



BERMUDA

EMERGENCY POWERS (COVID-19 CONTINUING PRECAUTIONS)
REGULATIONS 2020

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TABLE OF CONTENTS

1	Citation
2	Interpretation
3	Night-time curfew
4	Large groups prohibited
5	Mandatory closures
6	Schools and day care
7	Religious establishments
8	Remote working where reasonably practicable
9	Permitted businesses
10	Retail stores
11	Restaurants
12	Fishermen and farmers
13	Closure of business not in compliance with health directions
14	Utilities, telecommunications etc
15	Restriction on visitation
16	Restriction on recreational boating activity
17	Closure of playgrounds etc
18	Enforcement powers
19	Offences
20	Section 5 of the Emergency Powers Act 1963
21	Revocation of Shelter in Place Regulations
22	Commencement and duration
	SCHEDULE 1
	Persons exempt from curfew
	SCHEDULE 2
	Permitted business restrictions

EMERGENCY POWERS (COVID-19 CONTINUING PRECAUTIONS)
REGULATIONS 2020

SCHEDULE 3
Regulation of deliveries

WHEREAS the World Health Organization has declared COVID-19 to be a global pandemic;

AND WHEREAS COVID-19 is an unprecedented and severe threat to public health in Bermuda;

AND WHEREAS His Excellency the Governor has issued a Proclamation of Emergency under section 14 of the Bermuda Constitution Order 1968;

NOW THEREFORE His Excellency the Governor, in exercise of the power conferred by section 3 of the Emergency Powers Act 1963, makes the following Regulations:

Citation

1 These Regulations may be cited as the Emergency Powers (COVID-19 Continuing Precautions) Regulations 2020.

Interpretation

2 In these Regulations—

“appropriate physical distancing” means maintaining a distance of at least six feet (two metres) between all persons who are not members of the same household, and includes additional guidance published by the Ministry of Health on the website www.gov.bm/coronavirus;

“commencement” means the date and time of commencement of these Regulations;

“curfew” means the night-time curfew imposed by regulation 3(1);

“enforcement officer” means—

- (a) a police officer; or
- (b) a member of the Royal Bermuda Regiment;

“home” in relation to a person, means the place where he is living on commencement, and includes any driveway, garden or yard forming part of that place;

“members of the same household” means persons (whether or not family members) who are living at the same home;

“permitted business” means any of the following—

- (a) retail grocery store;
- (b) pharmacy;
- (c) bank;
- (d) gas station;

EMERGENCY POWERS (COVID-19 CONTINUING PRECAUTIONS)
REGULATIONS 2020

- (e) office of a registered health professional, clinic, hospital or other health facility (including a veterinary surgery);
- (f) pet shop;
- (g) laundromat.

Night-time curfew

3 (1) No person shall be away from his home during the hours of 10pm to 6am, except for a medical or other emergency.

(2) Persons listed in Schedule 1 are exempt from the curfew, but only when on official business, working or travelling to and from work, and all such persons shall carry identification at all times and show to an enforcement officer on request.

(3) Minor children of parents who do not live together may spend nights at the home of either parent to give effect to an agreement between the parents; and “parent” includes a step-parent, a person who has parental responsibility for a child and a person who has care of a child.

Large groups prohibited

4 (1) No person shall assemble in a group of more than ten persons for any reason in any public or private place.

(2) No person shall host a group of more than ten persons for any reason in any public or private place.

(3) This regulation does not apply to persons listed in paragraphs 1 to 7 of Schedule 1 when on official business.

Mandatory closures

5 (1) The following shall remain closed at all times—

- (a) bars and clubs;
- (b) beauty salons, spas and barbers;
- (c) cinemas, concert halls and theatres;
- (d) gyms and other sports clubs;
- (e) restaurant dine-in services;
- (f) swimming pools in hotels, guest houses and vacation rental properties.

(2) Notwithstanding paragraph (1)(d), persons may use the outdoor facilities of a sports club (such as a golf course, tennis court or sports field), provided appropriate physical distancing is maintained at all times and any groups do not exceed ten persons.

Schools and day care

6 The following shall remain closed—

EMERGENCY POWERS (COVID-19 CONTINUING PRECAUTIONS)
REGULATIONS 2020

- (a) Bermuda College;
- (b) schools (private and public);
- (c) nurseries and day care facilities, other than a facility approved by the Minister of Health for the care of children for essential services workers.

