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Government Notice

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 233

2020

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 made the regulations set out in the Schedule.

DR. K. SHANGULA

MINISTER OF HEALTH AND SOCIAL SERVICES

Windhoek, 23 September 2020

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PART 1
PRELIMINARY MATTERS

Definitions

1. In these regulations a word or expression to which a meaning has been given in the Act bears that meaning and, unless the context otherwise indicates -

“authorised person”, for purposes of these regulations, means a staff member of the Ministry or other person who has been authorised in writing by the Minister to perform functions and duties in terms of, and to exercise powers under, these regulations;

“confirmed case”, in relation to COVID-19, means a clinical case where there is laboratory confirmation that a person has tested positive for COVID-19, irrespective of the existence of clinical signs and symptoms;

“contact tracing” means the identification and follow up of any person who may have come into contact with a COVID -19 confirmed case;

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

“COVID-19 response centre” means any place, premises, establishment or facility designated as such under regulation 11;

“designated quarantine facility” means a quarantine facility designated as such under regulation 11;

“directives” means directives issued under section 29(1) of the Act;

“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;

“health care worker” means -

- (a) a health practitioner; or
- (b) any other person providing or ensuring the provision of services at a hospital, health facility or point of health service delivery for infection prevention and control, including managers, professionals, administrative and support staff of the hospital, health facility or point of health service delivery;

“health facility” means a health facility as defined in section 1 of the Hospitals and Health Facilities Act, 1994 (Act No. 36 of 1994);

“higher education institution” means an institution that provides learning programmes leading to qualifications higher than grade 12 or its equivalent;

“hospital” means a hospital as defined in section 1 of the Hospitals and Health Facilities Act, 1994 (Act No. 36 of 1994);

“isolation”, in relation to COVID-19, means segregation or separation from and interdiction of communication with others, of persons who are ill or are suspected of being infected with COVID-19;

“isolation facility” means a hospital or health facility designated as such under regulation 11, and a portion of such hospital or health facility and any permanent or temporary structures set apart and used solely for the admission and accommodation of persons who are confirmed cases of COVID-19;

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

“Liquor Act” means the Liquor Act, 1998 (Act No. 6 of 1998);

“mandatory supervised quarantine” means a person potentially exposed to COVID-19 infection staying at a designated quarantine facility under supervision of the Ministry away from other persons after exposure or potential exposure to COVID-19;

“mask” means a covering made of any suitable material that is worn on and around a person’s nose and mouth so as to fully cover that person’s nose and mouth for purposes of preventing the transmission of COVID-19;

“police officer” means -

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

- (b) a member of the municipal police service referred to in section 43C of the Police Act, 1990 (Act No. 19 of 1990), in respect of the relevant local authority area for which he or she is appointed;

“quarantine” means separating persons potentially exposed to COVID-19 from non-exposed persons in such a manner as to prevent the possible spread of an infection or contamination;

“quarantine facilities” means any place, premises, establishment or facility set apart and used solely for the administration and accommodation of separating persons potentially exposed to COVID-19 from non-exposed persons in such a manner as to prevent the possible spread of an infection or contamination;

“regional council” means a regional council referred to in section 1 of the Regional Councils Act, 1992 (Act No. 22 of 1992);

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

“social distancing” means any number of measures taken to increase the physical space between persons to slow the spread of COVID-19, by among others maintaining a distance of not less than one metre between persons;

“the Act” means the Public and Environmental Health Act, 2015 (Act No. 1 of 2015); and

“tourism” means tourism as defined in section 1 of the Namibia Tourism Board Act, 2000 (Act No. 21 of 2000).

Application of regulations

2. (1) Except where otherwise indicated, these regulations apply to the whole of Namibia.

(2) These regulations come into operation at 00:00 on 24 September 2020 and cease to have effect at 24:00 on 21 October 2020.

PART 2 COVID-19 RESTRICTIVE MEASURES

Wearing of masks

3. (1) Every person must wear a mask whenever he or she is at or in a public place.

(2) Wearing of a see-through face shield is permitted, provided that a mask is worn together with the face shield.

