

MONTserrat
STATUTORY RULES AND ORDERS
S.R.O. 61 OF 2021

PUBLIC HEALTH (COVID-19 SUPPRESSION) (No.11) ORDER

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**THE PUBLIC HEALTH (COVID-19 SUPPRESSION) (NO.11) ORDER
MADE BY THE GOVERNOR ACTING ON THE ADVICE OF
CABINET UNDER SECTION 10 OF THE PUBLIC HEALTH ACT
(CAP. 14.01).**

PART I—PRELIMINARY

1. Citation and commencement

This Order may be cited as the Public Health (COVID-19 Suppression) (No.11) Order, 2021 and comes into force 1 October, 2021 at 5 a.m.

2. Interpretation

(1) In this Order—

“**banking business**” means—

(a) the business of receiving funds through—

(i) the acceptance of monetary deposits which are repayable on demand or after notice or any similar operation;

(ii) the frequent sale or placement of bonds, certificates, notes or other securities,

and the use of such funds either in whole or in part for extensions of credit or investment for the account and at the risk of the person doing such business;

(b) any other activity recognised by the Eastern Caribbean Central Bank as banking practice and which a licensed financial institution may additionally be authorised to do;

“**bus**” means a motor vehicle which carries or is intended to carry passengers and their luggage, goods and merchandise

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or other load and can carry more than seven passengers excluding the driver;

“**COVID-19**” means the illness caused by a novel coronavirus now called severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2; formerly called 2019-nCoV), which was first identified amid an outbreak of respiratory illness cases in Wuhan City, Hubei Province, China, in 2019;

“**dependant**” in relation to another person means—

- (a) the spouse of such person;
- (b) the child or step-child under the age of eighteen years of such person;
- (c) an adopted child under the age of eighteen years having been adopted by such person in a manner recognized by law; or
- (d) a person who is a relative of such person and is financially dependent on such person;

“**designated quarantine facility**” means any premises designated by the Minister as a quarantine facility under paragraph 11;

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

“**hand hygiene station**” includes a station that has handwashing soap and water or alcohol-based hand rub;

“**Health Officer**” means a Health Officer appointed under section 3(3) of the Quarantine Act (Cap 14.09) and includes an Environmental Health Officer;

“**home**” in relation to a person, means the place where the person lives or occupies on the date this Order comes into force, 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;

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“**large gathering**” means a gathering of more than seventy-five persons;

“**members of the same household**” means persons (whether or not the persons are family members or relatives) 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);

“**non-resident technician**” means a person who travels to Montserrat for the purpose of assisting with certification and maintenance of equipment;

“**PCR COVID-19 test**” means a test intended for the qualitative detection of nucleic acid of the SARS-CoV-2 in the upper and lower respiratory tract specimens that utilize Polymerase Chain Reaction (PCR) testing platforms;

“**professional person**” means a person whose job requires a minimum of two years training or work experience and whose job is not of a temporary or seasonal nature;

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

“**RNA COVID-19 test**” means a test intended for the qualitative detection of nucleic acid of the SARS-CoV-2 in the upper and lower respiratory tract specimens that utilize Ribose Nucleic Acid (RNA) testing platforms;

“**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;

“**social distancing**” means –

- (a) in relation to a banking business and the Montserrat Cultural Centre, maintaining a physical distance of at least three feet between all persons who are not members of the same household; and

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(b) in relation to a place other than in a banking business, maintaining a physical distance of at least six feet between all persons who are not members of the same household.

“**unconscionable price**” means an amount that represents a gross disparity between the price of the good charged and the average price of the same good during the thirty days immediately prior to the date of commencement of this Order.

- (2) For the purposes of this Order, a person is considered “fully vaccinated”—
- (a) fourteen days after receipt of the second dose in a 2-dose COVID-19 vaccine series; or
 - (b) fourteen days after receipt of one dose of a single-dose COVID-19 vaccine.

PART II—PROHIBITIONS AND RESTRICTIONS

3. 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 for a purpose listed in subparagraph (1).
- (3) The prohibition under subparagraph (2) does not apply to a large gathering—
 - (a) at a customs airport and a customs port if the purpose of the large gathering is for the embarkation or disembarkation of passengers;
 - (b) at a sitting of the High Court;
 - (c) at a school;
 - (d) at a church or other religious establishment; or
 - (e) at the Montserrat Cultural Centre.

