



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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No. 7295

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Proclamation

by the

PRESIDENT OF THE REPUBLIC OF NAMIBIA

No. 44

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 3rd day of August, 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 published under Proclamation No. 33 of 14 July 2020 as amended by Proclamation No. 40 of 24 July 2020.

Substitution of regulation 4 of the Regulations

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

“Restrictions relating to schools, higher education institutions and other educational institutions

4. (1) As from the date of commencement of these regulations -
- (a) schools and other educational institutions providing early childhood development learning and pre-primary learning must remain closed until 31 August 2020;
 - (b) schools and other educational institutions providing primary education from the level of the first grade to the level of the seventh grade and secondary education at the level of the eighth grade and the ninth grade must remain closed until 31 August 2020;
 - (c) schools and other educational institutions providing secondary education from the level of the tenth grade, eleventh grade and the twelfth grade may continue face to face learning; and
 - (d) higher education institutions may continue face to face learning.

(2) The closure of schools, higher education institutions and other educational institutions contemplated in subregulation (1) 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 body of the school or institution in question,

from employing other alternative forms of learning that do not involve the physical presence of learners or students at the schools or institutions.

(3) Heads of schools, higher education institutions and other educational institutions which may resume face to face learning must 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, the health regulations and other applicable regulations or directives.”.

Substitution of regulation 6 of the Regulations

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

“Gatherings

6. (1) Persons are permitted to gather for a common purpose provided that their number does not exceed 100 persons and provided that they comply with the provisions of these regulations, the health regulations and other applicable regulations or directives.

(2) Persons are prohibited from gathering for a common purpose if their number exceeds 100 persons, but this prohibition does not apply where -

- (a) persons are gathered at their workplace;
- (b) the gathering is by a government institution at national, regional or local level or the Cabinet or the Parliament for purposes of its normal operations;
- (c) the gathering is for purposes of court or tribunal proceedings; or
- (d) a group of persons independently or coincidentally find themselves at a specific place.

(3) Persons who gather in the circumstances referred to in subregulation (1) and (2) must at all times adhere to the measures to combat, prevent and suppress the spread of COVID-19 as specified in these regulations, the health regulations and other applicable regulations or directives.

(4) An authorised officer may instruct a gathering, other than a gathering referred to in subregulation (1) and paragraphs (a), (b), (c) and (d) of subregulation 2, to disperse and may use all reasonable measures to cause the gathering to disperse.

(5) The person organising or hosting a gathering referred to in subregulation (1) or the head of the institution in respect of a gathering specified in paragraph (a), (b) or (c) of subregulation (2) must -

- (a) open and maintain a register of the persons who attend the gathering; or
- (b) ensure that the register of the persons referred to in paragraph (a) is opened and maintained, for the purpose of recording the particulars of persons who attend the gathering.

(6) The person who is required to open and maintain a register in accordance with subregulation (5) must -

- (a) keep the register in a safe place for the duration of the State of Emergency;
- (b) on request, make the register available for inspection by an authorised officer; and
- (c) treat the information provided under this regulation as confidential, and may not disclose that information to any other person except as provided in paragraph (b) or when required to so disclose in terms of any law or by a court.

(7) The register referred to in subregulation (6) must contain the full name, identification number or passport number and telephone number or cellular phone number of each person who attended the gathering.

- (8) A person who -
 - (a) facilitates, instigates or organises a gathering;
 - (b) fails or refuses to obey an instruction issued under subregulation (4);
 - (c) fails or refuses to comply with subregulation (5) or (6); or
 - (d) intentionally provides false information or refuses to provide the information required under this regulation,

commits an offence and is on conviction liable to a fine not exceeding N\$2 000 or to imprisonment not exceeding six months or to both such fine and imprisonment.”.

Amendment of Regulation 8 of the Regulations

4. Regulation 8 of the Regulations is amended by -

(a) the addition after subregulation (1) of the following subregulations:

“(1A) For the purpose of subregulation (1B) contact sports refers to sports in which players may directly or indirectly have physical contact, such as rugby, boxing, football, martial arts or wrestling.

(1B) Contact sports are permitted on the condition that no spectators are allowed at the contact sporting events.”; and

(b) the substitution for subregulation (6) of the following subregulation:

“(6) A person who contravenes or fails to comply with the provisions of subregulation (1B), (2), (3), (4) or (5) 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.”.
