



GOVERNMENT GAZETTE

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Government Notice

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 138

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, 30 June 2021

SCHEDULE

Definitions

1. In these regulations “the Regulations” means the Public Health Covid-19 General Regulations published under Government Notice No. 91 of 30 April 2021 as amended by Government Notice No. 108 of 31 May 2021 and Government Notice No. 128 of 16 June 2021.

Amendment of regulation 1 of Regulations

2. Regulation 1 of the Regulations is amended -
 - (a) by the deletion of the definition of “restricted areas”; and
 - (b) by the addition after the definition of “tourism” of the following definition:
““zone” means a zone referred to in regulation 5A(1).”.

Amendment of regulation 2 of Regulations

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

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

Substitution of regulation 2A of Regulations

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

“Specified period

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

Repeal of regulation 2B of Regulations

5. Regulation 2B of the Regulations is repealed.

Amendment of regulation 5 of Regulations

6. Regulation 5 of the Regulations is amended by the substitution for subregulation (2) of the following subregulation:

“(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.”.

Substitution of regulation 5A of Regulations

7. The following regulation is substituted for regulation 5A of the Regulations:

“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 and 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;
- (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
- (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 of entering into or departing from a zone.

(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.

(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.”

Amendment of regulation 6 of Regulations

8. Regulation 6 of the Regulations is amended -

(a) by the substitution for subregulation (2) of the following regulation:

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

- (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.”; and
- (d) health related higher education training institutions with students in clinical years may continue face to face training activities.”; and

(b) by the deletion of subregulation (2A).

Amendment of regulation 7 of Regulations

9. Regulation 7 of the Regulations is amended by the substitution for paragraphs (b) and (c) of subregulation (3) of the following paragraphs:

- “(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,
- 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
- (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.”.

Amendment of regulation 8 of Regulations

10. Regulation 8 of the Regulations is amended -

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

“(1A) Despite subregulation (1) -

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

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

“(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.

Amendment of regulation 13 of Regulations

11. Regulation 13 of the Regulations is amended by the insertion after subregulation (1B) of following subregulation:

“(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”.

Amendment of regulation 16 of Regulations

12. Regulation 16 of the Regulations is amended by the insertion after subregulation (3) of following subregulations:

“(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.

(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.”.

Amendment of regulation 19 of Regulations

13. Regulation 19 of the Regulations is amended by the substitution for paragraph (b) of subregulation paragraph:

“(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 take-away basis;”.

General amendment of Regulations

14. The Regulations are amended by the deletion of the phrases “restricted areas” and “restricted area” where they occur in the Regulations.

Addition of Annexure C to Regulations

15. The Regulations are amended by the insertion after “Annexure B” of the following Annexure:

“ANNEXURE C
(Regulation 5A)

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.
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.
- 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.”
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