



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS MADE IN TERMS OF

Public and Environmental Health Act 1 of 2015
section 29(1)

Public Health Covid-19 General Regulations
[13th set of post-emergency Covid regulations]

Government Notice 91 of 2021

(GG 7522)

applicable as amended by GN 138/2021 from 00:00 on 1 July 2021 to 24:00 on 15 July 2021
(regulation 2(2), as amended by GN 138/2021)

These regulations originally replaced the Public Health Covid-19 General Regulations in
Government Notice 233 of 2020 (GG 7342), as amended, which expired at 24:00 on 30 April 2021.

as amended by

Government Notice 108 of 2021 (GG 7544)
came into force on 1 June 2021 (amended reg 2(2))

Government Notice 128 of 2021 (GG 7554)
came into force on 17 June 2021 (amended reg 2(2))

Government Notice 138 of 2021 (GG 7568)
came into force on 1 July 2021 (amended reg 2(2))

These regulations are no longer applicable as presented here. They were amended by
GN 144/2021 (GG 7576). This set of post-emergency regulations has been
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[GN 138/2021 directs the deletion of the phrases “restricted areas” and “restricted area” wherever they occur, but the specific amendments made by GN 138/2021 remove all occurrences of these phrases without any additional deletions.]

PART 1
 PRELIMINARY MATTERS

Definitions

1. In these regulations a word or expression to which a meaning has been given in the Act bears that meaning and, unless the context otherwise indicates -

“authorised person”, for purposes of these regulations, means a staff member of the Ministry or other person who has been authorised in writing by the Minister to perform functions and duties in terms of, and to exercise powers under, these regulations;

“confirmed case”, in relation to COVID-19, means a clinical case where there is laboratory confirmation that a person has tested positive for COVID-19, irrespective of the existence of clinical signs and symptoms;

“contact tracing” means the identification and follow up of any person who may have come into contact with a COVID-19 confirmed case;

“correctional officer” means a correctional officer defined in section 1 of the Correctional Service Act, 2012 (Act No. 9 of 2012);

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

“COVID-19 response centre” means any place, premises, establishment or facility designated as such under regulation 11;

“COVID-19 vaccine” means a vaccine -

- (a) intended to provide acquired immunity against severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), the virus causing COVID19; and

[The term “COVID-19” is missing a hyphen in the Government Gazette, as reproduced above.]

- (b) authorised for use, or registered for use on humans by the Namibia Medicines Regulatory Council in terms of the Medicines and Related Substances Control Act, 2003 (Act No. 13 of 2003);

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

[definition of “critical services” inserted by GN 128/2021]

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“designated quarantine facility” means a quarantine facility designated as such under regulation 14;

“directives” means directives issued under section 29(1) of the Act;

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

[definition of “essential goods” inserted by GN 128/2021]

“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 care worker” means -

- (a) a health practitioner; or
- (b) any other person providing or ensuring the provision of services at a hospital, health facility or point of health service delivery for infection prevention and control, including managers, professionals, administrative and support staff of the hospital, health facility or point of health service delivery;

“health facility” means a health facility as defined in section 1 of the Hospitals and Health Facilities Act, 1994 (Act No. 36 of 1994);

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

“hospital” means a hospital as defined in section 1 of the Hospitals and Health Facilities Act, 1994 (Act No. 36 of 1994);

“isolation”, in relation to COVID-19, means segregation or separation from and interdiction of communication with others, of persons who are ill or are suspected of being infected with COVID-19;

“isolation facility” means a hospital or health facility designated as such under regulation 14, and a portion of such hospital or health facility and any permanent or temporary structures set apart and used solely for the admission and accommodation of persons who are confirmed cases of COVID-19;

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

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

“mandatory supervised quarantine” means a person potentially exposed to COVID-19 infection staying at a designated quarantine facility under supervision of the Ministry away from other persons after exposure or potential exposure to COVID-19;

“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;

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“police officer” means -

- (a) a member of the Namibian Police as defined in section 1 of the Police Act, 1990 (Act No. 19 of 1990); and
- (b) a member of the municipal police service referred to in section 43C of the Police Act, 1990 (Act No. 19 of 1990), in respect of the relevant local authority area for which he or she is appointed;

“quarantine” means separating persons potentially exposed to COVID-19 from non-exposed persons in such a manner as to prevent the possible spread of an infection or contamination;

“quarantine facilities” means any place, premises, establishment or facility set apart and used solely for the administration and accommodation of separating persons potentially exposed to COVID-19 from non-exposed persons in such a manner as to prevent the possible spread of an infection or contamination;

“regional council” means a regional council referred to in section 1 of the Regional Councils Act, 1992 (Act No. 22 of 1992);

[definition of “restricted areas” inserted by GN 128/2021 and deleted by GN 138/2021]

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

“social distancing” means any number of measures taken to increase the physical space between persons to slow the spread of COVID-19, by among others maintaining a distance of not less than one metre between persons;

“specified period” means the period referred to in regulation 2A;

[definition of “specified period” inserted by GN 128/2021]

“the Act” means the Public and Environmental Health Act, 2015 (Act No. 1 of 2015); and

“tourism” means tourism as defined in section 1 of the Namibia Tourism Board Act, 2000 (Act No. 21 of 2000);

“zone” means a zone referred to in regulation 5A(1).

[definition of “zone” inserted by GN 138/2021]

Application of regulations

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

(2) These regulations come into operation at 00:00 on 1 July 2021 and cease to have effect at 24:00 on 15 July 2021.

[subregulation (2) substituted by GN 108/2021, GN 128/2021 and GN 138/2021]

Specified period

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2A. The specified period starts at 00:00 on 1 July 2021 and ends at 24:00 on 15 July 2021.

[regulation 2A inserted by GN 128/2021 and substituted by GN 138/2021]

2B.

[regulation 2B inserted by GN 128/2021 and deleted by GN 138/2021]

PART 2
COVID-19 RESTRICTIVE MEASURES

Wearing of masks

3. (1) Every person must wear a mask whenever he or she is at or in a public place.

(2) Despite subregulation (1), a child under the age of five years is not required to wear a mask.

(3) A person may wear a see-through face shield, provided that the person wears a mask together with the face shield.

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

(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.

[subregulation (5) substituted by GN 128/2021]

Gatherings

4. (1) For the purpose of these regulations, a “prohibited gathering” means a group of more than 10 persons.

