



MONTSERRAT

CHAPTER 14.09

QUARANTINE ACT

Revised Edition

showing the law as at 1 January 2025

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

QUARANTINE ACT

Act 25 of 1944 .. in force 26 July 1946

Amended by Act 10 of 1950

Amended by S.R.O. 15/1956

Amended by Acts: 9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)

7 of 2020 .. in force 7 July 2020

16 of 2021 .. in force 30 June 2021

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QUARANTINE (PREVENTION OF COMMUNITY TRANSMISSION) REGULATIONS – Section 4

S.R.O. 49/2021 .. in force 27 July 2021

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QUARANTINE (MARITIME AND AIR) REGULATIONS – Section 4

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CHAPTER 14.09

QUARANTINE ACT

ARRANGEMENT OF SECTIONS

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SCHEDULE 1: Quarantine (Maritime) Regulations

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CHAPTER 14.09

QUARANTINE ACT

(Acts 25 of 1944, 10 of 1950, 9 of 2011, 7 of 2020, 16 of 2021 and S.R.O. 15/1956)

Commencement

[26 July 1946]

Short title

1. This Act may be cited as the Quarantine Act.

Interpretation

2. (1) In this Act—

“**aerodrome**” includes both land and water aerodromes;

“**aircraft**” includes any machine which can derive support in the atmosphere from the reactions of the air and is intended for aerial navigation;

“**commander**” includes any person for the time being in charge or command of an aircraft;

“**master**” includes any person for the time being in charge or command of a ship;

“**port**” includes any place at which ships arrive or from which they depart;

“**ship**” includes a vessel or boat.

(2) References hereinafter made to “**this Act**” shall be deemed to include a reference to any regulations, rules or orders in force by virtue thereof.

Establishment of Quarantine Authority and appointment of staff

3. (1) For the purposes of this Act, there shall be a Quarantine Authority in Montserrat.

(2) The Quarantine Authority in Montserrat shall be such person as may be appointed by the Governor.

(3) The Deputy Governor* may appoint Health Officers, Visiting Officers, quarantine guards and such other employees and servants as may be necessary for the purposes of this Act.

(4) Health Officers and Visiting Officers shall, in the exercise of their powers and the performance of their duties under this Act, act under the general or special direction and control of the Quarantine Authority.

Regulations

4. (1) The Governor, acting on the advice of the Cabinet, may make regulations, with respect to Montserrat, including the ports and coastal waters thereof, for preventing—

- (a) danger to public health from ships or aircraft, or persons or things therein, arriving at any place;
- (b) the spread of infection, by means of any ship or aircraft about to leave any place, or by means of any person or thing about to leave any place in any ship or aircraft; and
- (c) the spread of infection, by community transmission.

(Amended by Acts 9 of 2011 and 7 of 2020)

(2) Without prejudice to the generality of the powers conferred by subsection (1), regulations under that subsection may, for the purposes therein set forth, make provision for all or any of the following matters—

- (a) the collection and transmission of epidemiological and sanitary information;
- (b) the signals to be displayed by ships or aircraft;
- (c) the questions to be answered and information (whether oral or documentary) to be supplied by masters, commanders and other

* See Montserrat Constitution Order 2010

persons who are or have been on board any ship or aircraft or are desirous of boarding any ship or aircraft;

- (d) the detention of ships or aircraft and of persons who and things which are or have been on board them;
- (e) the destruction of things which are or have been on board ships or aircraft;
- (f) the duties to be performed by masters, commanders and other persons who are or have been on board ships or aircraft or who are desirous of boarding any ship or aircraft;
- (g) authorising the making of charges and providing for the recovery of charges and expenses;
- (h) the enforcement of the regulations;
- (i) the conferring on appropriate officers of powers to board ships and aircraft and to enter premises;
- (j) the examination and screening of persons in Montserrat who, in the opinion of a Health Officer, is likely to be infected with an infectious disease;
- (k) the questions to be answered and information to be supplied by a person in Montserrat who, in the opinion of a Health Officer, is likely to be infected with an infectious disease;
- (l) the surveillance, monitoring, quarantining or isolation of a person who, in the opinion of a Health Officer is likely to be infected with an infectious disease;
- (m) the use of an electronic monitoring device to monitor a person who is in quarantine or isolation;
- (n) the isolation and treatment of a person who is infected with an infectious disease; and
- (o) the establishment of quarantine and isolation facilities.

(Amended by Act 7 of 2020 and 16 of 2021)

(3) Regulations made under subsection (1) shall be laid before the Legislative Assembly if the Assembly is then sitting or, if the Assembly is not then sitting, at the next sitting of the Assembly, and if a resolution is passed by the Legislative Assembly at such sitting that the regulations or any of them shall be annulled the same shall thenceforth be void but without prejudice to the validity of any thing previously done thereunder or to the making of any new regulations. *(Amended by Act 9 of 2011)*

(4) The regulations contained in Schedules 1 and 2 shall be deemed to have been made and laid before the Legislative Assembly under the provisions of this section. *(Amended by Act 9 of 2011)*

Power to make rules

5. (1) Subject to the provisions hereinafter contained, the Quarantine Authority may make rules for implementing or carrying into effect any regulations in force by virtue of section 4 and for supplementing any such regulations as regards any matters for which the Quarantine Authority may determine it expedient to provide with a view to carrying into effect the purposes set forth in subsection (1) of that section.

(2) Without prejudice to the generality of the powers conferred by subsection (1), rules under that subsection may, for the purposes therein set forth, make provision for all or any of the following matters—

- (a) regulating the grant or withdrawal of pratique;
- (b) regulating the issue of bills of health, certificates, and other documents;
- (c) the governance of quarantine mooring stations, anchorages and berthing places, and of places where persons or things are detained or taken for examination and of places used for the observation or isolation of persons;
- (d) the sanitation of ports and aerodromes and their surroundings, including measures for keeping them free from rodents, mosquitoes and other vectors of disease;
- (e) fixing the charges sanctioned by regulations in force by virtue of section 4 and providing for their incidence.

(3) The power to make rules under this section shall be without prejudice to any power to make regulations under section 4:

Provided that, rules shall not have any force or effect if and to the extent that they are at any time inconsistent with any regulations in force by virtue of section 4.

(4) Rules made by the Quarantine Authority under this section shall not have any force or effect unless they are approved by the Governor, acting on the advice of the Cabinet, and, in approving any rules, the Governor, acting on the advice of the Cabinet, may make any amendments thereto which he may determine desirable.

(Amended by Act 9 of 2011)

Power to make orders in emergency

6. (1) When in the opinion of the Quarantine Authority an emergency exists, the Quarantine Authority may by order direct special measures to be taken during the continuance of that emergency for any of the purposes specified in sections 4 and 5, and any such order shall have effect notwithstanding anything to the contrary in any regulations or rules in force by virtue of those sections.

(2) An order made under subsection (1) may be varied or rescinded by order of the Governor.

Offences and penalties

7. (1) Any person who—

- (a) refuses to answer or knowingly gives an untrue answer to any inquiry made under the authority of this Act, or intentionally withholds any information reasonably required of him by any officer or other person acting under the authority of this Act, or knowingly furnishes to any such officer or other person any information which is false; or
- (b) refuses or wilfully omits to do any act which he is required to do by this Act, or refuses or wilfully omits to carry out any lawful order, instruction or condition made, given or imposed by any officer or other person acting under the authority of this Act; or
- (c) assaults, resists, wilfully obstructs, or intimidates any officer or other person acting under the authority of this Act, or offers or gives a bribe to any officer or person in connection with his powers or duties under this Act, or being such officer or person, demands, solicits or takes a bribe in connection with his powers or duties under this Act, or otherwise obstructs the execution of this Act,

commits an offence and shall be liable on summary conviction to a fine of \$2,000 or to a term of imprisonment of six months or to both such fine and imprisonment.

(2) Any person who commits any other offence against this Act shall be liable on summary conviction to a fine of \$2,000 or to a term of imprisonment of six months or to both such fine and imprisonment.

(Amended by Act 7 of 2020)

Rewards to informers

8. The Governor may direct that any part of any fine recovered in respect of any offence against this Act shall be paid to any person who has given information leading to the conviction of an offender.

Expenses and charges

9. (1) The expenses of the administration of this Act shall be defrayed out of the general revenue of Montserrat.

(2) All expenses and charges payable to the Quarantine Authority under this Act may be sued for and recovered by him or by any Health Officer before any court of competent jurisdiction, and a certificate purporting to be under the hand of the Quarantine Authority to the effect that the expenses or charges sued for are due and payable shall be received in evidence and shall be sufficient evidence of the facts therein stated, unless the contrary be shown.

(3) Any sum received or recovered by the Quarantine Authority in payment of expenses or charges payable to him under this Act shall be forthwith paid by him into the general revenue of Montserrat.

