

ANTIGUA AND BARBUDA



**PUBLIC HEALTH ACT (DANGEROUS INFECTIOUS DISEASE) (AMENDMENT)
(NO. 11) REGULATIONS, 2020**

STATUTORY INSTRUMENT

2020, No. 72

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2020, No. 72

PUBLIC HEALTH ACT (DANGEROUS INFECTIOUS DISEASE) (AMENDMENT) (No. 11) REGULATIONS 2020, made by the Board pursuant to Section 102 of the Public Health Act, Cap. 353.

1. Citation and commencement

(1) These Regulations may be cited as the Public Health Act (Dangerous Infectious Disease) (Amendment) (No. 11) Regulations, 2020.

(2) These Regulations shall come into effect at 5:00am on Thursday the 29th day of October, 2020.

2. Interpretation

In these Regulations –

“principal Regulations” means the Public Health Act (Dangerous Infectious Disease) Regulations 2020, Statutory Instrument No. 16 of 2020

3. Repeal and replacement of Regulation 5A

The principal Regulations are amended by repealing and replacing Regulation 5A as follows –

“5A. Special measure applicable to the period 29th October, 2020 to 31st December 2020

For the further control of the spread of the dangerous infectious disease COVID-19, the Board hereby issues and directs that the following special measures be observed throughout Antigua and Barbuda:

1. Duration

These special measures shall take effect from 5:00 a.m. on Thursday 29th October, 2020 until 5:00 am on Thursday 31st December, 2020.

2. Restriction on freedom of movement

(1) Freedom of movement of every person in Antigua and Barbuda shall be restricted only in accordance with the provisions of these Regulations.

(2) Except as provided herein, every person shall, during the period of the mandatory curfew, remain confined to his or her place of residence (which includes the porch, gallery and yard space of his or her home) to avoid contact with others who do not form part of his or her immediate household occupant.

3. Mandatory Curfew

(1) A mandatory six (6) hours curfew shall be in effect from 11:00p.m until 5:00a.m daily beginning 11:00p.m. Thursday 29th October, 2020 and continuing every evening thereafter from 11:00p.m for six (6) consecutive hours until 5:00a.m of the next day following.

(2) Subject to these regulations, the curfew period will not apply to individuals who are involved in a medical emergency.

4. Opening of businesses and conditions

(1) Except as provided in this regulation, all businesses throughout Antigua and Barbuda are permitted to open and to operate between the hours of 5:00am and 11:00pm daily.

(2) The following businesses are permitted to open and to operate only to the extent that the operating procedures of these businesses conform to the special guidelines established by the Ministry of Health in conjunction with the Board for businesses of the particular type or class, and such guidelines must be prominently displayed within the business establishment –

- (a) Bars and clubs;
- (b) Casinos;
- (c) Gyms;
- (d) Hairdressing salons and barbershops;
- (e) Hotels/Villas/Guests Houses/ short term rental properties and other holiday accommodations;
- (f) Restaurants and catering facilities;
- (g) Establishments that are licensed or registered primarily for the hosting events such as weddings;

(3) Every person who owns, operates or manages a business within subparagraph (2)(a), (b), (c), (d), (e), (f) or (g) must obtain a Certificate of Approval from the Board before the business shall be permitted to reopen for business.

(4) Registered livestock and vegetable farmers are permitted to operate in respect of their business between the hours of 4:00a.m. and 6:00p.m daily.

(5) Licensed fishermen are permitted to operate during the curfew period between the hours of 2:00a.m and 6:00p.m.

(6) Public transportation services may resume normal operations provided that the operator of the public transport and each passenger wear a face mask for the duration of the journey.

(7) Churches and Faith-Based Organisations may conduct community outreach programmes, such as, soup kitchens and the distribution of food and care packages to members of the community between the hours of 5:00 a.m. and 11:00p.m.

(8) The curfew period shall not apply to persons who are employees or officers of the following –

- (a) The Royal Police Force of Antigua and Barbuda including the Fire Brigade;
- (b) The Antigua and Barbuda Defence Force;
- (c) Office of National Drug and Money Laundering Control Policy (ONDCP);
- (d) Customs and Excise Department;
- (e) Immigration Department;
- (f) Mount Saint John’s Medical Centre;
- (g) Emergency Medical Services and E-911 Services;
- (h) Media workers and other employees of a broadcasting service to the extent that they are traveling for work;
- (i) Her Majesty’s Prison;
- (j) Air Traffic Control Services;
- (k) Meteorological Services;
- (l) LIAT (1974) Ltd.
- (m) Antigua and Barbuda Port Authority;
- (n) APUA (Electricity and Water and Telecommunications), other Water services, and Telecommunications Service Providers;