[subregulation (1) substituted by GN 108/2021 and by GN 128/2021]

(2) The following gatherings are permitted -

(a) where persons are members of the same household gathered at their place of residence;

(b) where persons are gathered at their workplace;

(c) where 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) where the gathering is for purposes of court or tribunal proceedings;

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- (e) where the gathering is for purposes of provision of education and training at early childhood development centres, schools or higher education institutions; or
 - (f) where a group of persons independently or coincidentally find themselves at a specific place.
- (3) Despite subregulation (1) -
- (a) a person may not organise or host a gathering unless the persons attending the gathering are able to observe social distancing at the gathering; and
 - (b) all persons at a gathering referred to in paragraph (a) must at all times adhere to the measures to combat, prevent and suppress the spread of COVID-19 as specified in or under these regulations.

(4) A police officer may instruct a prohibited gathering 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 (f), 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 30 days from the date of last entry;
- (b) on request, make the register available for inspection by an authorised person or police 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.

(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.

[subregulation (7A) inserted by GN 128/2021]

- (8) A person who -

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- (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) contravenes or fails to comply with subregulation (5), (6) or (7A),

[paragraph (c) substituted by GN 128/2021]

commits an offence and is on conviction liable to the penalties specified in section 29(3) of the Act.

(9) The person organising or hosting a gathering permitted in terms of this regulation, except a gathering referred to in subregulation (2)(a) and (f), must -

- (a) take and record body temperatures of the persons who attend the gathering, and if the body temperature of a person is more than 38 degrees Celsius, the person organising or hosting the gathering must refuse the person entry into the gathering and advise the person to self-isolate and notify the COVID-19 Public Health Emergency Operations Centre through the COVID-19 toll free number;
- (b) provide facilities for persons who attend the gathering to wash their hands with soap or hand sanitise their hands with alcohol-based hand sanitiser;
- (c) ensure that social distancing is observed at all times at the gathering; and
- (d) ensure that all persons at the gathering wear masks at all times.

Curfew

5. (1)

[subregulation (1) deleted by GN 128/2021]

(2) Subject to subregulation (3) a person may not leave his or her place of residence between 21:00 and 04:00 on each day.

[subregulation (2) substituted by GN 138/2021]

(3) A person does not contravene subregulation (2) 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 (7);
- (b) seeking medical assistance;
- (c) seeking assistance from law enforcement agencies; or
- (d) attending to any other emergency situation that could not be reasonably avoided.

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(4) A police 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 (2).

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

(6) For the purpose of facilitating the enforcement of the curfew specified in subregulation (2), 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 or persons who must perform the critical service during the curfew hours.

(7) After making a determination in terms of subregulation (6), the head of the institution or a person contemplated in that subregulation must issue a document to every staff member or person who is to perform the critical service during the curfew hours referred to in subregulation (2).

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

- (a) must specify the name and surname of the staff member or person, 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 (6).

(9) A person performing a critical service must on request show the document issued to him or her in terms of subregulation (7) to a police officer or any person in relation to whom he or she may seek to perform a function.

(10) A person who fails or refuses to comply with a request made under subregulation (9) commits an offence and is on conviction liable to the penalties specified in section 29(3) of the Act.

Prohibition on movement of persons between zones

5A. (1) For the purposes of these regulations Namibia is divided into zones specified in Annexure C.

(2) Subject to subregulation (3), a person may not enter into or depart from one zone to another zone, unless that person is -

- (a) a resident of a zone returning to his or her area of residence in the zone from another zone;
- (b) not a resident of a zone and departing the zone to return to his or her area of residence in another zone;

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- (c) entering into or departing from a zone for the purpose of rendering critical services or providing essential goods;
- (d) entering into or departing from a zone for the purpose of receiving essential medical treatment;
- (e) entering into or departing from a zone for the purpose of attending a funeral of a close family member or a dependant;
- (f) entering into or departing from a zone for the purpose of transporting human remains for burial purposes;
- (g) entering into or departing from a zone 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 a zone for tourism purposes and the person has presented a negative SARS-CoV-2 PCR test result on entry into Namibia; or

[The word "is" at the beginning of paragraph (h) is redundant.]

- (i) any other emergency situation which an authorised person considers sufficient to warrant the entering into or departing from a zone,

Provided that movement within a zone is permitted, subject to compliance with the Regulations.

(3) A person referred to in subregulation (1) must obtain a permit from an authorised person for purposes entering into or departing from a zone.

[The word "of" appears to have been omitted after th word "purposes".]

(4) A police officer may instruct a person who under any circumstances create a reasonable suspicion that the person is likely to contravene subregulation (2) 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.

[The word "create" should be "creates" to be grammatically correct.]

(5) A person who contravenes or fails to comply with subregulation (2) or who refuses to comply with instructions given under subregulation (3) commits an offence and is on conviction liable to the penalties specified in section 29(3) of the Act.

[Regulation 5A is inserted by GN 128/2021 and substituted by GN 138/2021. The cross-reference to subregulation (3) seems to have been intended to refer to subregulation (4), which discusses police instructions.]

Measures relating to education

6. (1) For the purpose of this regulation “basic education” means basic education as defined in section 1 of the Education Act, 2001 (Act No. 16 of 2001).

(2) The following provisions apply to the provision of learning, education and training in the whole of Namibia during the specified period:

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- (a) institutions providing early childhood development learning and schools and educational institutions providing basic education up to the level of ninth grade may not provide face to face learning and education;
- (b) schools and educational institutions providing basic education at the level of tenth grade, eleventh grade and twelfth grade may not provide face to face learning and education;
- (c) higher education institutions and vocational education and training institutions may not provide face to face education, and all examinations for students at those institutions must be undertaken online in accordance with appropriate arrangement between the students and the institution;
- (d) health related higher education training institutions with students in clinical years may continue face to face training activities.

[subregulation (2) substituted by GN 138/2021]

(2A)

[subregulation (2A) inserted by GN 128/2021 and deleted by GN 138/2021]

- (3) The provisions of subregulation (2) do 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 provider of early childhood development learning, the school or the institution in question,

from employing other alternative forms of learning.

(4) Heads of schools and educational institutions providing early childhood development learning and other educational institutions referred to in subregulation (2) and the governing bodies of such schools and institutions must -

- (a) 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
- (b) in cases where accommodation facilities for pupils, trainees or students are provided by the school or institution where active transmission of COVID-19 is taking place, ensure that the pupils, trainees or students do not depart from the school or institution or accommodation facility unless authorisation to depart from the premises has been granted by an authorised person.

[The word “accommodation” in the phrase “school or institution or accommodation facility” is misspelt in the *Government Gazette*, as reproduced above.]

- (5) A person who -
 - (a) departs from a school or an institution in contravention of subregulation (4)(b); or

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- (b) fails or refuses to comply with a direction or an instruction issued by the head of a school or an institution or an authorised person in compliance with subregulation (4)(b),

commits an offence and is on conviction liable to the penalties specified in section 29(3) of the Act.

