

EMERGENCY POWERS (COVID 19 PANDEMIC) (NO. 6) ORDER, 2020

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

**EMERGENCY POWERS (COVID 19 PANDEMIC)(NO. 6)
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.

This Order may be cited as the Emergency Powers (Covid 19 Pandemic)(No. 6) Order, 2020.

PART II – GENERAL PROVISIONS

2. Application of Part.

Unless otherwise stated, this Part shall apply to the islands specified in the *First Schedule* and the *Second Schedule*.

COVID 19 PROTOCOLS

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 and 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.
- (5) The requirement to wear a face mask is not satisfied by the wearing of a face shield in place of a face mask.

5. Requirement to sanitise.

Every establishment shall —

- (a) provide a hand sanitising station at every entry to that establishment;
- (b) ensure that every person who enters sanitises his hands;
- (c) regularly sanitise the premises provided that such sanitisation is done no less than twice a day; and
- (d) sanitise the premises, equipment and furniture in accordance with applicable protocols approved by the Ministry of Health.

6. 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.

BUSINESS AND OFFICE OPERATIONS

7. Work remotely from home.

- (1) This order shall apply to the island of New Providence.
- (2) All businesses and offices may continue their business operations by allowing their employees to work remotely from home utilizing virtual means, unless those employees are permitted to work under Part IV.
- (3) Where a business is unable to have employees work remotely from home, or operate in accordance with the provisions of this Order, that business shall cease its operations.

8. Public Service.

- (1) This order shall apply to the island of New Providence.
- (2) All persons employed within the public service, unless specifically designated as essential workers in Part IV or designated by the permanent secretary of any Ministry as essential workers, shall work remotely from home.
- (3) All persons employed within the public service who are so designated as essential workers by the permanent secretary of the respective Ministry shall report to their place of work.

9. Curbside and delivery service.

A business, establishment or institution permitted to operate utilizing curbside or delivery service shall do so in accordance with the protocol set forth in the *Third Schedule*.

10. Diplomatic and consular offices.

Notwithstanding any curfew imposed by this Order, a diplomatic or consular office inclusive of Operation Bahamas and Turks and Caicos (OPBAT) and Atlantic Undersea Test and Evaluation Center (AUTEK) shall be permitted to operate.

11. Food distribution.

- (1) The National Food Distribution Task Force shall be permitted to carry out the national food distribution programme.
- (2) A non governmental organisation or religious organisation shall —
 - (a) be permitted to distribute food; and
 - (b) provide the Commissioner of Police with a list of employees engaged in the distribution of food.

12. 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 a RTPCR COVID 19 diagnostic test 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).

13. Restriction on visitation.

No person shall visit or be permitted to visit —

- (a) any place of quarantine or isolation station which includes a government identified quarantine facility;

- (b) a patient in a hospital or residential care establishment or facility;
- (c) a detainee in a correctional facility.

DOMESTIC AND INTERNATIONAL TRAVEL

14. Approval of voyage by sea or travel by air.

- (1) The —
 - (a) Director-General of the Bahamas Civil Aviation Authority may permit a private or commercial flight; and
 - (b) Chairman of the Bahamas Maritime Authority may permit a commercial vessel,for the purpose of any travel into, within and out of The Bahamas.
- (2) For the avoidance of doubt —
 - (a) an approval granted under paragraph (1) —
 - (i) is made in respect of an aircraft or vessel; and
 - (ii) is not an approval for entry of a person into The Bahamas or approval for a person to travel inter-island; and
 - (b) the provisions of order 18 shall apply in respect of the approval of a person to enter The Bahamas and the provisions of order 17 shall apply in respect of the approval of a person travelling inter island.

15. Responsibility of airline and vessel operators.

- (1) This order shall apply to travel into and within The Bahamas.
- (2) The operator of any aircraft or vessel shall —
 - (a) not permit any person to board that aircraft or vessel without the passenger first presenting —
 - (i) the test results referred to in order 18(2) which are valid in accordance with order 18(5)(b); or
 - (ii) confirmation from the Ministry of Health that the passenger is ten years old and younger and not required to undergo a RTPCR COVID 19 molecular diagnostic test in accordance with orders 18(4).
 - (b) ensure that travellers continue to wear their face mask throughout the journey.
- (3) 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.