(3) A police officer may instruct a person who is not wearing a mask as contemplated in subregulation (1) or (2) to wear a mask or to leave the public place.

(4) A person who fails or refuses to comply with an instruction given under subregulation (3) commits an offence and is on conviction liable to the penalties specified in section 29(3) of the Act.

Gatherings

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

- (2) 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 or the Cabinet or the Parliament for purposes of its normal operations;
 - (d) the gathering is for purposes of court or tribunal proceedings;
 - (e) the gathering is for purposes of provision of education and training at early childhood development centres, schools or higher education institutions; or
 - (f) 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) A police officer may instruct a gathering, 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) The person organising or hosting a gathering permitted in terms of this regulation, except a gathering referred to in subregulation (2)(a) and (f), 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 persons who are required to open and maintain a register in accordance with subregulation (5) must -

- (a) keep the register in a safe place for 30 days from the date of last entry;
- (b) on request, make the register available for inspection by an authorised person or police 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 it in terms of any law or by a court.

(7) The register referred to in subregulation (5) 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, except a gathering permitted by subregulation (2);

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

Restrictions relating to liquor

5. (1) For the purposes of this regulation, a word or expression defined in the Liquor Act 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 are in accordance with subregulation (3).

(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 at the time specified in the liquor licence until 22:00; and
- (c) in both cases referred to in paragraphs (a) and (b), not take place on a Sunday and on a public holiday.

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

(5) A police 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, as if it were liquor seized in terms of that Act.

Resumption of businesses, operations and activities

6. (1) Subject to the provisions of regulation 5 and subregulations (2) and (3), all businesses, operations and activities may operate or be conducted during their normal times of operation.

(2) Every head of the institution and every manager or person in control of any business, operation and activity which is permitted to operate under subregulation (1) must -

- (a) put in place measures;

- (b) ensure that the persons accessing the premises and services of the business, operation or activity at all times adhere to the measures,

to combat, prevent and suppress the spread of COVID-19 as specified in and under these regulations and the directives.

(3) The head of the institution of a business or operation and the organiser of an activity referred to in subregulation (1) must keep and maintain a register that contains the full name, identification number or passport number and telephone number or cellular phone number of each client or customer that visits the business or attends or participates in the activity and the provisions of regulation 4(6) and (8)(c) with necessary changes apply to that register.

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

Additional provisions relating to workplace

7. (1) For purposes of this regulation “vulnerable employee” means a pregnant employee, an employee who is a nursing mother, an employee with a pre-existing condition such as a heart disease, high blood pressure, respiratory problems, obesity, diabetes, tuberculosis or a condition which might compromise the immune system of the employee.

(2) Heads of institutions are encouraged to allow vulnerable employees to work from home, subject to suitable arrangements between the employer and employee.

(3) Heads of institutions are encouraged to provide masks to their employees.

(4) Heads of institutions must ensure that their employees at all times adhere to the measures to combat, prevent and suppress the spread of COVID-19 as specified in and under these regulations.

Restrictions relating to entry into Namibia

8. (1) Subject to subregulations (2), (5) and (6), every person who -

- (a) is not a Namibian citizen;
- (b) does not hold a permanent residence permit for Namibia;
- (c) is not domiciled in Namibia or otherwise lawfully resident in Namibia;
- (d) is not part of a team of medical personnel that is required to provide medical services in Namibia to alleviate the COVID-19 pandemic;
- (e) is not a member of the diplomatic or consular staff of a country that is accredited to Namibia or in transit to another country; or
- (f) is not a spouse or child of a person referred to in paragraphs (a) to (e),

must be refused entry into Namibia under section 10 of the Immigration Control Act.

(2) Despite subregulation (1) a person who -

- (a) is not a Namibian citizen;

- (b) does not hold a permanent residence permit for Namibia; or
- (c) is not domiciled in Namibia or otherwise lawfully resident in Namibia;

may enter Namibia for business, educational, health or tourism purposes in Namibia, subject to the Immigration Control Act, subregulations (3) and (4) and the directives..

