



BERMUDA

PUBLIC HEALTH (COVID-19 EMERGENCY POWERS) REGULATIONS 2020

BR 72 / 2020

TABLE OF CONTENTS

|    |  |
|----|--|
| 1  | Citation   |
| 2  | Interpretation   |
| 3  | Night-time curfew  |
| 4  | Obligation to maintain appropriate physical distancing                   |
| 5  | Large groups prohibited  |
| 6  | Opening hours for business or facility                                   |
| 7  | Closure of business or facility not in compliance with health directions |
| 8  | Restriction on recreational boating activity                             |
| 9  | Enforcement powers   |
| 10 | Offences   |
| 11 | Section 107B(4) of the Public Health Act 1949                            |
| 12 | Commencement and duration  |

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

AND WHEREAS COVID-19, which is a communicable disease of the first category under the Public Health Act 1949, is an unprecedented and severe threat to public health in Bermuda;

AND WHEREAS the Minister of Health has issued the Public Health (COVID-19) Emergency Order under section 107A of the Public Health Act 1949;

AND WHEREAS it is necessary in the interests of public health to take extraordinary measures to prevent, control or suppress the disease;

## PUBLIC HEALTH (COVID-19 EMERGENCY POWERS) REGULATIONS 2020

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NOW THEREFORE His Excellency the Governor, on the advice of the Minister of Health, and in exercise of the power conferred by section 107B of the Public Health Act 1949, makes the following Regulations:

### Citation

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

### Interpretation

2 In these Regulations—

“appropriate physical distancing” means maintaining a distance between all persons who are not members of the same household of at least—

- (a) six feet; or
- (b) three feet, provided each person is wearing a mask which completely covers their nose and mouth,

and following any relevant guidance;

“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;

“facility” includes any school, nursery, religious establishment, hotel, restaurant, bar, club, nightclub, and any other place of public resort or meeting;

“guidance” means guidance issued by the Minister of Health on precautions to be taken and procedures to be followed for the prevention, control or suppression of COVID-19, and published on the website [www.gov.bm/coronavirus](http://www.gov.bm/coronavirus);

“home” in relation to a person, means the place where he lives, 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.

### Night-time curfew

3 (1) No person shall be away from his home during the hours of midnight to 5am, 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”

## PUBLIC HEALTH (COVID-19 EMERGENCY POWERS) REGULATIONS 2020

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includes a step-parent, a person who has parental responsibility for a child and a person who has care of a child.

### Obligation to maintain appropriate physical distancing

4 All persons shall take all reasonable steps to maintain appropriate physical distancing (including following any relevant guidance) at all times in any public or private place.

### Large groups prohibited

5 (1) No person shall assemble in a group of more than 50 persons for any reason in any public or private place.

(2) No person shall host a group of more than 50 persons for any reason in any public or private place.

(3) This regulation does not apply to—

- (a) 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;
- (b) persons travelling on any form of public transport;
- (c) persons attending a church or other religious establishment, marriage, domestic partnership or funeral;
- (d) passengers on a boat operated commercially for hire or reward for recreational purposes, if the number of passengers specified in the licence issued under the Marine Board (Island Boats) Regulations 1965 exceeds 50 persons,

provided appropriate physical distancing is maintained at all times.

(4) The Minister of National Security may, if he considers that there are exceptional circumstances justifying an exemption from this regulation and after consulting the Minister of Health, grant an exemption (a “large group exemption”) permitting a group of more than 50 persons to assemble—

- (a) on a specified date;
- (b) and at a specified time and place,

provided appropriate physical distancing is maintained at all times, and subject to such conditions as the Minister of National Security may impose.

(5) Notice of a large group exemption and any conditions imposed by the Minister of National Security under paragraph (4) shall be published in the Gazette at least one day before the specified date.

### Opening hours for business or facility

6 Opening hours for any business or facility are limited to 6am to 11pm only, except for a hospital or other health facility not subject to curfew.

## PUBLIC HEALTH (COVID-19 EMERGENCY POWERS) REGULATIONS 2020

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### Closure of business or facility not in compliance with health directions

7 (1) The owner or operator of any business or facility shall take all reasonable steps to ensure that all staff, customers or users of the facility maintain appropriate physical distancing at all times, and shall comply with any further guidance regarding cleaning, sanitisation, use of personal protective equipment and other precautions to be taken.

(2) If any such business or facility 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.

(3) Any person who is aggrieved by an order made under this section may appeal to a court of summary jurisdiction in accordance with section 190 of the Public Health Act 1949.

### Restriction on recreational boating activity

8 No person shall use a boat for recreational purposes after 11pm.

### Enforcement powers

9 (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;

(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 50 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

10 (1) A person who fails to comply with any of these Regulations (other than regulation 4) commits an offence and is liable in accordance with section 171 of the Public Health Act 1949, to the following—

(a) a fine of \$6,000, in respect of a first offence;

## PUBLIC HEALTH (COVID-19 EMERGENCY POWERS) REGULATIONS 2020

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- (b) for a second or subsequent offence, a fine of \$10,000 or imprisonment for a term not exceeding three months, or both such fine and imprisonment;
- (c) in addition, in the case of a continuing offence, a fine of \$1,000 in respect of each day during which the offence is continued.

(2) Where an enforcement 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 107B(4) of the Public Health Act 1949

11 Section 107B(4) of the Public Health Act 1949 provides that any provision of law which is inconsistent with these Regulations shall be of no effect while these Regulations remain in force.

### Commencement and duration

- 12 (1) These Regulations shall come into effect at 6am on 30 June 2020.
- (2) These Regulations shall cease to have effect when the Public Health (COVID-19) Emergency Order 2020 ceases to have effect.

PUBLIC HEALTH (COVID-19 EMERGENCY POWERS) REGULATIONS 2020

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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.

PUBLIC HEALTH (COVID-19 EMERGENCY POWERS) 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—

(a) paragraph 4 of Schedule 2 to the Emergency Powers (COVID-19 Shelter in Place) Regulations 2020; or

(b) paragraph 11(1) of the Emergency Powers (COVID-19 Continuing Precautions) 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) A written permission granted under paragraph 12 of Schedule 1 to the Emergency Powers (COVID-19 Continuing Precautions) Regulations 2020 shall be deemed to be valid for the purposes of this paragraph.

(3) But, for the avoidance of doubt, a written permission granted under 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.

Made this 29th day of June 2020

Governor

PUBLIC HEALTH (COVID-19 EMERGENCY POWERS) REGULATIONS 2020

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[Operative Date: 30 June 2020]