



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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## Proclamation

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by the

**PRESIDENT OF THE REPUBLIC OF NAMIBIA**

No. 13

2020

#### AMENDMENT OF STATE OF EMERGENCY COVID-19 REGULATIONS: NAMIBIAN CONSTITUTION

Under the powers vested in me by Sub-Article (5) of Article 26 of the Namibian Constitution, I have amended the Regulations published under Proclamation No. 9 of 28 March of 2020 as set out in the Schedule.

Given under my Hand and the Seal of the Republic of Namibia at Windhoek, this 17th day of April, Two Thousand and Twenty.

**DR. HAGE G. GEINGOB**

**President**

**BY ORDER OF THE PRESIDENT**

## SCHEDULE

### Definitions

1. In these regulations “the Regulations” means the Regulations published under Proclamation No. 9 of 28 March of 2020.

### Amendment of regulation 1 of Regulations

2. Regulation 1 of the Regulations is amended by -
- (a) the insertion after the definition of “authorised officer” of the following definition:  
“COVID-19” means the coronavirus disease of 2019 which is caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);”;
  - (b) the substitution for the definition of “critical services” of the following definition:  
“critical services” means the services listed as critical services in Annexure B;”;
  - (c) the insertion after the definition of “critical services” of the following definition:  
“essential goods” means the goods listed as essential goods in Annexure C;”;
  - (d) the substitution for the definition of “head of the institution” of the following definition:  
“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;”;
  - (e) the substitution for the definition of “institution” of the following definition:  
“institution” means a public or private institution that is engaged in the provision, distribution, supply or sale of essential goods or critical services;
  - (f) the insertion after the definition of “institution” of the following definition:  
“liquor” means -
    - (a) any spirituous liquor or any wine or beer containing three per cent or more by volume of alcohol, excluding methylated spirit;
    - (b) tombo or any other fermented, distilled, spirituous or malted drink, traditional or non-traditional, which contains three per cent or more by volume of alcohol; or
    - (c) any drink or concoction which the Minister, under section 1 of the Liquor Act, 1998 (Act No. 6 of 1998), has by notice in the *Gazette* declared to be liquor,excluding any preparation which is intended or manufactured for medical purposes;
  - (g) the substitution for the definition of “lockdown” of the following definition:

“lockdown” means the prohibition or restriction on the movement of persons or goods or services or on the conducting of certain social, economic or other activities during the period of lockdown;”;

(h) the insertion after the definition of “lockdown” of the following definition:

“period of lockdown” means the period referred to in regulation 3;”;

(i) the deletion of the definition of “school” and the insertion of that definition after the definition of “quarantine;”;

(j) the insertion after the definition of “school” of the following definition:

“these regulations” include directives issued under regulation 14.”.

### **Substitution of regulation 2 of Regulations**

3. The Regulations are amended by the substitution for regulation 2 of the following regulation:

#### **“Application of regulations**

2. (1) The provisions of these regulations apply to the whole of Namibia during the period of lockdown.

(2) If there is a conflict between the provisions of these regulations and any other law the provisions of these regulations prevail.”.

### **Substitution of regulation 3 of Regulations**

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

#### **“Period of lockdown**

3. The country wide lockdown starts from 23:59 on 17 April 2020 and ends at 23:59 on 4 May 2020.”.

### **Substitution of regulation 4 of Regulations**

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

#### **“Closure of schools and higher education institutions**

4. All schools and higher education institutions in Namibia must remain closed during the period of lockdown, but the closure of schools and higher education institutions does not prevent -

(a) in the case of a state school, the relevant minister responsible for education; and

(b) in any other case, the governing bodies of schools and institutions,

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

**Amendment of regulation 5 of Regulations**

6. Regulation 5 of the Regulations is amended -

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

“(1) For the purpose of this regulation, a “public gathering” is a gathering of more than 10 persons for a collective purpose, but does not include a situation where -

- (a) such number of persons coincidentally find themselves at a specific place at the same time; or
- (b) all persons at the gathering are members of the same household gathered at their place of residence.”;

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

“(1A) During the period of lockdown all public gatherings are prohibited, except where a gathering is for -

- (a) persons attending a funeral in which case the persons gathered may not exceed 10 persons;
- (b) meetings of a governmental institution at national, regional and local levels or the Cabinet or the Parliament, where the matter to be addressed at the meeting is so critical that it cannot be postponed or whenever a meeting is required to be held by any law; or
- (c) the purpose of conducting of, or engaging in, any activity in connection with the provision of critical services or essential goods as contemplated in any provision of these regulations.