Duty and power of the police

10. (1) It shall be the duty of every member of the police service to enforce (using force if necessary) compliance with this Act and with any order, instruction or condition lawfully made, given or imposed by any officer or other person under the authority of this Act; and for such purpose any member of the police service may board any ship or aircraft and may enter any premises without a warrant.

(2) Any member of the police service may arrest without a warrant any person whom he has reasonable cause to believe to have committed any offence against this Act.

(3) In this section the expression “**member of the police service**” includes a member of any police organisation constituted by law who has the general powers of a member of the police service.

(Amended by Act 9 of 2011)

QUARANTINE (PREVENTION OF COMMUNITY TRANSMISSION) REGULATIONS

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QUARANTINE (PREVENTION OF COMMUNITY TRANSMISSION) REGULATIONS
– SECTION 4
(S.R.O. 49/2021)

Commencement

[27 July 2021]

PART 1

PRELIMINARY

Short title

1. These Regulations may be cited as the Quarantine (Prevention of Community Transmission) Regulations.

Interpretation

2. In these Regulations—

“**active monitoring**” means, in relation to a person who is subject to a self-quarantine or isolation order, the regular monitoring of the person by a Health Officer by means of communication through telephone, email, text, or any type of electronic communication, to assess the person for the presence of symptoms of an infectious disease and may include medical inspections and physical examinations;

“**infectious disease**” means an epidemic or acute infectious disease and includes a disease that affects the upper and lower respiratory tract, but does not include a sexually transmitted disease;

“**isolation**”, in relation to a person who is ill, means the separation of that person from other people in such a manner as to prevent infection or contamination with an infectious disease—

(a) in a hospital; or

(b) at another suitable place;

“**responsible adult**” means, in relation to a child, a person with parental responsibility for the child or a person who has custody or charge of the child for the time being;

“**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 symptoms of an infectious disease.

PART 2

POWERS TO CONTAIN INFECTIOUS DISEASE

Restrictions and requirements imposed by the Chief Medical Officer

3. The Chief Medical Officer may, in writing—
- (a) require a person to place himself under the care and treatment of a Medical Officer, and require the person to deliver to the Chief Medical Officer a report as to whether or not the person is infected with an infectious disease;
 - (b) require a person to conduct himself in such a manner as not to expose another person to the infectious disease;
 - (c) impose on a person any other restriction or requirement which the Chief Medical Officer considers necessary to prevent the transmission of an infectious disease in Montserrat; and
 - (d) require the owner or occupier of premises to close the premises or a part of the premises or to restrict access to the premises.

Restrictions and requirements of the Principal Environmental Health Officer

4. The Principal Environmental Health Officer may, in writing—
- (a) require a person to clean or disinfect, or both, a premises, place, object or anything specified in the order, utilising such apparatus, as the Principal Environmental Health Officer determines necessary;
 - (b) require access to premises to enable compliance with an order given under this regulation;
 - (c) require the destruction of any matter or thing specified in the order; and
 - (d) require the owner or occupier of premises to close the premises or a part of the premises or to restrict access to the premises.

Conditions applicable to the imposition of restrictions and requirements

5. (1) If the Chief Medical Officer or Principal Environmental Health Officer imposes restrictions and requirements under regulation 3 or 4, the Chief Medical Officer or Principal Environmental Health Officer shall comply with the provisions of this regulation.

(2) A decision to impose a restriction or requirement under regulation 3 or 4 may only be taken if it is considered, when taking the decision, that the restriction or requirement is proportionate to what is sought to be achieved by imposing it.

(3) A restriction or requirement imposed under regulation 3 or 4 may be varied orally or in writing.

(4) If a restriction or requirement under regulation 3 or 4 is imposed on or in relation to a child, a person who is a responsible adult in relation to the child must ensure that the child complies with the restriction or requirement, insofar as that person is reasonably able to do so.

(5) If a restriction or requirement is orally imposed on a person under these Regulations, or is orally varied, the person, or the responsible adult in relation to a child, shall be provided with a written notification of the requirement that has been imposed or varied.

(6) If a restriction or requirement is imposed under these Regulations, the restriction or requirement must express it to be contingent on the risk of transmission of an infectious disease constituting a serious risk to public health.

PART 3

EXAMINATION, SELF-QUARANTINE AND ISOLATION

Compulsory examination or screening

6. (1) A person in Montserrat who, in the opinion of a Health officer, has been exposed to an infectious disease or is likely to be infected with an infectious disease shall—

- (a) answer all questions put to him by the Health Officer which would allow the Health Officer to assess what measures would be necessary to prevent, limit or suppress the spread of the infectious disease;
- (b) answer questions about his health or other relevant circumstances including travel history and information about other individuals with whom he may have had contact;
- (c) produce any document required or which to his knowledge may be of assistance in assessing his health;
- (d) at such time as maybe specified, allow that his biological sample be taken, including a sample of his respiratory secretions or blood, by appropriate means including by swabbing his nasopharyngeal cavity, or provide such a sample;
- (e) provide a Health Officer with information which would allow the Health Officer to assess what measures would be necessary to prevent, limit or suppress the spread of an infectious disease; and
- (f) provide sufficient information to enable him to be contacted immediately during such period as the Health Officer may specify, if the Health Officer considers that such provision of information is necessary in order to prevent, limit or suppress the transmission of the infectious disease.

(2) If a child is to undergo a compulsory examination, the responsible adult shall—

- (a) ensure that the child answers questions in accordance with paragraph (1);
- (b) answer the questions if the child is unable to do so or cannot reliably do so;

- (c) produce any document, required under subregulation (1)(c), on the child's behalf;
- (d) allow the Health Officer, to take a biological sample of the child, including a sample of the child's respiratory secretions or blood, by appropriate means including by swabbing the child's nasopharyngeal cavity, or provide such a sample; and
- (e) provide information if required under subregulation (1)(f).

Restrictions and requirements following examination or isolation

7. (1) The Health Officer may, orally or in writing, impose on a person any one or more of the requirements specified in subregulation (2), if the Health Officer considers that it is necessary and proportionate to do so, in order to reduce or remove the risk of the person infecting or contaminating others following—

- (a) the person's examination under regulation 6; or
- (b) the person's discharge from the isolation.

(2) The requirements referred to in subregulation (1), which are to be provided to a Health Officer are for the person to—

- (a) provide his contact details to the Health Officer;
- (b) supply information to the Health Officer which may assist in assessing the person's health;
- (c) at such time as the Health Officer may specify, allow the Health Officer, to take a biological sample of the person, including a sample of the person's respiratory secretions or blood, by appropriate means including by swabbing the person's nasopharyngeal cavity, or provide such a sample; and
- (d) comply with any other specified condition or to take any other specified measure.

(3) The conditions or measures which may be specified under subregulation (2)(d) include—

- (a) a restriction on the person's freedom of movement;
- (b) a restriction on the person's activities; or
- (c) a restriction on the person's contact with specified persons.

(4) A Health Officer may, orally or in writing—

- (a) vary any requirement imposed under this paragraph; and
- (b) impose on the person any additional requirements specified in subregulation (2).

(5) Before imposing or varying a requirement under this regulation, the Health Officer shall—

- (a) inform the person or in case of a child, a person who is a responsible adult in relation to the child, of the requirement or variation that the Chief Medical Officer determines necessary to impose or make; and
 - (b) have regard to any relevant representations by the person or in case of a child, a person who is a responsible adult in relation to the child, as to its suitability.
- (6) If a requirement under this regulation is imposed on or in relation to a child, or varied in relation to a child, a person who is a responsible adult in relation to the child must ensure that the child complies with the requirement, insofar as that person is reasonably able to do so.

(7) If the Chief Medical Officer orally imposes a requirement on the person under this regulation, or orally varies such a requirement, he shall provide the person, or the responsible adult in relation to a child, with a written notification of the requirement that has been imposed or varied.

Power to order self-quarantine

8. Despite any power conferred by these Regulations, a person who, in the opinion of a Chief Medical Officer, has been exposed to an infectious disease, may, at the discretion of the Chief Medical Officer, be ordered to self-quarantine under active monitoring for such time as the Chief Medical Officer determines fit.

Replacement of self-quarantine with isolation

9. The Chief Medical Officer may replace a self-quarantine order with an isolation order if—

- (a) the risk of the spread of the infection in Montserrat is considered to be exceptionally serious;
- (b) in the opinion of the Chief Medical Officer, the person subject to the self-quarantine order has not complied with or is not likely to comply with the conditions of the order, or cannot furnish adequate guarantees with respect to the prevention of transmission of an infectious disease; or
- (c) the person who is subject to the self-quarantine order develops symptoms of an infectious disease.

