



EXTRAORDINARY

**OFFICIAL GAZETTE
THE BAHAMAS**

PUBLISHED BY AUTHORITY

NASSAU

30th June, 2020

EMERGENCY POWERS (COVID 19 PANDEMIC) ORDER, 2020

Arrangement of Orders

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OFFICE OF THE PRIME MINISTER

S.I. No. 102 of 2020

**EMERGENCY POWERS (COVID 19) REGULATIONS, 2020
(CHAPTER 34)**

**EMERGENCY POWERS (COVID 19 PANDEMIC) ORDER,
2020**

In exercise of the powers conferred on me by the Emergency Powers (Covid 19 Pandemic) Regulations, 2020, I HEREBY make the following Order —

PART I - PRELIMINARY

1. Citation and commencement.

- (1) This Order may be cited as the Emergency Powers (Covid 19 Pandemic) Order, 2020.
- (2) This Order shall come into force on the 30th day of June, 2020.

PART II - COVID 19 PROTOCOLS

2. Curfew.

- (1) A curfew is hereby imposed extending from 10:00 p.m. to 5:00 a.m. with such exceptions as are permitted herein or as may be approved by the Commissioner of Police.
- (2) Every person shall remain confined to their place of residence (inclusive of their yard space) during the curfew to avoid contact outside of their family except essential workers.
- (3) For the purposes of this order, an "essential worker" includes essential officers of —
 - (a) The Royal Bahamas Police Force;
 - (b) The Royal Bahamas Defence Force;
 - (c) Fire Services;
 - (d) the Department of Correctional Services;
 - (e) the Ministry of Social Services;
 - (f) the Department of Environmental Health Services;
 - (g) the Department of Immigration;

- (h) the Customs Department;
 - (i) waste disposal and sanitation companies;
 - (j) any hospital, public health care or medical facility;
 - (k) essential officers of any water, electricity or other sector encompassing the provision of electronic communications including print and electronic media;
 - (l) Bahamas Civil Aviation Authority; and
 - (m) the Sandilands Rehabilitation Centre.
- (5) All essential workers shall at all times carry a government issued identification.

3. Physical distancing protocols.

- (1) Every person shall practice physical distancing between themselves and others who are not of the same household of no less than six feet whenever he is away from his residence.
- (2) Every business establishment must —
 - (a) ensure that all customers and staff maintain physical distancing between themselves and others of no less than six feet in or outside the business;
 - (b) determine the number of persons that may be permitted in the establishment at any one time by permitting one person for every thirty square feet of store space;
 - (c) have distance markers six feet apart, indicating where each customer must stand on a line at a check out point;
 - (d) have distance markers six feet apart on the outside of the establishment, indicating where customers must stand while waiting to enter the establishment.

4. Requirement to wear face mask.

- (1) Every person who leaves his residence shall, while away from his residence, wear a face mask, which fits securely to his face, covering his nose and mouth.
- (2) Any person who is found not wearing a face mask in accordance with this order commits an offence and is liable on summary conviction to a fine of two hundred dollars or to a term of one month imprisonment or to both such fine or imprisonment.
- (3) Every establishment or business shall
 - (a) deny entry to any person not wearing a face mask described in paragraph (1);

- (b) ensure that its employees are fitted with face masks described in paragraph (1) at all times when in the presence of other employees or customers;
 - (c) ensure that its employees are allowed regular breaks outside of the presence of other employees or customers to permit the employee access to fresh air without wearing a face mask.
- (4) A person is not required to wear a face mask while —
- (a) exercising but is required to have a face mask visibly in his possession and easily accessible;
 - (b) on a beach but must wear a face mask when approaching and after exiting the beach.
- (6) Effective Wednesday the 1st day of July, 2020, for the purposes of this order, “establishment or business” includes a taxi service or driver and a public or private bus driver or operator under order 21.

5. Requirement to carry government issued identification.

Every person who leaves his residence in accordance with the provisions of this order, shall carry with him a government issued identification and shall produce the same for inspection when required to do so by a peace officer.

PART III - PUBLIC AND PRIVATE BUSINESSES AND INSTITUTIONS

6. Public Service.

- (1) Subject to paragraph (3), all persons employed within the public service and any government operated statutory body shall operate in accordance with paragraph (2).
- (2) Where the physical structure or layout of an office does not allow for adequate physical distancing in accordance with order 3, the permanent secretary or department head of that office shall cause to be prepared and implemented, a two month rotating schedule for the attendance of persons employed.
- (3) Any person who is employed within the public service and who has a comorbidity or compromised health, shall upon the submission of a medical certificate to the relevant permanent secretary or department head, be permitted to work remotely for a period of two months.
- (4) A person to whom paragraph (3) refers may be subjected to a medical examination by a medical practitioner appointed by the Competent Authority.

