2B;”;
- (d) after the definition of “social distancing” of the following definition:
““specified period” means the period referred to in regulation 2A;”.

Amendment of regulation 2 of Regulations

3. Regulation 2 of the Regulations is amended by the substitution for subregulation (2) of the following subregulation:

“(2) These regulations come into operation at 00:00 on 17 June 2021 and cease to have effect at 24:00 on 30 June 2021.”.

Insertion of regulation 2A and 2B in Regulations

4. The Regulations are amended by the insertion after regulation 2 of the following regulations:

“Specified period

2A. The specified period starts at 00:00 on 17 June 2021 and ends at 24:00 on 30 June 2021.

Restricted areas

2B. The local authority areas of Windhoek, Okahandja and Rehoboth are restricted areas, 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.”.

Amendment of regulation 3 of Regulations

5. Regulation 3 of the Regulations is amended by the substitution for subregulation (5) of the following subregulation:

“(5) A person who fails or refuses to comply with an instruction given under subregulation (4) commits an offence and is on conviction liable to the penalties specified in section 29(3) of the Act.”.

Amendment of regulation 4 of Regulations

6. Regulation 4 of the Regulations is amended -
- (a) by the substitution for subregulation (1) of the following subregulation:
- “(1) For the purpose of these regulations, a “prohibited gathering” means a group of more than 10 persons.”;
- (b) by the insertion after subregulation (7) of the following subregulation:
- “(7A) The person organising or hosting a gathering permitted in terms of this regulation, except a gathering referred to in subregulation (2), must ensure that the gathering does not last longer than two hours.”;
- (c) in subregulation (8) by the substitution for paragraph (c) of the following paragraph:
- “(c) contravenes or fails to comply with subregulation (5), (6) or (7A).”.

Amendment of regulation 5 of Regulations

7. Regulation 5 of the Regulations is amended by the deletion of subregulation (1).

Insertion of regulation 5A in Regulations

8. The Regulations are amended by the insertion after regulation 5 of the following regulation:

“Prohibition on movement of persons into or from restricted areas

- 5A.** (1) Subject to subregulation (2) and during the specified period, a person may not enter into or depart from a restricted area, unless that person is -
- (a) a resident of the restricted area and returning to his or her area of residence from any other place;
- (b) not a resident of the restricted area and depart the restricted area to return to his or her area of residence;
- (c) entering into or departing from the restricted area for the purpose of rendering critical services or providing essential goods;
- (d) entering into or departing from the restricted area for the purpose of receiving essential medical treatment;
- (e) entering into or departing from the restricted area for the purpose of attending a funeral of a close family member or a dependant;
- (f) entering into or departing from the restricted area for the purpose of transporting human remains for burial purposes;
- (g) entering into or departing from the restricted area for the purpose of assisting a close family member or a dependant who is ill or otherwise suffers from a distressing situation;

- (h) is a tourist entering for tourism purposes and the person has presented a negative SARS-CoV-2 PCR test result on entry into Namibia; or
 - (i) any other emergency situation which an authorised person considers sufficient to warrant the entering into or departing from the restricted area.
- (2) A person referred to in subregulation (1) must obtain a permit from an authorised person for purposes of that subregulation.
- (3) A police officer may instruct a person who under any circumstances create a reasonable suspicion that the person is likely to contravene subregulation (1) to stop the journey in question, and failure to comply with such instructions is deemed to be a contravention of, or failure to comply with that subregulation.
- (4) A person who contravenes or fails to comply with subregulation (1) or (3) commits an offence and is on conviction liable to the penalties specified in section 29(3) of the Act.”.

Amendment of regulation 6 of Regulations

9. Regulation 6 of the Regulations is amended by the insertion after subregulation (2) of the following subregulation:

“(2A) Despite subregulation (2) but subject to subregulation (3), providers of early childhood development learning, schools and educational institutions including technical education providers within the restricted areas may not provide face to face learning during the specified period, and all examinations for students by higher education institutions including technical education providers must be undertaken online in accordance with appropriate arrangement between the students and the institution.”.