Power to order isolation

10. (1) The Chief Medical Officer may place a person in isolation, if in his opinion—

- (a) there are reasonable grounds to believe that the person is, or may be, infected or contaminated with an infectious disease; and
- (b) there is a risk that person might infect or contaminate another person.

(2) A person to whom this regulation applies shall be placed in isolation for a period of not less than fourteen days.

(3) The Chief Medical Officer may impose on, or, in relation to the person, one or more screening requirements under regulation 7.

(4) If a special restriction or requirement is imposed under this paragraph, the Chief Medical Officer shall express it to be contingent on the risk of transmission of an infectious disease constituting a serious risk to public health.

Duty of person ordered to self-quarantine or isolate

11. (1) A person ordered to self-quarantine or isolate shall—

- (a) furnish to the Chief Medical Officer such information as may reasonably be required and shall comply with the orders and instructions of the Chief Medical Officer; and
- (b) undergo such medical inspections and examinations as the Chief Medical Officer may require and shall submit himself and his personal effects or other articles to disinfection and other measures as the Chief Medical Officer may order.

(2) A responsible adult shall be responsible for the compliance of a child with this regulation.

Duties of Chief Medical Officer with respect to persons in isolation

12. The Chief Medical Officer shall notify the person placed in isolation under regulation 10 of—

- (a) the fact of the person's placement in isolation;
- (b) the powers under which the person is kept in isolation;
- (c) the reason for the person's isolation;
- (d) the next steps that may be taken and by whom;
- (e) the obligation to keep the need for the person's isolation under review;
- (f) the penalty for—
 - (i) absconding, or attempting to abscond;
 - (ii) providing false or misleading information intentionally or recklessly;
 - (iii) obstructing a person carrying out a function under these Regulations; and
- (g) the right to appeal to the High Court.

Restrictions affecting place of self-quarantine or isolation

13. If a place is in use for isolation, no person shall enter or leave the place and no article shall be taken to or removed from the place except with the general or special permission of the Chief Medical Officer or otherwise than on such conditions as the Chief Medical Officer may generally or specially impose.

Electronic monitoring device

14. (1) A person who is ordered to self-quarantine or who is placed in isolation may be fitted with an electronic monitoring device.

(2) A person who is fitted with an electronic monitoring device shall comply with the written instructions of a Health Officer regarding the care and use of the electronic monitoring device.

(3) The use of an electronic monitoring device under subregulation (2) shall be for the sole purpose of preventing the transmission of an infectious disease in Montserrat.

(4) The electronic monitoring device shall be used to monitor—

(a) whether the person has left the place of self-quarantine or the place of isolation; and

(b) the health status of the person.

(5) The electronic monitoring of a person by an electronic monitoring device shall be terminated immediately on the expiration of the self-quarantine or isolation period of that person.

(6) Information obtained from the electronic monitoring of a person shall be stored in a secure manner.

Travel outside Montserrat during self-quarantine

15. A person who is about to leave Montserrat by aircraft or a vessel before the period of self-quarantine has ended, shall inform the Chief Medical Officer of the place to which he is travelling, of his impending arrival and address there, and of the period of self-quarantine still uncompleted.

Discharge from isolation

16. A person placed in isolation may be discharged from isolation after he has completed the period set out in the isolation order, if the Chief Medical Officer or a Health Officer certifies that he is not infected with an infectious disease.

Requirement of person improperly leaving place

17. A person who, contrary to these Regulations, leaves any place in use for self-quarantine or isolation, without prejudice to any other provision of these Regulations, may be informed by a Chief Medical Officer or police officer, that in order to be in compliance with these Regulations, they must return to the place of self-quarantine or isolation.

PART 4

ENFORCEMENT

Application to Magistrate

18. (1) If a person fails to comply with an order by the Chief Medical Officer or Health Officer made under these Regulations, to take the necessary precautions to prevent the transmission in Montserrat of an infectious disease, the Chief Medical Officer may make an application to a Magistrate that the person has failed to—

- (a) comply with the requirements of the self-quarantine or isolation order;
- (b) isolate himself from other persons;
- (c) submit to an examination by a Health Officer or Chief Medical Officer;
- (d) place himself under the care and treatment of a Health Officer or Medical Officer; or
- (e) conduct himself in such a manner as not to expose another person to infection.

(2) If the Magistrate is satisfied with the application made under subregulation (1), he may, order that the person who has failed to comply with requirements under subregulation (1)—

- (a) be taken into custody and be placed in isolation;
- (b) be taken into custody and be admitted to, detained and treated at the hospital;
- (c) be examined by a Health Officer or Chief Medical Officer to ascertain whether or not the person is infected with an infectious disease; or
- (d) be treated for infectious disease, if on examination of such person it is found that he is infected with an infectious disease.

(3) The admission and treatment of the person at the hospital or place of isolation as ordered under subregulation (2) shall be at the cost of the individual.

Authority to apprehend

19. (1) An order made under regulation 18 is authority for the Chief Medical Officer to direct a police officer to—

- (a) locate and apprehend the person who is the subject of the order; and
- (b) deliver the person who is the subject to the order to the place of isolation named in the order, or to a Health Officer for examination.

(2) The police officer shall do all things reasonably able to be done to locate, apprehend and deliver the person to the place of public isolation specified in the order.

(3) The police officer who apprehends a person, who is the subject of an order pursuant to subregulation (2), shall promptly—

- (a) inform the person of the reasons for the apprehension and of the person's right to retain and instruct counsel without delay; and

(b) inform the person where the person is being taken.

(4) An order made under regulation 18(2)(b) is authority to detain the person who is the subject of the order in the place of isolation named in the order and to care for and examine the person and to treat the person for infectious disease in accordance with generally accepted medical practice for such period as the Health Officer or Chief Medical Officer shall determine.

(5) Subject to regulation 22(2), an order made under regulation 18(2)(c) is authority to detain the person who is the subject of the order in the place of isolation named in the order and to care for and examine the person for a period not exceeding fourteen days.

Failure to consent to treatment not assault or battery

20. If an order made under these Regulations is to be carried out by a Chief Medical Officer or a Health Officer, the failure of the person subject to such an order to consent does not constitute an assault or battery against that person by the Chief Medical Officer or the Health Officer should the order be carried out.

Monitoring and reporting

21. If a person is taken into custody by order of a Chief Medical Officer under regulation 18(2)(b) or 19, the Chief Medical Officer shall—

- (a) designate a Health Officer to be responsible for the monitoring of the person named in the order; and
- (b) require the designated Health Officer produce a report in respect of the condition of the person.

Rights of a person apprehended

22. (1) A person apprehended pursuant regulation 18(2)(b) or 19 shall be informed of the person's right to counsel.

(2) A person apprehended pursuant regulation 18(2)(b) or 19 shall not be held for longer than seventy-two hours unless a hearing is held within that time period and an order is made under regulation 23.

Right of appeal

23. (1) A person, in relation to whom a restriction or requirement is imposed under these Regulations, may appeal to the High Court against the decision to impose that requirement or restriction.

(2) A person with parental responsibility for a child, in relation to whom a restriction or requirement is imposed under these Regulations, may appeal to the High Court against the decision to impose that restriction or requirement.

Technological means of appearance

24. A person who has appealed to the Court under regulation 23 may appear before the court by any technological means satisfactory to the Court that permits the Court and

such person to communicate simultaneously if the Court is satisfied that the use of technology is necessary or prudent to prevent the spread of infectious disease.

PART 5

TEMPORARY ISOLATION HOSPITALS

Temporary isolation hospitals

25. If, for purposes of these Regulations, need arises to establish temporary isolation treatment facilities, the Minister shall establish temporary isolation treatment facilities.

Reception of cases

26. Temporary isolation facilities may be used for the isolation of cases of an infectious disease and their contacts occurring within Montserrat.

Health Officer duty

27. A Health Officer responsible for treating a person under these Regulations shall report in respect of the treatment and the condition of the person to the Chief Medical Officer, in the case of treatment taking place at a temporary isolation facility.

Restrictions affecting a place used for isolation or detention

28. No person or article shall enter or leave the temporary isolation facility, except with the general or special permission of the Chief Medical Officer, on such conditions as may generally or specially be imposed.

Presence of responsible adult

29. The responsible adult, of a child who has been admitted to the temporary isolation facility, shall not be allowed to enter the isolation facility or remain there without the approval of the Chief Medical Officer.

Permission to leave

30. Under no circumstances shall patients, or persons in isolation, be allowed to leave the grounds of a temporary isolation facility without the special permission of the Chief Medical Officer.

PART 6

GENERAL

Powers

31. References in these Regulations to the Chief Medical Officer shall, unless the context otherwise requires, be concluded to include a Health Officer performing any function which he is authorised to perform.

