

DETERMINATION OF ADMISSION OF GUILT FINES: PUBLIC HEALTH COVID-19 GENERAL REGULATIONS:
PUBLIC AND ENVIRONMENTAL HEALTH ACT, (ACT 1 OF 2015)



REPUBLIC OF NAMIBIA

MAGISTERIAL DISTRICT OF WINDHOEK

**DETERMINATION OF ADMISSION OF GUILT FINES IN RESPECT OF OFFENCES
IN TERMS OF THE PUBLIC AND ENVIRONMENTAL HEALTH ACT AND
REGULATIONS, 2020**

**(The regulations issued in terms of Section 29(1) of the Act, Regulation No.233 published in
the Government Gazette No. 7342 of 23 September 2020**

as amended by

Government Gazette No.7429 of 23 December 2020,

Government Notice 235/2020(GG 7346)

came into force on 29 September 2020

Government Notice 256/2020 (GG 7367)

came into force on 21 October 2020

Government Notice 309/2020 (GG 7404)

came into force on 01 December 2020

Government Gazette No. 7436 of 13 January 2021)

CODE	REGULATION	CHARGE	FINE
Wearing of masks			
	3 (1)	Failure/refusal to wear a mask in a public place ⁱ	N\$4000-00

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	3(2)	Failure /refusal to wear a mask in a public place together with a see through face shield ⁱⁱ	N\$4000-00
	3(3)	Failure/ refusal to wear a mask in a public place /to leave the public place upon instructions of a police officer ⁱⁱⁱ	NAOG
Gatherings			
	4(2)	Illegally convenes a public gathering ,except a gathering permitted by sub regulation (2) ^{iv}	N\$6000-00
	4(3A)(a),(b)	Person organizing/convening/attending a gathering, other than a gathering referred to in sub-regulation 2,fail/refuse to ensure that persons attending the gathering disperse before 20:00 and/ or fail or refuse to leave the gathering before 20:00 ^v	N\$6000-00
	4(4)	Failure or refusal to disperse a gathering, other than a gathering referred to in subregulation (2), upon instruction of a police officer ^{vi}	NAOG
	4(5)	Failure or refusal to maintain a register of the persons who attend a gathering and/or ensure that the register of persons is opened and maintained ^{vii}	N\$2000-00
	4(6)(a),(b),(c)	Failure or refusal to keep a register in a safe place for 30 days from the date of last entry <i>and/or</i> to make register available for inspection upon request by an authorized person or police officer <i>and/or</i> to treat the information provided under this regulation confidential or to disclose information to	N\$2000-00

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		any other person except when required to so disclose it in terms of any law or by a court ^{viii}	
	4(8)(a),(b),(c),(d)	Illegally facilitates, instigates or organizes a gathering, except a gathering permitted by subregulation (2) ^{ix}	N\$6000-00
Curfew			
	4A(2)	Illegally leaving his or her place of residence between 21:00 and 04h00 ^x	N\$ 4000-00
	4A(9)	Fails/refuses to 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 during the curfew hours ^{xi}	N\$2000-00
Restrictions relating to liquor			
	5(2)(a)	Illegally sell, distribute or purchase liquor without a liquor license authorizing the sale of such liquor are in accordance with subregulation (3) ^{xii}	NAOG
	5(3)(a)(i)(ii)	Holder of off-sales license sell, distribute liquor after 18:00 on a week day <i>and/ or</i> holder of off-sales license sell, distribute liquor after 13:00 on a Saturday ^{xiii}	N\$6000-00
	5(3)(b)	Holder of on-consumption license illegally sell, distribute liquor after 20:00 on any day AND holder of a club liquor license illegally sell, distribute liquor after 00:00 ^{xiv}	N\$6000-00
	5(3)(c)	Holder of off-sales and on-consumption license illegally sell, distribute or purchase liquor on a Sunday and on a public holiday ^{xv}	N\$6000-00

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Resumption of business, operations and activities			
	6(2)(a),(b)	Failure /refusal by head of institution, manager, person in control of business, operation or activity, to put in place measures <i>and/or</i> ensure persons accessing the premises or services of the business operation or activity adhere to measures to combat, prevent and suppress the spread of COVID-19 as specified under the directives. ^{xvi}	N\$6000-00
	6(3)	Failure/refusal by head of institution of a business or operation and the organizer of an activity to keep and maintain a register of the persons who attend a gathering <i>and/or</i> ensure that the register of persons is opened and maintained in terms of regulation 4(6) and (8) (c) ^{xvii}	N\$6000-00
Restrictions relating to certain activities			
	7A(3)(a),(b)	Illegally facilitating, instigating or organizing a sports event in contravention of subregulation 7A(1) and/or failure/refusal to obey an instruction issued under subregulation 7A(2) ^{xviii}	NAOG
Restrictions relating to entry into Namibia			
	8(1)(a),(b),(c),(d),€,(f)	Failure/refusal to adhere to the restrictions relating to entry into Namibia, subject to sub regulations(2),(5) and (6) ^{xix}	NAOG
	8(3)(a),(b)	Failure/refusal to adhere to the restrictions relating to entry into Namibia, of persons entering Namibia by air under sub-regulation	N\$6000-00