7. Businesses and institutions.

- (1) Subject to this order, any establishment, business, institution or agency is permitted to operate between the hours of 5:00 am to 8:00 pm daily.
- (2) Every establishment or business permitted to operate under this Order —
 - (a) shall do so, subject to orders 3 and 4; and
 - (b) may do so, utilizing the curbside pickup and delivery protocol as set out in Part A of the *Schedule*.

8. Tourism facilities, attractions, excursions, etc.

Effective —

- (a) Wednesday, the 1st day of July, 2020, hotels and vacation rental accommodations;
- (b) Saturday, the 13th day of July, 2020, attractions, excursions and tours;
- (c) Saturday, the 27th day of July, 2020, vendors, including those located at a craft or straw market and jet ski operators,

shall be permitted to resume operations.

9. Prohibited businesses.

For the avoidance of doubt, the following businesses are not permitted to open

- (a) bars, discotheques, cinemas, museums, libraries, historical societies and other cultural and entertainment facilities;
- (b) regattas, festivals, fairs, plays, performance arts and other cultural and entertainment events;
- (c) gyms and spas, subject to order 12;
- (d) tourist attractions, excursions and tours, craft and straw market vendors, and jet ski operators, subject to order 8.

10. Restaurants and food vendors.

- (1) A restaurant may, in accordance with this order, may operate between the hours of 5:00 am and 8:00 pm daily.
- (2) A restaurant may resume indoor dining provided that —
 - (a) the maximum seating of a restaurant shall be fifty percent of the maximum occupancy of that restaurant with a minimum of thirty square feet per person;
 - (b) seating shall be arranged in accordance with physical distancing protocols in accordance with order 3;
 - (c) staff shall wear masks in accordance with order 4;

- (d) patrons shall be required to wear masks upon entry and exit;
 - (e) staff shall sanitise tables, chairs and other implements used by patrons after each use.
- (3) A restaurant that is unable to operate in accordance with paragraph (2) shall only operate utilizing —
- (a) curbside pickup or delivery in accordance with the protocol set out in Part A of the *Schedule*;
 - (b) drive thru;
 - (c) take away; or
 - (d) outdoor dining.
- (4) Restaurants and food vendors located at Arawak Cay shall only be permitted to operate in accordance with paragraph (3).

11. Roadside vendors.

Roadside vendors of food and beverages shall operate subject to standard guidelines as approved by the Ministry of Health.

12. Salons, barbershops, spas and gyms.

- (1) A hair stylist, barber or other cosmetologist may operate between the hours of 5:00 am and 8:00 pm daily, subject to being certified by the Ministry of Health to resume work.
- (2) Effective Wednesday the 1st day of July, 2020, a gym or a spa may operate between the hours of 5:00 am and 8:00 pm daily subject to health and safety protocols as approved by the Ministry of Health.

PART IV – RELIGIOUS, EDUCATIONAL AND OTHER EVENTS AND ACTIVITIES

13. Religious instruction.

A church or other place of religious instruction may conduct services in accordance with the protocols established by The Bahamas Christian Council and approved by the Ministry of Health.

14. Schools and other educational institutions.

- (1) All schools and educational institutions, unless permitted to open under paragraphs (3) or (4), shall be closed.
- (2) Paragraph (1) does not prohibit schools and educational institutions from operating by electronic or virtual means.

- (3) Any school at which a national exam is being hosted shall be permitted to open for the purposes of making the necessary preparations for the sitting of that exam and for the administration of that national exam provided that —
- (a) all persons in attendance at that school wear face masks in accordance with order 4;
 - (b) the premises are sanitised; and
 - (c) the physical distancing protocols under order 3, and any guidelines or notices issued by the Competent Authority or the Ministry of Education are adhered to.
- (4) Preschools and infant daycare centres are permitted to open provided that —
- (a) all employees wear face masks;
 - (b) the premises are sanitised; and
 - (c) the preschool or infant daycare centre adheres to any guidelines or notices issued by the Competent Authority or the Ministry of Education.