Offences

- 32. (1)** A person commits an offence if he—
- (a) fails, without reasonable excuse, to comply with a restriction or requirement imposed under these Regulations; or
 - (b) absconds, or attempts to abscond, from detention or isolation under these Regulations.
- (2)** A person who provides false or misleading information intentionally or recklessly to any person carrying out a function under these Regulations commits an offence.
- (3)** A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations commits an offence.
- (4)** A responsible adult who fails without reasonable excuse to comply with restrictions and requirements imposed on child under these Regulations commits an offence.
- (5)** A person who is fitted with an electronic monitoring device and who attempts to remove or tamper with the electronic monitoring device commits an offence.
- (6)** A person who, without lawful excuse, fails to comply with the instructions of a Health Officer regarding the care and use of an electronic monitoring device commits an offence.

Penalty

- 33.** A person who commits an offence under these Regulations is liable to a fine of \$1,000 in respect of a first offence; and in the case of a second or subsequent offence, to a fine of \$2,000 or imprisonment for a term not exceeding three months, or to both.

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QUARANTINE (MARITIME AND AIR) REGULATIONS
– SECTION 4
(S.R.O. 50/2021)

Commencement

[27 July 2021]

PART 1

PRELIMINARY

Short title

1. These Regulations may be cited as the Quarantine (Maritime and Air) Regulations.

Interpretation

2. In these Regulations—

“**Act**” means the Quarantine Act, Cap. 14.09;

“**affected**” means persons, baggage, cargo, containers, conveyances, goods, postal parcels or human remains that are infected or contaminated, or carry sources of infection or contamination, so as to constitute a public health risk;

“**affected area**” means a geographical location specifically for which health measures have been recommended by the WHO under the IHR 2005;

“**arrival**”, in relation to a conveyance, means—

- (a) in the case of a seagoing vessel, arrival or anchoring in the defined area of a port; and
- (b) in the case of an aircraft, arrival at an airport;

“**cargo**” means goods carried on a conveyance or in a container;

“**container**” means an article of transport equipment—

- (a) of a permanent character and accordingly strong enough to be suitable for repeated use;
- (b) specially designed to facilitate the carriage of goods by one or more modes of transport, without intermediate reloading;
- (c) fitted with devices permitting its ready handling, particularly its transfer from one mode of transport to another; and
- (d) specially designed so as to be easy to fill and empty;

“**contamination**” means the presence of an infectious or toxic agent or matter on a human or animal body surface, in or on a product prepared for consumption or on other inanimate objects, including conveyances, that may constitute a public health risk;

- “**conveyance**” means an aircraft or ship on a flight or journey;
- “**conveyance operator**” means a natural or legal person in charge of a conveyance or their agent;
- “**crew**” means persons on board a conveyance who are not travellers;
- “**decontamination**” means a procedure whereby health measures are taken to eliminate an infectious or toxic agent or matter on a human or animal body surface, in or on a product prepared for consumption or on other inanimate objects, including conveyances, that may constitute a public health risk;
- “**departure**” means, for persons, baggage, cargo, conveyances or goods, the act of leaving a territory;
- “**deratting**” means the procedure whereby health measures are taken to control or kill rodent vectors of human disease present in baggage, cargo, containers, conveyances, facilities, goods and postal parcels at the point of entry;
- “**disease**” means an illness or medical condition, irrespective of origin or source, that presents or could present significant harm to humans;
- “**disinfection**” means the procedure whereby health measures are taken to control or kill infectious agents on a human or animal body surface or in or on baggage, cargo, containers, conveyances, goods and postal parcels by direct exposure to chemical or physical agents;
- “**disinsection**” means the procedure whereby health measures are taken to control or kill the insect vectors of human diseases present in baggage, cargo, containers, conveyances, goods and postal parcels;
- “**event**” means a manifestation of disease or an occurrence that creates a potential for disease;
- “**goods**” means tangible products, including animals and plants, transported on an international journey, including for utilisation on board a conveyance;
- “**health assessment**” means an evaluation of the relevant medical history and the travel history of a traveller and a non-invasive physical examination, including an examination of the traveller’s head, neck and extremities and the measurement of vital signs such as the traveller’s temperature, heart rate and respiratory rate;
- “**health measure**” means procedures applied to prevent the spread of disease or contamination; a health measure does not include law enforcement or security measures;
- “**infection**” means the entry and development or multiplication of an infectious agent in the body of humans and animals that may constitute a public health risk;
- “**infectious disease**” means an epidemic or acute communicable disease and includes a disease that affects the upper and lower respiratory tract but does not include a sexually transmitted disease;
- “**inspection**” means the examination, by a Health Officer or under his supervision, of areas, baggage, containers, conveyances, facilities, goods or postal parcels, including relevant data and documentation, to determine if a public health risk exists;

“**International Health Regulations 2005**” or “**IHR 2005**” means the International Health Regulations 2005 as adopted by the Fifty-eight World Health Assembly on 23 May 2005 and includes any amendments made to the IHR 2005;

“**invasive**” means the puncture or incision of the skin or insertion of an instrument or foreign material into the body or the examination of a body cavity. For the purposes of these Regulations, medical examination of the ear, nose and mouth, temperature assessment using an ear, oral or cutaneous thermometer, or thermal imaging, medical inspection, auscultation, external palpitation, retinoscopy, external collection of urine, faeces or saliva samples, external measurement of blood pressure, and electrocardiography shall be considered to be non-invasive;

“**isolation**”, in relation to a person who is ill, means the separation of that person from other people in such a manner as to prevent infection or contamination with an infectious disease—

(a) in a hospital; or

(b) at another suitable place;

“**medical examination**” means ascertaining the relevant medical history and the travel history of the person being examined, the conduct of a physical examination and laboratory tests or radiographic or diagnostic tests that may be required to make a determination of whether the person might have an infectious disease;

“**point of entry**” means a passage for entry or exit of travellers, baggage, cargo, containers, conveyances, goods and postal parcels as well as agencies and areas providing services to them on entry or exit;

“**postal parcel**” means an addressed article or package carried by postal or courier services;

“**public health risk**” means a likelihood of an event that may affect adversely the health of human populations, with an emphasis on one which may spread internationally or may present a serious and direct danger;

“**quarantine**” means the restriction of activities, which may include the separation from others of suspect persons who are not ill or the separation of suspect baggage, containers, conveyances or goods in such a manner as to prevent the possible spread of infection or contamination;

“**Quarantine Authority**” means the Quarantine Authority established under section 3 of the Act;

“**reservoir**” means an animal, plant or substance in which an infectious agent normally lives and whose presence may constitute a public health risk;

“**Ship Sanitation Control Certificate**” means a certificate issued by a Health Officer that corroborates a ship’s compliance with maritime sanitation and quarantine set out in Form 5 of Schedule 3;

“**Ship Sanitation Control Exemption Certificate**” means a certificate issued by a Health Officer that corroborates a ship’s compliance with maritime sanitation and quarantine rules set out in Form 5 of Schedule 3;

“**valid**”, in relation to a Ship Sanitation Control Certificate and Ship Sanitation Control Exemption Certificate, means a certificate issued within the preceding six months or, where the conveyance in respect of which the certificate is issued is proceeding to its home port, the preceding seven months;

“**vector**” means an insect or other animal which normally transports an infectious agent that constitutes a public health risk;

“**WHO**” means the World Health Organization.

(2) In relation to infectious diseases, the measures which may be taken and the circumstances in which they may be taken shall be in accordance with these Regulations.

PART 2

CONVEYANCES

Identifying contamination or suspected contamination on a conveyance

3. (1) A conveyance operator arriving in Montserrat shall report to a Health Officer whether a public health risk has occurred on board the conveyance in the case where—

- (a) a traveller, crew member or conveyance operator on board the conveyance is suffering from an infectious disease or suspected of suffering from an infectious disease as set out in Schedule 1;
- (b) there has been a case of a death on board; or
- (c) the conveyance is arriving from an affected area.

(2) On discovering the presence of a public health risk as referred to in paragraph (1), the conveyance operator shall report the details promptly to a Health Officer or cause a Health Officer to be informed immediately and note that information on the Maritime Declaration of Health or Aircraft Declaration of Health, as the case may be.

(3) A conveyance operator may, for the purposes of subregulation (1)(a), determine whether a traveller is suspected of suffering from an infectious disease in accordance with the guidance in Schedule 2.

(4) A conveyance operator who reported the public health risk identified in paragraph (1) shall provide to the Health Officer upon arrival or where requested by the Health Officer—

- (a) in the case where the journey is by ship, a Maritime Declaration of Health as set out in Form 1 of Schedule 3; or
- (b) in the case where the journey is by aircraft, an Aircraft Declaration of Health as set out in Form 2 of Schedule 3.

(5) A Health Officer may require a Maritime Declaration of Health or Aircraft Declaration of Health from a conveyance at any time before the arrival of the conveyance where the Health Officer determines it is necessary to do so.

