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Government Notice

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 326

2020

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 as set out in the Schedule.

DR. K. SHANGULA
MINISTER OF HEALTH AND SOCIAL SERVICES

Windhoek, 23 December 2020

SCHEDULE

Definitions

1. In these regulations “the Regulations” means the Public Health Covid-19 General Regulations published under Government Notice No. 233 of 23 September 2020 as amended by Government Notice No. 235 of 29 September 2020, Government Notice No. 256 of 21 October 2020, Government Notice No. 309 of 1 December 2020 and Government Notice No. 319 of 16 December 2020.

Amendment of regulation 2 of Regulations

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

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“(2) These regulations come into operation at 00:00 on 24 December 2020 and cease to have effect at 24:00 on 13 January 2021.”.

Amendment of regulation 4 of Regulations

3. Regulation 4 of the Regulations is amended by the -

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

“(1) For the purpose of this regulation, “gathering” means a group of more than 50 persons.”;

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

“(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 any gathering, including a gathering 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 or under these regulations;”.

(c) insertion after subregulation (3) of the following subregulation:

“(3A) A person who -

(a) organised or hosted a gathering, other than a gathering referred to in subregulation (2), permitted in terms of this regulation must ensure that persons attending the gathering disperse before 20:00; and

(b) attends a gathering, other than a gathering referred to in subregulation (2), permitted in terms of this regulation must leave the gathering before 20:00.”; and

(d) substitution for subregulation (8) of the following subregulation:

“(8) A person who -

(a) facilitates, instigates or organises a gathering, except a gathering permitted by subregulation (2);

(b) contravenes or fails to comply with subregulation (3A);

(c) fails or refuses to obey an instruction issued under subregulation (4); or

(d) contravenes or fails to comply with subregulation (5) or (6),

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

Insertion of regulation 4A in Regulations

4. The Regulations are amended by the insertion after regulation 4 of the following regulation:

“Curfew

4A. (1) For the purposes of this regulation -

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

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

(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.

(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.

(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.

Amendment of regulation 5 of Regulations

5. Regulation 5 is amended by the substitution for subregulation (3) of the following subregulation:

“(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 -
 - (i) only take place starting at the time specified in the liquor licence until 18:00 on a week day;
 - (ii) only take place 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 starting from 09:00 until 20:00; and
- (c) not take place on a Sunday or a public holiday.”.

Amendment of regulation 8 of Regulations

6. Regulation 8 of the Regulations is amended by the substitution for subregulation (4) of the following subregulation:

“(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 negative SARSCOV-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 SARSCOV-2 PCR test results.”.

Amendment of regulation 9 of Regulations

7. Regulation 9 of the Regulations is amended by the substitution for subregulation (2) of the following subregulation:

“(2) A person referred to in subregulation (1)(a) who enters Namibia with a negative SARSCOV-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.”.

Amendment of regulation 16 of Regulations

8. Regulation 16 of the Regulations is amended by the substitution for paragraph (b) of subregulation (2) of the following paragraph

- “(b) the burial of the deceased person must take place within seven days of the death or, where impractical, within such reasonable time as determined by an authorised officer.”;

ANNEXURE A CRITICAL SERVICES (Regulation 4A)

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.

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, 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

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 4A)

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 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.
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