(3) Persons entering Namibia by -

- (a) air under subregulation (2) may only enter the country through Hosea Kutako International airport in Windhoek or Walvis Bay airport in Walvis Bay; and
- (b) road, sea or railway or on foot under subregulation (2) may only use ground border ports of entry that have been specifically designated on a reciprocal basis for that purpose by the Minister responsible for home affairs and immigration.

(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 SARS-COV-2 PCR test result that -

- (a) is not older than seven days; and
- (b) was issued by a laboratory that is certified in the country of issue to issue SARS-COV-2 PCR test results.

(5) Persons permitted to enter Namibia must, 14 days before entering Namibia, in writing inform the relevant Namibian diplomatic representative in the country of intended departure of the intention to enter Namibia.

(6) Subject to the Immigration Control Act, a person who -

- (a) is a driver of a motor vehicle, an operator of a locomotive, a pilot in command of an aircraft or a captain or master of a shipping vessel transporting goods;
- (b) performs any service relating to the operation of the vehicle referred to in paragraph (a); or
- (c) performs a necessary service relating to the transportation of goods referred to in paragraph (a),

in the course of business or trade or commerce may be allowed to enter Namibia if such entry is otherwise lawful.

(7) Despite the provisions of subregulation (1), a person referred to in that subregulation may be allowed to enter Namibia if that person complies with or meets such requirements as may be determined by the Minister responsible for immigration issued pursuant to the Immigration Control Act.

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

Quarantine and COVID-19 testing

9. (1) Any person who enters Namibia as contemplated in regulation 8 is subject to quarantine requirements as set out in these regulations and the directives.

(2) All persons permitted to enter Namibia in terms of regulation 8, must on entering Namibia be tested for COVID-19 during the period of quarantine.

(3) Except where subregulations (4) and (5) apply, all persons entering Namibia are subject to mandatory quarantine at own cost.

(4) The following categories of persons may be quarantined at the cost of the State -

(a) Namibian citizens who are -

(i) students enrolled for and undertaking a course of study at a school or an educational institution in Namibia or in a foreign country, on entering or leaving Namibia;

(ii) State patients, on entering or leaving Namibia;

(b) health professionals employed by the State and on official duty, on entering or leaving Namibia;

(c) persons entering Namibia to provide humanitarian assistance;

(d) persons entering Namibia on official government business, and in the case of Namibian government officials on official duty, on entering or leaving Namibia; or

(e) such persons as may be specified in the directives.

(5) Namibian citizens who are unable to pay for the cost of quarantine as required by these regulations may request for assistance from the State, in the form and manner determined in the directives.

(6) Namibian citizens who leave Namibia for private business must, on returning to Namibia, be subjected to mandatory quarantine at own cost.

Public transport

10. (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 seating capacity motor vehicle;

- (b) more than four persons, including the driver, in a five seating capacity motor vehicle;
- (c) more than four persons, including the driver, in a seven seating capacity motor vehicle;
- (d) in any other motor vehicle, passengers unless there is an empty seat in between persons within the permitted carrying capacity of that motor vehicle.
- (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 the penalties specified in section 29(3) of the Act.

PART 3 PROVISIONS ON HEALTH MATTERS

Designation of COVID-19 response centres, quarantine facilities and isolation facilities

11. (1) The chief health officer may, in accordance with applicable directives and WHO guidelines designate -

- (a) any place, premises, establishment or facility or a part or portion of that place, premises, establishment or facility to be used as a COVID-19 response centre;
- (b) any place, premises, establishment or facility or a part or portion of that place, premises or establishment to be used as a COVID-19 quarantine facility; and
- (c) any hospital or health facility or a part or portion of that hospital or health facility to be used as a COVID-19 isolation facility,

for the purposes of these regulations.

(2) The chief health officer must make known a designation under subregulation (1) to the public by any means that he or she considers appropriate, including but not limited to publication in various media avenues and platforms, such as the Ministry's website to ensure the effective dissemination of information about the centre or facility.