15. Social gatherings in homes and private facilities.

- (1) Subject to paragraphs (3) and (4), no person shall host or attend —
- (a) a private party which includes any person from outside of the immediate household of the occupant;
 - (b) a banquet, ball or reception;
 - (c) any social event;
 - (d) a meeting of a fraternal society, private or social club or civic association or organization.
- (2) Subject to paragraph (4), a wedding, funeral or graduation ceremony which hosts —
- (a) a total of ten persons inclusive of any officiants shall be permitted;
 - (b) eleven to thirty persons inclusive of any officiants in attendance, shall be permitted upon the written approval of the Competent Authority.
- (3) Effective Wednesday the 1st day of July, 2020, a person may host or attend a social gathering of not more than twenty persons at a private residence or facility.
- (4) Paragraphs (1) and (2) shall expire at 12:00 am on Wednesday the 1st day of July, 2020.

16. Funerals, burials and repasts.

- (1) This order shall come into force on Wednesday the 1st day of July, 2020.
- (2) A funeral service may be held in a church or other religious facility provided that the number of attendees is limited in accordance with the physical distancing protocol under order 3 and other protocols issued by the Bahamas Christian Council and approved by the Ministry of Health.
- (3) Notwithstanding paragraph (2), a burial at a graveside may be held with no more than thirty persons inclusive of officiants and funeral service workers and shall be subject to physical distancing and the requirement to wear masks in accordance with order 3 and 4, respectively.
- (4) A funeral repast may be hosted in accordance with order 15(3).

17. Wedding ceremonies and receptions.

- (1) This order shall come into force on Wednesday 1st day of July, 2020.
- (2) Subject to the requirements of order 4, a wedding ceremony may be held —
 - (a) in a church or a facility, provided that the number of attendees inclusive of officiants is limited in accordance with the physical distancing protocols provided in order 3; and
 - (b) outdoors, subject to physical distancing protocols provided in order 3.
- (3) A person may host or attend a wedding reception in accordance with the occupancy and physical distancing requirements provided in order 10(2) (a).

18. Exercise and sporting activities.

- (1) No person shall host or attend a recreational or competitive sporting event.
- (2) Notwithstanding paragraph (1), the training of professional and elite athletes is permitted.
- (3) A person may engage in outdoor exercise, whether alone or together with family members of the same residence, between the hours of 5:00 a.m. to 10:00 p.m., provided that such person must ensure at all times to distance himself at least six feet from any other person.
- (4) Effective Wednesday the 1st day of July, 2020, a person may host or attend an outdoor group exercise activity subject to health and safety protocols approved by the Ministry of Health.

19. Fishing.

Subsistence or commercial fishing with more than two persons aboard a vessel is permitted.

PART V – DOMESTIC AND INTERNATIONAL TRAVEL

20. Domestic travel.

- (1) A person may travel by aircraft, passenger ferry or mailboat from any Family Island to another Family Island in accordance with any notice or announcement made by the Competent Authority.
- (2) All passengers travelling inter island shall be required to wear face masks in accordance with order 4.
- (3) The operator of any aircraft, passenger ferry or mailboat carrying persons inter island shall deny the boarding of any person who is not wearing a face mask and shall ensure that travellers continue to wear their face mask throughout the journey.

21. Public transportation and taxi service.

- (1) Subject to paragraph (2), no person shall offer for hire or seek to travel on any public bus transportation.
- (2) Effective Wednesday the 1st day of July, 2020 —
 - (a) taxi services may operate;
 - (b) private and public bus services may operate, provided that such service shall be operated at fifty percent occupancy.subject to guidelines issued by the Ministry of Tourism and approved by the Ministry of Health.

22. Restriction on International travel.

- (1) This order and Part B of the *Schedule* shall expire at 12:00 am on Wednesday the 1st day of July, 2020.
- (2) For the purposes of preventing, controlling and suppressing the spread of Covid 19 —
 - (a) no aircraft shall be permitted to bring any passengers into The Bahamas;
 - (b) all ports of entry shall be closed to regional and international seafaring and private boating;