Amendment of regulation 7 of Regulations

10. Regulation 7 of the Regulations are amended by the substitution for subregulation (3) of the following subregulation:

“(3) 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) where the seller is the holder of an off-sales licence, only take place -
 - (i) starting at the time specified in the liquor licence until 18:00 on a week day; and
 - (ii) starting at the time specified in the liquor licence until 13:00 on a Saturday;
- (b) where the seller is the holder of an on-consumption licence, only take place -
 - (i) on a take-away basis as if the seller is a holder of an off-sales licence; and
 - (ii) starting from 09:00 until 18:00 on Modays to Saturdays,

except where the seller is the holder of an on-consumption licence and the liquor is sold to persons who are residing at the accommodation establishment for an on-consumption at the establishment or to persons having meals at a restaurant,

guesthouse or similar establishment and the liquor is served with the meals, provided that the seller may not sell liquor after 22:00; and

- (c) not take place on a Sunday or a public holiday, except where the seller is the holder of an on-consumption licence and the liquor is sold to a person who is residing at the accommodation establishment where the liquor is sold.”.

Amendment of regulation 8 of Regulations

11. Regulation 8 of the Regulations is amended by -

- (a) the insertion after subregulation (1) of the following subregulation:

“(1A) Despite subregulation (1) -

(a) kapana selling businesses may only be operated on a take-away basis; and

(b) the following businesses, operations and activities are prohibited -

(i) contact sport referred to in regulation 10(1);

(ii) casinos, gambling houses and betting houses; and

(iii) nightclubs.”;

- (b) the substitution for subregulation (6) of the following subregulation:

“(6) A person who contravenes or fails to comply with the requirements of subregulation (1A)(2) or (4) commits an offence and is on conviction liable to the penalties specified in section 29(3) of the Act.”.

Amendment of regulation 10 of Regulations

12. Regulation 10 of the Regulations is amended by the substitution for subregulation (2) of the following subregulation:

“(2) Sporting events, other than contact sports, are permitted provided that the spectators are not allowed at the sporting events.”.

Amendment of regulation 11 of Regulations

13. Regulation 11 of the Regulations is amended by the insertion after subregulation (4A) of the following subregulation:

“(4B) Despite subregulation (4A), a person who enters Namibia after having presented a negative SARS-CoV-2 PCR test result as contemplated in subsection (4) and who stays in Namibia beyond the validity period of the SARS-CoV-2 PCR must be re-tested in Namibia by a laboratory that is certified in Namibia to issue SARS-CoV-2 PCR test result.”.

Amendment of regulation 13 of Regulations

14. Regulation 13 of the Regulations is amended by -

- (a) the insertion after subregulation (1) of the following subregulations:

(1A) A person who conveys persons for reward may not transport a number of persons, including the driver which exceeds half of the number of passengers allowed to be transported in a motor vehicle.

(1B) For the purposes of subregulation (1A), the number of persons that may be transported on a motor vehicle in relation to seating capacity of the motor vehicle is determined in accordance with regulation 252 of the regulations made under the Road Traffic and Transport Act.”;

- (b) the substitution for subregulation (3) of the following subregulation:

“(3) A person who contravenes or fails to comply with subregulation (1A) or (2) commits an offence and is on conviction liable to the penalties specified in section 29(3) of the Act.”.

Amendment of regulation 19 of Regulations

15. Regulation 19 of the Regulations is amended in subregulation (3) by the substitution for paragraphs (b) and (l) of the following paragraphs:

- “(b) the burial of the deceased person must take place within seven days of the death or, where impractical, within such reasonable time as determined by an authorised officer, and any meal at the burial of the deceased person must be served on a take-away basis;
- (l) a total of 10 mourners are allowed at the burial and at all memorial services or similar gatherings held in connection with the death of the deceased person and of these -
- (i) close family members are allowed at a distance of not less than three metres from the grave; and
- (ii) other mourners are allowed at a distance of not less than 10 metres from the grave:

Provided that in all cases the mourners must wear personal protective equipment as approved by an authorised officer and maintain a physical distance of not less than two metres from each other;”.