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4. Mandatory face covering

- (1) Subject to subparagraph 3, a person shall wear a face covering in a public place.
- (2) Subject to subparagraph 3 and for the avoidance of doubt, a customer, visitor, staff or, employee shall wear a face covering when entering, while conducting business and while working in a public place, business, organisation or department, or place of business.
- (3) Subparagraphs (1) and (2) do not apply to a—
 - (a) child age three years and under;
 - (b) person who has a medical condition, health condition, cognitive condition or disability that prevents the person from wearing a face covering;
 - (c) customer, when the customer is dining at a restaurant or food shop;
 - (d) customer, when the customer is drinking at a bar or rum shop;
 - (e) person if a request is made of the person to remove his face covering temporarily for security and identification purposes;
 - (f) person who is driving in a motor vehicle with no passengers in the motor vehicle;
 - (g) person who is driving in a motor vehicle with a member of his household;
 - (h) person who is on a beach or road or in a park or other similar open public place provided there are no other persons within six feet of that person; and
 - (i) person who is on a beach or road or in a park or other similar open public place with a member of his household provided there are no other persons within six feet of that person.
- (4) A face covering should completely cover a person's nose, mouth and chin without gapping.
- (5) The owner or head of a business, organisation or department, or place of business shall—
 - (a) post or cause to be posted a notice, in a conspicuous place at the main entrance of the business, which specifies that the wearing of a face covering is mandatory;

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- (b)* not permit a customer, visitor, staff or employee to enter the business, organisation or department if the customer or visitor is not wearing a face covering; and
 - (c)* ensure that a customer, visitor, staff or employee continues to wear a face covering while in the business, organisation or department and if the customer, visitor, staff or employee refuses to wear the face covering while in the business, organisation or department ask the customer, visitor, staff or employee to leave the business, organisation or department.
- (6)** A parent or legal guardian is responsible for ensuring that a child over the age of three wears a face covering in a public place.

5. Mandatory hand hygiene station

- (1)** A hand hygiene station shall be placed at the entrance of every public building (including schools and healthcare facilities) or private commercial building.
- (2)** The owner or manager of a building referred to in subparagraph (1) shall—
 - (a)* place or cause to be placed a hand hygiene station in a conspicuous place at the main entrance of the business;
 - (b)* mandate that a visitor, staff or employee use the hand hygiene station before passing the threshold of the entrance of the building;
 - (c)* ensure that the quantity and usability of the hand hygiene station is adapted to the type (e.g. young children, elderly, those with limited mobility) and number of users that frequent or work in the building; and
 - (d)* ensure regular refilling of containers and regular refilling and maintenance of the equipment at the hand hygiene station.

6. Restriction on visitation

- (1)** A person shall not visit—
 - (a)* the home or place of occupancy of a person who is in self-quarantine;
 - (b)* a designated quarantine facility or place of isolation except with prior approval of the Chief Medical Officer;
 - (c)* a patient in the hospital;
 - (d)* a person in a residential care establishment or facility; or

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- (e)* a detainee or prisoner in a correctional facility.
- (2)** Despite subparagraph (1) a person may visit a—
 - (a)* patient in the hospital with prior approval of the hospital;
 - (b)* person in a residential care establishment or facility with prior approval of the manager or owner of the residential care establishment or facility; or
 - (c)* detainee or prisoner in a prison with prior approval of the Superintendent of Prisons.

7. Use of sea ports and exceptions

The John A. Osborne Airport, the Little Bay Port or the Plymouth Port may be used for—

- (a)* the disembarkation and embarkation of the categories of persons listed in paragraph 8(1) entering Montserrat by air or sea;
- (b)* the embarkation and disembarkation of a member of the crew of an aircraft or vessel (including freight, cargo or courier aircraft or vessel);
- (c)* the purpose of a medical evacuation; and
- (d)* freight, cargo, and courier services.