Restrictions relating to liquor

7. (1) For the purposes of this regulation, a word or expression defined in the Liquor Act 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).

(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

[The word "weekday" is misspelt in the *Government Gazette*, as reproduced above.]

- (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 if the seller is a holder of an off-sales licence; and
- (ii) starting from 09:00 until 18:00 on Mondays to Thursday,

["Thursday" should be "Thursdays" to be grammatically correct, or else "Mondays" should be "Monday".]

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 and the liquor is served with the meals, provided that the seller may not sell liquor after 21:00; and

[Paragraph (b) is substituted by GN 138/2021. The word "an" in the phrase "for an on-consumption at the establishment" is superfluous.]

- (c) not take place on a Friday, Saturday, 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, provided that the seller may not sell liquor after 21:00.

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[paragraph (c) substituted by GN 138/2021]

[subregulation (3) substituted by GN 128/2021]

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

(5) A police 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.

Resumption of businesses, operations and activities

8. (1) Subject to the provisions of these regulations, all businesses, operations and activities may operate and be conducted during their normal times of operation.

(1A) Despite subregulation (1) -

(a) businesses that sell meals, including kapana selling business may only do so on take-away basis;

[The phrase “kapana selling business” should be “kapana selling businesses,”.]

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

(i) casinos, gambling houses and betting houses;

(ii) nightclubs; and

(iii) swimming pools, playgrounds and other recreational places;

[The semicolon at the end of subparagraph (iii) should be a full stop.
There are no additional provisions.]

[subregulation (1A) inserted by GN 128/2021 and substituted by GN 138/2021]

(1B) Hair dressing businesses, beauty salons and spa’s may continue to operate, provided that only 10 persons are allowed at a time inside the business premises where such activities are conducted and the persons accessing such business premises wear masks, are sanitised and maintain social distancing.

[Subregulation (1B) is inserted by GN 138/2021. The word “spa’s” should be “spas”.]

(2) Every head of the institution and every manager or person in control of any business, operation and activity which is permitted to operate under subregulation (1) must -

(a) put in place measures;

(b) ensure that the persons accessing the premises and services of the business, operation or activity at all times adhere to the measures,

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to combat, prevent and suppress the spread of COVID-19 as specified in and under these regulations and the directives.

(3) Every head of the institution and every manager or person in control of any business, operation and activity which is permitted to operate under subregulation (1) and which renders services to members of the public on the basis of seated services, including businesses that sell liquor or food for on-consumption at the premises and other businesses that render services to members of the public on the basis of seated services must ensure that the chairs, tables or dining tables used by members of the public are arranged in a way that the chairs or tables are not less than two metres apart.

(4) The head of the institution of a business or operation and the organiser of an activity referred to in subregulation (1) must keep and maintain 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 or participates in the activity and the provisions of regulation 4(6) applies with necessary changes to that register.

(5) Subregulation (4) does not apply to retail shops.

(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.

[Subregulation (6) is substituted by GN 128/2021. There is a comma missing in the Government Gazette in the phrase "subregulation (1A), (2) or (4)", as reproduced above.]

Additional provisions relating to workplace

9. (1) For purposes of this regulation "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.

(2) For the purposes of subregulation (1), an employee is considered to be a nursing mother when she is breastfeeding a child up to a maximum period of six months.

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

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

(5) 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 sporting events

10. (1) For the purposes of this regulation "contact sports" means sporting events in which the players may directly or indirectly have physical contact, such as rugby, boxing, football, martial arts or wrestling.

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

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[subregulation (2) substituted by GN 128/2021]

(3) If a contravention of subregulation (2) occurs, a police officer may instruct persons contravening that subregulation to disperse and may use all reasonable measures to cause such persons to disperse.

- (4) A person who -
- (a) facilitates, instigates or organises a sporting event in contravention of subregulation (2); or
 - (b) fails or refuses to obey an instruction issued under subregulation (3),

commits an offence and is on conviction liable to the penalties specified in section 29(3) of the Act.

[regulation 10 substituted by GN 108/2021]

Restrictions relating to entry into Namibia

11. (1) Except where otherwise indicated, 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 be refused entry into Namibia under section 10 of the Immigration Control Act.

- (2) 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 enter Namibia for business, educational, health or tourism purposes in Namibia, subject to the Immigration Control Act and subregulations (3), (4) and (7).

[subregulation (2) substituted by GN 108/2021]

- (3) Persons entering Namibia by -

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- (a) air may only enter the country through Hosea Kutako International airport in Windhoek or Walvis Bay airport in Walvis Bay; and
- (b) road, sea or railway or on foot may only use ground border ports of entry that have been specifically designated on a reciprocal basis for that purpose by the Minister responsible for home affairs and immigration.

[subregulation (3) substituted by GN 108/2021]

(4) Persons permitted to enter Namibia under subregulation (2) may not enter Namibia unless such persons at the time of entering Namibia present to an authorised person a SARS-CoV-2 PCR test result from the country of departure, which test result -

- (a) is not older than seven days calculated from the date that the sample for testing was taken; and
- (b) was issued by a laboratory that is certified in the country of issue to issue SARS-CoV-2 PCR test results.

[subregulation (4) substituted by GN 108/2021]

(4A) A person who enters Namibia after having presented a negative SARS-CoV-2 PCR test result as contemplated in subsection (4) must, if he or she originated from or travelled through a country designated by the Minister as a COVID-19 high risk country, be subjected to a repeat SARS-CoV-2 PCR test after seven days from the date of his or her entry into Namibia.

[subregulation (4A) inserted by GN 108/2021]

(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 retested in Namibia by a laboratory that is certified in Namibia to issue SARS-CoV-PCR test result.

[subregulation (4B) inserted by GN 128/2021]

- (5) Subregulation (4) does not apply to children under the age of 5 years.
- (6) Persons permitted to enter Namibia must, 14 days before entering Namibia, in writing inform the relevant Namibian diplomatic representative in the country of intended departure of the intention to enter Namibia.
- (7) 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),

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

(8) 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.

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

Quarantine and COVID-19 testing

12. (1) Persons who are permitted entry into Namibia under these regulations must, on entering Namibia, be subjected to quarantine as set out in these regulations and the directives.

[subregulation (1) substituted by GN 108/2021]

(2) A person referred to in subregulation (1) who enters Namibia with a negative SARS-COV-2 PCR test result which is older than seven days calculated from the date that the sample for testing was taken must be subjected to mandatory supervised quarantine and must be tested for COVID-19, at his or her own cost and -

- (a) if that person tests positive for COVID-19, he or she will be placed in isolation at his or her own cost; and
- (b) if that person tests negative for COVID-19, he or she must be released from quarantine.