- (c) except with the prior written permission of the Bahamas Maritime Authority, no regional or international commercial vessel shall berth at any port; and
 - (d) no visitor shall be permitted to enter and disembark for any reason, including transiting through The Bahamas.
- (3) The restriction contained in paragraph (1) does not apply to
- (a) outgoing flights or outgoing ships, as the case may be;
 - (b) cargo flights or cargo ships, as the case may be;
 - (c) commercial courier flights;
 - (d) emergency medical flights;
 - (e) emergency flights approved by the Bahamas Civil Aviation Authority;
 - (f) aircrafts, without any incoming passengers, operating for the sole purpose of evacuating persons from The Bahamas, provided that the pilot stays with the aircraft at all times while in The Bahamas; and
 - (g) incoming flights for the purpose of returning citizens and legal residents of The Bahamas in accordance with the protocol set forth in Part B of the *Schedule*.
- (4) Notwithstanding paragraph (1)(d), a person aboard a pleasure craft which has been anchored offshore in Bahamian waters for at least fourteen days, shall be permitted to disembark at a port in The Bahamas to conduct routine business; and while in The Bahamas, shall adhere to the requirements of physical distancing and wearing of face masks pursuant to orders 3 and 4, respectively.

23. Entry requirements for citizens, residents and visitors.

- (1) This order shall take effect Wednesday the 1st day of July, 2020.
- (2) A —
- (a) citizen of The Bahamas;
 - (b) legal resident of The Bahamas; or
 - (c) person other than a person referred to in paragraphs (a) or (b),
- shall be permitted to enter The Bahamas subject to this order and to any other legal requirement for entry.
- (3) Subject to paragraph (4), a person referred to in paragraph (2) shall be required prior to arrival in The Bahamas —
- (a) to undergo a RT-PCR COVID 19 molecular diagnostic test administered by an accredited lab; and

- (b) where the result of the test is negative, to submit or cause to be submitted to the Chief Medical Officer at the Ministry of Health, the results of the test together with his contact information.
- (4) A person referred to in —
 - (a) paragraph (2)(f) and (h), shall be permitted entry into The Bahamas without the requirement of a negative COVID 19 RTPCR test result, provided that such person —
 - (i) clearly demonstrates that he is unable to undergo the required testing in accordance with paragraph (3)(a)(i) in the jurisdiction of his initial departure; and
 - (ii) is subject to mandatory quarantine upon arrival or alternatively opts to undergo a RTPCR COVID 19 molecular diagnostic test administered by the Ministry of Health upon arrival.
 - (b) paragraph (2)(c), shall be permitted entry from a jurisdiction with no community spread as specified by the Competent Authority, without the requirement of a negative COVID 19 RTPCR test result, provided that such person —
 - (i) clearly demonstrates that he is unable to undergo the required testing in accordance with paragraph (3)(a)(i) in the jurisdiction of his residence from which he is departing; and
 - (ii) agrees to
 - (aa) undergo a COVID 19 RTPCR test upon arrival in The Bahamas at his own expense; or
 - (bb) submitting to quarantine or isolation for a period of not less than fourteen days.
- (5) A person referred to in paragraph (2)(a) or (h) who has
 - (a) departed from The Bahamas and returns within a period of seventy-two hours or less, shall not be required to undergo a RTPCR COVID 19 molecular diagnostic test in accordance with paragraph (3), but shall be subject to quarantine of fourteen days as determined by a health officer;
 - (b) been placed under quarantine or self isolation may be released from that quarantine or self isolation upon undergoing a RTPCR COVID 19 molecular diagnostic test, at his own expense, with a negative result.
- (6) Subject to paragraph (7), the results of a RTPCR COVID 19 molecular diagnostic test shall be valid for a period of ten days from the date on which the test was taken.
- (7) Effective Sunday the 7th day of July, 2020 —

- (a) paragraph (7) shall expire; and
 - (b) a negative test result of a RTPCR COVID 19 molecular diagnostic test shall be valid for a period of seven days from the date on which the test was taken.
- (8) As a condition of entry into The Bahamas, all persons referred to in paragraph (2) must agree to monitoring for a period of not less than fourteen days.
- (9) Based on the results of a person's RTPCR Covid 19 molecular diagnostic test or any symptoms that person may be exhibiting —
 - (a) a person referred to in paragraph (2)(a) and (b) may be —
 - (i) monitored by a health officer;
 - (ii) required to be isolated or quarantined;
 - (b) a person referred to in paragraph (2)(c) —
 - (i) monitored by a health officer;
 - (ii) required to be isolated or quarantined;
 - (iii) refused entry into The Bahamas; and
 - (iv) removed from The Bahamas.
- (10) For the purposes of this Order, a negative test result means a result of a RTPCR COVID 19 molecular diagnostic test result indicating that a person is Covid 19 free.