8. Persons who may enter Montserrat

- (1)** Subject to paragraph 9, the following persons or category of persons may enter Montserrat by air or sea—
 - (a)* a Montserratian;
 - (b)* the husband, wife, child or other dependant of a Montserratian, whether travelling with or separately from the Montserratian;
 - (c)* a person who holds a permit of permanent residence issued under section 23 of the Immigration Act (Cap. 13.01);
 - (d)* a person who ordinarily resides in Montserrat;
 - (e)* a person who owns a habitable house or home in Montserrat;
 - (f)* the husband, wife, child or other dependant of a person who falls under subparagraph (c), (d) or (e) whether travelling with or separately from the person, provided that the husband, wife, child or other dependant of a person resided

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- in Montserrat, for any period of time, prior to 16 March, 2020;
- (g) a professional person who has been engaged by an entity in the public or private sector, provided that the person has been granted permission by the Minister to disembark in Montserrat prior to travelling to Montserrat;
 - (h) a member of the crew of an aircraft or ship (including freight, cargo or courier craft or vessel);
 - (i) non-resident technician provided he has been granted permission to enter Montserrat prior to travelling to Montserrat;
 - (j) a person who has been granted permission by the Minister to enter Montserrat for the purpose of aiding with preparations for a disaster or after a disaster;
 - (k) a person who has been granted a remote employment stamp;
 - (l) an attorney-at-law, judge or other officer of the court who intends to come to Montserrat for the purpose of appearing in or presiding over court proceedings;
 - (m) a parent, child, grandchild or sibling of a deceased person, provided the parent, child, grandchild or sibling of the deceased person has been granted permission by the Minister to enter Montserrat for purposes ancillary to the death of the person to include attending the funeral of the person;
 - (n) a fully vaccinated person who has been granted permission by the Minister to enter Montserrat for the purpose of aiding a person in Montserrat who is seriously ill or for the purpose of aiding with an emergency situation in relation to a person in Montserrat;
 - (o) a parent, child or sibling of the spouse of a deceased person, provided the parent, child or sibling of the spouse of the deceased person has been granted permission by the Minister to enter Montserrat for purposes ancillary to the death of the person to include attending the funeral of the person;
 - (p) a fully vaccinated visitor who does not fall within paragraphs (a) to (o) and who intends to remain in Montserrat for no more than ninety days; and
 - (q) any other person, as may be determined by the Minister, for the purpose of aiding in the suppression of COVID-19.

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- (2) A person is “ordinarily resident” in Montserrat if the person has established a regular habitual mode of life in Montserrat, the continuity of which has persisted apart from temporary or occasional absences.
- (3) Despite subparagraph (1), the Minister may by notice restrict the category of persons who may enter Montserrat.

9. Pre-entry requirements

- (1) A person referred to in paragraph 8 who intends to enter Montserrat shall—
 - (a) take a PCR COVID-19 test or a RNA COVID-19 test no earlier than five days prior to entry into Montserrat; and
 - (b) complete and submit the online declaration form no later than three days prior to travelling to Montserrat.
- (2) The following persons are exempted from the requirements of subparagraph (1)(a)—
 - (a) a child under five years of age;
 - (b) a person entering Montserrat in circumstances related to a medical evacuation; and
 - (c) a person who has been granted permission by the Minister to enter Montserrat for the purpose of aiding with preparations for a disaster or after a disaster,provided that such person may be subjected to screening, temperature checks and clinical examinations on entering Montserrat.
- (3) The owner of a vessel or aircraft that intends to transport a person referred to in subparagraph (1) shall ensure that the person has been granted approval to travel to Montserrat prior to departure of the aircraft or vessel from a place outside Montserrat.

10. Entry into Montserrat

- (1) A person entering Montserrat—
 - (a) shall answer all questions put to him by a Medical Officer or Health Officer which would allow the Medical Officer or Health Officer to assess what measures would be necessary to prevent, limit or suppress the spread of COVID-19;
 - (b) shall provide the Medical Officer or Health Officer with a copy of a test result document which shows that the person