16. Inter island travel.

- (1) Subject to paragraphs (2) and (3), every person desirous of inter island travel shall —
 - (a) prior to travelling, apply for and obtain a travel visa that shall be presented to the carrier agent at the point of embarkation; and
 - (b) upon arrival on the other island, submit to mandatory quarantine at a government identified facility or any other appropriate facility as determined by the Ministry of Health, at his own expense, for a period of fourteen days or for the duration of stay, if for a lesser period.
- (2) A person travelling inter island —
 - (a) in respect of an emergency which is evidenced by written confirmation from a health officer or the Royal Bahamas Police Force stating that the person has an emergency that requires inter island travel; or
 - (b) as the employee of an operator of an aircraft or a vessel transporting freight and passengers;shall not be required to comply with paragraph (1) and (3).
- (3) Notwithstanding paragraph (1), a person travelling from New Providence shall be required to undergo a RTPCR COVID 19 molecular diagnostic test and obtain a negative result prior to applying for the travel visa referred to in paragraph (1).
- (4) For the avoidance of doubt, notwithstanding that a person travelling from an island listed in the First or Second Schedules is not required to obtain a COVID 19 RTPCR test result prior to travel to New Providence, such person shall be required to obtain a negative result when departing from New Providence to return to a Family Island.
- (5) Notwithstanding paragraph (3), a person ten years old or younger shall not be required to undergo a RTPCR COVID 19 molecular diagnostic test prior to travel but shall be required to submit to mandatory quarantine in accordance with paragraph (1)(b).
- (6) For the purposes of this order —
 - (a) a hotel is an appropriate facility for quarantine under paragraph (1) (b);
 - (b) the results of a RTPCR COVID 19 molecular diagnostic test shall be valid for a period of five days from the date on which the test was taken; and
 - (c) a negative test result means a result of a RTPCR COVID 19 molecular diagnostic test result indicating that a person is COVID 19 negative or COVID 19 is not detected.

- (7) All passengers travelling inter island shall be required to wear face masks in accordance with order 4.
- (8) The operator of any aircraft, passenger ferry or mailboat carrying persons inter island shall deny the boarding of any person who —
 - (a) is not wearing a face mask;
 - (b) has not presented to the carrier agent at the point of embarkation —
 - (i) a travel visa; or
 - (ii) in the case of an emergency, a written confirmation from a health officer or the Royal Bahamas Police Force stating that the person has an emergency and is required to travel inter island.
- (9) An operator who permits a person to travel contrary to paragraph (7) commits an offence and is liable upon summary conviction to a fine of five hundred dollars in respect of each passenger in violation.
- (10) Inter island commercial flights shall be permitted to operate throughout The Bahamas from the 9th day of September, 2020.

17. Quarantine of inter island travellers.

Any person travelling from an island for which notice has been given of an impending lockdown order shall at his own expense, be placed under mandatory quarantine for a period of fourteen days or for the duration of stay, if for a lesser period, upon arrival at the other island in The Bahamas.

18. Entry requirements for citizens, legal residents and visitors.

- (1) A —
 - (a) citizen or legal resident of The Bahamas who has obtained a health visa issued by the Government;
 - (b) visitor who has —
 - (i) obtained a health visa issued by the Government; and
 - (ii) complied with all other legal requirements for entry,shall be permitted to enter The Bahamas.
- (2) An applicant for a health visa shall be required prior to arrival in The Bahamas —
 - (a) to undergo a RTPCR COVID 19 molecular diagnostic test administered by an accredited lab; and
 - (b) if result of the test is negative, 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.

- (3) A person to whom a health visa has been issued shall, upon arrival in The Bahamas —
 - (a) submit to mandatory quarantine at a government identified facility or any other appropriate facility as determined by the Ministry of Health, at his own expense, for a period of fourteen days or for the duration of stay, if for a lesser period, upon arrival in The Bahamas; and
 - (b) undergo a RTPCR COVID 19 molecular diagnostic test at the end of the period specified in subparagraph (a).
- (4) Notwithstanding paragraph (2), a person ten years old or younger shall —
 - (a) not be required to undergo a RTPCR COVID 19 molecular diagnostic test prior to arrival in The Bahamas; and
 - (b) be required to submit to mandatory quarantine in accordance with paragraph (3).
- (5) For the purposes of this order —
 - (a) a hotel is an appropriate facility for quarantine under paragraph (3) (a);
 - (b) the results of a RTPCR COVID 19 molecular diagnostic test shall be valid for a period of five days from the date on which the test was taken;
 - (c) a negative test result means a result of a RTPCR COVID 19 molecular diagnostic test result indicating that a person is COVID 19 free; and
 - (d) “legal resident” includes a non-Bahamian who is a owner of a home in The Bahamas.
- (6) Notwithstanding paragraph (3), any diplomatic personnel shall be exempt from mandatory quarantine upon arrival in The Bahamas and monitoring under order 19.
- (7) A visitor under mandatory quarantine, may, subject to protocols established by the Ministry of Health, and at his own expense, travel outside of the jurisdiction.