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		<p><i>2 and/or failure/refusal to adhere to the restrictions relating to entry into Namibia, of persons entering Namibia by road, sea or railway or on foot under sub-regulation 2^{xx}</i></p>	
	8(4)(a),(b)	<p>Failure /refusal to present upon entry into Namibia under subregulation 2 ,to an authorized person a negative SARSCOV-2PCR test result from the country of departure, which test result is not older than seven days calculated from the date that the sample for testing was taken</p> <p><i>and/or failure /refusal to present upon entry into Namibia under subregulation 2 ,to an authorized person a negative SARSCOV-2PCR test result from the country of departure, which test result was issued by a laboratory that is certified in the country of issue to issue SARSCOV-2 PCR test results^{xxi}</i></p>	NAOG
Public transport			
	10(2)(a),(b),(c)	<p>Failure/refusal by owner or operator of a vehicle used for conveying persons or goods for reward, to wear a mask or to ensure passengers wear a mask at all times</p> <p><i>and/or failure or refusal by owner or</i></p>	N\$2000-00

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		operator of a vehicle used for conveying persons or goods for reward, to provide alcohol-based sanitizes for use in the vehicle <i>and/ or</i> failure or refusal by owner or operator of a vehicle used for conveying persons or goods for reward, to regularly disinfect the vehicle when conveying goods or persons ^{xxii}	
COVID-19 related deaths and burials			
	16(2)(b)	Failure or refusal to bury a deceased person within 7 days of the death/where impractical, within such reasonable time as determined by an authorized person ^{xxiii}	NAOG
	16(2)(d)	Failure or refusal to allow authorized person to handle human remains of a deceased ^{xxiv}	NAOG
	16(2)(e)	Failure or refusal by family members to allow an authorized person to conduct contact tracing and COVID-19 control measures ^{xxv}	N\$2000-00
	16(2)(f)(i)(ii)	Failure or refusal by family members of the deceased to notify an authorized persons of the decision to cremate the body at own cost and responsibility and/or cause the body to be cremated ^{xxvi}	N\$2000-00
	16(2)(g)	Failure or refusal to bury the deceased person at the nearest burial site with the local authority area, as defined in section 1 of the Local Authorities Act,1992(Act 23 of 1992),where the person died or the place where the confirmation of COVID-19	NAOG

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		cause of death was made ^{xxvii}	
	16(2)(h)	Failure or refusal to adhere to provisions of section 21 of the Act when performing post mortem examinations ^{xxviii}	NAOG
	16(2)(i)	Failure or refusal to adhere to the prohibition against the conduct of a posthumous re-swabbing of Covid-19 test on the body of a deceased person ^{xxix}	NAOG
	16(2)(k)	Failure or refusal to adhere to the restriction of the number of family members of the deceased allowed to view the body of the deceased person ^{xxx}	N\$1000-00
	16(2)(l)(i)(ii)	Failure or refusal to adhere to the restriction of the number of mourners allowed at the graveside ^{xxxii}	N\$1000-00
	16(2)(m)	Failure or refusal to adhere to the restriction of erecting a tombstone /other works on the grave of the deceased person, six months after the burial ^{xxxiii}	N\$2000-00
Offences and penalties			
	28(1)(a)	Falsely representing himself/herself as an authorized person, a police officer or correctional officer , by words, conduct or demeanor ^{xxxiii}	NAOG
	28(1)(b)	Hinder/interfere or obstruct or improperly attempts to influence an authorized person, a police officer or correctional officer when exercising or performing a power or function conferred or imposed by or under these regulations or another law ^{xxxiv}	NAOG
	28(1)(c)	Furnishing or gives falls information to an	N\$4000-00

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		authorized person, a police officer or a correctional officer ^{xxxv}	
	28(1)(d)	Improperly influence an authorized person concerning a matter connected with the functions of the authorized person, a police officer or correctional officer ^{xxxvi}	NAOG
	28(1) (e)	Failure or refusal to obey an instruction issued under these regulations or the Act by an authorized person, a police officer or a correctional officer ^{xxxvii}	NAOG
	28(2)(a)	Publishing any false or misleading statement about the COVID-19 status of any person ^{xxxviii}	N\$3000-00
	28(2)(b)	Publishing of any false or misleading statement, in connection with any measures taken by the Government to combat, prevent and suppress COVID -19 as specified in and under these regulations ^{xxxix}	NAOG
	28(4)	Visiting or entering a place, premises or facility where such entry is prohibited in terms of these regulations ^{xl}	N\$2000-00
	28(5)	Person under mandatory supervised quarantine or isolation ,invites or allows a visitor who is prohibited from entering the quarantine or isolation facility ^{xli}	N\$2000-00
	28(6)	Exits a quarantine facility or an isolation facility prior to being discharged by an authorized person ^{xlii}	N\$4000-00
	28(7)(a)	Refusal to undergo a test for COVID-19 when required to do so ^{xliii}	NAOG
	28(7)(b)	Refusal to subject himself/herself to	NAOG

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		quarantine or isolation when required to be quarantined or isolated ^{xliv}	
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If there is a need for the setting of Admission of Guilt for any other crimes in terms of these Regulations, the Public Prosecutor may be approached.