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- took a PCR COVID-19 test or a RNA COVID-19 test and that the person is negative for COVID-19;
- (c) shall, where applicable, pay the requisite fees for the PCR COVID-19 test or a RNA COVID-19 test;
 - (d) shall provide the Medical Officer or Health Officer with proof that he is a fully vaccinated person;
 - (e) shall provide a Medical Officer or Health Officer with information which would allow the Medical Officer or Health Officer to assess what measures would be necessary to prevent, limit or suppress the spread of COVID-19;
 - (f) may be subjected to a clinical examination by a Medical Officer;
 - (g) shall, if the person is not fully vaccinated, take a PCR COVID-19 test or a RNA COVID-19 test within 24 hours of entry into Montserrat;
 - (h) who is considered by a Medical Officer or Health Officer to be high risk of being infected with COVID-19 may be isolated; and
 - (i) may be required to present himself for surveillance at a place and time as may be appointed by the Medical Officer or Health Officer and while undergoing surveillance may be removed to a hospital or other suitable place approved by the Chief Medical Officer.
- (2) A person in Montserrat who, in the opinion of a Medical Officer or Health Officer is likely to be infected with COVID-19—
- (a) shall answer all questions put to him by the Medical Officer or Health Officer which would allow the Medical Officer or Health Officer to assess what measures would be necessary to prevent, limit or suppress the spread of COVID-19;
 - (b) shall provide a Medical Officer or Health Officer with information which would allow the Medical Officer or Health Officer to assess what measures would be necessary to prevent, limit or suppress the spread of COVID-19;
 - (c) may be subjected to a clinical examination by a Medical Officer;
 - (d) may be required to present himself for surveillance at a place and time as may be appointed by the Medical Officer or Health Officer and while undergoing surveillance may be

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removed to a hospital or other suitable place approved by the
Chief Medical Officer; and

- (e)* may be required to self-quarantine.
- (3)** The negative PCR COVID-19 test or a RNA COVID-19 test result document referred to in subparagraph (1) shall state the—
 - (a)* name, address, telephone number and email address of the laboratory at which the PCR COVID-19 test or a RNA COVID-19 test was conducted;
 - (b)* date the PCR COVID-19 test or a RNA COVID-19 test was conducted;
 - (c)* full names, date of birth and address of the person tested for COVID-19 or a RNA COVID-19 test; and
 - (d)* results of the PCR COVID-19 test or a RNA COVID-19 test conducted in relation to that person.
- (4)** If a person fails to provide proof, under subparagraph (1), that he is a fully vaccinated person, he shall be treated as a person who is not fully vaccinated.
- (5)** The owner of a vessel or aircraft who transports a person to Montserrat who is not in possession of a copy of a negative PCR COVID-19 test or a RNA COVID-19 test commits an offence.

11. Designation of premises as quarantine facility

- (1)** The Minister may designate, in writing, any premises or type of premises to be a quarantine facility or place of isolation for the purposes of this Order.
- (2)** A person who intends to self-quarantine in a designated quarantine facility shall—
 - (a)* prior to entering Montserrat, make arrangements with the owner of the designated quarantine facility to self-quarantine at the designated quarantine facility; and
 - (b)* pay the owner of the designated quarantine facility the costs of staying at the designated quarantine facility.
- (3)** A person who is staying at a designated quarantine facility shall comply with any rule or guideline issued by the Minister.

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12. Directions – persons entering Montserrat

A person who enters Montserrat shall, after completing the relevant immigration checks, security checks and COVID-19 screening, examinations and tests—

- (a) proceed directly to his home or place of occupancy to self-quarantine; or
- (b) proceed directly to a designated quarantine facility or place of isolation.

13. Persons not fully vaccinated – entry into Montserrat

(1) A person who is not fully vaccinated and who goes directly to his home, place of occupancy, designated quarantine facility or place of isolation shall remain at his home, place of occupancy, designated quarantine facility or place of isolation until the sooner of the following—

- (a) fourteen days has elapsed, provided a PCR COVID-19 test or a RNA COVID-19 test taken between twelve and fourteen days after he enters Montserrat shows that he is not infected with COVID-19; or
- (b) he leaves Montserrat.

(2) Despite subparagraph (1) a person who is not fully vaccinated is not required to remain at home, place of occupancy, designated quarantine facility or place of isolation if the Chief Medical Officer otherwise directs.

(3) This paragraph does not apply to a person listed in paragraph 8 (1) (h), (i), and (j).

14. Fully vaccinated persons – entry into Montserrat

(1) A fully vaccinated person who goes directly to his home, place of occupancy, designated quarantine facility or place of isolation shall remain at his home, place of occupancy, designated quarantine facility or place of isolation until the sooner of the following—

- (a) five days has elapsed, provided a PCR COVID-19 test or a RNA COVID-19 taken between three and four days after he enters Montserrat shows that he is not infected with COVID-19; or
- (b) he leaves Montserrat.

