

SECTION 46

PUBLIC HEALTH (INFECTIOUS DISEASE) REGULATIONS*[18th January, 1960]*S.I. 8/1960
S.I. 104/1975
S.I. 6/2003
S.I. 41/2020
S.I. 58/2020
S.I. 62/2020**ARRANGEMENT OF REGULATIONS***General*

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General

- 1.** These regulations may be cited as the Public Health (Infectious Disease) Regulations. Short title
- 2.** These regulations shall apply to all infectious diseases, and shall apply throughout Seychelles. Scope
- 3.** Where the incidence of infectious disease in any area in Seychelles renders it necessary, in the opinion of the Commissioner, to close all the schools in that area the Commissioner shall inform the Chief Education Officer who shall Commissioner
may order
closing of
schools
S.I. 104/1975
S.I.41/2020

make a school closing order, in writing, and shall cause it to be served, on the head of every school in the area.

Effect of
closing
order

- 4.** On the making of a school closing order —
- (a) instruction in day schools shall cease;
 - (b) all day pupils shall be sent home immediately;
 - (c) all school buildings and equipment shall be disinfected in such manner as the medical officer of health directs;
 - (d) all the pupils in each boarding school shall be confined to the school premises until the medical officer of health gives directions as to which pupils or group of pupils should be sent to their homes, as to the examination, segregation and treatment of those who remain, as to the extent, if any, to which teaching may be resumed and as to all other measures which the medical officer of health thinks necessary for maintaining health and minimising the spread of infection and all persons concerned shall comply with such directions;
 - (e) the staffs of all schools shall furnish all such information as the medical officer of health requires concerning the attendances and absences of pupils and the names and addresses of pupils and their parents and guardians and of all persons employed in connection with the school;
 - (f) all teachers and other persons employed in schools shall submit to examination of their persons as directed by the medical officer of health.

5. Where the incidence of infectious disease in a particular school renders it necessary, in the opinion of a Medical Officer of Health, to close that school the medical officer of health shall inform the Chief Education Officer who shall make a closing order accordingly and cause it to be served on the head of the school and thereupon the provisions of regulation 4 shall apply to such school, so far as applicable.

Closing of particular school
S.I. 104/1975

6.(1) Where the incidence of infectious disease renders it necessary, in the opinion of the medical officer of health, to restrict the attendance at schools to pupils of certain classes or groups or to exclude from attendance any particular class or group, the medical officer of health may cause a written restriction order to be served by the Chief Education Officer on the heads of the schools concerned who shall forthwith enforce the order and shall also comply with any directions given to them by the medical officer of health regarding precautions and the supply of information.

Restriction of attendance at schools

(2) The class or group to which a restriction order applies may be an educational class or an age group or a class or group specified in any other way to suit the needs of particular circumstances.

7. Closing orders and restriction orders under these regulations shall remain in force until they are revoked. Such orders may be extended in scope or relaxed, modified or revoked by further orders from the Chief Education Officer as circumstances require.

Further orders

7A.(1) Where a public health emergency or the incidence of infectious disease renders it necessary to restrict or prohibit the entry into or exit of any person or class of persons from Seychelles, the Commissioner, may make orders prohibiting the entry into or exit of any person or class of persons from Seychelles within a specified period and with such restrictions or exemptions as may be specified in the order.

Restriction on entry to, exit from and return to Seychelles
S.I. 41/2020

(2) No citizen of Seychelles shall exit from Seychelles within a period of 30 days from 23rd March, 2020.

(3) Any person who exits Seychelles using a non-Seychelles passport during a period of 30 days from 23rd March, 2020 shall undertake not to return to Seychelles for a period of 3 months from the date of exit from Seychelles.

(4) Any person seeking an exemption from the operation of subregulations (1), (2) or (3) shall make an application to the Minister and the Minister may on the recommendation of the Commissioner either grant or refuse the application.

Compulsory
medical
examination etc.
S.I. 41/2020

7B.(1) Where a person returns to Seychelles after the publication of a Public Health Emergency Notice or where the incidence of infectious disease renders it necessary that person shall be required to undergo medical examination, medical surveillance or isolation or quarantine, as the case may be.

