



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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No. 7284

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Proclamation

by the

PRESIDENT OF THE REPUBLIC OF NAMIBIA

No. 40

2020

AMENDMENT OF STAGE 4: STATE OF EMERGENCY- COVID-19 REGULATIONS: NAMIBIAN CONSTITUTION

Under the powers vested in me by Sub-Article (5) of Article 26 of the Namibian Constitution, I have amended the Stage 4: State of Emergency - COVID-19 Regulations: Namibian Constitution, published under Proclamation No. 33 of 14 July 2020, as set out in the Schedule.

Given under my Hand and the Seal of the Republic of Namibia at Windhoek this 24th day of July, Two Thousand and Twenty.

HAGE G. GEINGOB

President

BY ORDER OF THE PRESIDENT

SCHEDULE

Definitions

1. In these regulations “the Regulations” means the Stage 4: State of Emergency - COVID-19 Regulations: Namibian Constitution, published under Proclamation No. 33 of 14 July 2020.

Substitution of regulation 2 of Regulations

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

“Application of regulations

2. (1) These regulations apply to the whole of Namibia during the specified period but they do not apply to the Erongo Region for the duration of the specified period referred to in regulation 3 of the Stage 3: State of Emergency - Covid-19 Regulations: Erongo Region published under Proclamation No. 39 of 22 July 2020.

(2) Despite subregulation (1), regulations 10, 11 and 12 apply to the Erongo Region for the duration of the specified period referred to in regulation 3 of the Stage 3: State of Emergency - Covid-19 Regulations: Erongo Region published under Proclamation No. 39 of 22 July 2020.

(3) On the expiry of the specified period referred to in regulation 3 of the Stage 3: State of Emergency - Covid-19 Regulations: Erongo Region published under Proclamation No. 39 of 22 July 2020, these regulations will apply to the Erongo Region unless the President under Sub-Article (5) of Article 26 of the Namibian Constitution determines otherwise.

(4) If there is a conflict between the provisions of these regulations and any other law the provisions of these regulations prevail.”

Substitution of regulation 7 of Regulations

3. The Regulations are amended by the substitution for regulation 7 of the following regulation:

“Restrictions relating to liquor

7. (1) For the purposes of this regulation, a term defined in the Liquor Act, 1998 (Act No. 6 of 1998), except for the word “liquor”, bears that meaning.

(2) A person may only sell liquor and a person may only purchase liquor if -

(a) the person who sells the liquor holds a liquor licence authorising the sale of liquor, and the sale of liquor is in accordance with that licence; and

(b) the sale and purchase of liquor is in accordance with subregulation (3) or (4).

(3) During the specified period and despite any contrary condition applicable to any type of liquor licence issued under the Liquor Act, 1998 (Act No. 6 of 1998), the sale of liquor in terms of a liquor licence and the purchase of liquor may -

- (a) only take place between 09:00 and 18:00 on a week day;
- (b) only take place between 09:00 and 13:00 on a Saturday;
- (c) not take place on a Sunday and on a public holiday; and
- (d) only take place if the liquor is sold or purchased on an off-sales basis.

(4) Except that subregulation (3)(c) applies to paragraph (b), the provisions of subregulation (3) do not apply to -

- (a) a hotel, restaurant or similar business that lawfully sells food that is intended to be consumed on the premises of the seller and the liquor is sold, for onconsumption, in relation to a meal sold to be consumed on the premises; or
- (b) a night club, casino and gambling house selling liquor for on-consumption,

provided that liquor may only be sold between 12:00 and 22:00.

(5) A person who contravenes or fails to comply with subregulation (2), (3) or (4) 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.

(6) An authorised officer who is a peace officer within the meaning of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), may, without a warrant, seize any liquor that is suspected to have been sold or has been purchased in contravention of this regulation and the seized liquor must, subject to changes required in the context, 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.”.

Substitution of regulation 12 of Regulations

4. The Regulations are amended by the substitution for regulation 12 of the following regulation:

“Restrictions relating to transportation of goods and persons

12. (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) A person who transports goods on a vehicle may not carry a passenger on the vehicle unless the person carried in or on the vehicle is necessary for the operation of the vehicle during the course of business or trade or commerce of the person.

(3) A person who conveys persons, whether for reward or for any other purpose, by means of a public or private motor vehicle, an animal-drawn vehicle or a pedal cycle may not transport -

- (a) more than three persons, including the driver, in a four-seater motor vehicle;
 - (b) more than four persons, including the driver, in a five-seater motor vehicle;
 - (c) more than four persons, including the driver, in a seven-seater motor vehicle;
 - (d) a number of persons, including the driver which exceeds half of the number of passengers allowed to be transported in a motor vehicle not otherwise provided for in this regulation;
 - (e) more than two persons, including the driver, in an animal-drawn vehicle; and
 - (f) any person other than the driver on a motorcycle, motor tricycle or pedal cycle.
- (4) The -
- (a) manner in which children are to be counted for purposes of subregulation (3) is as provided for in regulation 250 of the Road Traffic and Transport Regulations, published under Government Notice No. 53 of 30 March 2001; and
 - (b) number of seats of a motor vehicle is for the purposes of subregulation (3) determined in accordance with regulation 252 of the Road Traffic and Transport Regulations, published under Government Notice No. 53 of 30 March 2001.
- (5) Every owner or operator of a vehicle used for the purposes of conveying persons or goods for reward 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, and before and after each conveyance.
- (6) A person who contravenes or fails to comply with subregulation (2), (3) or (5) 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.”
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