

MONTSERRAT
STATUTORY RULES AND ORDERS
S.R.O. 25 OF 2020

PUBLIC HEALTH (COVID-19 SHELTER IN A PLACE) ORDER

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PUBLIC HEALTH (COVID-19 SHELTER IN A PLACE) ORDER

THE PUBLIC HEALTH (COVID-19 SHELTER IN A PLACE) 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 began 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 resulted in 1,439,516 confirmed cases and 85,711 deaths globally to date; and

WHEREAS there have been 9 confirmed cases of COVID-19 on Montserrat;

NOW THEREFORE for the purpose 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 Shelter in a Place) Order, 2020 and comes into force 13 April, 2020 at 12 a.m.

2. Interpretation

In this Order—

“curfew” means the curfew imposed by paragraph 3;

“enforcement officer” means a member of the Montserrat Police Service, Montserrat Defence Force, any other law enforcement officer, or a prison officer;

“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;

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- (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 oil-refining and with the loading, distribution; transportation or retail of petroleum fuel, liquefied natural gas or any renewable energy source;
- (l) airport, seaport, civil aviation or ferry services; or
- (m) services connected with essential government functions as determined by the Deputy Governor;
- (n) a service that is granted permission to offer the service under paragraph 17;

“home” in relation to a person, means the place where the person lives or occupies on the date of the commencement of this Order, and includes any driveway, garden or yard forming part of that place;

“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;

“members of the same household” means persons (whether or not the persons are family members) who are living at the same home;

“Minister” means the Minister responsible for health matters;

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

“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

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other place of general resort, admission to which is obtained by payment, or to which the public have access;

“**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; and

“**social distancing**” means maintaining a physical distance of at least six feet between all persons who are not members of the same household.

3. Curfew

A person shall not leave his home at any time of the day or night from 12 a.m. on 13 April, 2020.

4. Exemptions

(1) Despite paragraph 3, the following businesses and persons are exempted from the curfew—

- (a) a doctor’s office,
- (b) a pharmacy,
- (c) an undertaker; and
- (d) a business, person or organisation that is granted permission to operate under paragraph 17.

(2) Despite paragraph 3, a person may leave his home during the curfew to—

- (a) carry out functions as an essential service provider which includes travelling to or from work as an essential service provider,
- (b) assist, transport or provide an ancillary service for an essential service provider,
- (c) seek medical care,
- (d) visits to the doctor or pharmacy, from 8 a.m. to 6 p.m. (except for an emergency situation or scheduled doctor’s appointment outside that period);
- (e) engage in an activity to include running, walking, swimming, alone or with one other member of the same household, each day during the hours of 5 a.m. to 7 a.m. and 4 p.m. to 6 p.m., remaining at all times within a distance of two kilometres (one mile) from his home

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and provided that a motor vehicle is not used to get to and from the place where the activity is being done;

- (f) 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,
- (g) transport a person who has disembarked from a vessel or airplane, provided that the person shall not be in a public place more than two hours after transporting the person,
- (h) depart from Montserrat, provided that the person shall not be in a public place earlier than 4 a.m.; or
- (i) transport a person departing from Montserrat, provided that the person shall not be in a public place earlier than 4 a.m.

5. Opening hours of exempted businesses

(1) A business exempted from the curfew may conduct business as follows—

- (a) a doctor's office, from 8 a.m. to 6 p.m.,
- (b) a pharmacy, from 8 a.m. to 6 p.m.,
- (c) an undertaker, may operate for 24 hours; and
- (d) a business that is granted a permit, at the time stated in the permit.

(2) A business exempted from the curfew 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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6. Closure of Schools

All schools remain closed.

7. Mandatory closures

For the avoidance of doubt the following businesses or persons shall not operate during the curfew—

- (a) a person, business, organisation or Department that is not an essential service provider,
- (b) a bar or nightclub,
- (c) a restaurant, to include take-away or delivery service,
- (d) a barber shop, hair salon, spa or similar business,
- (e) a gym or other sports club,
- (f) retail store; or
- (g) an insurance services provider.

8. Utilities, telecommunications etc

A person providing the following services as an essential service provider, is permitted to respond to emergency calls for the supply, restoration of service or repairs, provided the appropriate social distancing is maintained at all times—

- (a) water, electricity or sanitation services,
- (b) telecommunications services or internet service; or
- (c) plumbing or electrical repairs.