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(2) Any person who is not a citizen of Seychelles and refuses to undergo the necessary requirements under subregulation (1) shall not be allowed entry into Seychelles and the person in charge of an aircraft or vessel that brought into Seychelles the person that has been prohibited entry into Seychelles and the owners, agents and charterers of such aircraft or vessel shall, upon being required to remove such person from Seychelles, be responsible for such removal as soon as practicable thereafter and the provisions of section 6 of the Immigration Decree shall apply.

Restriction of
travel
S.I.62/2020

7C.(1) Where an incidence of infectious disease renders it necessary, the Commissioner may, by order, restrict or prohibit any vehicle or vessel, including any person or thing therein, from—

(a) entering Seychelles;

- (b) exiting Seychelles; or
- (c) transiting in, traveling to, or leaving any part of Seychelles;

within a specified period and with such restrictions, conditions or exemptions as may be specified in the order.

(2) The Commissioner, in consultation with the relevant public authorities, may issue a permit to a person or class of persons or the owner or operator of any vessel or vehicle to enter, exit, transit, travel to, or leave any part of Seychelles within a specified period and with such restrictions or conditions as may be specified in the order.

(3) A person authorised by the Commissioner to enter, exit, transit, travel to, or leave any part of Seychelles, during a specified period, shall notify the Seychelles Ports Authority or the Seychelles Civil Aviation Authority, as the case may be, or any other public authority as directed by the Commissioner.

(4) A person in control of any port, aerodrome or airport shall inform the Commissioner, together with the Seychelles Ports Authority or Seychelles Civil Aviation Authority, as the case may be, of any exit or entry by any person or vessel from such port, aerodrome or airport.

(5) The obligation under subregulation (3) shall lie on the master, owner or any person in charge or in control of the vessel or vehicle.

(6) A person holding a valid licence under the Fisheries Act, 2014, to undertaking artisanal fishing activity shall not be subject to an order made under subregulation (1), unless the order specifies otherwise.

(7) Any person who contravenes an order made under subregulation (1), without reasonable excuse, commits an offence and is liable on conviction to a fine not exceeding SCR 20,000 or to imprisonment for a period not exceeding two years or to both;

(8) Any person who fails to comply with any restrictions or conditions of an order, exemption or permission given under subregulation (2), without reasonable excuse, commits an offence and is liable on conviction to a fine not exceeding SCR20,000 or to imprisonment for a period not exceeding two years or to both.

Public Assemblies

Prohibition of assemblies
S.I. 41/2020

8. Where the incidence of infectious disease renders it necessary, in the opinion of the Commissioner to prohibit all public assemblies or all indoor public assemblies, in the whole or any part of Seychelles the Commissioner shall make an order in writing in accordance with such opinion and cause the order to be promulgated by means of placards, circulars, broadcasting or otherwise as may be practicable and may cause it to be served on particular persons who may be specially affected.

Effect of prohibition orders
S.I. 41/2020
S.I. 58/2020

9.(1) Where a prohibition order under regulation 8 is in force —

- (a) no entertainment, meeting, dance, bazaar or other function whatsoever shall be held in any public building;
- (b) no such function shall be held in any other building without the written permission of the Commissioner, which permission may be subject to such conditions as are specified in the permit;
- (c) no assembly of more than four persons shall be held for any purpose in any building without the

permission of the Commissioner, which permission may be subject to such conditions as are specified in the permit.

(2) Where a prohibition order under regulation 8 is in force, the Commissioner may, by notice, order any restrictions or conditions for the opening hours of, or the number of person in, or outside, any trade premises including any retail or food outlet and give directions to the owner, manager, or any person in control, of the trade premises in respect of social or physical distancing and hygiene to be observed by the workers, occupier and consumers so as to remove the risk of infection or spread of an infectious disease.

(3) Unless otherwise expressly specified in a prohibition order under regulation 8, an order prohibiting indoor public assemblies shall not have the effect of prohibiting assembly exclusively for the purposes of work at the workplace or shopping or consumption at any trade premises or making use of any service including medical assistance, provided that the employer, worker, owner, manager, consumer or any person in control of the premises shall comply with any direction of the Commissioner in respect of social or physical distancing and hygiene.

(4) Subject to subregulation (5), a prohibition order shall not apply to a dwelling.

(5) If in the opinion of a Commissioner, a building is so overcrowded as to expose the occupants to the risk of infection by an infectious disease, the Commissioner may, by notice in writing, direct the owner, occupier or any person in control of the building to abate the overcrowding or to close or vacate the building or part thereof within the time specified in the notice.