Continuity of health services during COVID-19 pandemic

12. (1) In ensuring the continuity of health services, the chief health officer must -
- (a) where feasible, expand mobile outreach services and community-based services to reduce congestion at hospitals or health facilities;
 - (b) implement medical outreach services at district hospitals, health centres, clinics and outreach points to reduce the need for seeking of health services at the next level of care or referral to intermediate hospitals;
 - (c) assess the need for the re-allocation of health care workers as well as their redeployment to cover critical services;
 - (d) ensure a constant supply of pharmaceuticals, medication, clinical supplies and other commodities for health services, including for chronic conditions;
 - (e) prioritise care for COVID-19 susceptible persons, who include expecting mothers, nursing mothers, persons of 65 years of age or older, children of six years of age or younger, persons with disabilities, persons with pre-existing conditions such as heart disease, high blood pressure, respiratory problems, obesity, diabetes, tuberculosis, cancer or a condition which may compromise the immune system of a person; and
 - (f) ensure continuity of immunisation and reproductive health services.

(2) The person in charge of a hospital or health facility must ensure that a proper system of prioritisation and triaging of patients is implemented.

- (3) The person in charge of a hospital or health facility must ensure that -
- (a) where possible, temperature screening for patients and all persons visiting such hospitals or health facilities is conducted;
 - (b) social distancing is practiced at all times;
 - (c) the hands of all persons who enter the hospital or health facility are sanitised with alcohol-based hand sanitisers or that the hands of such persons are washed with soap and water; and
 - (d) all persons at the hospital's or health facility's premises wear masks at all times.

(4) Health care workers must ensure that infection prevention and control measures are practiced at all times when handling patients to combat, prevent and suppress the spread of COVID-19.

Testing for COVID-19

13. (1) An authorised person must subject all persons meeting the standard case definition, as determined in the Ministry's guidelines, to COVID-19 testing.

(2) An authorised person must subject all persons referred to in regulation 19 to COVID-19 testing.

(3) COVID-19 testing may only be conducted by laboratories that are accredited and certified in terms of any applicable law of Namibia or approved by the Ministry.

(4) In an area where transmission of COVID-19 has been established, persons who are at high risk of exposure to the disease must be tested for COVID-19 at such intervals as may be determined in the Ministry's guidelines.

Contact tracing for COVID-19

14. (1) If a person is confirmed as having tested positive for COVID-19, an authorised person must establish the names of persons who were or might have been in contact with the confirmed case in line with the contact tracing protocols and standard operating procedures determined in the Ministry's guidelines.

(2) An authorised person must trace and monitor all persons considered to be contacts with a confirmed case in line with the contact tracing protocols and standard operating procedures determined in the Ministry's guidelines.

(3) A person who has been or considers himself or herself to have been in contact with a confirmed case must -

- (a) call the toll free number 0800100100 and wait for directions from a health care worker or an authorised person; or
- (b) present himself or herself to the nearest COVID-19 response centre for assistance.

Reporting requirements for COVID-19

15. Every health care worker must immediately -

- (a) report all suspected cases of COVID-19 that he or she notices or are brought to his or her attention to an authorised person or to the relevant COVID-19 response centre using the standard case definition;
- (b) take specimens or arrange for specimens to be taken according to the established standard operating procedures as set out in the Ministry's guidelines; and
- (c) package or arrange for packaging of the specimens referred to in paragraph (b) for submission to a laboratory for testing for COVID-19 according to the established standard operating procedures as set out in the Ministry's guidelines.

COVID-19 related deaths and burials

16. (1) The burial of any deceased person whose death is attributed to COVID-19 must be carried out by the State according to the procedures for a safe burial specified in this regulation and in the directives.

