



BERMUDA

PUBLIC HEALTH (COVID-19 EMERGENCY POWERS) (PHASED RE-OPENING)  
REGULATIONS 2021

BR 69 / 2021

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	Persons exempt from night-time curfew

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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, continues to be an unprecedented and severe threat to public health in Bermuda;

AND WHEREAS the Minister responsible for health has issued the Public Health (COVID-19) Emergency Order 2021 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 and suppress COVID-19;

NOW THEREFORE Her Excellency the Governor, on the advice of the Minister responsible for 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) (Phased Re-opening) Regulations 2021.

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;

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

“enforcement officer” means—

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

“facility” includes any school, nursery, religious establishment, hotel, restaurant, bar, club 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 in Bermuda where he is living—

- (a) on commencement; or

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(b) if he arrives in Bermuda at a later date, on that date,

and includes any driveway, garden or yard forming part of that place;

“licensed premises” has the meaning given in section 1(1) of the Liquor Licence Act 1974;

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

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

Night-time curfew

3 (1) Except as permitted by these Regulations or in an emergency, no person shall be away from his home during the hours of 10pm to 5am (the “night-time curfew”).

(2) A person may leave his home during the night-time curfew for the following purposes only, and provided appropriate physical distancing is maintained at all times—

(a) essential medical appointments scheduled between 10pm and 5am;

(b) to attend an appointment at a COVID-19 testing centre or vaccination centre;

(c) to embark a flight leaving Bermuda.

(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.

(4) In paragraph (3), “parent” includes a step-parent, a person who has parental responsibility for a child and a person who has care of a child.

(5) Persons listed in Schedule 1 are exempt from the night-time 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.

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 10 persons for any reason in any public or private place.

(2) No person shall host a group of more than 10 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;

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- (b) persons travelling on any form of public transport;
- (c) persons while in attendance at—
  - (i) an indoor service or ceremony in a church or other religious establishment, but the number of persons in attendance shall not exceed 20% of its seating capacity, up to a maximum of 25 persons, plus the officiants;
  - (ii) an indoor funeral service, but the number of persons in attendance shall not exceed 20% of the premises' seating capacity, up to a maximum of 25 persons, plus the officiant and funeral home staff;
  - (iii) an indoor marriage ceremony, but the number of persons in attendance shall not exceed 20% of the premises' seating capacity, up to a maximum of 25 persons, plus the officiant and photographer;
  - (iv) an indoor domestic partnership ceremony, but the number of persons in attendance shall not exceed 20% of the premises' seating capacity, up to a maximum of 25 persons, plus the officiant and photographer;
- (d) persons while in attendance at—
  - (i) an outdoor religious service or ceremony, but the number of persons in attendance shall not exceed 25 persons, plus the officiant;
  - (ii) a graveside funeral service, but the number of persons in attendance shall not exceed 25 persons, plus the officiant and funeral home staff;
  - (iii) an outdoor marriage ceremony, but the number of persons in attendance shall not exceed 25 persons, plus the officiant and photographer;
  - (iv) an outdoor domestic partnership ceremony, but the number of persons in attendance shall not exceed 25 persons, plus the officiant and photographer;
- (e) persons required to attend the Court of Appeal, Supreme Court, magistrates' court or a tribunal;
- (f) persons while in attendance at a COVID-19 vaccination or testing centre;
- (g) persons while in attendance at a school (as defined in section 2(1) of the Education Act 1996) or the Bermuda College;
- (h) passengers on a boat operated commercially for hire or reward, if the number of passengers specified in the licence issued under the Marine Board (Island Boats) Regulations 1965 exceeds 10 persons,

provided appropriate physical distancing is maintained and relevant guidance on other precautions to be taken is followed at all times.

(4) In paragraphs (3)(c) and (3)(d), a "service" or "ceremony" does not include a reception or wake.