(6) Where a notice has been issued under this regulation, a police officer may, without prejudice to any proceedings, which may be taken against a person acting in breach of the notice, take such steps and use such force as may be necessary to ensure compliance with the notice.

(7) Any person who, while a notice under this regulation is in force, enters or is found upon any premises affected by the notice, shall commit an offence and is liable on conviction to a fine not exceeding SCR20,000 or imprisonment for a period not exceeding two years or to both.

(8) An employer, worker, owner, manager, occupier, consumer or any person in control of a building who fails to comply with a notice of the Commissioner under regulation 9(2) commits an offence and is liable on conviction to a fine not exceeding SCR20,000 or imprisonment for a period not exceeding two years or to both.

(9) An employer, worker, owner, manager, occupier, consumer or any person in control of a building who fails to comply with the direction of the Commissioner in respect of social or physical distancing commits an offence and is liable on conviction to a fine not exceeding SCR20,000 or imprisonment for a period not exceeding two years.

Extension of
time for
statutory
meetings

10. When the time for holding a meeting of shareholders or of any other body is fixed in relation to any statutory provision or to the regulations of any corporation or other association and an application for a permit to hold such meeting is made before the expiration of the time so fixed and is refused, the time for holding such meeting shall be extended by virtue of these regulations until the relevant prohibition order has been revoked and for such further time as may reasonably be required to convene, or re-convene, the meeting.

Outdoor
assemblies
S.I. 41/2020
S.I. 58/2020

11.(1) Where an order prohibiting outdoor assemblies is in operation—

- (a) any person who makes or prepares to make any speech or to exhibit any puppet show or in any other manner whatsoever encourages persons to assemble may be arrested without

warrant by any police officer and is liable to a fine not exceeding SCR20,000 or to imprisonment not exceeding 2 years;

- (b) any group of four or more persons who have assembled spontaneously shall disperse and any member of such group who fails to depart when instructed by a police officer to do so, may be arrested without warrant and is liable to a fine not exceeding SCR20,000 or to imprisonment not exceeding 2 years.

(2) Unless otherwise expressly specified in a prohibition order under regulation 8, an order prohibiting outdoor public assemblies shall not have the effect of prohibiting assembly at bus stops, bus station, ports or airports exclusively for the purposes of travel or at medical facility for the purpose of seeking medical assistance subject to complying with any directions of the Commissioner in respect of social or physical distancing and hygiene.

12. Unless otherwise expressly specified in a prohibition order under regulation 8, an order prohibiting outdoor assemblies shall have the effect of prohibiting —

Restriction on games and on the activities on the beach
S.I. 58/2020

- (a) games; and
- (b) assembly of more than four persons for any activity or purpose on any beach without the permission of the Commissioner.

13. A medical officer of health may order any person whom he has reason to believe to be a contact of any patient suffering from an infectious disease to be detained in quarantine, or to submit to medical surveillance.

Quarantine and surveillance of contacts

Prohibition or
restriction of
movement of
persons
outdoors
S.I. 41/2020
S.I. 58/2020

13A.(1) Where a public health emergency or the incidence of infectious disease renders it necessary or expedient to restrict or prohibit the movement of persons outdoors during any specified hours within Seychelles or within any specified area, the Commissioner may make an order restricting, prohibiting or controlling the movement outdoors of any person or class of persons or the transport of persons within Seychelles or within such area and during such hours as may be specified in the order.

(2) The Commissioner of Police may in consultation with the Commissioner, on such terms and conditions as the Commissioner of Police may impose, issue a permit to a person or class of persons to be outdoors for the sole purpose of leaving his or her place of residence to his or her place of work, and leaving his or her place of work to his or her place of residence.

(3) Any person who contravenes an order without reasonable excuse commits an offence and is liable on conviction to a fine not exceeding SCR20,000 or imprisonment for a period not exceeding two years or to both.

(4) Subregulation(1) shall not apply to a person who is present at such a place within an area referred to in subregulation (1) or is otherwise outdoors in breach of subregulation (1) where he or she shows that his or her presence is necessary at such place, in order to enable him or her to have access to premises where he or she may avail himself or herself of medical treatment, essential supplies, foodstuff, medicine or any other item essential for his or her subsistence or livelihood.