[subregulation (2) substituted by GN 108/2021]

(3) Despite subregulation (2), Namibian citizens, holders of Namibian permanent residence permits and holders of Namibian employment permits, who are returning to Namibia -

- (a) may enter Namibia with or without a SARS-CoV-2 PCR test result; and
- (b) will not be subjected to mandatory quarantine requirements, provided that such persons have a valid de-isolation certificate issued by a laboratory that is certified in the country of departure to issue de-isolation certificates.

[subregulation (3) substituted by GN 108/2021]

(4) Despite subregulation (2) -

- (a) persons referred to in regulation 11(7);
- (b) crew members of the motor vehicles, locomotives, aircraft or shipping vessels referred to in regulation 11(7)(a);
- (c) providers of essential services or goods; or
- (d) persons entering Namibia to provide humanitarian assistance,

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may enter Namibia without a SARS-CoV-2 PCR test result but such persons must be subjected to mandatory quarantine at a designated quarantine facility for a period of seven days and testing for COVID-19 in accordance with the guidelines of the Ministry.

[Subregulation (4) is substituted by GN 108/2021.
The verb “testing” should be “tested” to fit the sentence structure.]

(5) A Namibian citizen who is a student enrolled for and undertaking a course of study at a school or an educational institution in a foreign country is exempted from paying the cost of a SARS-CoV-2 PCR test on entry into or departure from Namibia but such person must provide proof that he or she is enrolled at a school or an educational institution in a foreign country.

[subregulation (5) substituted by GN 108/2021]

(6) The exemption referred to in subregulation (5) only applies in respect of a SARS-CoV-2 PCR test done at a State facility conducting SARS-CoV-2 PCR testing.

[subregulation (6) substituted by GN 108/2021]

(7) Unless otherwise indicated in these regulations, all persons entering Namibia are subject to mandatory quarantine at own cost.

(8) The following categories of persons may be quarantined at the cost of the State -

(a) Namibian citizens who are -

(i) students enrolled for and undertaking a course of study at a school or an educational institution in Namibia or in a foreign country, on entering or leaving Namibia;

(ii) State patients, on entering or leaving Namibia;

(b) health professionals employed by the State and on official duty, on entering or leaving Namibia;

(c) persons entering Namibia to provide humanitarian assistance;

(d) persons entering Namibia on official government business, and in the case of Namibian government officials on official duty, on entering or leaving Namibia; or

(e) such persons as may be specified in the directives.

(9) Namibian citizens who are unable to pay for the cost of quarantine as required by these regulations may request assistance from the State, in the form and manner determined in the directives.

(10) Namibian citizens who leave Namibia for private business must, on returning to Namibia, be subjected to mandatory quarantine at own cost.

(11) Persons who depart from Namibia with a negative SARS-CoV-2 PCR test result and re-enter Namibia within seven days from the date the sample was taken for testing may not, on presentation of that negative SARS-CoV-2 PCR test result, be subjected to a SARS-CoV-2 PCR

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testing on re-entry into Namibia, except where they have originated from or travelled through a country designated by the Minister as a COVID-19 high risk country.

[subregulation (11) substituted by GN 108/2021]

(12) Namibian citizens, holders of Namibian permanent residence permits and holders of Namibian employment permits who return to Namibia without a SARS-CoV-2 PCR test result are subject to mandatory quarantine -

- (a) at a place of his or her choice provided such place is suitable as referred to the WHO guidelines for quarantine; or
- (b) at designated quarantine facilities.

[subregulation (12) substituted by GN 108/2021]

(13) Persons who wish to be quarantined at a place other than a designated quarantine facility must apply to the Minister for approval and the Minister's approval may only be granted when the intended place of quarantine is suitable for quarantine.

[The word "quarantine" at the end of subregulation (13) is misspelt in the *Government Gazette*, as reproduced above.]

(14) If the place specified for quarantine as not suitable as contemplated in subregulation (12), the person required to be quarantined must at his or her own costs be quarantined at a designated quarantine facility.

[The word "is" in the phrase "is not suitable" is misspelt as "as" in the *Government Gazette*, as reproduced above.]

(15) Quarantined persons must be tested on the seventh day after the date of quarantine, and -

- (a) must be released if a SARS-CoV-2 PCR test shows a negative result;
- (b) must be isolated if a SARS-CoV-2 PCR test shows a positive result.

[subregulation (15) substituted by GN 108/2021]

Public transport

13. (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).

(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.

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[Subregulation (1A) is inserted by GN 128/2021. There should be a comma after the phrase “including the driver” to offset that phrase properly.]

(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.

[Subregulation (1B) is inserted by GN 128/2021. The word “in” in the phrase “the number of persons that may be transported in a motor vehicle” is misspelt as “on” in the *Government Gazette*, as reproduced above.]

(1C) Subject to the provisions of these regulations, road, rail and air public transport operations relating to the transporting of persons between the zones in Namibia except as otherwise provided for in regulation 5A or in other applicable regulation of the Regulations, is prohibited.

[Subregulation (1C) is inserted by GN 138/2021. The word “an”, “any” or similar appears to have been omitted before the phrase “other applicable regulation”.]

(2) 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, before and after each conveyance.

(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.

[subregulation (3) substituted by GN 128/2021]

PART 3
PROVISIONS ON HEALTH MATTERS

Designation of COVID-19 response centres, quarantine facilities and isolation facilities

14. (1) The chief health officer may, in accordance with applicable directives and WHO guidelines designate -

- (a) any place, premises, establishment or facility or a part or portion of that place, premises, establishment or facility to be used as a COVID-19 response centre;
- (b) any place, premises, establishment or facility or a part or portion of that place, premises or establishment to be used as a COVID-19 quarantine facility; and
- (c) any hospital or health facility or a part or portion of that hospital or health facility to be used as a COVID-19 isolation facility,

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for the purposes of these regulations.

(2) The chief health officer must make known a designation under subregulation (1) to the public by any means that he or she considers appropriate, including but not limited to publication in various media avenues and platforms, such as the Ministry's website to ensure the effective dissemination of information about the centre or facility.

Continuity of health services during COVID-19 pandemic

15. (1) In ensuring the continuity of health services, the chief health officer must -
- (a) where feasible, expand mobile outreach services and community-based services to reduce congestion at hospitals or health facilities;
 - (b) implement medical outreach services at district hospitals, health centres, clinics and outreach points to reduce the need for seeking of health services at the next level of care or referral to intermediate hospitals;
 - (c) assess the need for the re-allocation of health care workers as well as their redeployment to cover critical services;
 - (d) ensure a constant supply of pharmaceuticals, medication, clinical supplies and other commodities for health services, including for chronic conditions;
 - (e) prioritise care for COVID-19 susceptible persons, who include expecting mothers, nursing mothers, persons of 65 years of age or older, children of six years of age or younger, persons with disabilities, persons with pre-existing conditions such as heart disease, high blood pressure, respiratory problems, obesity, diabetes, tuberculosis, cancer or a condition which may compromise the immune system of a person; and
 - (f) ensure continuity of immunisation and reproductive health services.