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- (2) Despite subparagraph (1), a fully vaccinated person is not required to remain at his home, place of occupancy, designated quarantine facility or place of isolation if the Chief Medical Officer otherwise directs.
- (3) This paragraph does not apply to a person listed in paragraph 8 (1) (h), (i), and (j).

15. Non-resident technician - directions

- (1) A non-resident technician who intends to enter Montserrat shall make an application to the Minister for approval to enter Montserrat prior to submitting an online declaration form under paragraph 9(1)(b).
- (2) Subject to subparagraph (3), and despite paragraph 12 a non-resident technician is not required to self-quarantine from the date of his entry into Montserrat.
- (3) A non-resident technician shall—
 - (a) only be in a public place for the purpose of travelling to and from the place where he is undertaking work as a non-resident technician;
 - (b) wear a mask at all times while at the place where he is undertaking work as a non-resident technician;
 - (c) practice social distancing while at the place where he is undertaking work as a non-resident technician; and
 - (d) remain at his place of occupancy at all times except when travelling to and from the place where he is undertaking work as a non-resident technician.

16. Non-resident technician- COVID-19 test

- (1) A non-resident technician who enters Montserrat shall take a PCR COVID-19 test or a RNA COVID-19 test within 24 hours of entry into Montserrat.
- (2) If a non-resident technician is not fully vaccinated and intends to remain in Montserrat for more than five days, the non-resident technician must take a PCR COVID-19 test or a RNA COVID-19 test on day five of his stay in Montserrat.
- (3) For the avoidance of doubt, a non-resident technician who receives a negative PCR COVID-19 test result or a RNA COVID-19 test result following the PCR COVID-19 test or a RNA

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COVID-19 test taken under subparagraphs (1) and (2) shall comply with paragraph 15(3).

- (4) A non-resident technician who is not fully vaccinated shall take a PCR COVID-19 test or a RNA COVID-19 test between twelve and fourteen days after he enters Montserrat.
- (5) On the expiration of fourteen days after his entry into Montserrat a non-resident technician who is not fully vaccinated shall not be subject to paragraphs 15 (3)(a) and 15(3)(d), provided he tests negative for COVID-19.
- (6) On the expiration of five days after his entry into Montserrat a non-resident technician who is fully vaccinated shall not be subject to paragraphs 15 (3)(a) and 15 (3)(d), and is not required to take a PCR COVID-19 test or a RNA COVID-19 test before leaving self-quarantine.
- (7) For the avoidance of doubt—
 - (a) paragraphs 15 and 16 applies to a non-resident technician whether the non-resident technician is a Montserratian or a non-Montserratian; and
 - (b) a person shall only qualify for the measures applicable to a non-resident technician under paragraphs 15 and 16 if the person entered Montserrat as a non-resident technician with prior approval from the Minister.

17. Pilots COVID-19 test

A pilot who is not fully vaccinated and who navigates a flight into Montserrat on a habitual basis shall take a take a PCR COVID-19 test or a RNA COVID-19 test every 14 days.

18. Protocols for children

- (1) A child—
 - (a) five years and over shall take a PCR COVID-19 test or a RNA COVID-19 test no earlier than five days prior to entry into Montserrat.
 - (b) under eighteen years of age is not required to take a PCR COVID-19 test or a RNA COVID-19 test within 24 hours of entry into Montserrat.
 - (c) under eighteen years of age shall remain in self-quarantine for the same period as the adult who accompanied the child when the child entered Montserrat.

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- (d)* over two years of age is required to take a PCR COVID-19 test or a RNA COVID-19 test before the expiration of the self-quarantine, on the same day as the adult who accompanied the child when the child entered Montserrat.
- (2)** For the avoidance of doubt a child two years and under is not required to take a PCR COVID-19 test or a RNA COVID-19 test before the expiration of the self-quarantine period.

19. Electronic monitoring device

- (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 sub-paragraph (2) shall be for the sole purpose of preventing the transmission of COVID-19 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.