- (o) Antigua and Barbuda Airport Authority;
- (p) Businesses licensed to provide private security services;
- (q) Commercial Banks and Credit Unions to the extent required to facilitate ongoing automatic banking services.
- (r) Members of Parliament,
- (s) the Treasury Department, as determined by the Accountant General;
- (t) the Inland Revenue Department, as determined by the Commissioner of Inland Revenue;
- (u) National Solid Waste Management Authority;
- (v) Healthcare workers and employees of allied health care services;
- (w) critical construction workers approved by the Cabinet to include BHM, Meridian Construction Company, CCECC and WIOC;
- (x) Brokers and Shipping agents;
- (y) businesses involving logistics;
- (z) fuel manufacturers and distributors (WIOC and RUBIS);
- (aa) Hotels/Villas and ancillary staff operating on a limited scale (as approved by the Ministry of Health and the Board; in room dining only;
- (ab) Call Centre Employees;
- (ac) Undertakers/Funeral parlours.

(9) Every business owner, staff and officer of every business, and every customer or client of a business shall observe the social distancing protocol and wear a face mask while conducting said business.

5. Public Service, Statutory Bodies, State-owned enterprises, and the Magistrates Court

(1) Subject to subsection (3) employees of statutory bodies are permitted to work for the duration of these regulations based on the instructions of the Director or Chairman of the Board of the Statutory Body.

(2) All Permanent Secretaries within the civil service, and the Directors and Chairmen of Board of the Statutory Bodies shall encourage and support employees in working from home to the extent that this is possible.

(3) The Magistrates' Court shall continue to function as advised by the Chief Magistrate.

(4) The High Court shall continue to function as advised by the Chief Justice.

(5) The Antigua and Barbuda Department of Marine Services and Merchant Shipping shall operate as authorised by the Director of the Department of Marine Services and Merchant Shipping.

6. Social Distancing Protocol

(1) Every business permitted by this regulation to operate shall observe the social distancing protocols as follows –

- (a) ensure that all customers and staff maintain physical distancing of no less than six (6) feet in or around their business;
- (b) determine the number of persons that may be permitted inside the establishment at any one time by permitting one person for every fifty square feet of store space;
- (c) place distance markers at six feet interval showing where persons are permitted to stand at a check out point;
- (d) place distance markers at six feet interval to show where persons are permitted to stand while waiting outside of the establishment;

(2) In addition to observing the social distancing protocols, owners of businesses and providers of any service permitted to operate shall ensure that workers and customers observe proper sanitation practices and that a sanitizing station is available at the entry to the business and sanitary procedures are observed by all customers.

7. Wearing of face mask in public

(1) Subject to subparagraphs (4) and (5) a person shall wear a face mask when in any public place.

(2) No person is permitted to be in any supermarket, market, or in any street or in any public place without wearing a face mask.

(3) Where there is more than one occupant in a motor vehicle, the occupants shall wear a face mask unless they are of the same household.

(4) A facemask shall –

- (a) completely cover both the nose and the mouth of the wearer;
- (b) leave the ears, eyes and forehead visible; and
- (c) not be worn together with dark glasses, caps, hoodies or any other head covering.

(5) A person –

- (a) shall, at the request of a law enforcement officer, remove or adjust his or her face mask or facial covering as directed by a law enforcement officer; and
- (b) who fails to comply with a request of a law enforcement officer to remove or adjust his or her face mask or facial covering commits an offence and is liable on summary conviction to a fine of \$5,000.00 or to imprisonment for six (6) months or to both such fine and imprisonment.

8. Education and religious instructions

(1) The Minister of Education may, by Notice published in the State Media and on the Ministry of Education’s website, determine the date for the opening of Educational Institutions and places of instruction; different dates may be approved based on the level of the Educational Institution, whether a Tertiary Level Institution, a Secondary Level Institution, or a Primary Level Institution, and the dates on which the different Forms and Grades within an institution may resume instructions.

(2) Churches and Places of Worship may resume fellowship subject to the Church Gatherings Regulations submitted by the Ecclesiastical Commission and approved by the Cabinet.

(3) Subparagraph (1) and (2) shall not prohibit any activity referred to therein if done by electronic or virtual means.

(4) The activities contemplated at subparagraphs (1) and (2) are permitted to the extent that members of Churches, and at the various Educational Institutions, Teachers, Students and their Parents are able to practice Social Distancing Protocols of physical distancing of up to six (6) feet but not less than three (3) feet and observe and maintain proper sanitation based on the Regulations issued by the Board.