DISTRICT MAGISTRATE

WINDHOEK

REFERENCES TO REGULATIONS

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

ⁱⁱ **Reg 3 (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 sub regulation (1) or (2) to wear a mask or to leave the public place.

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

^{iv} **Reg. 4(1)** For the purpose of this regulation, “gathering” means a group of more than 50 persons.

^v **Reg 4 “(3A)** A person who - (a) organized or hosted a gathering, other than a gathering referred to in sub regulation (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 sub regulation (2), permitted in terms of this regulation must leave the gathering before 20:00.”; and

^{vi} **Reg 4. (4)** A police officer may instruct a gathering, other than a gathering referred to in sub regulation (2), to disperse and may use all reasonable measures to cause a gathering or group to disperse.

^{vii} **Reg 4. (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

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^{viii} **Reg 4. (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.

^{ix} **Reg 4.“(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.”.

^x **Reg 4A. (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

^{xi} **Reg 4A. (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.

^{xii} **Reg 5. (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)

^{xiii} **Reg 5. “(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;

^{xiv} **Reg 5. (3)** Despite.....

(b) where the seller is the holder of an on-consumption licence, only take place starting at the time specified in the liquor license until 20:00 provided that the holder of a club liquor licence may sell liquor until 00:00; and

^{xv} **Reg 5. (3)** Despite....

(c) in both cases referred to in paragraphs (a) and (b), not take place on a Sunday and on a public holiday.”.

^{xvi} **Reg 6. (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 –

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- (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.

^{xvii} **Reg 6. (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.

^{xviii} **Reg 7A(3)** A person who-

- (a) facilitates, instigates or organizes a sporting event in contravention of subregulation (1); or
- (b) fails or refuses to obey an instruction issued under subregulation(2)

^{xix} **Reg 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

^{xx} **Reg 8. (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.

^{xxi} **Reg 8. “(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

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(b) was issued by a laboratory that is certified in the country of issue to issue SARSCOV-2 PCR test results.”.

^{xxii} **Reg 10. (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.

^{xxiii} **Reg 16 (2)“(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.”;

^{xxiv} **Reg 16 (2) (d)** human remains of the deceased person may only be handled by authorised persons;

^{xxv} **Reg 16.2(2)(e)** the family must, in compliance with these regulations, allow authorised persons to conduct contact tracing and COVID-19 control measures;

^{xxvi} **Reg 16 (2) (f) (i) ,(ii)** 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;

^{xxvii} **Reg 16(2)(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;

^{xxviii} **Reg 16(2)(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;

^{xxix} **Reg 16(2)(i)** posthumous re-swabbing of Covid-19 test on the body of a deceased person is prohibited;

^{xxx} **Reg 16(2)(k)** only two family members of the deceased person are allowed to view the deceased person through a glass window;

^{xxxi} **Reg 16(2)(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

^{xxxii} **Reg16(2) (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.

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^{xxxiii} **Reg 28(1) (a)** not being an authorised person or police officer or a correctional officer, by words, conduct or demeanour falsely represents himself or herself to be an authorised person or police officer or correctional officer;

^{xxxiv} **Reg 28(1)(b)** hinders, obstructs or improperly attempts to influence an authorised person or police officer or a correctional officer when exercising or performing a power or function conferred or imposed by or under these regulations or another law;

^{xxxv} **Reg 28(1) (c)** furnishes or gives false or misleading information to an authorised person or police officer or a correctional officer; or

^{xxxvi} **Reg 28(1)(d)** does anything calculated to improperly influence an authorised person or police officer, or a correctional officer concerning a matter connected with the functions of the authorised person police officer or a correctional officer.

^{xxxvii} **Reg 28(1) (e)** fails or refuses to comply with a lawful instruction issued under these regulations or the Act by an authorized person, a police officer or a correctional officer performing an act under, or exercising a power under these regulations or the Act.

^{xxxviii} **Reg 28(2)(a)** 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

^{xxxix} **Reg 28(2) (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.

^{xl} **Reg 28(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.

^{xli} **Reg 28(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.

^{xlii} **Reg 28(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.

^{xliii} **Reg 28(7)(a)** A person who refuses to be –

(a) undergo a test for COVID-9 when required to do so; or

^{xliv} **Reg 28(7)(b)** subjected to quarantine or isolation when required to be quarantined or isolated