(2) Where a person has died from COVID-19 the following provisions apply:

- (a) only an authorised person must be allowed to have custody and control of the deceased person's body;

- (b) the burial of the deceased person must take place within 72 hours of the death or, where impractical, within such reasonable time as determined by an authorised person;
 - (c) the State is only responsible for providing a body bag, but family members of the deceased person or other persons may provide the coffin in which the deceased may be buried within the stipulated time;
 - (d) human remains of the deceased person may only to be handled by authorised persons;
 - (e) the family must, in compliance with these regulations, allow authorised persons to conduct contact tracing and COVID-19 control measures;
 - (f) family members of the deceased person may opt to have the body cremated at own cost and responsibility, in which case they must as soon as possible but within the period referred to in paragraph (b) -
 - (i) notify an authorised person of the decision; and
 - (ii) cause the deceased's body to be cremated;
 - (g) the body of the deceased person must be buried at the nearest burial site within the local authority area, as defined in section 1 of the Local Authorities Act, 1992 (Act No. 23 of 1992), where the person died or the place where the confirmation of COVID-19 as the cause of death was made;
 - (h) a post-mortem examination may not be performed on the body of the deceased person, except as provided for in section 21 of the Act;
 - (i) posthumous re-swabbing of Covid-19 test on the body of a deceased person is prohibited;
 - (j) the burial of the deceased person may be carried out only after the family members of the deceased person have been consulted in relation to the burial site;
 - (k) only two family members of the deceased person are allowed to view the deceased person through a glass window;
 - (l) only 10 mourners are allowed at the grave site and of these –
 - (i) two mourners are allowed at a distance of five metres from the grave; and
 - (ii) eight mourners are allowed at a distance of 50 metres from the grave; and
 - (m) a tombstone and other works on the grave of the deceased person, other than that of a person who was cremated, may only be done six months after burial.
- (3) Any person who contravenes or fails to comply with subregulation (2)(b), (d), (e), (f), (g), (h), (i), (k), (l) or (m) commits an offence and is on conviction liable to the penalties specified in section 29(3) of the Act.

COVID-19 awareness messages and campaigns

17. The chief health officer must intensify, or ensure the intensification of, public awareness messages and campaigns on COVID-19 using all appropriate media avenues and platforms to reach the public in all the regions of Namibia.

Quarantine facilities

18. (1) For purposes of subregulation (3) “truck” means a motor vehicle as defined in section 1 of the Road and Transport Act, 1999 (Act No. 22 of 1999), that is used for the carriage and transportation of goods during the course of business, trade or commercial activity of the owner or operator of the truck.

(2) The owner or manager of an accommodation establishment wishing to operate a facility for quarantine purposes must first seek approval from the chief health officer.

(3) Every regional council must identify separate quarantine facilities for designation by the chief health officer for drivers of trucks staying in the respective region for less than the period determined in the directives.

(4) The owner or manager of a designated quarantine facility where persons have been admitted for quarantine purposes may not accept guests, nor cater for outside guests on the premises of the facility.

(5) The sharing of rooms or ablution facilities, use of communal television, restaurants, dining rooms, swimming pools and gyms in a designated quarantine facility is prohibited.

(6) All bedding, linen and rooms at designated quarantine facilities must be thoroughly cleaned and disinfected before and after quarantine of a new admission.

(7) Police officers made available pursuant to an arrangement made under regulation 20(2) are responsible for guarding and patrolling all designated quarantine facilities.

Persons to be quarantined

19. (1) An authorised person must place the following persons under mandatory supervised quarantine at a designated quarantine facility for such period as determined in the directives:

- (a) contacts of a confirmed case of COVID-19, at the cost of the State subject to subregulation (2) and the cost obligation requirements set out in regulation 9;
- (b) health care workers that have been in contact or are considered by the authorised person to have been in contact, with a confirmed case of COVID-19, at the cost of the respective employer of the health care worker;
- (c) cross-border drivers, and other persons arriving in Namibia by road, railway, sea or air whose stay in the country is longer than the period specified in the directives, subject to the cost obligation requirements set out in regulation 9; and
- (d) persons entering Namibia in the circumstances contemplated in regulation 8, subject to the cost obligation requirements set out in regulation 9.

(2) For the purposes of paragraph (a) of subregulation (1) the State, subject to the availability of resources, must make suitable quarantine facilities available, but where a person referred to in that paragraph elects to self-quarantine at any other place of his or her own choice which is approved by the Ministry, that person must bear the costs of such quarantine.