9. Restriction on social gathering

(1) Except as permitted by this regulation, no person shall –

- (a) host or attend at any private party which includes any person from outside of his or her immediate household occupant; or
- (b) attend or participate in any organised sporting event or any sports stadium unless approval has been granted for such event by the relevant authorities; or

- (c) hold any banquet, ball or reception.
- (2) A law enforcement officer is authorised to disband any gathering in contravention of subparagraph (1).
- (3) A person commits an offence if contrary to subparagraph (1) he or she –
- (a) being the owner of the premises, host any party, fete or other social gathering;
 - (b) permits any person to host a party, fete or other social gathering at premises under his or her control;
 - (c) organises any party, fete or other social gathering;
 - (d) attends any party, fete or other social gathering,

and is liable on summary conviction to a fine of \$5,000.00 or to imprisonment for six (6) months or to both such fine and imprisonment.

(4) A person may attend meetings of a fraternal society, social or private club, civic organisation or association, such as the Rotary Club, Lions Club or Optimist Club, provided that social distancing protocols are observed and persons wear a face mask.

(5) Weddings and funerals are permitted provided they are in accordance with the established protocols governing churches, funerals, authorised event venues and dining restaurants and all attendees wear a facemask and observe established social and physical distancing protocols.

10. Restriction on the movement of children

A person under the age of eighteen (18) years is not permitted to be on any street or in any vehicle, whether a private or public transport for the duration of these regulations, except in the company of a parent or a legal guardian or unless travelling to or from an Educational Institution.

11. Permitted Use of Beaches

(1) No person is permitted to picnic, consume alcohol, food or play music on any beach for the duration of these regulations.

(2) A person is permitted to utilise the beach every day between the hours of 5:00a.m and 7:00p.m for a therapeutic purpose.

(3) Sailing is permitted for the purpose of fishing, provided there are no more than five (5) persons on board the sailing vessel and, in any event, persons on board the vessel are able to practice social distancing protocols by maintaining a distance of six (6) feet between occupants at all times.

(4) Notwithstanding subparagraphs (2) and (3) no person is permitted to utilise the beach on a public holiday.

12. Physical exercise and sporting competitions

(1) A person may, during the period 5:00a.m to 11:00p.m. each day, walk, jog, run, cycle or perform any other physical activity which may lawfully be carried on, provided such a person complies with the requirements of subparagraph (2).

(2) Except for the physical activities identified in subparagraph (3), a person performing physical activity –

- (a) shall do so in an open field or on the side of a public road;
- (b) shall wear a face mask or other face covering in accordance with paragraph 7;
- (c) shall observe social distancing protocol; and
- (d) shall not use the occasion as an occasion for social gathering.

(3) Competitive swimming, tennis, cricket and golfing are permitted provided these are conducted in accordance with protocols approved by the Board.

(4) Recreational football and basketball are permitted.

13. Extension of measures

The Board may, by notice published in the State media and on Government website, extend the period of curfew, or in its discretion, modify or discontinue any measure, but subject to the modification or discontinuance being published in the official *Gazette* as soon as possible thereafter.

14. Offence

(1) A person who fails to comply with these special measures commits an offence and is liable on summary conviction to a fine not exceeding five thousand (\$5,000.00) dollars or to imprisonment for six (6) months or to both such fine and imprisonment.

(2) Notwithstanding anything in any of the foregoing provisions of these Regulations and without prejudice to his right to take any other steps under the authority of these Regulations, an officer of the Royal Police Force of Antigua and Barbuda (Police Officer) who finds a person on any occasion committing or has reason to believe that a person has committed an offence under either paragraphs 7 or 9 of Regulation 5A may —

- (a) serve on that person the prescribed notice in writing charging him with the commission of such offence;

- (b) offer him the opportunity of the discharge of any liability to conviction for such offence by payment of a fixed penalty under this Regulation; and
 - (c) notify him that a complaint will be made against him in respect thereof, requiring him either to pay the fixed penalty within the time specified in the notice or to appear at the Court specified in the notice on the day and at the hour stated therein to answer the said complaint.
- (3) A notice given under subsection (2) shall be signed by the Police Officer and shall specify—
- (a) the date, time and place of the giving of the notice;
 - (b) the section of these Regulations under which the offence is alleged to have been committed and such particulars of the offence as are necessary for giving reasonable information of the allegation;
 - (c) the time within which the fixed penalty may be paid and further that no further proceedings will take place until the date for payments has passed in accordance with the Schedule;
 - (d) the amount of the fixed penalty in accordance with the Schedule;
 - (e) the address of the Magistrate Court at which the fixed penalty may be paid or remitted;
 - (f) in the event that the fixed penalty is not paid,
 - (i) the court at which the person is required to appear
 - (ii) the date and time for his appearance.