(6) A conveyance operator who contravenes the provisions of this regulation commits an offence.

Restriction on boarding or leaving conveyance

4. (1) No person, including a conveyance operator, traveller or crew member, shall, without the general or special permission of a Health Officer, board or leave a conveyance arriving in Montserrat, in the case where the conveyance operator has reported that a public health risk outlined in regulation 3(1) has taken place and a Health Officer—

- (a) may request a police officer to arrest the person as provided in regulation 21; or
- (b) may cause all other reasonable steps to be taken to enforce this provision.

(2) Before a conveyance operator, traveller or crew member is landed, he shall furnish all such information as may reasonably be required by a Health Officer, including information as to places recently visited and the intended destination and address of his continued travels and shall, if so required by a Health Officer, complete and sign a Public Health Passenger Locator Form as set out in Form 3 of Schedule 3.

Power to inspect

5. A Health Officer may, at any time, board a conveyance arriving in Montserrat—
- (a) to inspect the conveyance, cargo or baggage;
 - (b) to assess the health of a conveyance operator, traveller or crew member to determine whether a health assessment is needed; and
 - (c) to determine whether a traveller is suspected of having an infectious disease.

Power to divert conveyances

6. (1) If a Health Officer is of the opinion that a port or part of the airport in Montserrat at which a conveyance arrives or is lying, is not suitably equipped to deal with a public health risk that has been reported, he may order the conveyance to be taken to a berth, port or part of the airport in Montserrat which is suitably equipped.

(2) The Health Officer, upon being authorised by the Quarantine Authority, shall order the diversion of a conveyance to the next known port of call or destination airport available to it if a Health Officer has reasonable grounds to believe that there is an infectious disease on board that is of such severity that Montserrat would be unable to manage.

(3) The Health Officer shall, inform the next known port of call or destination airport of the information collected under this regulation or of the diversion order issued under subregulation (2).

Conveyances at point of entry

7. (1) A Health Officer may order the actions provided for in subregulation (2)(a) through (e) if he has been informed that on board the conveyance exists—

- (a) a case of a traveller or crew member having or suspected of having an infectious disease;
- (b) a case where there has been a death on board; or
- (c) a case of a conveyance arriving from an affected area.

(2) A Health Officer, in relation to a conveyance arriving at a port or airport in Montserrat, before a traveller is landed, where it is suspected that a public health risk outlined in subregulation (1) is present on the conveyance, may—

- (a) prevent the disembarkation of—
 - (i) travellers;
 - (ii) goods, stores, baggage, personal effects or other articles;
- (b) require that records associated with the conveyance be provided by a conveyance operator for the Health Officer to review;
- (c) require a conveyance operator to take measures reasonably necessary for the prevention of the spread of an infection and vectors and the destruction of contaminated baggage, cargo or containers on board the conveyance as directed by a Health Officer;
- (d) disinfect, decontaminate or destroy cargo, containers, postal parcels, other articles and parts of the conveyance which the Health Officer may consider affected;
- (e) perform an examination of food and water if considered sources of infection and the application of appropriate measures, including disinfection, destruction and other measures for eliminating risk of infection;
- (f) provide for the destruction of animals, birds and insects which may be considered as potential vectors of the disease; or
- (g) follow guidelines issued by the WHO that may be in effect.

(3) No traveller, good, stores, baggage, personal effect or other article shall, without the general or special permission of a Health Officer, be taken off or put on board a conveyance referred to in subregulation (1); and a person who contravenes this regulation commits an offence.

(4) A conveyance shall be considered to be affected until a Health Officer or qualified person authorised by the Quarantine Authority is satisfied that—

- (a) the measures provided for in subregulation (2) have been effectively carried out; and
- (b) there are no remaining conditions on the conveyance that would constitute a public health risk.

Conveyances in transit

8. (1) A conveyance operator approaching a port or the airport in Montserrat who does not desire to submit to any of the requirements of these Regulations which may be applicable shall be at liberty to put to sea or continue his flight without being subjected to control under these Regulations if he notifies a Health Officer of his intention.

(2) The conveyance operator shall not land goods (including goods transmitted by post) or disembark travellers but may, upon approval of a Health Officer, take on fuel, food, water and supplies.

(3) The conveyance operator shall proceed accordingly and put to sea or air immediately after notifying the Health Officer under subregulation (1), and if he fails to do so, he will be subjected to the requirements of these Regulations.

Notifying the next port of call or flight destination of risk of infection or contamination

9. (1) Where a conveyance has departed and a Health Officer is reasonably of the view that the conveyance or a traveller on board presents a risk of spreading an infectious disease, subregulation (2) shall apply.

(2) The Health Officer shall notify the appropriate authority at the conveyance's next known port of call or destination airport of—

- (a)* the Health Officer's view that the conveyance (or a traveller or thing on board) presents a risk of spreading an infectious disease;
- (b)* the reason or reasons for the Health Officer's view; and
- (c)* the steps that the Health Officer considers should be taken in relation to the conveyance (or to a traveller or thing on board).

PART 3

TRAVELLERS

Duty to provide information

10. (1) A traveller shall answer all relevant questions asked by a Health Officer and provide to the officer with information or records as required under regulation 4(2) in his possession that the officer may reasonably require in the performance of a duty under these Regulations.

(2) A traveller who has reasonable grounds to suspect that he has or might have an infectious disease or is infected with vectors, or that he has recently been in close proximity to a person who has, or is reasonably likely to have, an infectious disease or is infected with vectors, shall disclose that fact to a Health Officer.

(3) A traveller shall comply with any reasonable measure ordered by a Health Officer for the purpose of preventing the introduction and spread of an infectious disease.

Traveller to be informed

11. A Health Officer who takes a health measure in respect of a traveller under these Regulations shall, if reasonably possible, inform the traveller of the measure before it is taken.

Quarantine

12. A Health Officer may quarantine a traveller individually or within a group where he reasonably suspects the traveller to be suffering from an infectious disease or infected by vectors.

Interpreter

13. A Health Officer shall, if reasonably possible, cause a traveller to be provided with an interpreter if the traveller does not have an adequate understanding of what has been said or has a speech or hearing disability.

Health assessment requirement

14. (1) A Health Officer may require a traveller on arrival or departure to undergo a health assessment if—

- (a) the officer has reasonable grounds to suspect that the traveller has or might have an infectious disease or is infected with vectors, or has recently been in close proximity to a person who has or might have an infectious disease or is infected with vectors;
- (b) the traveller has refused to be screened under regulation 15; or
- (c) the traveller has contravened regulation 16(1) or (3).

(2) The health assessment shall be undertaken as soon as reasonably practicable but in any case within eight hours after the Health Officer requires the traveller to undergo it.

Screening technology

15. (1) A qualified person authorised by the Quarantine Authority may, to determine whether a traveller has an infectious disease or the symptoms of one, use any screening technology authorised by the Quarantine Authority that does not involve an invasive procedure.

(2) If a traveller refuses to be screened with the screening technology and the person using the technology is not a qualified person for the purposes of subregulation (1) or a Health Officer, the person using the technology shall immediately inform the qualified person or Health Officer of the refusal.

Vaccination or other prophylaxis certificates

16. (1) Health Officer may require proof of vaccination from a traveller who has been to, or arrived from, an affected area.

(2) Proof of vaccination of a traveller shall meet the guidelines set out in Form 4 of Schedule 3 and shall be made in a certificate set out in Form 4 of Schedule 3.

(3) The Health Officer may, in the case of a traveller who is unable to produce a certificate of vaccination, require that the traveller undergo a health assessment or other health measures as required.

(4) Where a traveller fails to produce a certificate of vaccination which is required under subregulation (1), or refuses to comply with a health assessment requirement under subregulation (3), a Health Officer may deny the traveller permission to land in Montserrat.

Disinfestation of traveller and baggage

17. A Health Officer may require a traveller, his clothing and his personal belongings to be disinfested if, after a health assessment of the traveller, the Health Officer has reasonable grounds to believe that the traveller is infected with vectors.

Compulsory medical examination

18. (1) If a Health Officer has reasonable grounds to believe that a traveller has or might have an infectious disease or is infected with vectors, or has recently been in close proximity to a person who has or might have had an infectious disease or is infected with vectors, the Health Officer may require the traveller to undergo a medical examination.

(2) The medical examination shall be conducted by a medical practitioner and undertaken as soon as reasonably practicable but in any case within eight hours after the Health Officer requires the traveller to undergo the examination.

Detention by a Health Officer

19. (1) A Health Officer with the assistance of a police officer may detain a traveller who—

- (a) has refused to undergo a health assessment;
- (b) has refused as required to undergo a medical examination under regulation 18;
- (c) has failed to comply with an order made under regulation 27; or
- (d) the Health Officer has reasonable grounds to believe—
 - (i) has or might have an infectious disease or is infected with vectors, or has recently been in close proximity to a person who has or might have an infectious disease or is infected with vectors; and
 - (ii) is capable of infecting other people.