Religious establishments

- 7
- (1) Churches and all other religious establishments shall remain closed.
 - (2) Members of the clergy shall be permitted to enter a church or other religious establishment, provided appropriate physical distancing is maintained—
 - (a) for private prayer (maximum of five persons); and
 - (b) in order to broadcast a service via electronic means (maximum of ten persons in total to conduct the service and facilitate the broadcast).
 - (3) Funerals (indoors and graveside), and viewings of the deceased, are permitted with a maximum of ten mourners, plus the officiant and funeral home staff, provided appropriate physical distancing is maintained at all times.

Remote working where reasonably practicable

- 8
- (1) Where reasonably practicable, an employer shall arrange for his employees to work remotely from home using electronic means or otherwise, in accordance with the Occupational Safety and Health (COVID-19) Temporary Regulations 2020.
 - (2) Public officers may work remotely from home where reasonably practicable, subject to the direction of the Head of the Public Service.

Permitted businesses

- 9
- (1) A permitted business may open between the hours of 7am to 9pm only (except for a hospital or other health facility not subject to curfew), subject to the restrictions set out in Schedule 2.
 - (2) A permitted business may make deliveries to customers, subject to Schedule 3.

Retail stores

- 10
- (1) The owner or operator of a retail store (other than a permitted business) shall ensure compliance with the following conditions—
 - (a) opening hours of 7am to 9pm only;
 - (b) customers shall not be permitted to enter the premises;
 - (c) collection of goods only.
 - (2) A retail store may make deliveries to customers, subject to Schedule 3.

EMERGENCY POWERS (COVID-19 CONTINUING PRECAUTIONS)
REGULATIONS 2020

Restaurants

11 (1) The owner or operator of a restaurant shall ensure compliance with the following conditions—

- (a) opening hours of 7am to 9pm only;
- (b) collection of orders only;
- (c) only one customer at a time shall be permitted to enter the premises to collect or pay for an order;
- (d) dine-in services prohibited.

(2) A restaurant may make deliveries to customers, subject to Schedule 3.

Fishermen and farmers

12 (1) A licensed fisherman may sell fresh local fish roadside, Monday to Saturday only, subject to the supervision of the Minister of Home Affairs.

(2) A registered commercial farmer may sell fresh local produce roadside, Monday to Saturday only, subject to the supervision of the Minister of Home Affairs.

(3) A licensed fisherman or registered commercial farmer may make deliveries to customers, subject to Schedule 3.

(4) The reference to “supervision” by the Minister of Home Affairs includes ordering the fisherman or farmer to close the stall if not in compliance with these Regulations; and the fisherman or farmer shall forthwith comply with that order, and shall continue to comply until otherwise directed by the Minister.

Closure of business not in compliance with health directions

13 (1) The owner or operator of any—

- (a) permitted business;
- (b) retail store;
- (c) restaurant;
- (d) roadside stall of a licensed fisherman or registered commercial farmer; or
- (e) other business where remote working is not reasonably practicable,

shall take all reasonable steps to ensure that all staff and customers maintain appropriate physical distancing (at the premises and during any deliveries), and shall comply with any further directions of the Minister of Health regarding cleaning, sanitisation, use of personal protective equipment and other precautions to be taken, as published on the website www.gov.bm/coronavirus.

(2) If any such business is not in compliance with paragraph (1), the Minister of Health may order the manager or other person in charge to close it, and such manager or person shall forthwith comply with that order, and shall continue to comply until otherwise directed by the Minister.

EMERGENCY POWERS (COVID-19 CONTINUING PRECAUTIONS)
REGULATIONS 2020

Utilities, telecommunications etc

14 Persons providing the following services are permitted to respond to calls at any time (including during the curfew) for supply, restoration of service or repairs, provided appropriate physical distancing is maintained at all times—

- (a) utility supply (electricity and domestic gas);
- (b) water truckers;
- (c) telecommunications, computer repair and internet service providers;
- (d) plumbing and electrical repairs;
- (e) repair of large appliances.

Restriction on visitation

15 No person shall visit—

- (a) any place of quarantine or isolation;
- (b) a patient in a hospital, except with permission from the hospital;
- (c) a person in a residential care establishment or facility,
- (d) a detainee in a correctional facility,

save for a member of the clergy and immediate family members in the event of an imminent expectation of the end of life.

Restriction on recreational boating activity

16 (1) Only persons who are members of the same household may use a boat for any recreational purposes, up to a maximum of ten persons permitted on any one boat.

(2) No person shall use a boat for recreational purposes after 7pm.

(3) No person shall tie his boat to another boat (raft-up) for recreational purposes.

Closure of playgrounds etc

17 No person shall access any playground or outdoor gym equipment.

Enforcement powers

18 (1) An enforcement officer may stop any person and require the person to answer any questions to enable the enforcement officer to ascertain the person's identity and whether the person is in compliance with these Regulations.