24. Responsibility of airline and vessel operators.

- (1) The operator of any aircraft or vessel shall not permit any person to board that aircraft or vessel without the passenger first presenting —
 - (a) the test results referred to in order 23(3)(b) which are valid in accordance with order 23(7) or (8); or
 - (b) verification from the Ministry of Health that the person has been authorized to enter The Bahamas in accordance with order 23(4)(a) or (b); or
 - (c) confirmation that the person is returning to The Bahamas after being abroad for a period of seventy-two hours or less in accordance with order 23(6)(a).
- (2) The operator of any aircraft or vessel transporting persons in accordance with this order shall be obligated to report to the Chief Medical Officer as soon as practicable but no later than upon arrival in The Bahamas, the details of any passenger exhibiting apparent symptoms of Covid 19.

PART VI - PROVISION OF CARE AND VISITATION

25. Provision of care in homes and residential care facilities.

- (1) Any person desirous of —
- (a) conducting home visits for the purpose of providing medical, therapeutic or other patient care;
 - (b) providing care in a residential care establishment or facility,
- must submit to the Chief Medical Officer —
- (i) a valid government issued identification;
 - (ii) a current residential address, telephone number and other contact information;
 - (iii) evidence of training and certification to provide medical or therapeutic care;
 - (iv) details regarding the care to be provided and contact information for current patients or clients, and undergo infection control protocol training provided by the Ministry of Health prior to providing any care.
- (2) A person referred to in paragraph (1), may be required by the Chief Medical Officer to undergo Covid 19 testing from time to time.
- (3) Upon satisfaction of meeting the requirements of paragraph (1), the Chief Medical Officer may issue a letter authorising a person referred to in paragraph (1), to provide medical, therapeutic or other patient care by home visit or in a residential care establishment or facility.
- (4) No person shall permit a healthcare worker or caregiver to enter his home or a residential care establishment facility unless that healthcare worker or caregiver produces a letter of authorisation issued by the Chief Medical Officer in accordance with paragraph (3).

26. Restriction on visitation.

No person shall visit or be permitted to visit —

- (a) any place of quarantine or isolation station;
- (b) a patient in a hospital or residential care establishment or facility;
- (c) a detainee in a correctional facility.

PART VII – MISCELLANEOUS

27. Power to stop vehicles.

- (1) The Royal Bahamas Police Force shall have powers to stop any vehicle and inquire as to the purposes for which that vehicle is being utilized and to arrest anyone found in violation of this Order.
- (2) For the purposes of this Order, "vehicle" includes a motor vehicle or motor bike.

28. Littering.

- (1) No person shall dump on or otherwise deposit or leave any litter in any public place or open space.
- (2) For the purposes of this order, "litter" means anything whatsoever, including dust, dirt, oddments, leavings, waste paper, cigarette ends, bottles (whether empty or not), derelict vehicles, derelict vessels and any dead animal or carrion.

29. Failure to enforce requirements.

- (1) Effective Wednesday the 1st day of July, 2020, any owner, manager or operator of any establishment or business who —
 - (a) allows the entry of any person not wearing a mask; or
 - (b) fails to ensure that
 - (i) all persons within the establishment or business wears a mask while within the establishment or business; or
 - (ii) the number of persons in the establishment or business is limited in accordance with this Order,commits an offence and is liable upon summary conviction to a fine of five hundred dollars.
- (2) Where a person referred to in paragraph (1) commits —
 - (a) a second offence, that person shall be liable upon summary conviction to a fine of one thousand dollars;
 - (b) a third or subsequent offence —
 - (i) that person shall be liable upon summary conviction to a fine of five thousand dollars; or
 - (ii) the establishment or business may be ordered to close temporarily; or
 - (iii) the person shall be liable upon summary conviction to a fine of five thousand dollars and the establishment or business may be ordered to close temporarily.

- (4) For the purposes of this order, "establishment or business" includes public or private transportation for hire.

30. Fraudulent documents.

The provisions of the Penal Code (*Ch. 84*) shall apply where a person submits a false or fraudulent document in compliance with any order hereunder.

31. General penalty.

Any person, company or organization who contravenes any order given herein for which no penalty is provided, is liable upon summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding eighteen months or to both.

32. Guidelines.

The Competent Authority may issue guidelines to provide for further clarification on these Orders.