PART III—OPERATIONS OF ESTABLISHMENTS

20. Operations of Schools

- (1)** Subject to subparagraph (2) a child care centre, nursery school, primary school, secondary school, tertiary school or other school may open.
- (2)** If a child care centre, nursery school, primary school, secondary school, tertiary school or other school intends to open the Head or owner of the school shall, prior to opening, submit a sanitisation plan to the Minister for approval.

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- (3) The Head or owner of a child care centre, nursery school, primary school, secondary school, tertiary school or other school shall—
 - (a) ensure that staff, students and customers practice social distancing; and
 - (b) comply with any direction or guideline issued by the Minister regarding cleaning, sanitisation and other precautions.
- (4) If the Head or owner of a child care centre, nursery school, primary school, secondary school, tertiary school or other school fails to comply with this paragraph the Minister may close the child care centre, nursery school, primary school, secondary school, tertiary school or other school.

21. Operations of religious establishments

- (1) Subject to subparagraph (2) and (3) a pastor, minister or other church leader may cause a church or other religious establishment to be open.
- (2) A pastor, minister or other church leader shall ensure that—
 - (a) persons wear face coverings;
 - (b) as far as reasonably possibly members of the same household sit together;
 - (c) persons who are not members of the same household sit six feet apart;
 - (d) a person is assigned to sanitize the washroom or toilet after every use; and
 - (e) distance markers are placed to designate seating arrangements.
- (3) A pastor, minister or other church leader—
 - (a) may stand, if it is reasonably practicable, twelve feet away from any person while conducting a service;
 - (b) shall stand no less than six feet away from any person while conducting a service;
 - (c) shall wear a face covering while conducting a service or if he stands less than twelve feet away from any person while conducting the service; and

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- (d)* is not required to wear a face covering while conducting a service if he stands twelve feet away from any person while conducting the service.
- (4) A pastor, minister or other church leader shall comply with any direction or guideline issued by the Minister regarding cleaning, sanitisation and other precautions.

22. Operations of restaurants etc.

- (1) Subject to this Order and subparagraphs (2), (3), (4), (5) and (6), the owner of a restaurant, cook-shop or other similar business may offer the following services—
 - (a)* collection of orders;
 - (b)* food delivery service; and
 - (c)* dine-in service provided the Minister has approved the plans submitted under subparagraph (4).
- (2) If a restaurant or cook-shop or other similar business offers a collection of order service the owner of the restaurant or cook-shop or other similar business shall ensure that only one customer is permitted to enter the premises to collect or pay for the order.
- (3) If a restaurant or cook-shop or other similar business offers a food delivery service the person making the food delivery and the person receiving the food delivery shall practice social distancing during the process of the food delivery.
- (4) **If** the owner of a restaurant or cook-shop or other similar business intends to offer a dine-in service, he shall submit a plan that sets out the seating policy, table spacing policy and the sanitisation plan of the business to the Minister for approval.
- (5) The owner of a restaurant, cook-shop or other similar business shall—
 - (a)* ensure that staff and customers practice social distancing; and
 - (b)* comply with any direction or guideline issued by the Minister regarding cleaning, sanitisation and other precautions.
- (6) If an owner of a restaurant, cook-shop or other similar business fails to comply with this paragraph the Minister may order the owner to close the restaurant, cook-shop or other similar business.

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23. Operations of barbershops etc.

- (1) The owner of a barber shop, beauty salon, spa or other similar business may offer services by appointments only.
- (2) For the avoidance of doubt the owner of a barber shop, beauty salon, spa or similar business shall not offer walk-in services.
- (3) The owner of a barber shop, beauty salon, spa or similar business shall—
 - (a) ensure that a customer maintains a physical distance of six feet from another customer; and
 - (b) comply with any direction or guideline issued by the Minister regarding cleaning, sanitisation and other precautions.
- (4) If an owner of a barber shop, beauty salon, spa or similar business fails to comply with this paragraph the Minister may order the owner to close the barber shop, beauty salon, spa or similar business.

24. Operations of a gym, sports club

- (1) Subject to this Order and subparagraph (2) the owner of a gym, sports club or other similar entity may offer services.
- (2) If the owner of a gym, sports club or other similar entity intends to offer services the owner shall submit the sanitisation plan of the entity to the Minister for approval.
- (3) The owner of a gym, sports club or other similar entity shall—
 - (a) ensure that a customer maintains a physical distance of six feet from another customer; and
 - (b) comply with any direction or guideline issued by the Minister regarding cleaning, sanitisation and other precautions.
- (4) If the owner of a gym, sports club or other similar entity fails to comply with this paragraph the Minister may order the owner to close the gym, sports club or other similar entity.