(3) The chief health officer must make special arrangements and considerations for -

- (a) placing the parent or guardian or a caregiver as defined in section 1 of the Child Care and Protection Act, 2015 (Act No. 3 of 2015) in quarantine with a minor who is not accompanied by an adult person; and
- (b) persons with special needs or persons who need medical care due to pre-existing medical conditions while in quarantine.

Rules at quarantine facilities

20. (1) An authorised person must, on admission of a person to a designated quarantine facility, arrange for that person to be tested for COVID-19, and if the test result is negative, the person must be re-tested at such intervals as determined in the Ministry's guidelines and must remain in the designated quarantine facility until discharged in line with those guidelines.

(2) The chief health officer must make arrangements with the relevant State entities and institutions to ensure that all designated quarantine facilities are guarded and patrolled by an appropriate number of police officers who must -

- (a) observe social distancing; and
- (b) enforce the provisions of these regulations on persons under quarantine.

(3) The person in charge of a designated quarantine facility must ensure that persons under quarantine -

- (a) practice social distancing at all times;
- (b) wear masks at all times;
- (c) do not visit each other's rooms or mingle with other persons at the quarantine facility;
- (d) do not host or hold parties or braai events, use liquor or other intoxicating or illicit drugs or such similar substances in whatever form; and
- (e) maintain cleanliness of their rooms.

(4) Subject to subregulation (5), the person in charge of a designated quarantine facility may not allow visitors to enter the quarantine facility.

(5) Access to a designated quarantine facility is only permitted to -

- (a) health care workers directly involved in the care of persons in the quarantine facility;
- (b) social workers and psychologists providing psychosocial support;
- (c) authorised persons and police officers;
- (d) any other persons to whom special access has been granted by an authorised person for the purpose of COVID-19 response;
- (e) maintenance workers with the prior approval of an authorised person; and
- (f) facility management and support staff such as cleaners and cooks.

(6) If a person who is in mandatory supervised quarantine tests positive for COVID-19, the authorised person in charge of the designated quarantine facility must notify the nearest COVID-19

response centre and immediately cause such person to be placed in mandatory supervised isolation pending transfer of that person to an isolation facility.

Isolation facilities

21. (1) Every regional council must identify and set aside hospitals and health facilities in its region that meet the minimum standards of care and treatment of COVID-19 for designation by the chief health officer as isolation facilities as set out in the Ministry's guidelines and the applicable WHO guidelines.

(2) Isolation facilities are managed by the Ministry or by a private health facility or private hospital licensed under the Hospitals and Health Facilities Act, 1994 (Act No. 36 of 1994).

(3) The provisions of regulations 19(2) and 20(2), (3), (4) and (5), subject to necessary changes, apply to isolation facilities and to persons admitted to isolation facilities.

Persons to be isolated

22. (1) Every person who is a confirmed COVID-19 case must subject himself or herself to mandatory supervised isolation by an authorised person.

(2) An authorised person who is in charge of an isolation facility must, in respect of persons under mandatory supervised isolation, admit or cause to be admitted at the isolation facility COVID-19 confirmed cases separately from persons who -

- (a) have been tested for COVID-19, but whose results are not yet known; and
- (b) are ill and suspected to be infected with COVID-19, but have not yet been tested for COVID-19.

Persons without shelter and vulnerable persons

23. (1) For purposes of this regulation "vulnerable persons" means persons who have limited access to basic needs such as food, clothing, shelter and sanitation.

(2) The chief health officer must ensure that psychosocial and health education are provided as part of the services to be provided to vulnerable persons as part of the national COVID-19 response.

(3) Every health care worker in the employment of the Ministry must cooperate and co-ordinate with relevant stakeholders such as -

- (a) focal points for vulnerable persons;
- (b) the ministry responsible for urban and rural development;
- (c) the ministry responsible for agriculture, water and land reform;
- (d) the ministry responsible for gender equality, poverty eradication and social welfare;
- (e) regional councils and local authority councils; and
- (f) the disaster risk management institutions in the Office of the Prime Minister,

to facilitate the provision of basic services for the protection and care of vulnerable persons based on individual needs and risk of exposure to COVID-19.