(2) The person in charge of a hospital or health facility must ensure that a proper system of prioritisation and triaging of patients is implemented.

- (3) The person in charge of a hospital or health facility must ensure that -
- (a) where possible, temperature screening for patients and all persons visiting such hospitals or health facilities is conducted;
 - (b) social distancing is practiced at all times;
 - (c) the hands of all persons who enter the hospital or health facility are sanitised with alcohol-based hand sanitisers or that the hands of such persons are washed with soap and water; and
 - (d) all persons at the hospital's or health facility's premises wear masks at all times.

(4) Health care workers must ensure that infection prevention and control measures are practiced at all times when handling patients to combat, prevent and suppress the spread of COVID-19.

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Testing for COVID-19

16. (1) An authorised person must subject all persons meeting the standard case definition, as determined in the Ministry’s guidelines, to COVID-19 testing.

(2) An authorised person must subject all persons referred to in regulation 22 to COVID-19 testing.

(3) COVID-19 testing may only be conducted by laboratories that are accredited and certified in terms of any applicable law of Namibia or approved by the Ministry.

(3A) In addition to the SARS-CoV-2 PCR test, a rapid antigen diagnostic test using a rapid diagnostic test kit for which authorisation to use has been granted under the Medicines and Related Substances Control Act, 2003 (Act No. 13 of 2003) may be used for purposes of rapid antigen testing.

[subregulation (3A) inserted by GN 138/2021]

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

[subregulation (3B) inserted by GN 138/2021]

(4) In an area where transmission of COVID-19 has been established, persons who are at high risk of exposure to the disease must be tested for COVID-19 at such intervals as may be determined in the Ministry’s guidelines.

Contact tracing for COVID-19

17. (1) If a person is confirmed as having tested positive for COVID-19, an authorised person must establish the names of persons who were or might have been in contact with the confirmed case in line with the contact tracing protocols and standard operating procedures determined in the Ministry’s guidelines.

(2) An authorised person must trace and monitor all persons considered to be contacts with a confirmed case in line with the contact tracing protocols and standard operating procedures determined in the Ministry’s guidelines.

(3) A person who has been or considers himself or herself to have been in contact with a confirmed case must -

- (a) call the toll free number 0800100100 and wait for directions from a health care worker or an authorised person; or
- (b) present himself or herself to the nearest COVID-19 response centre for assistance.

Reporting requirements for COVID-19

18. Every health care worker must immediately -

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- (a) report all suspected cases of COVID-19 that he or she notices or are brought to his or her attention to an authorised person or to the relevant COVID-19 response centre using the standard case definition;
- (b) take specimens or arrange for specimens to be taken according to the established standard operating procedures as set out in the Ministry's guidelines; and
- (c) package or arrange for packaging of the specimens referred to in paragraph (b) for submission to a laboratory for testing for COVID-19 according to the established standard operating procedures as set out in the Ministry's guidelines.

COVID-19 related deaths and burials

19. (1) Subject to subregulation (2), the burial of any deceased person whose death is attributed to COVID-19 must be carried out by the State according to the procedures for a safe burial specified in this regulation and the directives.

(2) The burial of any deceased person whose death is attributed to COVID-19 may also be handled by an undertaker who has been accredited by the Executive Director of the Ministry (which undertaker is referred to in this regulation as "an accredited undertaker") if, in the opinion of the Executive Director -

- (a) the undertaker has received such training which the Executive Director considers necessary; and
- (b) the undertaker has the technical knowledge to perform such burials with all necessary safety precautions,

and any reference in this regulation to an authorised person, when such reference relates to an action relating to a funeral or cremation, is construed to refer to a staff member of the accredited undertaker who has the requisite knowledge to perform all tasks in a manner that will ensure the safety of the public, staff members of the undertaker and persons who attend the funeral in question and the provisions of this regulation apply with the necessary changes to such a funeral: Provided that all costs payable in respect of such a funeral must be paid by the family of the deceased.

- (3) Where a person has died from COVID-19 the following provisions apply:
 - (a) only an authorised person must be allowed to have custody and control of the deceased person's body;
 - (b) the burial of the deceased person must take place within ten 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 takeaway basis;

[Paragraph (b) is substituted by GN 128/2021 to introduce restrictions on meals, and substituted by GN 138/2021 to increase the time period for burial from seven days after the death to ten days after the death. GN 138/2021 does not specify the subregulation for the substitution, but the subject matter indicates that the substitution was intended to apply to subregulation (3).]

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- (c) the State is only responsible for providing a body bag, but family members of the deceased person or other persons may provide the coffin in which the deceased may be buried within the stipulated time;
- (d) human remains of the deceased person may only be handled by authorised persons;
- (e) the family must, in compliance with these regulations, allow authorised persons to conduct contact tracing and COVID-19 control measures;
- (f) family members of the deceased person may opt to have the body cremated at own cost and responsibility, in which case they must as soon as possible but within the period referred to in paragraph (b) -
 - (i) notify an authorised person of the decision; and
 - (ii) cause the deceased's body to be cremated;
- (g) the body of the deceased person must be buried at the nearest burial site within the local authority area, as defined in section 1 of the Local Authorities Act, 1992 (Act No. 23 of 1992), where the person died or the place where the confirmation of COVID-19 as the cause of death was made;
- (h) a post-mortem examination may not be performed on the body of the deceased person, except as provided for in section 21 of the Act;
- (i) posthumous re-swabbing of Covid-19 test may not be performed on the body of a deceased person, except where the re-swabbing is permitted by an authorised person;

[paragraph (i) substituted by GN 108/2021]

- (iA) the body of a deceased person may not be embalmed, except where the embalming is permitted by an authorised person;

[paragraph (iA) inserted by GN 108/2021]

- (j) the burial of the deceased person may be carried out only after the family members of the deceased person have been consulted in relation to the burial site;
- (k) family members of the deceased person are allowed to view the deceased person, provided that only two family members view the deceased at a time for two minutes through a glass window;
- (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;

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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;

[paragraph (l) substituted by GN 108/2021 and by GN 128/2021]

- (m) a tombstone and other works on the grave of the deceased person, other than that of a person who was cremated, may only be done one month after burial;
- (n) an unclaimed body of the deceased person must be buried by the State in accordance with the requirements of subregulation (l); and
- (o) exhumation of the human remains of the deceased person may only be conducted -
 - (i) on the authority of a competent court;
 - (ii) after the expiry of a period of six months from the date of burial; and
 - (iii) with the concurrence of, and under the supervision of, an authorised person;

[The word “concurrence” is misspelt in the *Government Gazette*, as reproduced above.]

