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Government Notice

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 108

2021

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

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

DR. K. SHANGULA

MINISTER OF HEALTH AND SOCIAL SERVICES

Windhoek, 31 May 2021

SCHEDULE

Definitions

1. In these regulations "the Regulations" means the Public Health Covid-19 General Regulations published under Government Notice No. 91 of 30 April 2021.

Amendment of regulation 2 of Regulations

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

“(2) These regulations come into operation at 00:00 on 1 June 2021 and cease to have effect at 24:00 on 30 June 2021.”.

Amendment of regulation 4 of Regulations

3. Regulation 4 of the Regulations is amended by the substitution for subregulation (1) of the following subregulation:

“(1) For the purpose of these regulations, a “prohibited gathering” means a group of more than 50 persons.”.

Amendment of regulation 10 of Regulations

4. The Regulations are amended by the substitution for regulation 10 of the following regulation:

“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 number of spectators at the event does not exceed 50 persons as prescribed in regulation 4(1).

(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.”.

Amendment of regulation 11 of Regulations

5. Regulation 11 of the Regulations is amended -

(a) by the substitution for subregulations (2), (3) and (4) of the following subregulations:

“(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).”;

- (3) Persons entering Namibia by -
- (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.
- (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.”;
- (b) by the insertion after subregulation (4) of the following subregulation:

“(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.”.

Amendment of regulation 12 of Regulations

6. Regulation 12 of the Regulations is amended by the substitution for subregulations (1) to (6), (11), (12) and (15) of the following subregulations:

- “(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.
- (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.
- (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.

(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,

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.

(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.

(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.

(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 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.

(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 their choice provided such place is suitable as referred to the WHO guidelines for quarantine; or

(b) at designated quarantine facilities.

(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.

Amendment of regulation 19 of Regulations

7. Regulation 19 of the Regulations is amended -

(a) in subregulation (3) -

- (i) by the substitution for paragraph (i) of of the following paragraph:
- “(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;”;
- (ii) by the insertion after paragraph (i) of of the following paragraph:
- “(iA) the body of a deceased person may not be embalmed, except where the embalming is permitted by an authorised person;”;
- (iii) by the substitution for paragraph (l) of the following paragraph:
- “(l) a total of 50 mourners are allowed at the burial and at all memorial services or similar gatherings held in connection with the death of the deceased person and of these -
- (i) close family members are allowed at a distance of not less than three metres from the grave; and
 - (ii) other mourners are allowed at a distance of not less than 10 metres from the grave:

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

- (b) by the substitution for subregulation (8) of of the following subregulation:

“(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.”.

Amendment of regulation 32 of Regulations

8. Regulation 32 of the Regulations is amended by the substitution for subregulation (7) of the following subregulation:

- “(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.”.