19. Condition of entry - monitoring.

- (1) As a condition of entry into The Bahamas, a person referred to in order 18 agrees to monitoring which includes monitoring —
 - (a) by way of the HubbCat Monitoring Platform;
 - (b) by the Ministry of Health;
 - (c) by members of the COVID 19 Enforcement Unit which is comprised of health officers and officers of the Royal Bahamas Police Force as authorised by the Competent Authority; and

- (d) by unscheduled visits by the Royal Bahamas Police Force.
- (2) A—
 - (a) citizen or legal resident who refuses to be monitored in accordance with paragraph (1)(a), shall be required to submit to mandatory quarantine, at his own expense, at a government identified facility as appointed by the Competent Authority;
 - (b) visitor who refuses to be monitored shall be deported at the earliest opportunity and until such deportation, be placed in mandatory quarantine at a government identified facility.

20. Travel by sea.

- (1) Every port of entry in every Family Island shall be closed with the exception of any port of entry which is a public dock.
- (2) Subject to paragraph (3), a person entering The Bahamas by sea must —
 - (a) comply with the requirements of order 18 and submit prior to arrival in The Bahamas, valid negative results from a RTPCR COVID 19 molecular diagnostic test;
 - (b) stop at the port of entry at the intended destination pursuant to paragraph (1) and deliver to the local authority, a copy of the negative RTPCR COVID 19 molecular diagnostic test and a valid health visa;
 - (c) not travel to any other island before or during the commencement of his quarantine in accordance with paragraph (d);
 - (d) at his own expense, quarantine on his vessel or other appropriate location for a period of fourteen days or for the duration of stay, if for a lesser period and undergo a RTPCR COVID 19 molecular diagnostic test at the end of the quarantine period.
- (3) For the purposes of this order —
 - (a) the results of a RTPCR COVID 19 molecular diagnostic test shall be valid for a period of five days from the date on which the test was taken; and
 - (b) a negative test result means a result of a RTPCR COVID 19 molecular diagnostic test result indicating that a person is COVID 19 free.

21. Exemption from quarantine.

- (1) After consultation with the Ministry of Health, the Competent Authority may in writing, exempt —
 - (a) any person or any class of persons whose arrival in The Bahamas is necessary to perform an essential service or is in the national

interest, from the requirement to quarantine under orders 16, 18 and 20 provided such person has a RTPCR COVID 19 negative test and will be residing in a hotel or resort;

- (b) any person who is travelling inter island from the requirement to undergo quarantine where exceptional circumstances exist.
- (2) A person travelling inter island from an island listed in the *First Schedule* shall be exempt from the requirement to undergo quarantine.
- (3) A public officer travelling for government business who has written confirmation that he or she is travelling for immediate government business from the Permanent Secretary of the respective Ministry or the head of the respective agency, shall be exempt from the requirement to undergo quarantine in accordance with order 16.
- (4) The exemption from quarantine under paragraph (3) does not affect the requirement for a public officer to undergo a RTPCR COVID 19 molecular diagnostic test in accordance with order 16(3).
- (5) Any senior government official who is travelling for immediate government business may be exempted, in writing, from the requirement to undergo quarantine under order 16, by the Competent Authority.

22. Release from quarantine.

- (1) Subject to paragraph (2), a person under quarantine in accordance with orders 16, 18 and 20 shall be required to undergo a RTPCR COVID 19 molecular diagnostic test to be discharged from quarantine.
- (2) A person may be exempted from the requirement specified in paragraph (1), by the Chief Medical Officer or his designate in accordance with protocols established by the Ministry of Health.

23. Negative RTPCR COVID 19 molecular diagnostic test result.

Wherever a “negative result of the RTPCR COVID 19 molecular diagnostic test” or “negative RTPCR COVID 19 molecular diagnostic test” or a “RTPCR COVID 19 negative test” is referred to in this Order it shall have the meaning given in order 16(6)(c).

24. Exemption from the requirement to undergo the RTPCR COVID 19 molecular diagnostic test.

Any senior government official who is travelling for immediate government business may be exempted, in writing, from the requirement to undergo the RTPCR COVID 19 molecular diagnostic test under order 16, by the Competent Authority.

PART III – MEASURES RELATING TO FIRST SCHEDULE ISLANDS

25. Application of Part.

This Part shall apply to the islands specified in the *First Schedule*.

26. Businesses and institutions.

A business, agency, establishment or institution shall be permitted to operate subject to the adherence to the Covid 19 protocols of orders 3, 4, 5 and 6.

27. Religious and educational instruction.

- (1) A church or 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.
- (2) A school is permitted to open 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, 4, 5 and 6, and any guidelines or notices issued by the Competent Authority or the Ministry of Education are adhered to.
- (3) A person is permitted to operate a home school programme provided that no more than five students are in attendance unless permission for the attendance of more than five students has been granted by the Ministry of Education.
- (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.