9. Restriction on visitation

A person shall not visit—

- (a) another person's home or allow a person to visit his home,
- (b) a place of quarantine or isolation,
- (c) a patient in the hospital, except with permission from the hospital,
- (d) a person in a residential care establishment or facility; or
- (e) a detainee or prisoner in a correctional facility.

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10. Restriction on use of airports and sea ports and exceptions

- (1) The John A. Osborne Airport shall not be used for the disembarkation of a non-Montserratian travelling 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) Despite subparagraph (1) and (2), 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, or for the purpose of providing support to the health services,
 - (c) the embarkation of a person travelling from Montserrat,
 - (d) the embarkation and disembarkation of a member of the crew of an aircraft or vessel (including freight, cargo or courier aircraft or vessel),
 - (e) the purpose of a medical evacuation, and
 - (f) freight, cargo, and 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.

11. Restriction of road traffic

- (1) No person shall drive a motor vehicle, on a public road or a private road during the curfew.
- (2) Despite subparagraph (1) a person may drive a motor vehicle, on a public road or a private road during the curfew for a purpose set out in paragraph 4.
- (3) Subparagraph (2) does not apply to paragraph 4(2)(e).

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12. Religious establishments and funerals

- (1) A church or any other religious establishment shall remain closed during the curfew.
- (2) There shall be no funerals during the curfew.

13. Remote working mandatory

- (1) An employer may operate his business during the curfew by arranging for his employees to work remotely from home using electronic means or otherwise.
- (2) Except as provided by subparagraph (1), an employer shall cease operations.
- (3) Subparagraph (1) and (2) does not apply to an essential service provider.

14. Public officers

Public officers shall work remotely from home where reasonably practicable, subject to the direction of the Deputy Governor.

15. 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 (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 business place exempted under paragraph 4, provided subparagraph (4) and paragraph 5(2) are complied with; or
 - (c) the business place of an essential service provider, provided subparagraph (4) and paragraph 5(2) are complied with.
- (4) As far as reasonably possible a person at a gathering shall maintain a physical distance of at least six feet from another person.

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16. Identification

A person shall carry identification at all times and show the identification to an enforcement officer on request.

17. Permits

The Minister may give a person, business, organisation or Department written permission to offer an essential service.

18. Medical examinations

(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,
- (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,

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- (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.

19. Enforcement Powers

- (1) An enforcement officer may stop a person and require the person to answer any question to enable the enforcement officer to ascertain the person's identity and whether the person is in compliance with this Order, and where the person does not satisfy the enforcement officer that the person is exempt under paragraph (4) or otherwise in compliance with this Order, the enforcement officer may—
 - (a) direct the person to return to his home immediately;
 - (b) detain and convey the person to his home; or
 - (c) arrest the person.
- (2) The powers in subparagraph (1) may be exercised where a person is at any place other than the person's home.
- (3) An enforcement officer may use reasonable force, if necessary, in the exercise of a power in this Order.

20. Offences

- (1) 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 enforcement officer in the execution of his duty under this Order commits an offence.
- (2) A person who obstructs the Chief Medical Officer or a health officer acting in the course of his duty commits an offence.
- (3) 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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- (4) A police officer may order a large gathering to disperse, and a person who fails to obey the order commits an offence.
- (5) A person who fails to comply with this Order commits an offence.

21. Application to Court

- (1) If a person fails to comply with an order by the Chief Medical Officer or a health officer, the Chief Medical Officer or health officer may apply to the Magistrate's Court for directions.
- (2) If the Court is satisfied with the application made under subparagraph (1), the Court may order that the person who has failed to comply be—
 - (a) taken into custody and be placed in quarantine or isolation,
 - (b) taken into custody and be admitted to, detained and treated at the hospital;
 - (c) examined by a medical officer or health officer to ascertain whether or not the person is infected with COVID-19, or
 - (d) treated for COVID-19, where on examination of the person it is found that he is infected with COVID-19.

22. Penalty

A person who 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.

23. Expiry

This Order expires 20 April, 2020 at 12 a.m.

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24. Repeal

The Public Health (COVID-19 Control and Suppression) (No.2) Order, 2020 SRO 22 of 2020 is repealed.

Made by the Governor acting on the advice of Cabinet this 9th day of April, 2020.


CLERK OF CABINET

Published by exhibition by the Clerk of Cabinet at the Office of the Legislature, Farara Plaza, Brades, Montserrat, MSR1110, this 10th day of **April, 2020**.


CLERK OF CABINET