

MONTSERRAT
STATUTORY RULES AND ORDERS
S.R.O. 22 OF 2020

PUBLIC HEALTH (COVID-19 CONTROL AND SUPPRESSION) (No. 2) ORDER

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PUBLIC HEALTH (COVID-19 CONTROL AND SUPPRESSION) (No. 2) ORDER

THE PUBLIC HEALTH (COVID-19 CONTROL AND SUPPRESSION) (NO. 2) ORDER MADE BY THE GOVERNOR ACTING ON THE ADVICE OF CABINET UNDER SECTIONS 10, 11 AND 12 OF THE PUBLIC HEALTH ACT (CAP. 14.01).

WHEREAS section 10 of the Public Health Act (Cap. 14.01) (the Act) provides that where any part of Montserrat appears to be threatened with or affected by any communicable disease in epidemic proportions, and that measures apart from, or in addition to those specifically provided for in the Act should be taken promptly; and

WHEREAS section 10 of the Act also provides that the Governor acting on the advice of Cabinet may by order direct the enforcement of any measure he thinks expedient for removing or otherwise guarding against any such condition and the probable consequences thereof, or for preventing or mitigating as far as possible any such disease; and

WHEREAS section 11 of the Act provides that where there is prevalent in Montserrat or in any part thereof any communicable disease in epidemic proportions, the Governor acting on the advice of Cabinet may, by order published in a newspaper and by radio, prohibit the assembly of persons exceeding such number as may be prescribed in that order at any place specified therein, and such prohibition may be made applicable to the whole of Montserrat or to any part thereof; and

WHEREAS section 12 of the Act provides that where there is prevalent in Montserrat or in any part thereof, any communicable disease in epidemic proportions, and the Governor acting on the advice of Cabinet is satisfied that it is in the interest of public health to do so, he may by order published in a newspaper and by radio, direct that any public place or any school in Montserrat, or in the area in which such disease is prevalent, shall be closed for such period as he thinks necessary; and

WHEREAS there was an outbreak of a new infectious disease caused by the most recently discovered coronavirus (COVID-19), a respiratory disease that spreads easily from person to person, which begun in Wuhan, China, in December 2019; and

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WHEREAS the World Health Organization (WHO), on 11th March 2020, stated that the number of cases of COVID-19 outside China has increased 13-fold, and the number of affected countries has tripled; and

WHEREAS the WHO has declared the rapid spread of COVID-19 as a global pandemic; and

WHEREAS COVID-19 has been confirmed in 201 countries and territories, resulting in 549,474 confirmed cases and 24,883 deaths to date; and

WHEREAS there have been 5 confirmed cases of COVID-19 on Montserrat;

NOW THEREFORE for the purpose of controlling and suppressing the spread of COVID-19 the Governor acting on the advice of Cabinet makes the following Order:

1. Citation and commencement

This Order may be cited as the Public Health (COVID-19 Control and Suppression) (No. 2) Order, 2020 and comes into force 28 March, 2020 at 6 pm.

2. Interpretation

In this Order—

“**essential business provider**” means a person, business or organisation that operates—

- (a) a banking business;
- (b) a doctor’s office;
- (c) a grocery store, an agricultural produce business or a pharmacy;
- (d) a gas station;
- (e) a bakery;
- (f) a business connected with fisheries;
- (g) as an undertaker;
- (h) a business or organisation that is granted permission to operate under paragraph 8; or
- (i) a money transfer business;

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“essential service provider” means a person, business, organisation or Department that offers—

- (a) air traffic (including meteorological, telecommunication, security, fire and crash services connected with airports) services;
- (b) fire, prison, defence force or police services;
- (c) medical, health, hospital, infirmary or nursing home services;
- (d) telecommunications or broadcasting services;
- (e) water, electricity or sanitation services;
- (f) immigration, customs or postal services;
- (g) services connected with sittings of the Legislative Assembly and meetings of Cabinet;
- (h) services connected with the loading and unloading of ships and with the storage and delivery of goods at, or from a dock, wharf or warehouse operated in connection with the dock or wharf;
- (i) public services connected with the payment of salaries, pensions and other benefits, in government departments, agencies; statutory bodies and arms-length bodies;
- (j) services connected with the Judiciary;
- (k) services connected with essential government functions as determined by the Deputy Governor;
- (l) airport, seaport, civil aviation or ferry services; and
- (m) a service that is granted permission to offer the service under paragraph 8;

“isolate” means the removal to a hospital or other suitable place approved by the Chief Medical Officer of a person infected with or suspected to be infected with COVID-19, and his detention at the hospital or other suitable place, until, in the opinion a Medical Officer he is no longer infected with COVID-19;

“large gathering” means a gathering of more than four persons;

“Minister” means the Minister responsible for health matters;

“Montserratian” has the meaning assigned to it in the Montserrat Constitution Order (Cap. 1.01);

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“**public place**” includes a public highway, street, road, square, court, alley, land, bridle-way, footway, parade, wharf, jetty, quay, bridge, public garden or open space, and every theatre, place of public entertainment of any kind, or other place of general resort, admission to which is obtained by payment, or to which the public have access; and

“**self-quarantine**” means staying at one’s place of residence away from other persons for the purpose of observing and monitoring one’s health for the development of COVID-19 symptoms.