(2) A police officer may, at the request of a Health Officer, arrest without a warrant and bring to the Health Officer, a traveller referred to in subregulation (1) who resists detention.

Confirmation of detention

20. A Health Officer who has requested a police officer to arrest a traveller under regulation 19(2) shall provide the traveller with reasons in writing for his arrest and detention.

Arrest without warrant

21. A police officer may, at the request of a Health Officer, arrest without a warrant and bring to a Health Officer a traveller—

- (a) who resists detention;
- (b) who refuses to be quarantined or isolated; or
- (c) who refuses to comply with any order of the Health Officer.

Right to review

22. (1) The Health Officer shall immediately inform a traveller detained under regulation 19 of his right to review the confirmation of detention.

(2) The Health Officer shall provide the opportunity for a medical examination by a medical practitioner within eight hours of the time in which the traveller is detained.

(3) The Health Officer may transfer the traveller to a hospital, isolation hospital or clinic within eight hours of the time in which the traveller is detained for the medical examination under subregulation (2).

(4) The Health Officer shall give the traveller a copy of the determination to transfer the traveller to a hospital, isolation hospital or clinic and such determinations shall include the reasons for the continued detention.

(5) A traveller who has received a confirmation of detention under regulation 20 or of transfer to a hospital, isolation hospital or clinic under subregulation (4) may request a review of the confirmation by making a written request to that effect to the Quarantine Authority.

(6) The Quarantine Authority shall, within forty-eight hours after receiving the request, conduct a review of the confirmation of detention or transfer to a hospital, and either reconfirm the detention or order the release of the traveller if he has reasonable grounds to believe that the traveller does not pose a risk of significant harm to public health.

Appeal to Court

23. A traveller whose request to the Quarantine Authority for review of the confirmation of detention under regulation 22(5) or confirmation of transfer to a hospital under regulation 22(4) has been refused by the Quarantine Authority, may file an appeal to the Supreme Court within forty-eight hours of receiving the Quarantine Authority's decision.

Technological means of appearance

24. The traveller may appear before the Court by technological means satisfactory to the court that permits the Court and the traveller to communicate simultaneously if the Court is satisfied that the use of technology is necessary or prudent to prevent the spread of an infectious disease.

Release

25. A Health Officer shall not detain a traveller referred to in regulation 19(1) or who was placed in quarantine under regulation 12 if—

- (a) the Health Officer has reasonable grounds to believe that the traveller does not pose a risk of significant harm to public health;
- (b) the traveller is transferred to a hospital or isolation hospital or clinic under;
- (c) the release of the traveller is ordered under regulation 22(6) or regulation 23; or
- (d) the Health Officer has reasonable grounds to believe that other reasonable means are available to prevent or control a risk of significant harm to public health.

Request for specific medical practitioner

26. (1) At any time, a traveller may request an examination by a medical practitioner of his choice in addition to a medical examination conducted under regulation 18.

(2) A Health Officer shall inform the traveller of the right referred to in subregulation (1).

(3) The Health Officer shall accept the request if, in the opinion of the Health Officer, the examination would not unduly delay measures taken in the administration of the Act or these Regulations.

(4) Costs associated with a request for an examination by a medical practitioner under subregulation (1) shall be the responsibility of the traveller.

Order to comply with treatment or measure

27. (1) If a Health Officer, after the medical examination of a traveller, has reasonable grounds to believe that the traveller has or might have an infectious disease or is infected with vectors, or has recently been in close proximity to a person who has or might have an infectious disease or is infected with vectors, the Health Officer may order the traveller to comply with treatment or other measures for preventing the spread of the infectious disease.

(2) Subject to section 9 of the Immigration Act, Cap.13.01, if a Health Officer, after a medical examination, believes that a traveller does not pose an imminent public health risk, the Health Officer may allow the person to be landed.

(3) A Health Officer shall notify the Chief Medical Officer of a traveller who is not an imminent public health risk or of an order he may have given to a traveller under this regulation.

PART 4

SHIP SANITATION CONTROL CERTIFICATES AND SHIP SANITATION CONTROL
EXEMPTION CERTIFICATES**Ship Sanitation Control Certificates or Ship Sanitation Control Exemption
Certificates**

28. (1) On arrival of a ship at a port in Montserrat, the Health Officer may request the Ship Sanitation Control Certificate or the Ship Sanitation Control Exemption Certificate and if the certificate is not forthcoming or is no longer valid, the Health Officer may inform the Quarantine Authority accordingly.

(2) A Health Officer shall arrange for the conveyance to be inspected if there is no Ship Sanitation Control Certificate or Ship Sanitation Control Exemption Certificate.

(3) A Ship Sanitation Control Exemption Certificate shall be issued when no evidence of a public health risk is found on board and the Health Officer is satisfied that the conveyance is free from infection and contamination, including vectors and reservoirs.

(4) If, after the conveyance has been inspected, the Health Officer is of the opinion that it is in such a condition as to pose a public health risk, or if vectors or some source of infection and contamination is found on board the conveyance, the Health Officer shall consider the conveyance affected and shall order control measures that include the disinsection, deratting or decontamination of the ship.

(5) After the health measures have been completed to the Health Officer's satisfaction, the conveyance shall be entitled to receive a Ship Sanitation Control Certificate as signed and issued by the Health Officer.

(6) When, in the opinion of the Health Officer, it is not possible to efficiently carry out health measures on board the conveyance, because of the cargo or for other reasons, he may cause the conveyance to berth at a specific port or area or a port to reduce the spread of contamination or disease and this would be reported to the Chief Medical Officer and he shall make an entry in the Ship Sanitation Control Certificate to be issued to the conveyance before it leaves port, to the effect that the conveyance was inspected and found to require health measures but that it was impracticable to carry out the health measures.

(7) If the conveyance operator was unable to perform the required health measures, the Health Officer shall inform the next port of call and shall make an entry in the Ship Sanitation Control Certificate.

**Application for a Ship Sanitation Control Certificate or Ship Sanitation Control
Exemption Certificate**

29. (1) On receipt of an application in writing for a Ship Sanitation Control Certificate or Ship Sanitation Control Exemption Certificate sent to a Health Officer at least one week in advance of the arrival of the ship in Montserrat by—

- (a)* the owner or agent of a ship; or
- (b)* the master of the ship acting for and on behalf of the owner,

a Health Officer shall take such steps as he may consider necessary to satisfy himself that the ship is maintained as provided in subregulation (2).

(2) A Health Officer shall ensure that a ship referred to in subregulation (1) does not pose a public health risk.

(3) A Health Officer may give directions for the control of a public health risk.

(4) Upon a Health Officer being satisfied that the condition of the ship is not a public health risk or that the control measures necessary for the control of public health risks or the spread of infection have been properly carried out by the owner or on the owner's behalf, he may issue the appropriate certificate.

Ship Sanitation Control Certificates: charging

30. The Quarantine Authority may charge the conveyance operator a fee for the issuance of a Ship Sanitation Control Certificate or a Ship Sanitation Control Exemption Certificate.

Form of Certificate

31. (1) The Ship Sanitation Control Certificate, Ship Sanitation Control Exemption Certificate and the extension to either certificate shall be in the form set out in Form 5 of Schedule 3.

(2) An extension to the certificates referred to in subregulation (1) shall be made in a form as determined by the Quarantine Authority.

PART 5

CADAVERS, BODY PARTS AND OTHER HUMAN REMAINS

Obligation of conveyance operator

32. (1) Every conveyance operator carrying a cadaver, a body part or other human remains into Montserrat shall provide a copy of the death certificate, burial permit and either an embalmer's certificate or other documentation to the Health Officer at the entry point as he may require.

(2) If the conveyance operator does not provide a death certificate or the Health Officer has reasonable grounds to suspect that the cadaver, body part or other human remains have or might have an infectious disease or are infested with vectors, the Health Officer shall immediately inform the Quarantine Authority and follow any directive issued respecting the matter.

(3) The conveyance operator shall comply with any directive of the Health Officer respecting the cadaver, body part or other human remains.

Prohibition on exporting cadavers

33. No person shall export a cadaver, a body part or other human remains that have or might have an infectious disease listed in Schedule 1 unless the exportation is authorised by the Quarantine Authority.

Import and export of human cells, tissues or organs

34. The import or export of cells, tissues or organs for transplantation must, for the purposes of preventing the spread of infectious diseases, be in accordance with the Organ Procurement Transplantation Network (OPTN) or other entity as approved by the Quarantine Authority.