25. Contact sporting activities

- (1) A person may engage in a contact sporting activity provided paragraph 3 is complied with.
- (2) Paragraph 31(1) does not apply to a person when the person is engaging in a contact sporting activity.

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- (3) For the purposes of this paragraph a “contact sporting activity” means a sporting activity in which a person necessarily comes into bodily contact with another person.

26. Operations of bus drivers and taxi operators

- (1) A bus driver or taxi operator may operate only with the prior permission of the Minister.
- (2) A bus driver or taxi operator shall transport no more than one passenger in the front passenger seat of the bus or taxi.
- (3) A taxi operator shall transport no more than two passengers in the rear of the in a motorcar during each trip.
- (4) Despite subparagraph (3), a taxi operator may transport more than two passengers in the rear of the motorcar if all the passengers in the motorcar are members of the same household.
- (5) A bus may transport more than one passenger in each row in the rear of the bus provided subparagraph (8) is complied with.
- (6) A bus driver or taxi operator shall display the logo “Montserrat Service Ready” in a conspicuous place in the bus or taxi.
- (7) A bus driver and a taxi operator shall comply with any direction or guideline issued by the Minister regarding cleaning, sanitisation and other precautions.
- (8) If a bus driver or taxi operator fails to comply with this paragraph the Minister may order that the bus driver, taxi operator cease operating.
- (9) A person who is a passenger in a taxi or a bus shall wear a face covering in the taxi or bus.

27. Operations of a banking business

The manager of a banking business shall—

- (a) establish measures that ensure customers and staff maintain a physical distance of at least three feet from another person both inside and outside the banking business;
- (b) determine the number of persons that may be permitted to enter the banking business at any one time by permitting one person for every nine square feet of floor space;
- (c) place distance markers three feet apart, inside the banking business to indicate where each customer must stand in a queue; and

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- (d)* place distance markers three feet apart, outside of the banking business to indicate where a customer must stand while waiting to enter the banking business.

28. Cultural Centre

- (1)** Subject to subparagraph (2), a person may host an event at the Montserrat Cultural Centre.
- (2)** A person who hosts an event at the Montserrat Cultural Centre shall ensure that—
 - (a)* temperature checks are conducted on persons entering the Montserrat Cultural Centre;
 - (b)* persons wear face coverings;
 - (c)* as far as reasonably possible members of the same household sit or stand together;
 - (d)* persons who are not members of the same household sit or stand three feet apart;
 - (e)* a person is assigned to sanitize the washroom or toilet after every use; and
 - (f)* distance markers are placed to designate seating arrangements.
- (3)** A person who hosts an event at the Montserrat Cultural Centre shall comply with any direction or guideline issued by the Minister regarding cleaning, sanitisation and other precautions.

29. Permits

- (1)** The Minister may give a person, business, organisation or department written permission to operate a business or entity referred to in this Order.
- (2)** A permit issued under this Order may include conditions.
- (3)** If a person, business or organisation fails to comply with a condition of a permit issued under this Order, the Minister may revoke permission to operate.
- (4)** The Minister may appoint persons to ensure compliance with this Order and directions or guidelines issued under this Order.

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PART IV—REMOTE WORKING AND SOCIAL DISTANCING

30. Remote working where reasonably practicable

- (1) Public officers may work remotely from home where reasonably practicable, subject to the direction of the Deputy Governor.
- (2) If it is reasonably practicable, an employer shall arrange for his employees to work remotely from home using electronic means or otherwise.

31. Social distancing

- (1) A person shall practice social distancing at all times.
- (2) The owner of a business or organisation, other than a banking business, that is permitted to operate under this Order shall—
 - (a) establish measures that ensure customers and staff maintain a physical distance of at least six feet from another person both inside and outside the business or organisation;
 - (b) determine the number of persons that may be permitted to enter the business or organisation at any one time by permitting one person for every thirty square feet of floor space;
 - (c) place distance markers six feet apart, inside the business or organisation to indicate where each customer must stand at the checkout point or in a queue;
 - (d) place distance markers six feet apart, outside of the business or organisation to indicate where a customer must stand while waiting to enter the business or organisation.

