

ANTIGUA AND BARBUDA



**PUBLIC HEALTH ACT (DANGEROUS INFECTIOUS DISEASE) (AMENDMENT)
(NO. 16) REGULATIONS 2021**

STATUTORY INSTRUMENT

2021, No. 85

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2021, No. 85

PUBLIC HEALTH ACT (DANGEROUS INFECTIOUS DISEASE) (AMENDMENT) (No. 16) REGULATIONS 2021, made by the Board pursuant to Section 102 of the Public Health Act, Cap. 353.

Citation and commencement

These Regulations may be cited as the Public Health Act (Dangerous Infectious Disease) (Amendment) (No. 16) Regulations, 2021.

These Regulations shall come into effect at 5:00am on Monday the 20th day of September, 2021.

Interpretation

In these Regulations –

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

Amendment of Regulation 5A of the principal Regulations

Regulation 5A of the principal Regulations is amended as follows –

- (a) in paragraph 5 (Public service, Statutory Bodies, State-owned enterprises, and the Magistrates Court) by repealing the paragraph, inclusive of the paragraph heading, in its entirety and replacing it as follows:

“5. Mandatory vaccination for all Government employees, employees of statutory corporations, state-controlled enterprises and law enforcement etc.

(1) With effect from 20th September, 2021, all persons employed –

- (a) within the public service;
- (b) by or within a Statutory Corporation;
- (c) within any company where the Government of Antigua and Barbuda owns a 50% or more share in the business of the company; or

- (d) by or with the Customs and Excise Division, Immigration Department, Antigua and Barbuda Police Force, Antigua and Barbuda Defence Force, Office of National Drug and Money Laundering Control Policy (ONDCP), or Port Authority,

shall be required to be vaccinated against COVID-19.

(2) An employee to which subparagraph (1) applies shall provide proof of vaccination by submitting his or her vaccination card to the Permanent Secretary or Department Head of the Ministry or Department in which he or she is employed.

(3) Subject to subparagraph (4) and paragraph 5A, an employee who fails to provide proof of vaccination shall be required to remain at home until such time as the employee is able to provide proof of having received at least one dose of an approved vaccine against COVID-19.

(4) An employee to which subparagraph (3) applies, shall –

- (a) be regarded as being on paid leave for the period 20th September to 30th September, 2021 both days inclusive;
- (b) be regarded as being on leave without pay from the 1st October, 2021 until such time as the employee is able to satisfy the requirement for vaccination.

(5) An employee who is required by these regulations to remain at home commits an offence if –

- (a) he or she attends the workplace in breach of these regulations; and
- (b) after being requested to leave the premises, fails or refuses to leave the premises.

(6) An employee who commits an offence under subparagraph (5) is liable to a fine of \$500.00 or to imprisonment for up to one month.

(b) by inserting after paragraph 5, a new paragraph as follows:

“5A. Exemptions from the requirement of mandatory vaccination

(1) The provisions of paragraph 5 shall not apply to –

- (a) an employee who is in possession of a Medical Exemption Certificate approved by the Chief Medical Officer or her designee or a Religious Exemption Certificate approved by the Board;
- (b) employees of the Sir Lester Bird Medical Centre;
- (c) employees of the Ministry of Health who are working at the Community Health Centres; or
- (d) employees who have been approved to work remotely.

(2) An employee who is exempted under the provisions of subparagraph (1) shall be required to provide the Chief Medical Officer with a negative test for COVID-19 once in every 14-day period beginning on the 1st day of October, 2021.”

(c) in paragraph 8 (Regulations applicable to Educational institutions), by repealing subparagraphs (3) and (4) and replacing these as follows:

“(3) From 4th October, 2021 and for the remainder of the school term thereafter, schools shall be permitted to offer face to face instructions on condition –

- (a) that all teachers throughout the State and students who are over the age of 12 years are fully vaccinated; or
- (b) where any teacher or student is not vaccinated, that the unvaccinated teacher or unvaccinated student is in possession of an approved exemption from the appropriate authority.

(4) Teachers and students who are in possession of an exemption on medical or religious grounds shall be required to provide proof of being negative for COVID-19 every 14 days beginning the 4th October, 2021.”

(d) in paragraph 9 (Restrictions on social gathering) by repealing paragraph 9 in its entirety and replacing it as follows:

“9. Restrictions on social gathering

(1) Except as provided herein, no person shall attend any private or public gathering having more than ten (10) persons;

(2) All funeral services and wedding ceremonies, howsoever and wheresoever conducted, shall be limited to a maximum of twenty-five (25) persons, except on the occasion of a state or official funeral, and all protocols shall be observed at all times.

(3) A law enforcement officer is authorised to disband any gathering in contravention of subparagraphs (1) or (2);

(4) 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.

(5) 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 the members

present do not exceed twenty-five (25) persons and social distancing protocols are observed and persons wear a face mask.

(e) in paragraph 11 (Permitted use of beaches) by repealing the paragraph in its entirety and replacing it as follows:

“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 beaches only for a therapeutic purpose on Mondays to Fridays between the hours of 5:00a.m. and 5:00p.m. on Saturdays and Sundays between the hours of 5:00a.m. and 12:00 noon.

(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.”

(f) in paragraph 11A (Prohibition on excursions to off-shore islands used for recreational purposes) by repealing the paragraph in its entirety and replacing it as follows:

“11A. Prohibition on excursions to off-shore islands used for recreational purposes (1) For the period 18th September to 30th September, 2021, all excursions around the coastal waters of Antigua and Barbuda, pleasure craft fetes, parties and other entertainment events and excursions to the off-shore islands in and around the waters of Antigua and Barbuda are prohibited.

(2) A person found in contravention of subparagraph (1) commits an offence and is liable on summary conviction to a fine of \$5,000.00.

(g) in paragraph 20 (Covid-19 Testing requirements for unvaccinated frontline, Public Service, Statutory Corporation or government owned company workers) by repealing paragraph 20 in its entirety and replacing it as follows:

“20. Mandatory vaccination for frontline tourism workers and stakeholders, public transport operators, tour operators etc.

(1) With effect from the 1st October, 2021, all unvaccinated frontline tourism workers and stakeholders who provide direct services to arriving passengers and tourists, including but not limited to, airline employees, baggage handlers or redcaps, vendors, tour operators and hotel workers are required to be vaccinated or to present to the relevant authority a Medical Exemption Certificate approved by the Chief Medical Officer or her designee or a Religious Exemption Certificate approved by the Board in order to continue to work or to provide services. (2) With effect from the 1st October, 2021, all bus drivers, conductors, taxi drivers and persons who provide transportation services are required to be vaccinated or to present to the relevant authority

a Medical Exemption Certificate approved by the Chief Medical Officer or her designee or a Religious Exemption Certificate approved by the Board in order to operate.

(3) A person who is in possession of an exemption shall be required to provide a negative COVID-19 test to the Chief Medical Officer at the Ministry of Health Headquarters once in every 14-day period.”

Made the 17th September, 2021,

Eustace Lake,
Chairman of the Central Board of Health.