SCHEDULE

PART A

(Order 7(6) and 10(3))

DELIVERY AND CURBSIDE CRITERIA AND PROTOCOLS

DELIVERY

A business resuming operations via delivery should meet the following criteria and protocols at a minimum:

- (a) utilize gloves and other protocols in handling and delivery of goods;
- (b) upon arrival at the customer's destination, the delivery person shall call, text or email the customer to announce delivery of the goods;
- (c) ensure that there is no person-to-person contact utilizing practices such as:
 - (i) leaving the delivery outside the door with the driver waiting an effective distance away from the door;
 - (ii) waiting at an effective distance away from the door to make a visual confirmation that the parcel has been received; and

- (ii) taking an image of the customer collecting the package, as an additional precaution and to confirm receipt.

CURBSIDE PICKUP

A business resuming operations via curbside pick-up should meet the following criteria

- (a) the customer shall place an order remotely, either through an online store, social media page, app or telephone;
- (b) the business shall issue an invoice to the customer and the customer shall pay by electronic or digital platform, or in cash at the time of pick up via placing the cash in an envelope in a secure bin provided by the business which must be sanitized after every use;
- (c) the business shall schedule a same day or other day pick up;
- (d) all orders shall be filled in store by essential staff, who must practise Covid 19 safety and physical distancing protocols;
- (e) staff must wear personal protection equipment while filling orders;
- (f) the customer will call the store when they are outside;
- (g) a member of staff of the business shall place the goods in the trunk of the customer's vehicle, if possible, while continuing to practice physical distancing at all times;
- (h) all customers are encouraged to remain in their vehicles.

PART B

(Order 22(3)(g))

PROTOCOL FOR THE RETURN OF CITIZENS AND LEGAL RESIDENTS OF THE BAHAMAS

- (1) Any —
 - (a) citizen of The Bahamas;
 - (b) legal resident of The Bahamas; or
 - (c) home owner qualifying for economic permanent residency;
 - (d) the immediate family member or significant person, as approved by the Director, of any person referred to in paragraph (a), (b) or (c).

shall be permitted entry into The Bahamas by international air travel to New Providence or Grand Bahama subject to the satisfaction of this protocol.

- (2) A person referred to in paragraph (1) who is desirous of returning to The Bahamas must make contact and register with the Bahamas Embassy or Consulate nearest to him.
- (3) A person referred to in paragraph (1), —
 - (a) shall be required:
 - (i) to undergo a RTPCR COVID 19 molecular diagnostic test administered by an accredited lab, prior to returning to The Bahamas; and
 - (ii) to submit or cause to be submitted to the Chief Medical Officer at the Ministry of Health, the results of the test together with his contact information,
 - (b) may be required to undergo a RTPCR COVID 19 molecular diagnostic test administered by the Ministry of Health upon arrival.
- (4) Any —
 - (a) aircraft or airline; or
 - (b) vessel,proposing to travel to New Providence or Grand Bahama to return a person referred to in paragraph (1), is required to apply to the Director General of The Bahamas Civil Aviation Authority or the Director of The Bahamas Maritime Authority for the necessary approvals prior to departure.
- (5) No aircraft or vessel referred to under paragraph (4) shall permit any person to board the aircraft or vessel without first being presented with —
 - (a) the test results referred to in paragraph (3)(a); or
 - (b) verification from the Ministry of Health that the person has been authorized for the test to be administered in accordance with paragraph (3)(b).
- (7) The personnel aboard any aircraft or vessel returning persons in accordance with this order shall be obligated to report to the Chief Medical Officer as soon as practicable but no later than immediately after arrival in The Bahamas, the details of any passenger exhibiting symptoms of Covid 19.
- (8) Based on the results of a person's RTPCR Covid 19 molecular diagnostic test or any symptoms that person may be exhibiting, that person may be
 - (a) monitored by the Ministry of Health;
 - (b) required to be isolated or quarantined;

- (c) refused entry into The Bahamas; and
- (d) removed from The Bahamas.

Made this 30th day of June, 2020

Signed
HUBERT MINNIS
Prime Minister

EMERGENCY POWERS (COVID 19 PANDEMIC) (SPECIAL PROVISIONS) ORDER, 2020

Arrangement of Orders

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EMERGENCY POWERS (COVID 19 PANDEMIC) (SPECIAL PROVISIONS) ORDER, 2020

In exercise of the powers conferred by the Emergency Powers (Covid 19 Pandemic) Regulations¹, I **HEREBY** make the following order —

1. Citation and commencement.

- (1) This Order may be cited as the Emergency Powers (Covid 19 Pandemic) (Special Provisions) Order, 2020.
- (2) This Order shall come into force on the 30th day of June, 2020.

