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Government Notice

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 175

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, 14 August 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 Notices No. 108 of 31 May 2021, No. 128 of 16 June 2021, No. 138 of 30 June 2021, No. 144 of 9 July 2021, No. 151 of 15 July 2021 and No. 160 of 31 July 2021.

Amendment of regulation 1 of Regulations

2. Regulation 1 of the Regulations is amended by the deletion of the definition of “specified period”.

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 15 August 2021 and cease to have effect at 24:00 on 15 September 2021.”.

Repeal of regulation 2A of Regulations

4. The Regulations are amended by the repeal of regulation 2A.

Amendment of regulation 4 of Regulations

5. Regulation 4 of the Regulations is amended -

(a) 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 100 persons.”;

(b) by the deletion of subregulation (7A); and

(c) by the substitution for paragraph (c) of subregulation (8) of the following paragraph:

“(c) contravenes or fails to comply with subregulation (5) or (6),”.

Substitution of regulation 6 of Regulations

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

“Measures relating to education

6. (1) Providers of early childhood development learning, schools and educational institutions providing education and training at all levels and higher education institutions, including vocational education and training institutions, in Namibia may resume or continue with face to face teaching and learning.

(2) The provisions of subregulation (1) do not prevent -

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

(b) in any other case, the governing body of the provider of early childhood development learning, the school or the institution in question,

from employing other alternative forms of learning.

(3) Heads of schools and educational institutions providing early childhood development learning and other educational institutions referred to in subregulation (1) and the governing bodies of such schools and institutions must -

- (a) ensure that the persons accessing their premises at all times adhere to the measures to combat, prevent and suppress the spread of COVID-19 as specified in these regulations; and
 - (b) in cases where accommodation facilities for pupils, trainees or students are provided by the school or institution where active transmission of COVID-19 is taking place, ensure that the pupils, trainees or students do not depart from the school or institution or accommodation facility unless authorisation to depart from the premises has been granted by an authorised person.
- (4) A person who -
- (a) departs from a school or an institution in contravention of subregulation (3)(b); or
 - (b) fails or refuses to comply with a direction or an instruction issued by the head of a school or an institution or an authorised person in compliance with subregulation (3)(b),

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

Amendment of regulation 7 of Regulations

7. Regulation 7 of the Regulations 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, only take place starting from 09:00 until 18:00 on Monday to Friday;
- (b) where the seller is the holder of an on-consumption licence, only take place -
 - (i) on a take-away basis as if the seller is a holder of an off-sales licence; and
 - (ii) starting from 09:00 until 18:00 on Monday to Friday,

except where the seller is the holder of an on-consumption licence and the liquor is sold -

- (aa) to a person who is residing at an accommodation establishment for on-consumption at the establishment and the liquor is served together with meals; or
- (bb) by a person who is authorised in terms of any law to sell meals to members of the public and the liquor is served together with the meals:

provided that the seller may not sell liquor after 22:00;

- (c) where the seller is the holder of an on-consumption licence and is authorised in terms of any law to operate the business of a casino, gambling house, betting house or nightclub, only take place starting from 09:00 until 22:00 on Monday to Friday; and
- (d) not take place on a Saturday, Sunday or a public holiday, except where the seller is the holder of an on-consumption licence and the liquor is sold -
 - (i) to a person who is residing at an accommodation establishment for on-consumption at the establishment and the liquor is served together with meals; or
 - (ii) by a person who is authorised in terms of any law to sell meals to members of the public and the liquor is served together with the meals:

provided that the seller may not sell liquor after 22:00.”.

Amendment of regulation 8 of Regulations

8. Regulation 8 of the Regulations is amended by the substitution for subregulations (1A) and (6) of the following subregulations:

“(1A) Despite subregulation (1), but subject to regulation 7(3), the following businesses, operations and activities may resume:

- (a) casinos, gambling houses and betting houses;
- (b) other recreational places or activities, including swimming pools and playgrounds;
- (c) nightclubs; and
- (d) gymnasiums,

except that the number of persons inside a facility may not exceed 50 per cent of the floor area of the facility or 100 persons at any time when the facility is open for business, operations or activities.

(6) A person who contravenes or fails to comply with the requirements of subregulation (1A), (2) or (4) commits an offence and is on conviction liable to the penalties specified in section 29(3) of the Act.”.

Amendment of regulation 10 of Regulations

9. Regulation 10 of the Regulations is amended -

- (a) by the deletion of subregulation (1); and
- (b) by the substitution for subregulation (2) of the following subregulation:

“(2) Sporting events are permitted provided that the spectators are not allowed at the sporting events.”.

Substitution of regulation 13 of Regulations

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

“Public transportation

13. (1) For the purposes of this regulation -

“vehicle” means a vehicle as defined in section 1 of the Road and Transport Act, 1999 (Act No. 22 of 1999) and includes a locomotive that is used for the transportation of passengers or goods by railway; and

“motor vehicle” means a motor vehicle as defined in section 1 of the Road and Transport Act, 1999 (Act No. 22 of 1999).

(2) Every owner or operator of a vehicle used for the purposes of conveying persons or goods for reward or for any other purpose must -

- (a) ensure that the driver of a public vehicle carrying passengers in terms of an authorisation granted in terms of any law wears a mask and the driver must ensure that all passengers wear masks at all times;
- (b) provide alcohol-based hand sanitisers for use in the vehicle; and
- (c) regularly disinfect or cause the regular disinfection of the vehicle used for the purposes of conveying persons or goods, before and after each conveyance.

(3) A person who contravenes or fails to comply with subregulation (2) 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

11. Regulation 19 of the Regulations is amended by the substitution for paragraph (l) of subregulation (3) of the following paragraph:

“(l) a total of 100 mourners, exclusive of persons who are providing critical services or essential goods in connection with the burial, memorial service or similar gathering, 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 persons conducting the burial 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;