3. Prevention of the spread of COVID-19

(1) A Montserratian arriving in Montserrat from a place outside of Montserrat—

(a) shall answer all questions put to him by the Medical Officer which would allow the Medical Officer to assess what measures would be necessary to prevent, limit or suppress the spread of COVID-19;

(b) shall provide a Medical Officer with information which would allow the Medical Officer to assess what measures would be necessary to prevent, limit or suppress the spread of COVID-19;

(c) may be subjected to a clinical examination by a Medical Officer;

(d) who is considered by a Medical Officer to be high risk of being infected with COVID-19 may be isolated;

(e) may be required to present himself for surveillance at a place and time as may be appointed by the Medical Officer and while undergoing surveillance may be removed to a hospital or other suitable place approved by the Chief Medical Officer; and

(f) shall self-quarantine for 14 days commencing on the date of arrival in Montserrat; whether or not the person has symptoms suggestive of COVID-19.

(2) A person in Montserrat who, in the opinion of a Medical Officer is likely to be infected with COVID-19—

(a) shall answer all questions put to him by the Medical Officer which would allow the Medical Officer to assess what measures would be necessary to prevent, limit or suppress the spread of COVID-19;

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- (b)* shall provide a Medical Officer with information which would allow the Medical Officer to assess what measures would be necessary to prevent, limit or suppress the spread of COVID-19;
- (c)* may be subjected to a clinical examination by a Medical Officer;
- (d)* may be required to present himself for surveillance at a place and time as may be appointed by the Medical Officer and while undergoing surveillance may be removed to a hospital or other suitable place approved by the Chief Medical Officer; and
- (e)* shall be required to self-quarantine for 14 days or may be isolated.

4. Prohibition on a large gathering

- (1)** A large gathering for a social, spiritual or recreational activity including, but not limited to a community event; civic event; public event; leisure event; faith-based event; sporting event; parade; concert; festival; convention; fundraiser or similar activity is prohibited.
- (2)** For the avoidance of doubt, a person shall not be a part of a large gathering.
- (3)** The prohibition under subparagraph (1) and (2) does not apply to a large gathering at—
 - (a)* a customs airport and a customs port if the purpose of the large gathering is for the embarkation or disembarkation of passengers;
 - (b)* a funeral;
 - (c)* the business place of an essential service provider, provided subparagraph (5) and paragraph 7(2) are complied with; or
 - (d)* the business place of an essential business provider, provided subparagraph (5) and paragraph 7(2) are complied with.
- (4)** A gathering for the purposes of a funeral may be a gathering of a maximum of fifteen persons.
- (5)** As far as reasonably possible a person at a gathering shall maintain a physical distance of at least six feet from another person.

5. Curfew

- (1)** A person shall not be in a public place and shall remain at one's place of residence (inclusive of one's yard or garden) from the date and time this Order comes into force.

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- (2) Despite paragraph (1), a person may be in a public place if the purpose for being in the public place is to—
- (a) carry out functions as an essential service provider and includes travelling to or from work as an essential service provider,
 - (b) carry out functions as an essential business provider and includes travelling to or from work as an essential business provider,
 - (c) assist, transport or provide an ancillary service for an essential service provider,
 - (d) seek medical care,
 - (e) shop for necessities to include food, medicine, fuel, provided that, daily, only one person from each household may be in the public place for this purpose,
 - (f) conduct a banking or money transfer transaction,
 - (g) care for a family member, vulnerable person, or pet,
 - (h) engage in an activity to include walking, biking, hiking or swimming provided that the activity is done—
 - (i) alone or in a gathering that is not a large gathering, and shall only be done with a person from one’s household, and
 - (ii) from 5 am to 8 am or from 3 pm to 6 pm,
 - (i) disembark a vessel or airplane, provided that the person shall not be in a public place more than two hours after disembarking a vessel or airplane,
 - (j) transport a person who has disembarked from a vessel or airplane, provided that the person providing the transportation shall not be in a public place more than two hours after transporting the person,
 - (k) depart from Montserrat, provided that the person shall not be in a public place earlier than 4 am; or
 - (l) transport a person departing from Montserrat, provided that the person providing the transportation shall not be in a public place earlier than 4 am.