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(5) The Minister of National Security may grant an exemption (a “large group exemption”) permitting a group of more than 10 persons to assemble—

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

provided appropriate physical distancing is maintained and relevant guidance on other precautions to be taken is followed at all times, and subject to such conditions as the Minister of National Security may impose.

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

(7) A group exemption applied for or granted under regulation 4A(2) of the Public Health (COVID-19 Emergency Powers) (Stay at Home) Regulations 2021, and notice thereof published under regulation 4A(3) of those Regulations, shall be deemed to be applied for, or duly granted and published, (as the case may be) as a large group exemption under paragraphs (5) and (6) of this regulation.

(8) For the avoidance of doubt—

- (a) a large group exemption granted under paragraph (5) may include permission to host the group;
- (b) the Minister of National Security may at any time modify or revoke a large group exemption granted or deemed to be granted under paragraph (5) or (7).

#### Retail businesses

6 The owner or operator of any retail business shall ensure that the number of customers in the premises shall not at any one time exceed 20% of the premises’ occupancy capacity, which shall be calculated in accordance with guidance.

#### Hotels and guest houses

7 The owner or operator of a hotel or guest house shall ensure compliance with the following conditions—

- (a) indoor dining and bar service is permitted, but for guests of the hotel or guest house only, and with table service only;
- (b) outdoor dining and bar service is permitted and, except for collection of food from buffet, only table service is permitted;
- (c) for indoor and outdoor dining and bar service—
  - (i) no more than six persons are permitted to be seated at any one table;
  - (ii) tables shall be at least six feet apart;
  - (iii) no customer shall stand at the bar.

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Restaurants

8 The owner or operator of a restaurant shall ensure compliance with the following conditions—

- (a) subject to subparagraph (b) and (c), the indoor areas of a restaurant shall be closed;
- (b) access to toilets is permitted in accordance with guidance;
- (c) access to buffet is permitted in accordance with guidance;
- (d) outdoor dining is permitted;
- (e) no more than six persons are permitted to be seated at any one table;
- (f) tables shall be at least six feet apart;
- (g) if licensed premises, only table service from the bar is permitted.

Bars and clubs

9 (1) The owner or operator of a bar or club shall ensure compliance with the following conditions—

- (a) subject to subparagraph (c), the indoor areas of a bar or club shall be closed;
- (b) in the outdoor areas of the bar or club, only table service is permitted;
- (c) access to toilets is permitted in accordance with guidance;
- (d) no customer shall stand at the bar or elsewhere;
- (e) no more than six persons are permitted to be seated at any one table.

(2) A police officer of the rank of inspector or above may, upon reasonable belief that a contravention of these Regulations has occurred on a licensed premises, order any licensed person, his servant or his agent carrying on business at the licensed premises, to close the licensed premises for a period not exceeding 24 hours.

(3) In this regulation—

“bar” means premises licensed under a Licence (B) (within the meaning of section 9(1)(c) of the Liquor Licence Act 1974);

“club” means premises licensed under a Night Club Licence, Proprietary Club Licence or Members’ Club Licence (within the meaning of paragraph (f), (g) or (h) of section 9(1) of the Liquor Licence Act 1974, respectively);

“intoxicating liquor” has the meaning given in section 1(1) of the Liquor Licence Act 1974;

“licensed person” has the meaning given in section 1(1) of the Liquor Licence Act 1974.

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“Party bus” prohibited

10 (1) No person shall cause or allow a minibus to be used for the conveyance of passengers to or between licensed premises.

(2) No person shall travel on a minibus being used for that purpose.

(3) No person shall consume any intoxicating liquor on a minibus.

(4) In this regulation—

“intoxicating liquor” has the meaning given in section 1(1) of the Liquor Licence Act 1974;

“minibus” has the meaning given in section 2(1) of the Motor Car Act 1951.

Beauty salons, spas and barbers

11 The owner or operator of a beauty salon, spa or barber shop shall ensure that employees and clients wear masks that cover their nose and mouth at all times, including during treatment.