28. Salons, barbershops and spas.

- (1) A hair stylist, barber or other cosmetologist may operate subject to being certified by the Ministry of Health to resume work.
- (2) The operator of a salon, barbershop or spa shall ensure that —

- (a) orders 3, 4 and 5 are strictly adhered to by employees and patrons; and
- (b) at any time, the occupancy of the salon, barbershop or spa shall not exceed one patron per service provider.

29. Restaurants.

- (1) A restaurant shall be permitted to operate utilizing inside and outside 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.
- (2) For the avoidance of doubt, “restaurant” includes a mobile takeaway restaurant —
 - (a) that has a valid business licence issued under the Business Licence Act, 2010 (*No. 25 of 2010*);
 - (b) that meets aesthetic standards as approved by the Ministry of Works;
 - (c) that has been granted written approval by the Commissioner of Police to occupy a location;
 - (d) whose employees have valid food handlers certifications; and
 - (e) that has been certified by the Ministry of Health.

30. Social gathering.

A person may host or attend a social gathering of not more than twenty persons at a private residence or facility.

31. Weddings, receptions, funerals, burials and repasts.

- (1) A wedding may be held in a church, a facility, or outdoors provided that the number of attendees inclusive of officiants is limited in accordance with the physical distancing protocols provided in order 3.
- (2) A person may host or attend a wedding reception in accordance with the occupancy and physical distancing requirements provided in order 29(1)
 - (a).

- (3) A funeral may —
- (a) 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;
 - (b) include a burial at a graveside, 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; and
 - (c) include a repast of not more than twenty persons at a private residence or facility.

32. Beaches and parks.

All public and private beaches and parks shall be open.

PART IV – MEASURES RELATING TO SECOND SCHEDULE ISLANDS

33. Application of Part and commencement.

This Part shall apply to the islands specified in the *Second Schedule*.

34. Curfew.

A curfew is hereby imposed for the islands to which this Part applies, extending from 10:00 pm to 5:00 am daily with such exceptions as are permitted herein or as may be approved by the Commissioner of Police.

35. Essential services and activities.

- (1) Notwithstanding the curfew imposed under order 34, the following agencies, businesses, establishments, undertakings or activities shall be permitted to operate during the hours of curfew —
- (a) a public health medical facility including a hospital or clinic;
 - (b) the Public Hospital Authority and its agencies;
 - (c) a quarantine centre or facility;
 - (d) the National Food Distribution Task Force or any food distribution centre;
 - (e) the National Emergency Management Agency;
 - (f) the Disaster Reconstruction Authority;

- (g) a hotel with guests subject to order 41;
- (h) The Royal Bahamas Police Force;
- (i) The Royal Bahamas Defence Force;
- (j) Fire Services;
- (k) Operation Bahamas Turks and Caicos (OPBAT);
- (l) the Department of Correctional Services;
- (m) the Department of Immigration;
- (n) the Customs Department;
- (o) the Judiciary (essential workers only);
- (p) the Bahamas Civil Aviation Authority (air traffic controllers);
- (q) the Ministry of the Environment and Housing;
- (r) the Ministry of Social Services;
- (s) the Ministry of Education;
- (t) the National Insurance Board;
- (u) the Central Bank of The Bahamas;
- (v) the Department of Lands and Surveys;
- (w) a humane society;
- (x) the Bahamas National Trust;
- (y) waste disposal and sanitation services;
- (z) governmental, non-governmental and religious organisations operating for the distribution of food supplies;
- (aa) a business licensed to provide security guard services;
- (ab) a business that provides veterinarian emergency services;
- (ac) essential workers, including contractors or subcontractors, in any public or privately owned utility provider of water, electricity or electronic communications, including the print and electronic news media;
- (ad) ports of entry, container ports, freight forwarders and private terminals for the conduct, where applicable, of basic port maintenance services (inclusive of garbage removal), domestic trade, imports and exports of containerised freight, and the import, treatment, bunkering and export of oil products;
- (ae) any public or privately owned terminal and ancillary or support services for the receipt of imported wholesale petroleum products for domestic consumption, for the purpose of the storage and onward delivery of the same to any public or private entity for utility or retail distribution throughout The Bahamas over land or by barges;
- (af) a business engaged in inter-island transportation of freight; and

- (ag) the servicing and replenishing of automatic banking machines shall be permitted; and
- (ah) night deposits shall be permitted.

- (2) A freight forwarder permitted to operate under paragraph (1) shall only provide services to the general public utilizing curbside pickup or delivery.

