

Namibia

Namibian Constitution

Directives relating to registered business entities and operational matters for retail traders and other businesses

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Republic of Namibia
Annotated Statutes

Namibian Constitution

**Directives relating to registered business entities and
operational matters for retail traders and other businesses**

Government Notice 106 of 2020

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Commenced on 22 April 2020

[Up to date as at 14 August 2021]

Under regulation 14(1) and (3) of the State of Emergency - Covid-19 Regulations published under Proclamation No. 9 of 28 March 2020, with the authorisation of the President of the Republic of Namibia and the approval of the Attorney-General, I issue the directives as set out in the Schedule.

L. Iipumbu

Minister of Industrialisation and Trade

1. Definitions

In these directives a word or expression to which a meaning has been assigned in the Regulations has that meaning and, unless the context indicates otherwise -

"**business entity**" means a business entity, including a retail trader, referred to in regulation 12(2) of the Regulations;

"**confirmation certificate**" means a document issued to staff of a retail trader or other business as contemplated in directive 2;

"**retail trader**" means a small shop, kiosk, large or small supermarket providing food and essential goods or critical services, including building and hardware material and all health related essentials; and

"**the Regulations**" means the State of Emergency - Covid-19 Regulations published under Proclamation No. 9 of 28 March 2020.

2. Application of confirmation certificate for business entities

- (1) A business entity applying for a confirmation certificate as contemplated in regulation 12(2) of the Regulations must -
 - (a) indicate the -
 - (i) critical service as listed in Annexure B;
 - (ii) essential goods as listed in Annexure C,of the Regulations that it provides;
 - (b) provide its certificate of registration with the Business and Intellectual Property Authority (BIPA) established by the Business and Intellectual Property Authority Act, 2016 (Act No. 8 of 2016); and
 - (c) provide the number of staff that are involved in the provision of the critical services or essential goods.
- (2) The information required in terms of paragraph (1) must be filled in on the application form that can be uploaded at the address: namesentialservices.com.na.
- (3) An application in terms of paragraph (1) must be made within 48 hours from the date of commencement of these directives.
- (4) On receipt of the application referred to in paragraph (1) the Executive Director of the Ministry responsible for Trade and Industrialization must issue a confirmation certificate to the applicant on a form determined by him or her.
- (5) The requirements stated in paragraph (1) do not apply to public enterprises as defined in the Public Enterprises Governance Act, 2019 (Act No. 1 of 2019).

3. Trading operations during lockdown period

- (1) Operating hours for retail traders and other businesses providing essential goods or critical services are the normal operating hours of the retailer or business concerned.
- (2) The shop manager of a retail trader or other business must ensure that -
 - (a) all persons entering the shop are sanitised when entering the shop as per the Ministry of Health and Social Services directives or guidelines and World Health Organisation guidelines;
 - (b) at least one and a half metres social distancing in queues inside and outside the shop is maintained;
 - (c) the social distance is demarcated inside and outside the shop with clear signs to ensure adherence;
 - (d) vulnerable customers such as elderly, pregnant or disabled persons are given preference in the queues;
 - (e) the queues are monitored at all times for adherence;
 - (f) a limited number of clients of one person per 10 square metres of trading floor or three clients per number of counters in a shop (excluding staff), will be allowed in a shop at all times with this calculation based on 10 square metres per person of the trading space and being calculable for each individual shop;
 - (g) the maximum number of people allowed in a shop at a time is displayed at the shop's entrances;
 - (h) all staff of service providers providing services to the shop must wear protective gear;
 - (i) hot foods open displays and counters are cleared and not put in use and only pre-packed take-aways may be prepared and sold;
 - (j) counters, till screens and speedpoint pads are cleaned and sanitised with surface sanitiser after

every customer's transaction has been completed; and

- (k) cashiers clean their hands after every transaction with hand sanitiser provided by the manager of the shop.
- (3) Truck delivery drivers and third party merchandisers may be allowed into shop premises to do their work provided they follow the same directives outlined in subparagraph (2).
- (4) Clearly identified in shop marshals and security guards must manage the social distancing inside and outside of the shop.
- (5) Where necessary, a shop owner or shop manager may request an authorised officer to assist with managing crowds outside the shop or mall.
- (6) The head of the institution involved in the provision of essential goods or a critical service must provide the document contemplated in regulation 10(4) of the Regulations in the form of an official letter to retail staff to enable them to work without interruption.
- (7) Retail traders or other businesses with a big number of staff are encouraged to introduce shifts to avoid having too many staff members in the shop at the same time.
- (8) Retailer traders or other businesses offering online shopping and delivery services must be allowed to commute within a zone as specified in regulation 6 of the Regulations from 08:00 until 20:00 as part of the provision of essential goods or critical services.
- (9) An owner or shop manager who contravenes or fails to comply with subparagraph (2), (3), (4) or (6) commits an offence and is liable on conviction 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.