2. Data Protection (Privacy of Personal Information) Act.

- (1) The National Insurance Board is, in accordance with section 13(e) of the Data Protection (Privacy of Personal Information) Act (*Ch. 324A*), permitted to share with a money transmission service provider approved in writing by the Competent Authority, the personal data of a data subject for the purpose of facilitating the payment of a national insurance benefit to the data subject through the money transmission service.
- (2) Nothing in this order shall be construed as relieving the approved money transmission service provider of the requirement to safeguard any personal data received by it in respect of any data subject in accordance with paragraph (1).

3. Business Licence Act and Value Added Tax Act deferred taxes.

- (1) For the duration of the state of public emergency and extending to thirty days thereafter —
 - (a) where an application for extension of time to pay value added tax is approved by the Comptroller of VAT, the reference in section 60(7) of the Value Added Tax Act (*No. 32 of 2014*), to the words "An extension of time or other arrangement granted or made by the Comptroller pursuant to subsection (6) may include the waiver of a fine but does not affect the accrual of interest on all amounts of tax due and payable by a person that remains outstanding until actual

¹S.I. No. 101 of 2020

payment is made" shall be suspended in relation to that person, and the following provision shall apply "An extension of time or other arrangement granted or made by the Comptroller pursuant to subsection (6) may include the waiver of a fine and interest accrued on all amounts of tax due and payable that remain outstanding at the date of the application."; and

- (b) where a licensee has made an arrangement with the Secretary under the Business Licence Act (*No. 25 of 2010*) to pay the amounts outstanding for business licence tax, the provisions of section 3A and the *Fourth Schedule* of the Business Licence Act (*No. 25 of 2010*) shall be suspended in relation to that licensee,

provided that the applicant or licensee meets the criteria specified in paragraph (2) of order 4.

- (2) The amount for which an extension of time may be approved by the Comptroller of VAT under paragraph (1)(a) and in relation to which an arrangement may be made by the Financial Secretary under paragraph (1) (b) shall not exceed one-half of the payroll obligations for non-executive staff for the period 1st day of July, 2020 to 31st day of September, 2020.
- (3) All applications for an extension or arrangement under this Order shall be submitted to the relevant authority by the 30th day of July, 2020.
- (4) Where an extension of time or arrangement to pay is approved under this Order, the applicant may pay the amounts approved between January 2021 to December 2021.

4. Compensation to businesses affected by Covid 19 Pandemic Regulations and Orders.

- (1) A business whose growth or advancement was damaged, injured, or impaired by the provisions of the Emergency Powers (Covid 19) Regulations, 2020¹ and the Emergency Powers (Covid 19 Pandemic) Regulations, 2020² and any Order made thereunder, and meets the criteria specified in paragraph (2) may apply to the Competent Authority through the Department of Inland Revenue for compensation outlined in paragraph (3).
- (2) Orders 3 and 4 shall only apply to a business that —
 - (a) is in good standing with all taxes up to June 2020;
 - (b) is a VAT registrant under the Value Added Tax Act, 2014;

¹S.I. No. 21 of 2020.

²S.I. No. 101 of 2020.

- (c) retains at least 80 percent of all staff employed by the business as at the 29th day of February, 2020 and continue to employ such staff at least until the 31st day of October, 2020;
 - (d) utilizes the compensation solely for the purpose of meeting the business' regular payroll obligations to non-executive staff;
 - (e) does not operate within the following sectors –
 - (i) retail or wholesale grocery food establishments;
 - (ii) pharmacies and related wholesalers;
 - (iii) regulated telecommunications sector;
 - (iv) regulated financial and insurance business;
 - (v) gaming.
- (3) The amount approved for compensation under this Order shall not exceed one half of the business' regular non-executive payroll obligations for July to September 2020 and shall only be used by the business to meet its regular non-executive payroll obligations.
- (4) All applications for compensation under this Order must be submitted by the 31st day of July, 2020.
- (5) For the purposes of this order —
- “non-executive staff” means all employees of the business who —
- (i) do not hold the positions of or function in the capacities of president, vice president, director or similar positions within the business; or
 - (ii) are not the owners of the business; and
- “payroll obligations” means the total gross basic pay of all non-executive staff of the business, and excludes bonuses, tips, gratuities, commission and severance pay.