PART 6

CHARGES FOR SERVICES

Conveyances

35. (1) When the Quarantine Authority decides that a requirement under regulation 7 is to be complied with at the cost of the conveyance operator, the Quarantine Authority may require the amount of the charge for the work or part of the work to be paid to or deposited with the Quarantine Authority before the work is undertaken.

(2) The amount of the charge for any work undertaken or to be undertaken by the Quarantine Authority shall be such reasonable sum as, to the exclusion of any charge or claim in respect of profit, represents the actual or estimated cost incurred or to be incurred by the Quarantine Authority in undertaking the work, unless notice thereof in writing has been given to the master before the work is undertaken.

(3) A charge may be recovered against the conveyance operator or his agent.

(4) A charge or fee under these Regulations shall be in accordance with Schedule 4.

Refusal to clear conveyance where charges unpaid

36. (1) A charge or fee referred to in these Regulations is payable to the Quarantine Authority or the Health Officer acting on behalf of the Quarantine Authority.

(2) If a charge or fee is payable by a conveyance operator, the Comptroller of Customs and Excise may refuse to clear the conveyance until all liability in respect of the expenses has been discharged.

PART 7

MISCELLANEOUS PROVISIONS

Duty to comply with directions

37. (1) Subject to these Regulations, the Quarantine Authority or a Health Officer, may give such orders and instructions and impose such conditions and take such action as he may determine desirable for the purpose of carrying these Regulations into effect.

(2) A traveller, crew member or conveyance operator to whom these Regulations apply shall comply with all such orders, instructions and conditions, and shall furnish all such information as the Quarantine Authority or Health Officer, may reasonably require (including information as to his name, destination and address).

(3) A traveller, crew member or conveyance operator who has for the time being the custody or charge of a child or other person who is under disability shall comply with any orders, instructions or conditions so given made or imposed and shall furnish all such information as aforesaid in respect of the child or other traveller.

Notification of health measures

38. (1) A Health Officer applying health measures under these Regulations shall, whenever requested, furnish free of charge to a conveyance operator, the shipowner or ship's agent, notification specifying the nature of such health measures, the methods employed, the parts of the conveyance treated and the reasons for the application of such measures.

(2) A Health Officer shall also furnish, on demand and without charge, to travellers or crew where a case of an infectious disease has occurred, a notification giving particulars of the date of their arrival and of the measures to which they and their personal effects have been subjected.

Permission required for traveller with an infectious disease to land

39. A traveller, conveyance operator or crew member at a port or the airport in Montserrat who knows or has reason to suspect that he is suffering from an infectious disease shall in no case land without the permission of a Health Officer, which permission may be subject to general or special directions given by the Quarantine Authority.

Matters not to be discharged from conveyance

40. No traveller, conveyance operator or crew member shall knowingly discharge goods or containers from the conveyance that are capable of producing a public health risk.

Departing conveyances

41. (1) A traveller, conveyance operator or crew member who, knowing or having reason to suspect that he is suffering from an infectious disease, embarks in or is conveyed in a conveyance leaving Montserrat without the permission of a Health Officer may be arrested and detained as provided under regulation 21.

(2) A conveyance operator who knowingly conveys or permits the departure of a conveyance with a traveller or thing on board contrary to a prohibition or restriction imposed under these Regulations, commits an offence.

Offences against Regulations

42. A traveller, conveyance operator or crew member who contravenes the provisions of these Regulations commits an offence, may be arrested as provided under regulation 21 and is liable on summary conviction to a fine of \$2,000 or to six months' imprisonment or to both a fine and imprisonment.

SCHEDULE 1*(Regulation 3(1))***LIST OF INFECTIOUS DISEASES**

Cholera
SARS-CoV-2
Dengue fever
Human influenza caused by a new sub-type
Meningococcal diseases
Pneumonic plague
Polio myelitis due to wild type poliovirus
Rift valley fever
Severe acute respiratory syndrome (SARS)
Smallpox
West Nile fever
Viral haemorrhagic fevers (Ebola, Lassa and Marburg)
Yellow fever
Zika

SCHEDULE 2

(Regulation 3(3))

GUIDANCE FOR IDENTIFYING AN INFECTIOUS DISEASE

(1) A traveller or crew member of a ship may be suffering from a infectious disease for the purposes of regulation 3 if—

- (a) that person has a fever with a temperature of 38 degrees Celsius or higher which has lasted for over forty-eight hours;
- (b) that person has a fever with a temperature of 38 degrees Celsius or higher which is accompanied by one or more of the following signs or symptoms—
 - (i) prostration;
 - (ii) decreased consciousness;
 - (iii) glandular swelling;
 - (iv) jaundice;
 - (v) cough or shortness of breath;
 - (vi) bruising or bleeding without previous injury;
 - (vii) paralysis;
- (c) that person is suffering from any one or more of the following signs and symptoms—
 - (i) acute skin rash or eruption;
 - (ii) severe vomiting, other than sea sickness;
 - (iii) severe diarrhoea;
 - (iv) recurrent convulsions.

(2) A traveller or crew member of an aircraft may be suffering from an infectious disease for the purposes of regulation 3 if that person has a fever with a temperature of 38 degrees Celsius or higher and one or more of the following signs or symptoms—

- (a) appearing obviously unwell;
- (b) persistent coughing;
- (c) impaired breathing;
- (d) persistent diarrhoea;
- (e) persistent vomiting;
- (f) skin rash;
- (g) bruising or bleeding without previous injury;
- (h) confusion of recent onset.

SCHEDULE 3*(Regulations 3(4) and 33(1))***FORM 1****MARITIME DECLARATION OF HEALTH**

To be completed and submitted to the competent authorities by the masters of ships arriving from foreign ports.

Submitted at the port of Date.....

Name of ship or inland navigation vessel Registration/IMO No..... arriving from..... sailing to.....

(Nationality)(Flag of vessel)..... Master's name.....

Gross tonnage (ship).....

Tonnage (inland navigation vessel).....

Valid Sanitation Control Exemption/Control Certificate carried on board? Yes... No.... Issued Date.....

Re-inspection required? Yes... No....

Has ship/vessel visited an affected area identified by the World Health Organization? Yes... No....

Port and date of visit

List ports of call from commencement of journey with dates of departure, or within past thirty days, whichever is shorter:

.....

Upon request of the competent authority at the port of arrival, list crew members, passengers or other persons who have joined ship/vessel since international journey began or within past thirty days, whichever is shorter, including all ports/countries visited in this period (add additional names to the attached table):

(1) Name..... joined from: (1) (2) (3)

(2) Name..... joined from: (1) (2) (3)

(3) Name..... joined from: (1) (2) (3)

Number of crew members on board

Number of passengers on board

Health Questions

- (1) Has any person died on board during the journey otherwise than as a result of accident? Yes..... No.....
If yes, state particulars in attached schedule. Total no. of deaths
- (2) Is there on board or has there been during the international journey any case of disease which you suspect to be of an infectious nature? Yes..... No.....
If yes, state particulars in attached schedule.
- (3) Has the total number of ill passengers during the journey been greater than normal/expected? Yes..... No.....
How many ill persons?
- (4) Is there any ill person on board now? Yes..... No.....
If yes, state particulars in attached schedule.
- (5) Was a medical practitioner consulted? Yes..... No.....
If yes, state particulars of medical treatment or advice provided in attached schedule.
- (6) Are you aware of any condition on board which may lead to infection or spread of disease? Yes..... No.....
If yes, state particulars in attached schedule.
- (7) Has any sanitary measure (e.g. quarantine, isolation, disinfection or decontamination) been applied on board? Yes..... No.....
If yes, specify type, place and date
- (8) Have any stowaways been found on board? Yes..... No.....
If yes, where did they join the ship (if known)?
- (9) Is there a sick animal or pet on board? Yes..... No.....

Note: In the absence of a surgeon, the master should regard the following symptoms as grounds for suspecting the existence of a disease of an infectious nature:

- (a) fever, persisting for several days or accompanied by (i) prostration; (ii) decreased consciousness; (iii) glandular swell jaundice; (v) cough or shortness of breath; (vi) unusual bleeding; or (vii) paralysis.
- (b) with or without fever: (i) any acute skin rash or eruption; (ii) severe vomiting (other than sea sickness); (iii) severe diarrhoea; (iv) recurrent convulsions.

I hereby declare that the particulars and answers to the questions given in this Declaration of Health (including the schedule) are true and correct to the best of my knowledge and belief.