PART V—ENFORCEMENT AND PENALTIES

32. 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 whether the person is in compliance with this Order and where the person does not satisfy the enforcement officer that he is in compliance with this Order, the enforcement officer may arrest the person.
- (2) An enforcement officer may stop a person and require the person to answer any question to enable the enforcement officer to

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ascertain the person's identity and whether the person is in compliance with this Order.

- (3) Where the person under subparagraph (2) does not satisfy the enforcement officer that he is in compliance with this Order, the enforcement officer may—
- (a) direct the person to immediately proceed to his home or place of occupancy or designated quarantine facility;
 - (b) detain and convey the person to his home or place of occupancy or designated quarantine facility; or
 - (c) arrest the person.
- (4) The powers in subparagraph (1) may be exercised where a person is at any place other than the person's home or place of occupancy.
- (5) An enforcement officer may use reasonable force, if necessary, in the exercise of a power in this Order.
- (6) The Chief Medical Officer, Health Officer, Enforcement Officer, Medical Officer or other person appointed by the Minister may visit a person, a business or organisation to ensure compliance with this Order and directions or guidelines issued under this Order.
- (7) The Chief Medical Officer, Health Officer, Enforcement Officer, Medical Officer or enforcement officer may order the immediate closure of a business for failure of the person, a business or organisation to comply with this Order and directions or guidelines issued under this Order.

33. Offences

- (1) A person who assaults, obstructs, hinders, resists, uses threatening or abusive language or aids or incites any other persons to assault, obstruct, hinder or resist an enforcement officer, the Chief Medical Officer, Health Officer, Enforcement Officer, Medical Officer or a person appointed under this Order in the execution of his duty under this Order commits an offence.
- (2) A person who is present at, or promotes, aids, or assists in the promotion of a large gathering commits an offence.
- (3) A police officer may order a large gathering to disperse, and a person who fails to obey the order commits an offence.
- (4) A person who offers for sale a good at an unconscionable price commits an offence.

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- (5) A person who fails to wear a face covering in a public place, place of business, business, organisation or department commits an offence.
- (6) If the owner or head of a business, organisation, department, or place of business fails to comply with paragraph 4(5) the owner or head commits an offence.
- (7) If the owner or manager of a building referred to in paragraph 5(1) fails to comply with paragraph 5(2) the owner or manager commits an offence.
- (8) 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.
- (9) 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.
- (10) A person who fails to comply with this Order commits an offence.

34. Penalties

- (1) A person who commits an offence under this Order is liable on summary conviction to a fine of \$500 or to three months' imprisonment 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 six months' imprisonment or to both a fine and imprisonment.
- (2) The owner or head of a business, organisation, department, or place of business who fails to comply with paragraph 4(5) is liable to a fine of \$500 and in the case of a second or subsequent offence to a fine of \$1,000.
- (3) The owner or manager of a building referred to in paragraph 5(1) who fails to comply with paragraph 5(2) is liable to a fine of \$500 and in the case of a second or subsequent offence to a fine of \$1,000.
- (4) In addition to the penalty under subparagraph (2) a court may order the closure of the business for a period of thirty days.

35. Application to Court

- (1) If a person fails to comply with an order by the Chief Medical Officer or Health Officer, the Chief Medical Officer or Health Officer may apply to the Magistrate's Court for directions.

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- (2) If the Magistrate's Court is satisfied with the application made under subparagraph (1), the Magistrate's 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.

PART VI—MISCELLANEOUS

36. Guidelines

A public authority may issue guidelines to supplement these rules.

37. Repeal

The Public Health (COVID-19 Suppression) (No.10) Order, 2021 (S.R.O. 15 of 2021) is repealed.

38. Expiry

This Order expires 30th November, 2021 at 5 a.m.

Made by the Governor acting on the advice of Cabinet this 24th day of August, 2021.

CLERK OF CABINET

Published by exhibition by the Clerk of Cabinet at the Office of the Legislature, Farara Plaza, Brades, Montserrat, MSR1110, this day of , 2021.

CLERK OF CABINET