(1B) Persons who gather in the circumstances referred to in subregulations (1) and (1A) must at all times adhere to the measures to combat, prevent and suppress the spread of COVID-19 as specified in and under these regulations.”.

**Substitution of regulation 6 of Regulations**

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

**“Prohibition on movement of persons and goods within zone or between zones**

6. (1) For purposes of these regulations, Namibia is divided into zones specified in Annexure A.

(2) During the lockdown period, a person may not enter into or depart from one zone to another zone, except that this provision may not be construed as preventing a person from movement within the same zone in which he or she is located as long as that person complies with the requirements of these regulations relating to the movement of persons and goods.

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

(4) If an authorised officer finds a person under circumstances which create a reasonable suspicion that the person is likely to contravene subregulation (2), that authorised officer may instruct the person to stop the journey in question and failure to obey such an instruction is deemed to be a contravention of, or failure to comply with that subregulation, and that person is liable to the penalties provided for in subregulation (3).

(5) A person -

(a) who holds a permit referred to in subregulation (6) does not contravene subregulation (2) if he or she enters into or departs from a zone as contemplated in that subregulation; and

(b) referred to in subregulation (7) does not contravene subregulation (2) if he or she enters into or departs from a zone as contemplated in that subregulation.

(6) If a person wishes to enter into or depart from a zone for -

(a) purposes of receiving essential medical treatment;

(b) purposes of attending a funeral of a family member, an acquaintance or a dependant;

(c) purposes of assisting a family member, an acquaintance, dependant who is ill or otherwise suffers from a distressing situation;

(d) any other reason which an authorised officer considers sufficient to warrant the entering into or departing from the zone.

that person must obtain a permit from an authorised officer nearest to that person or at the point of entry into or exit from a zone, authorising entry into or departure from a zone or travel between zones which would otherwise have been a contravention of subregulation (2).

(7) A person is exempted from the requirement of obtaining a permit to enter or depart as contemplated in subregulation (6), if that entering or departure is necessary for purposes of -

(a) transporting essential goods;

(b) performing an action necessary for the enforcement of law or public order;

(c) facilitating the distribution of food or other necessities of life;

(d) maintaining or repairing infrastructure necessary or useful for the provision of essential goods or critical services; or

(f) performing a critical service that cannot reasonably be postponed.”.

#### **Amendment of regulation 7 of Regulations**

**8.** Regulation 7 of the Regulations is amended in subregulation (1) by the substitution for paragraph (c) of the following paragraph:

“(c) is not domiciled in Namibia or otherwise lawfully resident in Namibia;”.

**Substitution of regulation 9 of Regulations**

9. The Regulations are amended by the substitution for regulation 9 of the following regulation:

**“Restriction of movement from places of residence**

9. (1) During the period of lockdown a person may not leave his or her place of residence, except for any of the following reasons -

- (a) performing a critical service;
- (b) obtaining essential goods;
- (c) seeking medical assistance;
- (d) to attend a funeral of a family member, an acquaintance or a dependant, but subject to regulation 5(1A) and (1B);
- (e) visits to pharmacies, food supply stores, courts, banks or other providers of essential goods or critical services;
- (f) for physical exercise either alone or in groups of not more than three persons; or
- (g) for any other reason that is justifiable in the circumstances;

(2) An authorised officer may instruct a person to refrain from doing an act or engaging in conduct which constitutes or is likely to constitute a contravention of, or failure to comply with, any provision of subregulation (1).