5. Excess business licence tax.

Where a business receives an approval under orders 3 or 4, any amounts payable for business licence tax by that business that are not covered under the grant of approval under orders 3 or 4 shall become due and payable within fifteen calendar days after such grant of approval.

6. Penalties.

- (1) Any person who knowingly makes a statement in respect of an application under order 3 or 4 which is false in any material particular, commits an offence and shall be liable upon summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding eighteen months or to both such fine and imprisonment.

- (2) Where —
- (a) an application under any of orders 3 or 4 is approved on the basis of a false statement; or
 - (b) an applicant fails to comply with any condition or meet any criteria under either orders 3 or 4,
- any approval granted under any of these orders to the applicant shall be immediately revoked and all taxes, penalties or interest that were credited, waived or deferred pursuant to orders 3 and 4 shall become payable as if orders 3 and 4 were not in force.

7. Employment of student nurses.

- (1) Notwithstanding regulations 8 and 9 of the Nurses and Midwives Regulations¹ any student nurse who has completed the relevant curriculum of study set out in Part 1 of the *First Schedule* to Nurses and Midwives Regulations², and is currently undergoing practical training at a public health care facility shall —
- (a) be deemed to be registered as a registered nurse for the purposes of the Nurses and Midwives Act (*Ch. 225*) during the state of public emergency; and
 - (b) be employed by the Ministry of Health under a contract of service during the state of the public emergency or until such other time as contracted between the parties.
- (2) The Ministry of Health shall immediately cause a person referred to in paragraph (1) to be registered with the National Insurance Board, and that person shall be entitled to the benefits of an employed person under the National Insurance Act (*Ch. 350*).

8. Employment Act.

- (1) For the duration of the period of the state of public emergency and thirty days thereafter, section 28C of the Employment Act (*Ch. 321A*) shall be suspended.
- (2) Where an employee has been laid off as a result of the Covid 19 pandemic, the period referred to in paragraph (1) shall not be taken into account in the calculation of any period used to presume redundancy in accordance with section 28C of the Employment Act (*Ch. 321A*).

¹S.I. No. 3 of 1993.

²S.I. No. 2 of 1993.

- (3) Notwithstanding paragraphs (1) and (2), where the operations of a business has ceased during the period referred to in paragraph (1), section 28C of the Employment Act (*Ch. 321A*) shall apply.

9. Immigration Act.

Any work permit, annual residence or other permit issued under the Immigration Act (*Ch. 191*) that expired during the state of public emergency shall be deemed to be extended until thirty days after the expiry of the state of public emergency.

10. Local Government Act.

- (1) Section 17(1) of the Local Government Act (*Ch. 37*) (hereinafter "the Act"), is suspended with effect from 30th day of June, 2020, until the 31st day of July, 2020.
- (2) The period of suspension referred to in paragraph (1) shall not be taken into account in determining the date of the holding of the next election of committee members and Councillors which by section 17(1) of the Act, must be held within three years of the last election of such members and Councillors which was held in June 2017.
- (3) In calculating the three year period referred to in paragraph (2), that period shall be extended by the number of days of the period of suspension.
- (4) The term of office of the committee members and Councillors holding office at the date of this order, shall be extended until the issuance of the writ of election for the next election.

11. Control of sale of personal protection equipment.

- (1) Any person who sells personal protection equipment to any person other than —
- (a) the Ministry of Health;
 - (b) the Public Hospital Authority;
 - (c) a medical practitioner under Medical Act (*No. 29 of 2014*);
 - (d) a person registered under the Dental Act (*Ch. 226*);
 - (e) a veterinarian surgeon or practitioner under the Veterinarian Surgery Act (*Ch. 245*),
- commits an offence and upon summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment of three months or to both such fine and imprisonment.
- (2) For the purposes of paragraph (1), "personal protection equipment" means garments intended for the protection of healthcare workers and

includes goggles, surgical masks, face-shields, gowns, coveralls, and head covers.

12. Control of Importation of non-surgical face masks.

- (1) Any person who imports more than ten non-surgical face masks without the prior written approval of the Competent Authority commits an offence and is liable upon summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment of three months or to both such fine and imprisonment.
- (2) Notwithstanding paragraph (1) any business or undertaking involved in—
 - (a) industrial manufacturing;
 - (b) commercial cleaning and sanitation;
 - (c) commercial food handling, cooking, or food delivery;may import personal protection equipment including face masks in order to safely conduct its business.

Made this 30th day of June, 2020

**Signed
HUBERT MINNIS
Prime Minister**