GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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Proclamation

by the

PRESIDENT OF THE REPUBLIC OF NAMIBIA

No. 20 2020

STAGE 1: STATE OF EMERGENCY - COVID-19 REGULATIONS: WALVIS BAY LOCAL AUTHORITY AREA: NAMIBIAN CONSTITUTION

Under the powers vested in me by Sub-Article (5) of Article 26 of the Namibian Constitution, I, subsequent to having declared by Proclamation No. 7 of 18 March of 2020 that a State of Emergency exists in the whole of Namibia following a worldwide outbreak of the disease known as Coronavirus Disease 2019 (COVID-19), make the regulations set out in the Schedule.

Given under my Hand and the Seal of the Republic of Namibia at Windhoek, this 29th day of May, Two Thousand and Twenty.

HAGE G. GEINGOB
President
BY ORDER OF THE PRESIDENT

SCHEDULE

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Definitions

1. In these regulations -

"authorised officer" means -

(a) the Director referred to in section 32 of the Disaster Risk Management Act, 2012 (Act No. 10 of 2012);

(b) a member of the Namibian Police as defined in section 1 of the Police Act, 1990 (Act No. 19 of 1990);

(c) a member of the municipal police service referred to in section 43C of the Police Act, 1990 (Act No. 19 of 1990);

(d) a member of the Defence Force as defined in section 1 of the Defence Act, 2002 (Act No. 1 of 2002);

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

(f) an immigration officer as defined in section 1 of the Immigration Control Act, 1993 (Act No. 7 of 1993);

(g) an officer as defined in section 1 of Customs and Excise Act, 1998 (Act No. 20 of 1998); charged with the responsibility of enforcing the customs and excise legislation; and

(h) any other staff member designated or person appointed as an authorised officer under section 32 of the Disaster Risk Management Act, 2012 (Act No. 10 of 2012);

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

"critical services" means the services listed as critical services in Annexure A;

"essential goods" means the goods listed as essential goods in Annexure B;

"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;

"higher education institution" means a higher education institution as defined in section 1 of the Higher Education Act, 2003 (Act No. 26 of 2003);

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

"institution" means a public or private institution that is engaged in the provision, distribution, supply or sale of essential goods or critical services;

"liquor" means any spirits, wine, beer, cider or other beverage, which contains alcohol by weight or volume, intended for human consumption but excludes any substance that contains alcohol but used or is intended to be used for medicinal purposes;

"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;

"period of lockdown" means the period referred to in regulation 3;

"restricted area" means the area referred to in regulation 4;

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

"vehicle" means any motor vehicle, a locomotive, an aircraft or a vessel.

Application of regulations

2. (1) The provisions of these regulations apply to the restricted area 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.

Period of lockdown

3. The period of lockdown starts from the date of publication of this Proclamation and ends at 23:59 on 4 June 2020.

Restricted area

4. The local authority area of Walvis Bay is a restricted area.

Closure of schools and higher education institutions

5. All schools and higher education institutions 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.

Gatherings

6. (1) For the purpose of this regulation, "gathering" means a group of more than 10 persons who meet for a common purpose.

(2) During the period of lockdown, all gatherings are prohibited, except where -

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

(b) persons are gathered at their workplace;

(c) the gathering is by a government institution at national, regional or local level for purposes of its normal operations;

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

(e) a group of persons independently or coincidentally find themselves at a specific place.

(3) Persons who gather in the circumstances referred to in subregulation (2) 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.

(4) An authorised officer may instruct a gathering or a group of more than 10 persons, other than a gathering referred to in subregulation (2), to disperse and may use all reasonable measures to cause a gathering or group to disperse.

(5) A person who facilitates, instigates or organises a gathering 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.

(6) A person who fails or refuses to obey an instruction issued under subregulation (4) commits an offence and is on conviction liable to the penalties provided for in subregulation (5).

Prohibition on movement of persons and goods

7. (1) During the period of lockdown, a person may not enter into or depart from the restricted area, except that this provision may not be construed as preventing a person from movement within the restricted area as long as that person complies with the requirements of these regulations relating to the movement of persons and goods.

(2) 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 to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(3) If an authorised officer finds a person under circumstances which create a reasonable suspicion that the person is likely to contravene subregulation (1), 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 (2).

(4) A person -

(a) who holds a permit referred to in subregulation (5) does not contravene subregulation (1) if he or she enters into or departs from the restricted area as contemplated in that subregulation; and

(b) referred to in subregulation (6) does not contravene subregulation (1) if he or she enters into or departs from the restricted area as contemplated in that subregulation.

(5) If a person wishes to enter into or depart from the restricted area, 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 restricted area,

that person must obtain a permit from an authorised officer nearest to that person or at the point of entry into or exit from the restricted area authorising entry into or departure from the restricted area which would otherwise have been a contravention of subregulation (1).

(6) A person is exempted from the requirement of obtaining a permit to enter or depart as contemplated in subregulation (5), 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

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

Restriction on movement from places of residence

8. (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 or providing a critical service;

(b) obtaining or selling or providing essential goods;

(c) seeking medical assistance;

(d) to attend a funeral of a family member, an acquaintance or a dependant, but subject to regulation 6(3);

(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.

Critical services

9. (1) The services listed in Annexure A are critical services.

(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 period of lockdown; and

(b) the staff members who must perform the critical service during the period of lockdown.

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

(4) The document referred to in subsection (3) must -

(a) specify the name and surname of the staff member, 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.

(5) A person performing a critical service must show the document issued to him or her in terms of subregulation (4) to an authorised officer or any person in relation to whom he or she may seek to perform a function.

(6) An authorised officer may screen a person, who is performing or is required to perform a critical service, for COVID-19.

(7) 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.

(8) A person who contravenes or fails to comply with subregulation (5) or who refuses to be screened as contemplated in subregulation (6) 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.

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

Prohibitions relating to liquor

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

(a) sell liquor; or

(b) purchase liquor.

(2) Despite subregulation (1), buying and selling of liquor is permitted for purposes of:

(a) exportation to another country; or

(b) importation into Namibia and subsequent exportation of the imported liquor,

during the normal course of business.

(3) 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.

(4) 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.

Provisions relating to certain operations and closure of certain businesses

11. (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 sold or critical services are performed; 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 the directives issued under regulation 14 of the Regulations published under Proclamation No. 9 of 28 March 2020, 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.

(5) Businesses and entities operating in the restricted area and to which confirmation of registration has been issued under the directives published under Proclamation No. 9 of 28 March 2020, are regarded to have complied with subregulation (2) and are not required to obtain such confirmation for the purposes of that subregulation.

Applicability of certain provisions of Stage 2: State of Emergency - Covid-19 Regulations

12. Nothing in these regulations or any other law may be construed as excluding or limiting the application of the provisions of regulations 5, 10, 11, 13, 14, 15, 16, 17 and 18 of the Stage 2: State of Emergency - Covid-19 Regulations published under Proclamation No. 17 of 4 May 2020 in the restricted area, and the provisions of those regulations will continue to apply in the restricted area during the period of lockdown even if those regulations are repealed by another law.

ANNEXURE A
CRITICAL SERVICES
(Regulation 9(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 11(1)(c), 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 as far as 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 dinning 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 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.

ANNEXURE B
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;

(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;

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 A.