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

**Amendment of regulation 10 of Regulations**

10. Regulation 10 of the Regulations is amended by -

(a) the substitution for subregulation (3) of the following subregulation:

“(3) 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 period of lockdown; and
- (b) the staff members who must perform the critical service during the period of lockdown.”; and
- (c) the substitution for subregulation (7) of the following subregulation:

“(7) An authorised officer may screen a person, who is performing or is required to perform a critical service, for COVID-19;”;

(c) the addition after subregulation (7) of the following subregulations:

“(8) “The head of an institution must ensure that persons who perform critical services in that institution at all times adhere to the measures to combat, prevent and suppress the spread of COVID-19 as specified in or under these regulations.

(9) A person who contravenes or fails to comply with subregulation (6) or who refuses to be screened as contemplated in subregulation (7) commits an offence and is on conviction liable to a fine not exceeding N\$2 000 or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(10) For the purposes of this regulation, provision of a critical service or performing a critical service includes the provision of essential goods or critical services to any person.”.

### **Substitution of regulation 11 of Regulations**

11. The Regulations are amended by the substitution for regulation 11 of the following regulation:

#### **“Prohibitions relating to liquor**

11. (1) During the lockdown period, a person may not -

- (a) sell liquor; or
- (b) purchase liquor.

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

(3) An authorised officer may, without a warrant, seize any liquor that is suspected to have being sold or has been purchased in contravention of this regulation and the seized liquor must, subject to necessary changes, be dealt with in accordance with the provisions of the Liquor Act, 1998 (Act No. 6 of 1998) as if it were liquor seized in terms of that Act.”.

### **Substitution of regulation 12 of Regulations**

12. The Regulations are amended by the substitution for regulation 12 of the following regulation:

#### **“Provisions relating to certain operations and closure of certain businesses**

12. (1) During the period of lockdown -

- (a) all businesses and other entities must cease operations, except for any business or entity involved in the manufacturing, supply or provision of essential goods or critical services, including the importation and exportation of essential goods or equipment and goods necessary for the provision of critical services;
- (b) all shops and businesses must be closed, except for any shop or business that sells essential goods or provides critical services;

- (c) all open markets, informal trading activities, shebeens, bars, pubs and nightclubs must be closed, except for -
  - (i) any open market where essential goods or critical services are sold; or
  - (ii) an informal trader that sells essential goods or provides a critical service;
- (d) restaurants, cafés and coffee shops may remain open: Provided that they only provide take away services.
- (2) During the period of lockdown, any business entity, including a retail trader that is -
  - (a) registered with the Business and Intellectual Property Authority established by the Business and Intellectual Property Authority Act, 2016 (Act No. 8 of 2016); and
  - (b) involved in the manufacturing, distribution, supply or provision of essential goods or critical services,

must, in the manner and within the period set out in directives issued under regulation 14, obtain from the ministry responsible for trade, a confirmation of registration as a business that engages in the provision of essential goods or a critical service.

(3) Heads of institutions of businesses and entities which are operating during the period of lockdown must ensure that persons that access the essential goods or critical services at the business premises or places of the institutions and entities adhere to measures to combat, prevent and suppress the spread of COVID-19.

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

### **Substitution of Regulation 13 of the Regulations**

**13.** The Regulations are amended by the substitution for regulation 13 of the following regulation:

#### **“Judicial proceedings**

(1) For the purpose of combating, preventing and suppressing the spread of COVID-19, the Chief Justice may, during the period of lockdown, issue directions in respect of all courts in Namibia.

(2) Directions issued under subregulation (1) must be regarded, and have the effect, as directives issued under regulation 14.”