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6. Closure of businesses

- (1) A person, business, organisation or Department that is not an essential service provider or that is not an essential business provider shall cease to offer the service or business from the date and time this Order comes into force.
- (2) For the avoidance of doubt a bar, nightclub, restaurant, barber shop, hair salon; insurance business or similar business is not an essential business provider.

7. Opening hours and social distancing

- (1) An essential business provider may conduct business as follows—
 - (a) a bank, from 8 am to 12 pm,
 - (b) a doctor's office, from 8 am to 6 pm,
 - (c) a grocery store, an agricultural produce business or a pharmacy, from 8 am to 6 pm,
 - (d) a gas station, from 8 am to 6 pm,
 - (e) a bakery, from 8 am to 6 pm,
 - (f) a business connected with fisheries, from 2 am to 7 pm;
 - (g) an undertaker, may operate for 24 hours; and
 - (h) a money transfer business, from 8 am to 6 pm.
- (2) An essential service provider and an essential business provider shall—
 - (a) establish measures that ensures customers and staff maintain a physical distance of at least six feet from another person both inside and outside the business place;
 - (b) determine the number of persons that may be permitted in the business place at any one time by permitting one person for every thirty square feet of floor space;
 - (c) within twenty-four hours of the commencement of this Order, place distance markers six feet apart, inside the business place to indicate where each customer must stand at the checkout point or in a queue;
 - (d) within twenty-four hours of the commencement of this Order, place distance markers six feet apart, outside of the business place to indicate where a customer must stand while waiting to enter the business place.

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8. Permits

The Minister may give a person, business, organisation or Department written permission to—

- (a) operate as an essential business provider; or
- (b) offer an essential service.

9. Closure of Schools

All schools shall close 16 March, 2020.

10. Closure of airports and sea ports and exceptions

- (1) The John A. Osborne Airport shall not be used for the disembarkation of a non-Montserratian by air to Montserrat from the date and time this Order comes into force.
- (2) The Little Bay Port and the Plymouth Port shall not be used for the disembarkation of a non-Montserratian travelling by sea to Montserrat from the date and time this Order comes into force.
- (3) The John A. Osborne Airport, the Little Bay Port or the Plymouth Port may be used for —
 - (a) the disembarkation of a Montserratian travelling by air or sea to Montserrat,
 - (b) the disembarkation of a person travelling, by air or sea to Montserrat, for the purpose of aiding in the treatment, control and suppression of COVID-19,
 - (c) the embarkation of a person travelling from Montserrat,
 - (d) the purpose of a medical evacuation, and
 - (e) courier services.
- (4) A person who travels to Montserrat for the purpose of aiding in the treatment, control and suppression of COVID-19, must possess a medical certificate which certifies that he is not infected with COVID-19.

10. Powers and Offences

- (1) A person who is present at, or promotes, aids, or assists in the promotion of a large gathering commits an offence.

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- (2) A police officer may order a large gathering to disperse, and a person who fails to obey the order commits an offence.
- (3) A police officer who has reasonable cause to believe that a person is in breach of this Order, may stop, detain, question and arrest the person.
- (4) A person who assaults, obstructs, hinders or resists or uses threatening or abusive language or aids or incites any other persons to assault, obstruct, hinder or resist an authorised person in the execution of his duty under this Order commits an offence.
- (5) In this paragraph “**authorised person**” means a member of the Montserrat Police Service, Montserrat Defence Force, any other law enforcement officer, or a prison officer.
- (6) A person who obstructs the Chief Medical Officer, a health officer, acting in the course of his duty commits an offence.

11. Penalty

- (1) A person who—

- (a) fails to comply with this Order, or
- (b) commits an offence under this Order,

is liable on summary conviction to a fine of \$500 or to imprisonment for three months or to both a fine and imprisonment and in the case of a second or subsequent offence to a fine of \$1,000 or to imprisonment for a term of six months or to both such fine and imprisonment.

12. Expiry

This Order expires 14 April, 2020 at 12 am.

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13. Repeal

The Public Health (COVID-19 Control and Suppression) Order, 2020 is repealed.

Made by the Governor acting on the advice of Cabinet this 27th day of March, 2020.

(Sgd.) Marjorie Smith
CLERK OF CABINET

Published by exhibition by the Clerk of Cabinet at the Office of the Legislature, Farara Plaza, Brades, Montserrat, MSR1110, this 28th day of March, 2020.

(Sgd.) Marjorie Smith
CLERK OF CABINET