Pulication of
Orders
S.I. 41/2020
S.I. 62/2020

13B. An order made under regulations regulations 7A, 7C, 13, 13A and 16A shall be—

- (a) made in writing and shall be published in print, audio and visual media; and

- (b) published in the Gazette as soon as practicable.

13C. Any person who encourages, harbours or assists a person to abscond from the quarantine centre or isolation centre or obstructs the apprehension of infected person, commits an offence and is liable on conviction to a fine not exceeding SCR20,000 or imprisonment for a period not exceeding two years or to both.

Assisting the person in quarantine centre or isolation centre to abscond
S.I. 41/2020

13D.(1) Any person who has information about any other person suffering with any infectious disease shall inform the same to the Public Health Officer at the earliest with all the possible details of the person suffering with such infectious disease, available with him including the following—

Information to Public Health Officer
S.I. 41/2020

- (a) Name of the person;
- (b) Personal Identification Number or Passport number;
- (c) Travel history;
- (d) Medical details;
- (e) details of persons with whom he had contacts and locations; and
- (f) any other details as may be specified by the Public Health Officer.

(2) Any person, who has the contact details of a person suspected of having any infectious disease may provide such contact details to the Public Health Officer at the earliest to trace out such person.

(3) Any person, who fails to comply with the provisions of subregulation (1) or (2), commits an offence and is liable on conviction to a fine not exceeding SCR20,000 or imprisonment for a period not exceeding two years or to both.

Disclosure of confidential information
S.I. 41/2020

13E.(1) No Public Health Officer, telephone hotline operator or any volunteer working in the health department or the Health Care Agency shall disclose the details or any confidential information of any patient or individual to any unauthorised person or to any communication media.

(2) Any person, who fails to comply with the provisions of subregulation (1), commits an offence and is liable on conviction to a fine not exceeding SCR20,000 or imprisonment for a period not exceeding two years or to both.

Temporary isolation hospitals
S.I. 41/2020

14.(1) The Commissioner may appropriate any hospital temporarily for the exclusive purpose of receiving and treating patients suffering from infectious disease.

(2) The Commissioner may establish camps for the reception, treatment and segregation of persons suffering from infectious disease or suspected of being infected with such disease.

Antiseptic ablution

15. All persons recovering in any hospital or camp from an infectious disease shall submit to such antiseptic ablution as may be prescribed by the medical officer in charge of the hospital or camp.

Carriers

16. A medical officer of health may direct any person whom he suspects of being a carrier to submit to such examination of the person and dejects as the medical officer of health prescribes.

Closing of trade premises and restriction of their activities
S.I. 58/2020

16A.(1) Where it appears to the Commissioner that premises are being used for any purpose or in any manner which may lead to the spread of an infectious disease, the Commissioner may, by notice, order that the premises be closed or remain closed or not to admit any person

therein as may be reasonably necessary to prevent the spread of an infectious disease.

(2) Where a notice has been issued under this regulation, a police officer may, without prejudice to any proceedings which may be taken against a person acting in breach of the notice, take such steps and use such force as may be necessary to ensure compliance with the notice.

(3) Any person who, while a notice under this regulation is in force, enters or is found upon any premises subject to the notice, shall commit an offence and is liable on conviction to a fine not exceeding SCR20,000 or imprisonment for a period not exceeding two years or to both.

17. No person shall enter or leave any isolation hospital or any camp appropriated or established under regulation 14, or the curtilage of any such hospital or camp without the written permission of the medical officer in charge of such hospital or camp.

Protection of
isolation
hospitals

18. Where a person has been certified to be suffering from an infectious disease, pursuant to subsection (4) of section 33 of the Act such person shall not quit his dwelling without the permission of the medical officer of health or a medical practitioner.

Segregation
at home

19. The body of any person who died of an infectious disease shall be placed as soon as possible in a coffin lined with disinfectant as prescribed by the medical officer of health and the coffin shall be closed and shall be interred within twenty four hours of death.

Burials

20. Any person who infringes or fails to comply with any of these regulations is liable to a fine not exceeding SR20,000 and imprisonment for a period not exceeding 6 months.

General
Penalty
S.I. 6/2003
S.I. 41/2020

Burden of
proving facts
on accused
person
S.I. 58/2020

21. In any proceedings for an offence under these regulations, the burden of proving any facts to bring the accused person within any exception, exemption or excuse under, these regulations, or notices or orders made under these regulations, shall be on the accused person.