36. Permitted activities for islands listed in Second Schedule except New Providence.

- (1) All businesses, agencies, establishments and institutions are permitted to operate provided the protocols in orders 3, 4, 5 and 6 are adhered to.
- (2) A laundromat permitted to open under paragraph (1) shall operate subject to protocols approved by the Ministry of Health including —
 - (i) fifty percent occupancy;
 - (ii) a control person at each entrance ensuring sanitisation as persons enter;
 - (iii) no congregating of persons inside or outside of the laundromat.
- (3) A salon or barbershop permitted to operate under paragraph (1) shall do so subject to —
 - (a) being certified by the Ministry of Health to resume work; and
 - (b) the operator of a salon or barbershop shall ensure that —
 - (i) orders 3, 4 and 5 are strictly adhered to by employees and patrons; and
 - (ii) at any time, the occupancy of the salon or barbershop shall not exceed one patron per service provider.

37. Permitted activities for New Providence.

- (1) With respect to the island of New Providence—
 - (a) the following businesses may operate and open to the general public daily between the hours of 6:00 am and 9:00 pm —
 - (i) a grocery store;
 - (ii) a pharmacy;
 - (iii) a gas station;
 - (iv) a hardware store;
 - (v) a water depot;
 - (b) a private medical facility, may operate daily —
 - (i) between the hours of 5:00 am and 10:00 pm;

- (ii) between the hours of 10:00 pm and 5:00 am for the provision of emergency care only; and
- (c) a dental practice may operate daily between the hours of 5:00 am and 10:00 pm;
- (d) a commercial bank or credit union may open Monday through Friday, between the hours of 8:00 am and 5:00 pm;
- (e) an international bank, trust company or financial institutions may operate Monday through Friday for operational services, between the hours of 9:00 am and 5:00 pm or such earlier opening time as may be required, provided that the office is not permitted to open for more than eight hours in any working day, with ten essential staff members or more as may be approved in writing by the Competent Authority;
- (f) financial services shall be permitted to operate for the purposes of a transaction that cannot be carried out remotely and limited to only Senior Officer 1 and Senior Officer 2, together with not more than ten employees, Monday through Friday between the hours of 9:00 am and 5:00 pm;
- (g) insurance agents, brokers and companies shall be permitted to operate, Monday through Friday, between the hours of 9:00 am and 5:00 pm with no more than ten essential employees;
- (h) a law firm shall be permitted to operate, Monday through Friday, between the hours of 9:00 am and 5:00 pm provided that not more than two partners together with not more than fifteen other employees are in attendance;
- (i) a real estate agent or broker, shall be permitted to operate, Monday through Saturday, between the hours of 9:00 am and 5:00 pm, utilizing only essential employees with no more than fifty per centum of office occupancy being used;
- (j) an architect, engineer or surveyor shall be permitted to operate, Monday through Friday between the hours of 9:00 am and 5:00 pm, utilizing only essential employees with no more than fifty per centum of office occupancy being used;
- (k) money transmission services shall be permitted to operate Monday through Friday between the hours of 9:00 am and 5:00 pm;
- (l) the essential workers of a pool maintenance or landscape service provider may operate Monday through Saturday between the hours of 7:00 am and 5:00 pm;
- (m) a retail bakery, water and ice production company shall be permitted to operate daily between the hours of 7:00 am and 5:00 pm;

- (n) a news vendor shall be permitted to operate on Monday through Friday between the hours of 7:00 am and 1:00 pm provided that the vendor remains stationary;
 - (o) a laundromat shall be permitted to operate daily between the hours of 6:00 am and 9:00 pm subject to protocols approved by the Ministry of Health including —
 - (i) fifty percent occupancy;
 - (ii) a control person at each entrance ensuring sanitisation as persons enter;
 - (iii) no congregating of persons inside or outside of the laundromat;
 - (p) a dry cleaning or laundry service shall be permitted to operate between the hours of 9:00 am and 5:00 pm;
 - (q) a retail store selling clothing, jewellery, shoes or fabric shall be permitted to operate Monday through Saturday between the hours of 7:00 am and 6:00 pm;
 - (r) a retail business may be permitted to operate Monday through Saturday between the hours of 7:00 am and 6:00 pm utilizing curbside or delivery service;
 - (s) a beauty salon or barbershop shall be permitted to operate in accordance with paragraph (4);
 - (t) a gaming house operator, may be permitted to operate provided that operations resume utilizing curbside, online or delivery services;
 - (u) a wholesaler or manufacturer shall be permitted to operate daily;
 - (v) a plant nursery shall be permitted to operate daily;
 - (x) home visits conducted by a a healthcare worker to members of the general public for the purpose of providing medical or therapeutic care; and
 - (y) maintenance of crops and animals by a farmer or caretaker.
- (2) A salon or barbershop permitted to operate under paragraph (1)(s) shall do so subject to —
- (a) being certified by the Ministry of Health to resume work; and
 - (b) the operator of a salon or barbershop shall ensure that —
 - (i) orders 3, 4 and 5 are strictly adhered to by employees and patrons; and
 - (ii) at any time, the occupancy of the salon or barbershop shall not exceed one patron per service provider.
- (3) For the purposes of this order, “essential worker” includes employees of an agency, business or establishment specified in paragraph (1).