- (p) the human remains of the deceased who died in a foreign country as result of COVID-19 complications may be returned to and allowed into Namibia, provided that the body is cremated.

[The word “a” appears to have been omitted before the word “result”.]

(4) The testing for COVID-19 on human remains will only be conducted on the remains of a person who had symptoms consistent with COVID-19 or where a person was in direct contact with a confirmed COVID-19 case prior to his or her death.

(5) When a person is buried, the staff members from the Ministry or the staff members of the accredited undertaker must after the coffin has been placed in the grave, cover the coffin with soft sand and may allow the mourners to put ground, leaves, flowers or anything else into the grave, but while doing so, the mourners must observe all the provisions of these regulations and the directives and wear personal protective equipment as approved by an authorised officer, and after that, all tools must be sterilized, after which the mourners or other persons must be allowed to fill the grave, if they desire to do so.

(6) Despite the provisions of subregulation (3)(g), an authorised officer may in special circumstances allow the remains of a deceased person whose death is attributed to COVID-19 to be transported to a burial site other than the burial site nearest to the place of death, and such transport of the remains may only be performed by an accredited undertaker at the cost of the family of the deceased.

(7) The remains of a deceased person whose death is attributed to COVID-19 may not be brought into Namibia irrespective of the fact that the remains have been embalmed, subject thereto that this subregulation does not apply to the remains of a person who has been cremated.

(8) Any person who contravenes or fails to comply with paragraph (b), (d), (e), (f), (g), (h), (i), (iA), (k), (l), (m), (n), (o) or (p) of subregulation (3) or subregulation (4) or (5) commits an offence and is on conviction liable to the penalties specified in section 29(3) of the Act.

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[subregulation (8) substituted by GN 108/2021]

COVID-19 awareness messages and campaigns

20. The chief health officer must intensify, or ensure the intensification of, public awareness messages and campaigns on COVID-19 using all appropriate media avenues and platforms to reach the public in all the regions of Namibia.

Quarantine facilities

21. (1) For purposes of subregulation (3) “truck” means a motor vehicle as defined in section 1 of the Road and Transport Act, 1999 (Act No. 22 of 1999), that is used for the carriage and transportation of goods during the course of business, trade or commercial activity of the owner or operator of the truck.

(2) The owner or manager of an accommodation establishment wishing to operate a facility for quarantine purposes must first seek approval from the chief health officer.

(3) Every regional council must identify separate quarantine facilities for designation by the chief health officer for drivers of trucks staying in the respective region for less than the period determined in the directives.

(4) The owner or manager of a designated quarantine facility where persons have been admitted for quarantine purposes may not accept guests, nor cater for outside guests on the premises of the facility.

(5) The sharing of rooms or ablution facilities, use of communal television, restaurants, dining rooms, swimming pools and gyms in a designated quarantine facility is prohibited.

(6) All bedding, linen and rooms at designated quarantine facilities must be thoroughly cleaned and disinfected before and after quarantine of a new admission.

(7) Police officers and correctional officers made available pursuant to an arrangement made under regulation 23(2) are responsible for guarding and patrolling all designated quarantine facilities.

Persons to be quarantined

22. (1) An authorised person must place the following persons under mandatory supervised quarantine at a designated quarantine facility for such period as determined in the directives:

- (a) contacts of a confirmed case of COVID-19, at the cost of the State subject to subregulation (2) and the cost obligation requirements set out in regulation 12;
- (b) health care workers that have been in contact or are considered by the authorised person to have been in contact, with a confirmed case of COVID-19, at the cost of the respective employer of the health care worker;

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- (c) cross-border drivers, and other persons arriving in Namibia by road, railway, sea or air whose stay in the country is longer than the period specified in the directives, subject to the cost obligation requirements set out in regulation 12; and
- (d) persons entering Namibia in the circumstances contemplated in regulation 11, subject to the cost obligation requirements set out in regulation 12.

(2) For the purposes of paragraph (a) of subregulation (1) the State, subject to the availability of resources, must make suitable quarantine facilities available, but where a person referred to in that paragraph elects to self-quarantine at any other place of his or her own choice which is approved by the Ministry, that person must bear the costs of such quarantine.

- (3) The chief health officer must make special arrangements and considerations for -
 - (a) placing the parent or guardian or a caregiver as defined in section 1 of the Child Care and Protection Act, 2015 (Act No. 3 of 2015) in quarantine with a minor who is not accompanied by an adult person; and
 - (b) persons with special needs or persons who need medical care due to pre-existing medical conditions while in quarantine.

Provisions relating to quarantine facilities

23. (1) An authorised person must, on admission of a person to a designated quarantine facility, arrange for that person to be tested for COVID-19, and if the test result is negative, the person must be re-tested at such intervals as determined in the Ministry's guidelines and must remain in the designated quarantine facility until discharged in line with those guidelines.

(2) The chief health officer must make arrangements with the relevant State entities and institutions to ensure that all designated quarantine facilities are guarded and patrolled by an appropriate number of police officers or correctional officers and those officers have all the necessary powers to enforce the provisions of these regulations and the Act with relation to the facility concerned, and they must -

- (a) observe social distancing; and
- (b) enforce the provisions of these regulations on persons under quarantine.

(3) The person in charge of a designated quarantine facility must ensure that persons under quarantine -

- (a) practice social distancing at all times;
- (b) wear masks at all times;
- (c) do not visit each other's rooms or mingle with other persons at the quarantine facility;
- (d) do not host or hold parties or braai events, use liquor or other intoxicating or illicit drugs or such similar substances in whatever form; and

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(e) maintain cleanliness of their rooms.

(4) Subject to subregulation (5), the person in charge of a designated quarantine facility may not allow visitors to enter the quarantine facility.

(5) Access to a designated quarantine facility is only permitted to -

- (a) health care workers directly involved in the care of persons in the quarantine facility;
- (b) social workers and psychologists providing psychosocial support;
- (c) authorised persons and police officers;
- (d) any other persons to whom special access has been granted by an authorised person for the purpose of COVID-19 response;
- (e) maintenance workers with the prior approval of an authorised person; and
- (f) facility management and support staff such as cleaners and cooks.

(6) If a person who is in mandatory supervised quarantine tests positive for COVID-19, the authorised person in charge of the designated quarantine facility must notify the nearest COVID-19 response centre and immediately cause such person to be placed in mandatory supervised isolation pending transfer of that person to an isolation facility.