Signed

Master

Countersigned

Ship's Surgeon (if carried)

Date

ATTACHMENT TO MARITIME DECLARATION OF HEALTH

Name	Class or rating	Age	Sex	Nationality	Port, date joined ship/vessel	Nature of illness	Date of onset of symptoms	Reported to a port medical officer?	Disposal of case ¹	Drugs, medicines or other treatment given to patient	Comments

¹ State: (1) whether the person recovered, is still ill or died; and (2) whether the person is still on board, was evacuated (including the name of the port or airport), or was buried at sea

FORM 2

(Regulation 3(4))

AIRCRAFT DECLARATION OF HEALTH

GENERAL DECLARATION (Outward/Inward)		
Operator.....		
Marks of Nationality and Registration..... Flight No. Date		
Departure from		Arrival at (Place) (Place)
FLIGHT ROUTING		
("Place" Column always to list origin, every en-route stop and destination)		
PLACE	NAMES OF CREW*	NUMBER OF PASSENGERS ON THIS STAGE**
		<i>Departure Place:</i>
		Embarking Through on same flight
		<i>Arrival Place:</i>
		Disembarking Through on same flight
<i>Declaration of Health</i>		For official use only
<p>Name and seat number or function of persons on board with illnesses other than airsickness or the effects of accidents, who may be suffering from an infectious disease (a fever — temperature 38°C/100°F or greater — associated with one or more of the following signs or symptoms, e.g. appearing obviously unwell; persistent coughing; impaired breathing; persistent diarrhoea; persistent vomiting; skin rash; bruising or bleeding without previous injury; or confusion of recent onset, increases the likelihood that the person is suffering an infectious disease) as well as such cases of illness disembarked during a previous stop.....</p> <p>Details of each disinsecting or sanitary treatment (place, date, time, method) during the flight. If no disinsecting has been carried out during the flight, give details of most recent disinsecting</p> <p>Signed, if required, with time and date _____ Crew member concerned</p>		
<p>I declare that all statements and particulars contained in this General Declaration, and in any supplementary forms required to be presented with this General Declaration, are complete, exact and true to the best of my knowledge and that all through passengers will continue/have continued on the flight.</p> <p style="text-align: right;">SIGNATURE _____ Authorised Agent or Pilot-in-command</p>		

Size of document to be 210 mm x 297 mm (or 8 1/4 x 11 3/4 inches). ** To be completed when required by the State/Territory.
** Not to be completed when passenger manifests are presented and to be completed only when required by the State

FORM 3

(Regulation 4(2))

PUBLIC HEALTH PASSENGER LOCATOR FORM

Public Health Passenger Locator Form: To protect your health, Public Health Officers need you to complete this form whenever they suspect an infectious disease on-board a flight. Your information will help Public Health Officers to contact you if you were exposed to an infectious disease. It is important to fill out this form completely and accurately. Your information is intended to be held in accordance with applicable laws and used only for public health purposes. **Thank you for helping to protect your health.**

One form should be completed by an adult member of each family. Print in capital (UPPERCASE) LETTERS. Leave blank boxes for spaces.

FLIGHT INFORMATION: 1. Airline name 2. Flight number 3. Seat number 4. Date of arrival (yyyy/mm/dd)

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PERSONAL INFORMATION: 5. Last (Family) name 6. First (Given) Name 7. Middle Initial 8. Your sex Male Female

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PHONE NUMBER(S) where you can be reached is needed. Include country and city code.

9. Mobile		10. Business	
11. Home		12. Other	
13. Email address			

PERMANENT ADDRESS: 14. Number and street (Separate number and street with blank box) 15. Apartment number

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16. City 17. State/Province

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18. Country 19. ZIP/Postal code

TEMPORARY ADDRESS: If you are a visitor, write only the first place where you will be staying.

20. Hotel name (if any) 21. Number and street (Separate number and street with blank box) 22. Apartment number

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23. City 24. State/Province

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25. Country 26. ZIP/Postal code

FORM 4*(Regulation 16(2))***GUIDELINES - VACCINATION, PROPHYLAXIS**

(1) Vaccines or other prophylaxis recommended under these Regulations shall be of suitable quality; those vaccines and prophylaxis designated by the WHO shall be subject to its approval. Upon request, Montserrat shall provide to the WHO appropriate evidence of the suitability of vaccines and prophylaxis administered within its territory under these Regulations.

(2) Persons undergoing vaccination or other prophylaxis under these Regulations shall be provided with an international certificate of vaccination or prophylaxis (hereinafter the “certificate”) as set out in this form. No departure shall be made from the certificate specified below.

(3) Certificates under this Form are valid only if the vaccine or prophylaxis used has been approved by the WHO.

(4) Certificates must be signed in the hand of the clinician, who shall be a medical practitioner or other authorised health worker, supervising the administration of the vaccine or prophylaxis. The certificate must also bear the official stamp of the administering centre; however, this shall not be an accepted substitute for the signature.

(5) Certificates shall be fully completed in English. They may also be completed in another language, in addition to English.

(6) Any amendment of this certificate, or erasure, or failure to complete any part of it, may render it invalid.

(7) Certificates are individual and shall in no circumstances be used collectively. Separate certificates shall be issued for children.

(8) A parent or guardian shall sign the certificate when the child is unable to write. The signature of an illiterate shall be indicated in the usual manner by the person’s mark and the indication by another that this is the mark of the person concerned.

(9) If the supervising clinician is of the opinion that the vaccination or prophylaxis is contraindicated on medical grounds, the supervising clinician shall provide the person with reasons, written in English, and where appropriate in another language in addition to English, underlying that opinion, which the competent authorities on arrival should take into account. The supervising clinician and competent authorities shall inform such persons of any risk associated with non-vaccination and with the non-use of prophylaxis.

(10) An equivalent document issued by the Armed Forces to an active member of those Forces shall be accepted *in lieu* of an international certificate if—

- (a) it embodies medical information substantially the same as that required by such form; and
- (b) it contains a statement in English and where appropriate in another language in addition to English recording the nature and date of the

vaccination or prophylaxis and to the effect that it is issued in accordance with this paragraph.

CERTIFICATE OF VACCINATION OR PROPHYLAXIS

This is to certify that [name], date of birth, sex, nationality, national identification document, if applicable whose signature follows has on the date indicated been vaccinated or received prophylaxis against: (name of disease or condition) in accordance with the International Health Regulations 2005.

Vaccine or prophylaxis	Date	Signature and professional status of supervising clinician	Manufacturer and batch No. of vaccine or prophylaxis	Certificate valid from until	Official stamp of administering centre
1.					
2.					

This certificate is valid only if the vaccine or prophylaxis used has been approved by the World Health Organization.

This certificate must be signed in the hand of the clinician, who shall be a medical practitioner or other authorised health worker, supervising the administration of the vaccine or prophylaxis. The certificate must also bear the official stamp of the administering centre; however, this shall not be an accepted substitute for the signature.

Any amendment of this certificate, or erasure, or failure to complete any part of it, may render it invalid.

The validity of this certificate shall extend until the date indicated for the particular vaccination or prophylaxis. The certificate shall be fully completed in English or in French. The certificate may also be completed in another language on the same document, in addition to either English or French.

Name and designation of issuing officer..... Signature and seal..... Date

¹ (a) Evidence of infection or contamination, including: vectors in all stages of growth; animal reservoirs for vectors; rodents or other species that could carry human disease, microbiological, chemical and other risks to human health; signs of inadequate sanitary measures. (b) Information concerning any human cases (to be included in the Maritime Declaration of Health).

² Results from samples taken on board. Analysis to be provided to ship's master by most expedient means and, if re-inspection is required, to the next appropriate port of call coinciding with the re-inspection date specified in this certificate.

Sanitation Control Exemption Certificates and Sanitation Control Certificates are valid for a maximum of six months, but the validity period may be extended by one month if inspection cannot be carried out at the port and there is no evidence of infection or contamination

**ATTACHMENT SHIP SANITATION CONTROL EXEMPTION
CERTIFICATE/ SHIP SANITATION CONTROL CERTIFICATE**

Areas/facilities/ systems inspected ¹	Evidence found	Sample results	Documents reviewed	Control measures applied	Re- inspection date	Comments regarding conditions found
Food						
Source						
Storage						
Preparation						
Service						
Water						
Source						
Storage						
Distribution						
Waste						
Holding						
Treatment						
Disposal						
Swimming pools/spas						
Equipment						
Operation						
Medical facilities						
Equipment and medical devices						
Operation						
Medicines						
Other areas inspected						

¹ Indicate when the areas listed are not applicable by marking N/A.

SCHEDULE 4

(Regulation 35)

CHARGES FOR SERVICES

DESCRIPTION OF WORK	FEE	
Ship Sanitation Control Certificate or Ship Sanitation Control Exemption Certificate	A.	\$250 (for a conveyance between 5-250 tons)
	B.	\$500 (for a conveyance between 250- 500 tons)
	C.	\$800 (for a conveyance between 500-1,000 tons)
	D.	\$1,200 (for a conveyance between 1,000 – 2,000 tons)
	E.	\$2,000 (for vessels exceeding 2,000 - tons)