(2) Where the person does not satisfy the enforcement officer that the person is exempt or otherwise in compliance with these Regulations, the enforcement officer may—

- (a) during the curfew—
 - (i) direct the person to return immediately to his home; or
 - (ii) detain and convey the person to his home;

EMERGENCY POWERS (COVID-19 CONTINUING PRECAUTIONS)
REGULATIONS 2020

(b) at any time, take such other action as may be necessary to enforce these Regulations, including the dispersal of any groups of more than ten persons.

(3) For the purposes of exercising the power in paragraphs (1) and (2), an enforcement officer may enter any place other than a private residence.

(4) An enforcement officer may use reasonable force, if necessary, in the exercise of a power under this regulation.

(5) No person shall resist, wilfully obstruct, or assault, an enforcement officer who is acting in the execution of his duty under these Regulations.

Offences

19 (1) A person who fails to comply with any of these Regulations commits an offence and is liable on summary conviction to a fine of \$10,000 or a term of imprisonment of six months, or both.

(2) Where a police officer has reasonable grounds for suspecting that an offence contrary to paragraph (1) is being or has been committed, he may arrest without warrant anyone whom he has reasonable grounds for suspecting is committing or has committed that offence.

Section 5 of the Emergency Powers Act 1963

20 Section 5 of the Emergency Powers Act 1963 provides that any provision of law which is inconsistent with these Regulations shall be of no effect while these Regulations remain in force.

Revocation of Shelter in Place Regulations

21 (1) The Emergency Powers (COVID-19 Shelter in Place) Regulations 2020 are revoked.

(2) Paragraph (1) shall not affect the prosecution of a person for an offence under the revoked Regulations which was committed before the commencement of these Regulations.

Commencement and duration

22 (1) These Regulations shall come into effect at 6am on 2 May 2020.

(2) These Regulations shall cease to have effect at 6am on 31 May 2020, unless before that time they are extended for such period as may be approved by resolution of both Houses of the Legislature and communicated to the Governor by message.

(3) The Governor shall, by notice in the Gazette, notify the public of any such extension.

EMERGENCY POWERS (COVID-19 CONTINUING PRECAUTIONS)
REGULATIONS 2020

SCHEDULE 1
PERSONS EXEMPT FROM CURFEW

Members of the Legislature etc

- 1 (1) All members of the House of Assembly and Senate.
(2) The staff of the Premier, Ministers and the Opposition Leader.
(3) Staff of the Legislature required when the Legislature is sitting.

Deputy Governor and Consuls

- 2 (1) The Deputy Governor and staff of Government House.
(2) The US Consul General and staff.
(3) Honorary Consuls.

Judiciary etc

- 3 Judges of the Supreme Court, magistrates, and court associates and lawyers required for any court proceedings.

Public service executive

- 4 The Cabinet Secretary, the Head of the Public Service, the Financial Secretary and Permanent Secretaries.

Uniformed services

- 5 Members of the Royal Bermuda Regiment, the Bermuda Police Service (including the Reserve Police and Special Constables), the Bermuda Fire and Rescue Service, and the Department of Corrections.

Health and BHB staff

- 6 Any registered health professional, ambulance driver or crew, or staff of a healthcare facility (whether employed by the Bermuda Hospitals Board, registered residential care or nursing home, or otherwise), and other staff of the Bermuda Hospitals Board or the Ministry of Health.

Border control, airport, docks and security

- 7 The following persons—
(a) members of the Department of Customs and Department of Immigration;
(b) all staff employed at the LF Wade International Airport;
(c) stevedores, truckers and staff of Hamilton Docks;
(d) licensed security officers.

EMERGENCY POWERS (COVID-19 CONTINUING PRECAUTIONS)
REGULATIONS 2020

Media

8 Members of the print or broadcast media.

Child protection

9 Members of the Department of Child and Family Services.

Other public officers

10 Public officers not falling within the preceding paragraphs, as designated in writing by the Head of the Public Service, subject to any conditions or limitations included in the designation.

Financial services

11 (1) Persons working in the financial services sector, as designated in writing by the Minister of Finance.

(2) A designation made for the purposes of paragraph 4 of Schedule 2 to the Emergency Powers (COVID-19 Shelter in Place) Regulations 2020 shall be deemed to be valid for the purposes of subparagraph (1).

Ministerial permission

12 (1) A person not falling within the preceding paragraphs who has the written permission of the Minister of National Security, subject to any conditions or limitations in the Ministerial permission.

(2) Such a person shall carry identification at all times and show to an enforcement officer on request.