Isolation facilities

24. (1) Every regional council must identify and set aside hospitals and health facilities in its region that meet the minimum standards of care and treatment of COVID-19 for designation by the chief health officer as isolation facilities as set out in the Ministry's guidelines and the applicable WHO guidelines.

(2) Isolation facilities are managed by the Ministry or by a private health facility or private hospital licensed under the Hospitals and Health Facilities Act, 1994 (Act No. 36 of 1994).

(3) The provisions of regulations 22(2) and 23(2), (3), (4) and (5), subject to necessary changes, apply to isolation facilities and to persons admitted to isolation facilities.

Persons to be isolated

25. (1) Every person who is a confirmed COVID-19 case must subject himself or herself to mandatory supervised isolation by an authorised person.

(2) An authorised person who is in charge of an isolation facility must, in respect of persons under mandatory supervised isolation, admit or cause to be admitted at the isolation facility COVID-19 confirmed cases separately from persons who -

- (a) have been tested for COVID-19, but whose results are not yet known; and
- (b) are ill and suspected to be infected with COVID-19, but have not yet been tested for COVID-19.

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Persons without shelter and vulnerable persons

26. (1) For purposes of this regulation “vulnerable persons” means persons who have limited access to basic needs such as food, clothing, shelter and sanitation.

(2) The chief health officer must ensure that psychosocial and health education are provided as part of the services to be provided to vulnerable persons as part of the national COVID-19 response.

(3) Every health care worker in the employment of the Ministry must cooperate and coordinate with relevant stakeholders such as -

- (a) focal points for vulnerable persons;
- (b) the ministry responsible for urban and rural development;
- (c) the ministry responsible for agriculture, water and land reform;
- (d) the ministry responsible for gender equality, poverty eradication and social welfare;
- (e) regional councils and local authority councils; and
- (f) the disaster risk management institutions in the Office of the Prime Minister,

to facilitate the provision of basic services for the protection and care of vulnerable persons based on individual needs and risk of exposure to COVID-19.

Requirements for homes for the aged

27. (1) Every manager of a home for the aged as defined in section 1 of the Aged Persons Act, 1967 (Act No. 81 of 1967) must ensure that -

- (a) alcohol-based hand sanitation or handwashing facilities are available at the home; and
- (b) personal hygiene and social distancing are practiced and all residents of the home and employees wear masks at all times.

(2) Subject to subregulation (3), the manager of a home for the aged may not allow visitors to enter the home for the aged.

(3) A person rendering services necessary for the smooth running or maintenance of a home for the aged, a person authorised by an authorised person for any purpose and a person rendering services referred to in subregulation (5), may visit a home for the aged for the purposes concerned.

(4) Every person at a home for the aged must practice good personal hygiene, social distancing and wear a mask at all times.

**[The comma between “good personal hygiene” and “social distancing”
should be replaced with the word “and”.]**

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(5) Medical and other services and basic necessities which are reasonably required may be provided subject to the practice of personal hygiene, social distancing and wearing of masks.

(6) The manager of a home for the aged must immediately notify an authorised person or report to toll free number 0800100100 or to a COVID-19 response centre, if he or she notices or it is brought to his or her attention that a resident or employee is ill or displays symptoms consistent with COVID-19.

(7) The manager of a home for the aged must ensure that continuous education on COVID-19 is provided to all residents and employees at such home.

Requirements for rehabilitation centres

28. (1) The superintendent of a rehabilitation centre and a registered rehabilitation centre (rehabilitation centre) referred to in section 1 of the Abuse of Dependence-Producing Substances Act, 1971 (Act No. 41 of 1971) must ensure that -

- (a) alcohol-based hand sanitation or handwashing facilities are available at the centre; and
- (b) personal hygiene and social distancing are practiced and all patients and employees wear masks at all times.

(2) Subject to subregulations (5) and (6), the superintendent of a rehabilitation centre may not allow visitors to enter the centre.

(3) Group therapy sessions must be limited to not more than five patients during each session and social distancing must be practiced at all times.

(4) Every superintendent of a rehabilitation centre, whether state or privately owned or operated, must ensure that the occupancy at the rehabilitation centre is reduced to, and remains at, half the capacity of the facility.

(5) A person rendering services necessary for the smooth running or maintenance of facilities, a person authorised by an authorised person for any purpose and a person rendering services referred to in subregulation (6), may visit a rehabilitation centre for the purposes concerned.

(6) Medical and other services and basic necessities which are reasonably required may be provided subject to the practice of personal hygiene, social distancing and wearing of masks.

(7) The superintendent of a rehabilitation centre must immediately notify an authorised person or report to toll free number 0800100100 or to a COVID-19 response centre, if he or she notices or it is brought to his or her attention that a patient is ill or displays symptoms consistent with COVID-19.

(8) The superintendent of a rehabilitation centre must ensure that continuous education on COVID-19 is provided to all patients and employees at the centre.

Requirements for mental health institutions

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29. (1) The superintendent of an institution as defined in section 1 of the Mental Health Act, 1973 (Act No. 18 of 1973) must ensure that -

- (a) alcohol-based hand sanitation or handwashing facilities are available; and
- (b) personal hygiene and social distancing are practiced and all patients and employees wear masks at all times.

(2) Subject to subregulations (9) and (10), the superintendent of an institution may not allow visitors to enter the institution.

(3) Group work activities must be limited to half the usual number of patients, but not more than five patients in a group.

(4) The superintendent of an institution must ensure that continuous education on COVID-19 is provided to all patients and employees.

(5) The superintendent of an institution must prioritise the admission of emergency cases, such as suicide ideation or danger to themselves or others, and where possible, provide other services on an out-patient basis.

(6) The superintendent of an institution must prepare separate rooms for new admissions where possible.

(7) New patients may be accompanied by one caregiver, as applicable or necessary.

(8) The superintendent of an institution must conduct comprehensive health screening including screening for symptoms of COVID-19 before admission of a new patient.

(9) A person rendering services necessary for the smooth running or maintenance of facilities, a person authorised by an authorised person for any purpose or a person rendering services referred to in subregulation (10), may visit an institution for the purposes concerned.

(10) Medical and other services and basic necessities which are reasonably required may be provided subject to the practice of personal hygiene, social distancing and wearing of masks.

(11) The superintendent of an institution must immediately notify an authorised person or report to toll free number 0800100100 or to a COVID-19 response centre, if he or she notices or it is brought to his or her attention that a patient is ill or shows symptoms consistent with COVID-19.