- (4) Every business permitted to operate under paragraphs (1) shall, unless otherwise specified, operate in store or with client-facing services.
- (5) Each household shall designate one person to carry out shopping for essential item or seeking essential services as specified in this Part.

38. Prohibited businesses and activities.

For the avoidance of doubt, the following are not permitted to operate or be held

- (a) a casino, bar, discotheque, cinema, museum, library, historical society and other cultural or entertainment facility;
- (b) a regatta, festival, fair, play, performance art and other cultural or entertainment event;
- (c) the occasional sale of prepared meals commonly known as a cook out, steak out or souse out;
- (d) a spa;
- (e) a gym; and
- (f) a craft or straw market vendor, and a jet ski operator.

39. Religious and educational instruction.

- (1) A worship service may be conducted in accordance with the protocols established by The Bahamas Christian Council and approved by the Ministry of Health.
- (2) A school shall be permitted to operate virtually provided that a teacher shall be permitted to attend the premises for the purposes of performing tasks necessary for the conduct of virtual learning.
- (3) Notwithstanding paragraph (2), the Minister of Education may grant an approval to a school to engage in face to face instructions, provided the Ministry of Health has determined it is safe to do so.
- (4) A 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.
- (5) A person is permitted to operate a home school programme provided that no more than five students are in attendance unless permission for the attendance of more than five students has been granted by the Ministry of Education.
- (6) Preschools and infant daycare centres are permitted to operate.
- (7) Every religious organisation, school or preschool permitted to operate in accordance with this order may do so provided that —
 - (a) the physical distancing protocols under order 3 are adhered to;

- (b) all persons in attendance wear face masks in accordance with order 4;
 - (c) the premises are sanitised in accordance with order 5; and
 - (d) any guidelines, notices or protocols issued or approved by the Competent Authority, the Ministry of Education or the Ministry of Health are adhered to.
- (8) Notwithstanding the operation of a school or preschool in accordance with this Order, the principal or other person responsible for the management of the school may, in writing, exempt a teacher from attendance at a school in accordance with health protocols established by the Ministry of Health.
- (9) For the avoidance of doubt, a “religious organisation” —
- (a) includes a church, synagogue, mosque, sanctuary or other premises which is utilised for the purpose of communal worship; and
 - (b) shall only operate as permitted in paragraph (1), subject to the conditions of paragraph (7).

40. Weddings and funerals.

- (1) Notwithstanding order 34 —
- (a) weddings may be held provided that attendees are limited to ten persons exclusive of the officiant; and
 - (b) funerals may be held provided that the funeral service is conducted at the graveside and is limited to ten persons exclusive the officiant and mortuary workers.
- (2) For the avoidance of doubt, no person shall host or attend a wedding reception or a funeral repast.

41. Tourism facilities, attractions, excursions, etc.

- (1) A hotel permitted to open under orders 36(2) and 37(1) shall operate subject to —
- (a) the adherence to orders 3, 4 and 5;
 - (b) the following conditions —
 - (i) a guest under quarantine shall not be permitted to leave the premises except as permitted by this Order;
 - (ii) indoor dining, casinos, discos, gyms, and spas are prohibited.
- (2) Subject to order 38, a business or commercial activity in a hotel or resort shall be permitted to operate and shall not be restricted to the hours of operation specified in order 37.

- (3) Charters, including inter-island charters provided the provisions of orders 14 and 16 are complied with, are permitted to operate.
- (4) For the avoidance of doubt —
 - (a) guests of a hotel shall remain on the premises of that hotel during the curfew imposed in order 34;
 - (b) a hotel restaurant shall not offer buffet style service;
 - (c) a restaurant in a hotel permitted to open under order 36(1) may only operate utilizing outdoor dining or room service;
 - (d) any other touristic facility, attraction or excursion is prohibited from operation.