(3) For the avoidance of doubt, a written permission granted paragraph 11 of Schedule 1 to the Emergency Powers (COVID-19 Shelter in Place) Regulations 2020 shall not be valid for the purposes of this paragraph.

EMERGENCY POWERS (COVID-19 CONTINUING PRECAUTIONS)
REGULATIONS 2020

SCHEDULE 2
PERMITTED BUSINESS RESTRICTIONS

Shopping days

- 1 (1) Visits to a grocery store, gas station or pet shop shall be restricted as follows—
- (a) Mondays and Thursdays shall be for persons whose surnames begin with the letters A to F only;
 - (b) Tuesdays and Fridays shall be for persons whose surnames begin with the letters G to Q only;
 - (c) Wednesdays and Saturdays shall be for persons whose surnames begin with the letters R to Z only;
 - (d) Sundays shall be reserved for—
 - (i) persons aged 65 years and over (other than persons falling within Schedule 1);
 - (ii) disabled persons; and
 - (iii) vulnerable persons (in accordance with guidance published by the Minister of Health on the website www.gov.bm/coronavirus),
who may also shop on their relevant day in accordance with subparagraphs (a) to (c).
- (2) Persons falling within Schedule 1 may visit a grocery store, gas station or pet shop on any day except Sundays, regardless of surname.

Pet shops

- 2 (1) The owner or operator of a pet shop shall only operate with the written permission of the Minister of National Security.
- (2) A written permission granted by the Minister under Schedule 3 of the Emergency Powers (COVID-19 Shelter in Place) Regulations 2020 shall be deemed to be valid for the purposes of this paragraph.

Laundromats

- 3 (1) The owner or operator of a laundromat shall only operate with the written permission of the Minister of National Security, and shall ensure compliance with the following conditions—
- (a) only customers who are members of one same household to be allowed in the laundromat at any one time, by appointment only;
 - (b) a wash and fold service may be provided, so long as customers are not permitted to enter the premises during the drop-off or collection of their laundry.

EMERGENCY POWERS (COVID-19 CONTINUING PRECAUTIONS)
REGULATIONS 2020

(2) A written permission granted by the Minister under Schedule 3 of the Emergency Powers (COVID-19 Shelter in Place) Regulations 2020 shall be deemed to be valid for the purposes of this paragraph.

EMERGENCY POWERS (COVID-19 CONTINUING PRECAUTIONS)
REGULATIONS 2020

SCHEDULE 3
REGULATION OF DELIVERIES

Application

1 (1) This Schedule applies in relation to all deliveries made while these Regulations are in effect.

(2) The Minister of National Security may publish further directions regarding deliveries on the website www.gov.bm/coronavirus.

Restricted delivery times

2 (1) Deliveries shall be made between the hours of 9am to 9pm only.

(2) Subparagraph (1) does not apply to a persons engaged in courier and delivery services on behalf of Government Departments, or urgent deliveries for other essential services listed in the First Schedule to the Labour Relations Act 1975.

Delivery protocols

3 (1) A person making a delivery shall telephone ahead to ensure that the delivery can be received.

(2) A person making a delivery to a private residence shall not enter a customer's home, but shall—

(a) leave the goods outside the customer's door; and

(b) telephone or otherwise inform the customer that the delivery has been made.

(3) A person making a delivery shall not require a customer to sign for receipt of a delivery.

Delivery of food or groceries

4 (1) A person making a delivery of food or groceries shall ensure compliance with applicable provisions of the Public Health Act 1949 and the Public Health (Food) Regulations 1950.

(2) In particular, a person making a delivery of food or groceries shall ensure that fresh, raw, and ready to eat foods are separately wrapped, and that all foods are protected from contamination by dust, dirt or flies (as required by regulation 9 of the Public Health (Food) Regulations 1950).

Additional health precautions

5 (1) A person making a delivery shall maintain appropriate physical distancing at all times.

(2) A person making a delivery shall comply with all further directions of the Minister of Health regarding cleaning, sanitisation, use of personal protective equipment

EMERGENCY POWERS (COVID-19 CONTINUING PRECAUTIONS)
REGULATIONS 2020

and other precautions to be taken before, during and after deliveries, as published on the website www.gov.bm/coronavirus.

Order to cease deliveries

6 If a person making deliveries is not in compliance with this Schedule or with Ministerial directions issued under paragraph 1 or 5, the Minister of National Security may order the person to cease making deliveries; and the person shall forthwith comply with that order, and shall continue to comply until otherwise directed by the Minister.

Made this 1st day of May 2020

Governor

[Operative Date: 02 May 2020]