Members of diplomatic missions and consular posts

30. (1) For purposes of this regulation -

“consular officer” means any person, including the head of a consular post, entrusted in that capacity with the exercise of consular functions;

“diplomatic agent” means the head of the mission or a member of the diplomatic staff of the mission;

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“members of the consular post” means consular officers, consular employees and members of the service staff;

“members of the mission” means the head of the mission and the members of the staff of the mission;

“members of the staff of the mission” means the members of the diplomatic staff, of the administrative and technical staff and of the service staff of the mission.

[There is no subregulation numbered as (2) in the Government Gazette.]

(3) A member of a diplomatic mission or a consular post who is under quarantine for COVID-19, must subject himself or herself to a COVID-19 test by an authorised person, and if the test result is negative, such member of a diplomatic mission or a consular post must be re-tested after the period determined in the directives and must remain in quarantine until discharged after the period determined in the directives.

(4) A member of a diplomatic mission or a consular post permitted to quarantine at his or her respective place of residence or other place of choice must -

- (a) strictly comply with the quarantine procedures set out in these regulations and in any guidelines issued by the Ministry and the applicable WHO guidelines;
- (b) notify the ministry responsible for international relations and co-operation of his or her arrival 10 days in advance as well as provide information of the quarantine facility of choice, including the address;
- (c) strictly adhere to the infection prevention and control guidelines as per the guidelines of the Ministry and social distancing;
- (d) not allow any person to visit him or her while under quarantine; and
- (e) remain at his or her residence or place of choice during the period of quarantine and not leave the residence or place where quarantined.

(5) In circumstances where the residence of a person who must be quarantined is not suitable for mandatory supervised quarantine, such person must be quarantined in a suitable quarantine facility agreed between that person and the Ministry.

PART 4
 COVID-19 VACCINES

COVID-19 vaccines

31. (1) Vaccination of persons for COVID-19 is voluntary.

(2) COVID-19 vaccines are available to all Namibian citizens, holders of Namibian permanent residence permits and holders of Namibian employment permits and other persons residing in Namibia.

PART 5
 GENERAL PROVISIONS

REGULATIONS
Public and Environmental Health Act 1 of 2015
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Offences and penalties

32. (1) A person commits an offence if that person -

- (a) not being an authorised person, a police officer or a correctional officer, by words, conduct or demeanour falsely represents himself or herself to be an authorised person, a police officer or a correctional officer performing an act under, or exercising a power under these regulations or the Act;
- (b) hinders, obstructs or improperly attempts to influence an authorised person, a police officer or a correctional officer when exercising or performing a power or function conferred or imposed by or under these regulations or the Act;
- (c) furnishes or gives false or misleading information to an authorised person, a police officer or a correctional officer performing an act under, or exercising a power under these regulations or the Act;
- (d) does anything calculated to improperly influence an authorised person, a police officer or a correctional officer concerning a matter connected with the functions of the authorised person, police officer or correctional officer performing an act under, or exercising a power under these regulations or the Act; or
- (e) fails or refuses to comply with a lawful instruction issued under these regulations or the Act by an authorised person, a police officer or a correctional officer performing an act under, or exercising a power under these regulations or the Act.

(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 regulations.

(3) A person convicted of an offence in terms of subregulation (1) or (2) is liable to the penalties specified in section 29(3) of the Act.

(4) Any person who visits or enters a place, premises or facility where such entry is prohibited in terms of these regulations commits an offence, and is on conviction liable to the penalties specified in section 29(3) of the Act.

(5) Any person who is under mandatory supervised quarantine or isolation who invites or allows a visitor who is prohibited from entering the quarantine or isolation facility commits an offence, and is on conviction liable to the penalties specified in section 29(3) of the Act.

(6) A person who exits a quarantine facility or an isolation facility prior to being discharged by an authorised person commits an offence, and is on conviction liable to the penalties specified in section 29(3) of the Act.

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- (7) A person who -
- (a) with intent to deceive, presents a false or forged SARS-CoV-2 PCR test result when required to present a SARS-CoV-2 PCR test result;
 - (b) refuses to -
 - (i) undergo a test for COVID-19 when required to do so;
 - (ii) be subjected to quarantine or isolation when required to be quarantined or isolated,

in terms of these regulations commits an offence, and is on conviction liable to the penalties specified in section 29(3) of the Act.

[Subregulation (7) is substituted by GN 108/2021.
 The word “an” in the phrase “an offence” is misspelt
 as “on” in the *Government Gazette*, as reproduced above.]

Regulations to bind State

33. These regulations bind the State.

ANNEXURE A

CRITICAL SERVICES
 (Regulation 5)

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
8. Dental Services
9. Radiography services
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
18. Waste water management services
19. Scientific services
20. Electricity distribution services
21. Electricity operation services
22. Electricity maintenance services

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23. Electricity transmission services
24. Electricity network operation services
25. Electricity system operation services
26. Electricity system security and planning services
27. Electricity engineering services
28. Electricity energy trading services
29. Air navigation services
30. Air traffic management services
31. Communication navigation and surveillance system services
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

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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

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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 centres 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 work

17. Information communications technology

Data centres, fiber optic infrastructure, towers and antennae needed to operate at high efficiency to ensure connectivity remains stable.

18. Tourism

Tourism activities for foreign visitors in accordance with the government tourism initiative plan.

ANNEXURE B

ESSENTIAL GOODS
 (Regulation 5)

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;

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- (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.

ANNEXURE C
(Regulation 5A)

[Annexure C inserted by GN 138/2021]

ZONES

- Zone 1 consisting of the Zambezi region.
- Zone 2 consisting of Kavango East Region and Kavango West Region.
- Zone 3 consisting of Ohangwena Region, Oshikoto Region and Oshana Region.

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- Zone 4 consisting of Omusati Region.
- Zone 5 consisting of Otjozondjupa Region and Omaheke Region, but excluding Okahandja local authority area.
- Zone 6 consisting of the KHOMAS region together with -
- (a) the local authority areas of Rehoboth and Okahandja; and
 - (b) the tarred road connecting Windhoek and Okahandja and the tarred road connecting Windhoek and Rehoboth, as well as the strips of the five kilometers on either of the tarred roads.
- [The word “the” is superfluous before the word “strips” and before the phrase “five kilometers”.
The word “side” appears to have been omitted after the word “either”.
Paragraph (b) was probably intended to read as follows:**
- (b) the tarred road connecting Windhoek and Okahandja and the tarred road connecting Windhoek and Rehoboth, as well as strips of five kilometers on either side of the tarred roads.]
- Zone 7 consisting of Erongo Region.
- Zone 8 consisting of !Karas Region.
- Zone 9 consisting of Hardap Region, but excluding Rehoboth local authority area.
- Zone 10 consisting of Kunene Region.