42. Restaurants.

- (1) A restaurant may, in accordance with this order, operate between the hours of 5:00 am and 9:00 pm daily —
 - (a) utilizing —
 - (i) curbside pickup or delivery;
 - (ii) drive thru; or
 - (iii) take away; and
 - (b) ensuring that —
 - (i) its employees wear masks in accordance with order 4;
 - (ii) all patrons adhere to physical distancing protocols and wear masks in accordance with orders 3 and 4, respectively.
- (2) Subject to paragraph (3) and notwithstanding paragraph (1), a restaurant may utilize inside and outside 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 in New Providence, is prohibited from utilizing inside dining.
- (4) For the avoidance of doubt, “restaurant” includes a mobile takeaway restaurant —
 - (a) that has a valid business licence issued under the Business Licence Act, 2010 (*No. 25 of 2010*);

- (b) that meets aesthetic standards as approved by the Ministry of Works;
 - (c) that has been granted written approval by the Commissioner of Police to occupy a location;
 - (d) whose employees have valid food handlers certifications; and
 - (e) that has been certified by the Ministry of Health.
- (5) A restaurant or food vendor located at a “Fish Fry” location in Grand Bahama, including but not limited to those located in Eight Mile Rock, Smith's Point, West End, and Williams Town shall be permitted to operate in accordance with paragraph (1) only.
- (6) Restaurants located at the Fish Fry at Arawak Cay and Potters Cay shall be permitted to operate in accordance with paragraph (1) only.

43. Fishing hunting and harvesting of crabs.

The following activities shall be permitted —

- (a) fishing with no more than two persons in the vessel between the hours of 5:00 am and 6:00pm;
- (b) commercial fishing including trap setting and fishing for crawfish beyond the curfew hours set in order 34;
- (c) harvesting of crabs beyond the hours of curfew set out in order 34;
- (d) wild bird hunting.

44. Social gatherings.

- (1) Subject to paragraph (2), a person is permitted to host or attend a gathering in a private residence or facility of a maximum of ten persons whether they are from the same household or not.
- (2) Notwithstanding paragraph (1), in New Providence no person shall host or attend a gathering in a private residence or facility except for —
 - (a) a home school programme in accordance with order 39;
 - (b) a wedding in accordance with order 40; or
 - (c) as otherwise permitted under this Part.

45. Beaches and parks.

- (1) Subject to paragraph (2), all public and private beaches and parks, subject to physical distancing protocols and provided that there shall be no greater than five persons in a group, shall be open daily —
 - (a) in Grand Bahama, between the hours of 5:00 am to noon;
 - (b) in New Providence, between the hours of 5:00 am to noon; and
 - (c) in any other island to which this Part applies.

- (2) The COVID 19 Enforcement Unit shall be empowered to monitor beaches and parks to ensure the adherence to this Order.

46. Exercise.

- (1) A person is permitted to exercise —
- (a) in Grand Bahama and New Providence —
 - (i) in his immediate neighbourhood between the hours of 5:00 am and 10:00 pm; and
 - (ii) in his yard, at any time;
 - (b) at any time, subject to the hours of curfew, in any other island to which this Part applies.
- (2) Persons are permitted to exercise in a group outdoors between the hours of 5:00 am and noon.

47. Construction.

Construction shall be permitted on —

- (a) Monday to Friday between the hours of 7:00 am and 5:00 pm; and
- (b) Saturdays between the hours of 7:00 am and 1:00 pm,

subject to the Covid 19 protocols in orders 3 to 5 and protocols established by the Bahamas Construction Association as approved by the Ministry of Health.

48. Exemptions.

The Competent Authority, may by letter, in exceptional circumstances and in consultation with public health professionals, exempt a business or class of business to which this Part applies from any restriction imposed by this Part.

PART V – MISCELLANEOUS

49. Application of Part.

This Part shall apply to the islands specified in *First Schedule* and the *Second Schedule*.

50. Public transportation.

A —

- (a) taxi service; or
- (b) private and public bus service 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.

51. 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.

52. 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.

53. Failure to enforce requirements.

- (1) 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;
 - (iii) sanitisation measures in accordance with order 5 are carried out;
 - (iv) persons within the establishment comply with physical distancing under order 3;commits an offence and is liable upon summary conviction to a fine of five hundred dollars.
- (2) Any owner, manager or operator or supervisor of a construction site who fails to ensure the compliance of the protocols established by the Bahamas Construction Association and approved by the Ministry of Health commits an offence and is liable upon summary conviction to a fine of five hundred dollars.
- (3) Where a person referred to in paragraph (1) or (2) 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, business or construction site may be ordered to close temporarily.
- (4) For the purposes of this order, “establishment or business” includes public or private transportation for hire.

54. Falsified results.

Any person who —

- (a) submits a falsified result of a Covid 19 diagnostic test; or
- (b) undergoes a RTPCR COVID 19 molecular diagnostic test prior to his departure from The Bahamas and presents the results of that test on his return to The Bahamas as though the test had been carried out in another jurisdiction,

commits an offence and upon summary conviction is liable to a fine not exceeding two thousand dollars or to two years imprisonment or to both such fine and imprisonment.

55. General offence and penalty.

- (1) Any person company or organization who contravenes any order herein commits an offence.
- (2) Any offence 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.