(4) A person who knowingly, wilfully, or maliciously provides false information or withholds any relevant information with regards to any question posed by the relevant health authorities in relation to their movements or travel history, commits an offence and is liable on summary conviction to a fine not exceeding five thousand (\$5,000.00) dollars or to imprisonment for six (6) months or to both such fine and imprisonment.

15. Approval of other measures

Measures implemented by the Port Authority, Customs or Immigration Division, or Quarantine Authority, to control the Spread of the dangerous infectious disease in their scope of operations shall not be held to be in conflict with these Regulations.”

16. Electronic monitoring

(1) A person who is required to remain in quarantine shall be monitored by an electronic device.

(2) The use of an electronic monitoring device under sub-paragraph (1) shall be solely for the purpose of preventing the transmission of the Coronavirus COVID-19 into the community.

(3) The electronic monitoring device shall be used to monitor –

- (i) whether the person has left the designated quarantine area; and
- (ii) the health status of the person.

(4) The electronic monitoring shall be terminated immediately on the expiration of the quarantine period.

(5) All information obtained from the electronic monitoring shall be stored in a secure manner for the duration of the quarantine.

(6) A person who tampers with the electronic monitoring device issued by the Health Authority commits an offence and is liable on summary conviction to a fine not exceeding five thousand (\$5,000.00) dollars or to imprisonment for six (6) months or to both such fine and imprisonment.

SCHEDULE

“Offence	Regulation	Fixed Penalty
1. Failing to wear a face mask as required in paragraph 7 of Regulation 5A	Public Health Act (Dangerous Infectious Diseases)(Amendment) (No. 7) Regulations 2020	\$500.00
2. Failing to adhere to the restrictions on social gatherings as required in paragraph 9 of Regulation 5A	Public Health Act (Dangerous Infectious Diseases)(Amendment) (No. 7) Regulations 2020	\$500.00

FORM I

**FIXED PENALTY NOTICE (TICKET)
ROYAL POLICE FORCE OF
ANTIGUA AND BARBUDA
SCHEDULE OF THE PUBLIC HEALTH ACT
(DANGEROUS INFECTIOUS DISEASE)
(AMENDMENT) (No. 8)
REGULATIONS**

TAKE NOTICE that.....was seen
in/at.....On the day of
.....,20....., without a mask, contrary to the provisions of
Regulations 5A of the Public Health Act (Dangerous Infectious Disease) (Amendment) (No. 7)
Regulations, made pursuant to section 102 of the Public Health Act, CAP 353 of Antigua and
Barbuda.

Fixed Penalty **\$500.00**

Name and Rank of Officer
Signature of Officer
Force Number
Payment

If within 10 business days from the date of this notice the fixed penalty is paid to the Clerk of the Magistrate’s Court District “A”, the person’s liability to conviction of the alleged offence shall be discharged and the police will not prosecute. If not paid, the person shall appear at the magistrate’s Court District “A”at 9 a.m. on the day of....., 20.....

**Please note that if the person without the mask is between the ages of 3 and 18, the parent or guardian of the minor shall be issued with this Notice.*

FORM II

**FIXED PENALTY NOTICE (TICKET)
ROYAL POLICE FORCE OF
ANTIGUA AND BARBUDA
SCHEDULE OF THE PUBLIC HEALTH ACT
(DANGEROUS INFECTIOUS DISEASE)
(AMENDMENT) (No. 8)
REGULATIONS**

TAKE NOTICE that.....was seen
in/at.....On the day of
.....,20....., not adhering to the restrictions on social
gatherings, contrary to the provisions of Regulations 5A of the Public Health Act (Dangerous
Infectious Disease) (Amendment) (No. 7) Regulations, made pursuant to section 102 of the Public
Health Act, CAP 353 of Antigua and Barbuda.

Fixed Penalty **\$500.00**

Name and Rank of Officer
Signature of Officer
Force Number
Payment

**If within 10 business days from the date of this notice the fixed penalty is paid to the Clerk of
the Magistrate’s Court District “A”, the person’s liability to conviction of the alleged offence
shall be discharged and the police will not prosecute. If not paid, the person shall appear at
the magistrate’s Court District “A”at
9 a.m. on the day of....., 20.....**

Made the 28th October, 2020.

Eustace Lake,
Chairman of the Central Board of Health.