### **Amendment of regulation 15 of Regulations**

**14.** Regulation 15 of the Regulations is amended by -

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

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

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

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

#### **Amendment of regulation 16 of Regulations**

**15.** Regulation 16 of the Regulations is amended by the substitution for subregulation (1) of the following subregulation:

- “(1) A person commits an offence if that person -
- (a) not being an authorised officer, by words, conduct or demeanour falsely represents himself or herself to be an authorised officer;
  - (b) hinders, obstructs or improperly attempts to influence an authorised officer when exercising or performing a power or function conferred or imposed by or under these regulations or another law;
  - (c) furnishes or gives false or misleading information to an authorised officer;
  - (d) does anything calculated to improperly influence an authorised officer concerning a matter connected with the functions of the authorised officer; or
  - (e) publishes, through any form of media, including social media -
    - (i) any false or misleading statement about or in connection with the COVID-19; or
    - (ii) any statement that is intended to deceive any other person about the COVID-19 status of any person or measures to combat, prevent and suppress COVID-19 as specified in and under these regulations.”.

#### **Repeal of regulation 18 of Regulations**

**16.** Regulation 18 of the Regulations is repealed.

#### **Substitution of Annexure A to Regulations**

**17.** The Regulations are amended by the substitution for Annexure A of the following Annexure:

**“ANNEXURE A  
ZONES  
(Regulation 6(1))**

1. Zone 1 consisting of the Zambezi region.
2. Zone 2 consisting of the Kavango East and Kavango West regions.

3. Zone 3 consisting of the Ohangwena, Oshikoto and Oshana regions.
4. Zones 4 consisting of the Omusati region.
5. Zone 5 consisting of the Otjozondjupa and Omaheke regions, but excluding the area which forms part of Zone 6.
6. 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 five kilometers on either side of the tarred roads.
7. Zone 7 consisting of the Erongo region.
8. Zone 8 consisting of the !Karas region.
9. Zone 9 consisting of the Hardap region, but excluding the area which forms part of Zone 6.
10. Zone 10 consisting of the Kunene region.”.

#### **Substitution of Annexure B to Regulations**

**18.** The Regulations are amended by the substitution for Annexure B of the following Annexure:

**“ANNEXURE B  
CRITICAL SERVICES  
(Regulation 10(1))**

**PART 1**

1. Ambulance services
2. Casualties services
3. Theatre Services
4. Intensive Care Unit (ICU) services
5. Hospital Wards
6. Laboratory Services
7. Pharmaceutical services
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
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, provided that mining companies are subject to imposition of public health measures.

### **4. Manufacturing**

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

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

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

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

Public and private organisations, their staff and service providers essential to the security of supply of bulk and potable water and sanitation must continue to operate and provide vital water and sanitation services. This includes local authorities and regional councils and those involved in the supply of materials, chemicals and related equipment.
- 7. Construction**

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

Retail, wholesale, supermarkets, the open markets and informal traders referred to in regulation 12(1)(c)(i) and (ii), 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 are providing support to the fight of 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 of 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 as provided for under regulation 12(1)(d).
- 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 this period.
- 13. Professional, scientific and technical activities**

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

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

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

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

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

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

**17. Information communications technology**

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

**Insertion of Annexure C in the Regulations**

**19.** The Regulations are amended by the insertion after Annexure B of the following Annexure:

**“ANNEXURE C  
ESSENTIAL GOODS  
(Regulation 1)**

1. Food:
  - (a) any food product, including water and non-alcoholic beverages;
  - (b) animal food; and
  - (c) chemicals, packaging and ancillary products used in the production of any food product.
2. Cleaning and hygiene products:
  - (a) toilet paper, sanitary pads, sanitary tampons;
  - (b) hand sanitiser, disinfectants, soap, alcohol for industrial use, household cleaning products, and personal protective equipment;
  - (c) chemicals, packaging and ancillary products used in the production or preservation of any of the above;
  - (d) products for the care of children;
  - (d) 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; and
  - (c) pharmaceutical supplies, including but not limited to prescribed medication;
  - (d) contraceptives including condoms.
4. Fuel, including coal, gas.
  5. Wood for cooking purposes; and
  6. Basic goods, including airtime and electricity;
  7. Fish and fish products;
  8. Mining products;
  9. Coffins;
  10. Plumbing and electrical supplies;
  11. Educational materials; and
  12. Goods necessary for the effective provision of critical services specified in Part 2 of Annexure B.”.
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