

Namibia

Namibian Constitution

Directives relating to open markets and informal trading during period of lockdown

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Republic of Namibia
Annotated Statutes

Namibian Constitution

**Directives relating to open markets and informal trading
during period of lockdown**

Government Notice 109 of 2020

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Assented to on 24 April 2020

Commenced on 24 April 2020

[Up to date as at 17 September 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 and the approval of the Attorney-General, I issue the directives set out in the Schedule.

E. Uutoni

Minister of Urban and Rural Development

1. Definitions

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

"**competent authority**" means a regional council or local authority council or any other authority;

"**informal trader**" means a person who sells or produces essential goods or renders critical services for gain, and includes an assistant of that trader; and

"**informal trading activity**" means the selling of essential goods or rendering of critical services for a reward in an informal trading area;

"**informal trading area**", in relation to -

- (a) a local authority area or a settlement area, means a street, public road or public place designated by a competent authority for an informal trading activity; or

- (b) any area other than the area referred in paragraph (a), means a public place where an informal trader sells essential goods or renders critical services for gain;

"open market" means an area, designated by a competent authority, whether fenced or not fenced, where traders sell essential goods or render critical services for gain;

"trader" means a person registered by a competent authority and who sells or produces essential goods or render critical services for gain, and includes an assistant of that trader;

"the Regulations" means the State of Emergency-COVID -19 Regulations published under Government Notice No. 9 of 28 March 2020.

2. Open markets and informal trading activities

- (1) Subject to regulation 12(1)(c) of the Regulations and subdirective (3), the competent authorities are directed to open or cause the re-opening of -
- (a) open markets where essential goods are sold or critical services are rendered; or
 - (b) any informal trading activity that relates to the selling of essential goods or rendering of critical services,
- in their area of jurisdiction, during the period of lockdown, and subject to the continuous compliance with the Regulations and these directives.
- (2) Despite regulation 12(1)(c) of the Regulations, a trader or an informal trader is only allowed to trade the following essential goods at an open market or informal trading area during the period of lockdown -
- (a) fresh or cooked vegetables or fruits;
 - (b) raw or cooked meat or fish;
 - (c) dried food;
 - (d) dairy products;
 - (e) raw or cooked poultry products;
 - (f) cereals and flour products; and
 - (g) ready-to-eat cooked food.
- (3) A person may not trade at an open market or conduct any informal trading activities during the period of lockdown unless -
- (a) the person is a trader, in the case of trading at an open market or an informal trading area in a local authority area or a settlement area; or
 - (b) the person is an informal trader, in the case of trading in any other area other than the area referred to in paragraph (a).

3. Compliance requirements

- (1) A regional council or local authority council must provide access to water, sanitation and hygienic facilities such as toilets at an open market falling within its area of jurisdiction.
- (2) An informal trader engaging in informal trading activities at an informal trading area, where there is no access to water, is responsible for providing water and soap or hand sanitisers to his or her customers for purposes of washing hands.
- (3) A trader or an informal trader must provide his or her customers with water and soap or hand sanitiser to disinfect their hands before touching any product being sold by the trader or informal trader at an open market or an informal trading area.

- (4) A competent authority must in respect of an open market or an informal trading area falling within its jurisdiction -
 - (a) ensure that social distancing of at least one metre is strictly complied with between traders, informal traders, traders and their customers as well as between informal traders and their customers; and
 - (b) ensure that customers entering an open market or informal trading area comply with social distancing of at least one metre and handwashing or hand sanitising requirements.
- (5) Traders and informal traders must -
 - (a) ensure that social distancing of at least one metre is strictly complied with between informal traders, traders, and between informal traders, traders and their customers; and
 - (b) ensure that their customers comply with social distancing of at least one metre and handwashing or hand sanitising requirements.
- (6) Traders and informal traders may only trade at open markets and informal trading areas between 08H00 to 17H00 daily.
- (7) Under certain circumstances, a competent authority may require traders or informal traders trading at an open market or informal trading area falling within its jurisdiction to trade as per a roster provided by the competent authority in order to -
 - (a) ensure that traders and informal traders observe social distancing measures in cases where the trading area does not enable social distancing measures to be effected; and
 - (b) ensure that all traders and informal traders are given an opportunity to trade.
- (8) Only one assistant and a trader or an informal trader is allowed to be present at a stand or trading area, but assistants to the trader or informal trader may only be allowed to be present at the stand or trading area where the required social distancing can be maintained.
- (9) A trader and informal trader, and his or her assistant must wear protective clothes, including the wearing of a face mask when trading at open markets or informal trading areas.
- (10) Traders must only trade at stands or informal trading areas designated by the competent authority.
- (11) A competent authority must control and monitor access to open markets and informal trading areas falling within its jurisdiction to ensure adherence to these directives.
- (12) A trader and an informal trader must pack his or her products that he or she is trading in a manner that prevents or minimises contamination of the product.
- (13) A person buying products at an open market or informal trading must wash his or her hands thoroughly or sanitise his or her hands before touching the products.
- (14) Customers are only allowed to enter, buy and leave an open market or informal trading area, and are not permitted to hang around the market or trading area.
- (15) If a trader or an informal trader sells cooked food, the trader must cook his or her food at home and may only bring the cooked food to an open market or trading area for selling.
- (16) A trader or an informal trader may not cook food at the open markets or informal trading areas.
- (17) A competent authority may, where possible at an open market, provide facilities or designate an area where traders and informal traders with cooked food may warm up their food for selling purposes only.
- (18) The competent authority must ensure that entrance to, and the exit from, the open markets is separate, where possible.

4. Permit to trade in essential goods or render critical services provide

- (1) A competent authority must issue a permit to a trader or an informal trader to trade at an open market or informal trading area falling within its jurisdiction, and the trader or informal trader must carry the permit and present the permit when required for verification and compliance purposes.
- (2) For purposes of obtaining a permit referred to in subdirective (1), a trader or informal trader must apply to a competent authority concerned for the permit in a form determined by the competent authority.

5. Implementation modalities

- (1) During the period of lockdown, the competent authorities who are responsible for administering and regulating the operations and activities of open markets and informal trading areas must conduct vigorous education targeted at traders and informal traders on the modalities as well as the conditions and measures to be complied with through various media and communication channels prior to the re-opening of open markets and informal trading areas.
- (2) The competent authorities must ensure that the trading stalls or spaces allocated to the traders or informal traders at open markets or informal trading areas are clearly marked or demarcated with the required social distancing space of at least one metre apart and the market or area is disinfected before the re-opening of the market or area.
- (3) The competent authorities must keep records and a database of traders and informal traders who are trading at open markets and informal trading areas falling within in their jurisdiction.

6. Offences and penalties

Any person who contravenes or fails to comply with directive 2(2), 2(3), 3(2), 3(3), 3(5), 3(6), 3(8), 3(9), 3(10), 3(12) to 3(16) or 4(2) 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 a fine and such imprisonment.