56. Issue of notice.

- (1) Notwithstanding anything to the contrary in this or any other Order where a peace officer finds any person or has reason to believe that any person (“the alleged offender”) is committing or has committed an offence under this Order he may then and there serve upon the alleged offender the prescribed notice in writing charging him with the commission of the offence.
- (2) The peace officer shall at the time of such service notify the alleged offender —
 - (a) of his requirement to appear before a magistrate on the day specified in connection with the charge; and

- (b) that he has the opportunity of having his appearance before a magistrate waived and of having no conviction recorded against him should he, the alleged offender, sign the notice in the appropriate place in acknowledgement of his guilt and return it to the magistrate's clerk specified in the notice together with the sum mentioned in the notice in payment of the fixed penalty.
- (3) Notwithstanding anything to the contrary in any law, the alleged offender who signs the notice and pays the fixed penalty before the expiration of fourteen days following the date of the notice shall be treated for all purposes in law as a person who has not committed or been charged with or prosecuted for or convicted of or sentenced for the offence in respect of which payment was made.
- (4) Subject to paragraph (7), where a person is served a notice under paragraph (1) in respect of an offence no proceedings shall be taken against the alleged offender for that offence until the end of fourteen days following the date of the notice.
- (5) Payment of the fixed penalty shall be made to the clerk of the Magistrate's Court specified in the notice and the admission of guilt and the sum paid shall, subject to paragraph (3), be dealt with by the magistrate of that court in the same manner as an adjudication by him in court upon the admission of an offence punishable on summary conviction and for which no conviction is recorded.
- (6) In any proceedings, a certificate that payment of the fixed penalty was or was not paid to the relevant magistrate's clerk by the date specified in the certificate shall, if the certificate purports to be signed by the magistrate's clerk be sufficient evidence of the facts stated therein, unless the contrary is proved.
- (7) For the purposes of this section, the fixed penalty shall be two hundred and fifty dollars.
- (8) In any proceedings for an offence to which paragraph (1) applies, no reference shall be made about the conviction of the alleged offender to the giving of any notice under this section or to the payment or non-payment of the fixed penalty unless in the course of the proceedings or in some document which is before the Court in connection with the proceedings reference has been made by or on behalf of the alleged offender to the giving of such a notice or as the case may be to such a payment or non-payment.
- (9) A notice issued to a person under paragraph (1), shall for the purposes of this Order or any other law, be deemed to be a summons issued to that person by the magistrate or the Magistrate's court specified in the notice for the appearance of that person in the event where he does not sign the

notice in acknowledgement of his guilt and make payment of the fixed penalty.

(10) For the purposes of this section the notice shall be in the form in the *Fourth Schedule*.

57. Guidelines.

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

58. Revocation.

The Emergency Powers (Covid 19 Pandemic) (No. 5) Order, 2020 is hereby revoked.

FIRST SCHEDULE

(Order 2, 16, 25, and 49)

Chub Cay
Harbour Island
Long Cay
Long Island
Ragged Island
Rum Cay
San Salvador
Spanish Wells

For the avoidance of doubt, a reference to an island above includes the reference to a surrounding island or cay unless otherwise specified.

SECOND SCHEDULE

(Order 2, 7, 16, 33, and 49)

Acklins
Abaco
Andros
Berry Islands

Bimini
Cat Island
Crooked Island
Eleuthera
Exuma
Grand Bahama
Inagua
Mayaguana
New Providence
Paradise Island

For the avoidance of doubt, a reference to an island above includes the reference to a surrounding island or cay unless otherwise specified.

THIRD SCHEDULE

(Orders 9, 34, 36 and 42)

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
 - (iii) 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.

FOURTH SCHEDULE

(order 56)

Form
Royal Bahamas Police Force
NOTICE OFFERING WAIVER OF APPEARANCE BEFORE MAGISTRATE
AVAILABLE

TO: (Offender)

.....of.....
.....

Driver's Licence No

National Insurance No
(or)

Passport No.....Country of Issue

Take Notice that

I,

(number, rank and name of police officer) have reason to believe that the offence of (name offence and give particulars) has been committed by you

You may waive your obligation to appear before the Magistrate and have no conviction for the offence recorded if you sign this notice in the appropriate place below admitting guilt of the offence and returning the signed notice together with the fixed penalty of \$..... before the day of 20 to the clerk of the Magistrate's Court # situated at

Failure to return the signed notice together with the above sum in payment of the fixed penalty in the manner and within the time specified above will result in your trial for the above offence before the Magistrate of the aforementioned Magistrate's Court at o'clock in the morning/afternoon of .. 20 and for which trial you are hereby requested to attend before the Magistrate at that time.

Signature of Officer
I admit to the above offence and make the payment of the sum of \$
Signature of Offender

Date:.....20.....

Made this 10th day of September, 2020

PRIME MINISTER