Requirements for homes for the aged

24. (1) Every manager of a home for the aged as defined in section 1 of the Aged Persons Act, 1967 (Act No. 81 of 1967) must ensure that -

- (a) alcohol-based hand sanitation or handwashing facilities are available at the home; and
- (b) personal hygiene and social distancing are practiced and all residents of the home and employees wear masks at all times.

(2) Subject to subregulation (3), the manager of a home for the aged may not allow visitors to enter the home for the aged.

(3) A person rendering services necessary for the smooth running or maintenance of a home for the aged, a person authorised by an authorised person for any purpose and a person rendering services referred to in subregulation (5), may visit a home for the aged for the purposes concerned.

(4) Every person at a home for the aged must practice good personal hygiene, social distancing and wear a mask at all times.

(5) Medical and other services and basic necessities which are reasonably required may be provided subject to the practice of personal hygiene, social distancing and wearing of masks.

(6) The manager of a home for the aged must immediately notify an authorised person or report to toll free number 0800100100 or to a COVID-19 response centre, if he or she notices or it is brought to his or her attention that a resident or employee is ill or displays symptoms consistent with COVID-19.

(7) The manager of a home for the aged must ensure that continuous education on COVID-19 is provided to all residents and employees at such home.

Requirements for rehabilitation centres

25. (1) The superintendent of a rehabilitation centre and a registered rehabilitation centre (rehabilitation centre) referred to in section 1 of the Abuse of Dependence-Producing Substances Act, 1971 (Act No. 41 of 1971) must ensure that -

- (a) alcohol-based hand sanitation or handwashing facilities are available at the centre; and
- (b) personal hygiene and social distancing are practiced and all patients and employees wear masks at all times.

(2) Subject to subregulations (5) and (6), the superintendent of a rehabilitation centre may not allow visitors to enter the centre.

(3) Group therapy sessions must be limited to not more than five patients during each session and social distancing must be practiced at all times.

(4) Every superintendent of a rehabilitation centre, whether state or privately owned or operated, must ensure that the occupancy at the rehabilitation centre is reduced to, and remains at, half the capacity of the facility.

(5) A person rendering services necessary for the smooth running or maintenance of facilities, a person authorised by an authorised person for any purpose and a person rendering services referred to in subregulation (6), may visit a rehabilitation centre for the purposes concerned.

(6) Medical and other services and basic necessities which are reasonably required may be provided subject to the practice of personal hygiene, social distancing and wearing of masks.

(7) The superintendent of a rehabilitation centre must immediately notify an authorised person or report to toll free number 0800100100 or to a COVID-19 response centre, if he or she notices or it is brought to his or her attention that a patient is ill or displays symptoms consistent with COVID-19.

(8) The superintendent of a rehabilitation centre must ensure that continuous education on COVID-19 is provided to all patients and employees at the centre.

Requirements for mental health institutions

26. (1) The superintendent of an institution as defined in section 1 of the Mental Health Act, 1973 (Act No. 18 of 1973) must ensure that -

- (a) alcohol-based hand sanitation or handwashing facilities are available; and
- (b) personal hygiene and social distancing are practiced and all patients and employees wear masks at all times.

(2) Subject to subregulations (9) and (10), the superintendent of an institution may not allow visitors to enter the institution.

(3) Group work activities must be limited to half the usual number of patients, but not more than five patients in a group.

(4) The superintendent of an institution must ensure that continuous education on COVID-19 is provided to all patients and employees.

(5) The superintendent of an institution must prioritise the admission of emergency cases, such as suicide ideation or danger to themselves or others, and where possible, provide other services on an out-patient basis.

(6) The superintendent of an institution must prepare separate rooms for new admissions where possible.

(7) New patients may be accompanied by one caregiver, as applicable or necessary.

(8) The superintendent of an institution must conduct comprehensive health screening including screening for symptoms of COVID-19 before admission of a new patient.

(9) A person rendering services necessary for the smooth running or maintenance of facilities, a person authorised by an authorised person for any purpose or a person rendering services referred to in subregulation (10), may visit an institution for the purposes concerned.

(10) Medical and other services and basic necessities which are reasonably required may be provided subject to the practice of personal hygiene, social distancing and wearing of masks.

(11) The superintendent of an institution must immediately notify an authorised person or report to toll free number 0800100100 or to a COVID-19 response centre, if he or she notices or it is brought to his or her attention that a patient is ill or shows symptoms consistent with COVID-19.

Members of diplomatic missions and consular posts

27. (1) For purposes of this regulation -

“consular officer” means any person, including the head of a consular post, entrusted in that capacity with the exercise of consular functions;

“diplomatic agent” means the head of the mission or a member of the diplomatic staff of the mission;

“members of the consular post” means consular officers, consular employees and members of the service staff;

“members of the mission” means the head of the mission and the members of the staff of the mission;

“members of the staff of the mission” means the members of the diplomatic staff, of the administrative and technical staff and of the service staff of the mission.

(2) Every member of a diplomatic mission or a consular post must, upon entering Namibia, undergo mandatory supervised quarantine for a period determined in the directives, which may be at that member’s respective place of residence or a place of his or her own choice.

(3) A member of a diplomatic mission or a consular post who is under quarantine for COVID-19, must subject himself or herself to a COVID-19 test by an authorised person, and if the test result is negative, such member of a diplomatic mission or a consular post must be re-tested after the period determined in the directives and must remain in quarantine until discharged after the period determined in the directives.

(4) A member of a diplomatic mission or a consular post permitted to quarantine at his or her respective place of residence or other place of choice must -

- (a) strictly comply with the quarantine procedures set out in these regulations and in any guidelines issued by the Ministry and the applicable WHO guidelines;
- (b) notify the ministry responsible for international relations and co-operation of his or her arrival 10 days in advance as well as provide information of the quarantine facility of choice, including the address;
- (c) strictly adhere to the infection prevention and control guidelines as per the guidelines of the Ministry and social distancing;
- (d) not allow any person to visit him or her while under quarantine; and
- (e) remain at his or her residence or place of choice during the period of quarantine and not leave the residence or place where quarantined.

(5) In circumstances where the residence of a person who must be quarantined is not suitable for mandatory supervised quarantine, such person must be quarantined in a suitable quarantine facility agreed between that person and the Ministry.

PART 4
GENERAL PROVISIONS

Offences and penalties

28. (1) A person commits an offence if that person -

- (a) not being an authorised person, by words, conduct or demeanour falsely represents himself or herself to be an authorised person;
- (b) hinders, obstructs or improperly attempts to influence an authorised person when exercising or performing a power or function conferred or imposed by or under these regulations or another law;
- (c) furnishes or gives false or misleading information to an authorised person; or
- (d) does anything calculated to improperly influence an authorised person concerning a matter connected with the functions of the authorised person.

(2) A person commits an offence if that person, through any form of media, including social media, knowingly or without having taken reasonable steps to ascertain the correctness of any information -

- (a) publishes any false or misleading statement about the COVID-19 status of any person; or
- (b) publishes any false or misleading statement, in connection with measures to combat, prevent and suppress COVID-19 as specified in and under these regulations.

(3) A person convicted of an offence in terms of subregulation (1) or (2) is liable to the penalties specified in section 29(3) of the Act.

(4) Any person who visits or enters a place, premises or facility where such entry is prohibited in terms of these regulations commits an offence, and is on conviction liable to the penalties specified in section 29(3) of the Act.

(5) Any person who is under mandatory supervised quarantine or isolation who invites or allows a visitor who is prohibited from entering the quarantine or isolation facility commits an offence, and is on conviction liable to the penalties specified in section 29(3) of the Act.

(6) A person who exits a quarantine facility or an isolation facility prior to being discharged by an authorised person commits an offence, and is on conviction liable to the penalties specified in section 29(3) of the Act.

(7) A person who refuses to be -

- (a) undergo a test for COVID-9 when required to do so; or
- (b) subjected to quarantine or isolation when required to be quarantined or isolated,

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

Regulations to bind State

29. These regulations bind the State.