Gyms and sports clubs

12 The owner or operator of a gym or sports club shall ensure that—

(a) when using the indoor facilities, a distance of at least six feet between persons who are not members of the same household shall be maintained;

(b) equipment is spaced at least six feet apart;

(c) no indoor activities are allowed that require masks to be removed;

(d) no high intensity, aerobic or close proximity activities are allowed indoors;

(e) outdoor classes maintain a physical distance of at least six feet between persons.

Indoor places of public entertainment

13 The owner or operator of an indoor place of public entertainment such as a bowling alley, cinema, museum, concert hall, church hall, auditorium or theatre, shall ensure that the number of persons in the facility shall not at any one time exceed 20% of its occupancy capacity, which shall be calculated in accordance with guidance, up to a maximum of 25 persons.

Closure of business or facility not in compliance with health directions

14 (1) The owner or operator of any business or facility 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 relevant 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

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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 under this regulation may appeal to a court of summary jurisdiction in accordance with section 190 of the Public Health Act 1949.

Utilities, telecommunications etc

15 During the night-time curfew, persons providing the following services are permitted to respond to emergency calls 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 visiting a place of quarantine or isolation

16 No unauthorised person shall visit any person in a place of quarantine or isolation, 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 boating activity

17 (1) Subject to the size of the boat, and provided appropriate physical distancing can be maintained and relevant guidance on other precautions to be taken is followed at all times, the maximum number of persons (including any crew) who may—

- (a) use a boat for recreational purposes is 10 persons;
- (b) use a boat operated commercially for hire or reward is the number of passengers specified in the licence issued under the Marine Board (Island Boats) Regulations 1965.

(2) No person shall use a boat referred to in paragraph (1)(a) after 8pm.

(3) For the avoidance of doubt, no person shall use a boat referred to in paragraph (1)(b) at any time during the night-time curfew.

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

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, and 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, during the night-time curfew—



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- (a) direct the person to return immediately to his home; or
- (b) detain and convey the person to his home.

(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 at any time, take such action as may be necessary to enforce these Regulations, including the dispersal of any groups of more than 10 persons.

(3) For the purposes of exercising the powers 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 these Regulations.

(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 (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;
- (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) A person who fails to take all reasonable steps, as required by regulation 4, to maintain appropriate physical distancing by not wearing a mask when one is required commits an offence and is liable on summary conviction to—

- (a) a fine of \$500, in respect of a first offence;
- (b) a fine of \$1,000, for a second or subsequent offence.

(3) 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

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

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Revocation of Public Health (COVID-19 Emergency Powers) (Stay at Home)  
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21 (1) The Public Health (COVID-19 Emergency Powers) (Stay at Home) Regulations 2021 are revoked.

(2) For the avoidance of doubt, 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.

Savings for guidance

22 Guidance issued and published, or deemed to be issued and published, under the Public Health (COVID-19 Emergency Powers) (Stay at Home) Regulations 2021 shall be deemed to be duly issued and published under the corresponding provisions of these Regulations.

Commencement

23 These Regulations shall come into effect at 5am on 9 May 2021.

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SCHEDULE 1

PERSONS EXEMPT FROM NIGHT-TIME 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.

Hotel staff etc

- 7 Persons working in a hotel, guest house or vacation rental property.

COVID-19 vaccination and testing centres

- 8 Persons who need to attend, and travel to or from, a COVID-19 vaccination or testing centre, and persons transporting them.

Funeral home staff

- 9 Funeral directors, morticians and other staff of a funeral home.

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Border control, airport, docks and security

10 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) passengers and crew who need to travel to and from the airport for flights during the curfew, and persons transporting them;
- (d) stevedores, truckers and staff of Hamilton Docks;
- (e) licensed security officers.

Essential services

11 All persons working in services listed in the First Schedule to the Labour Relations Act 1975.

Media

12 Members of the print or broadcast media.

Child protection

13 Members of the Department of Child and Family Services.

Other public officers

14 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

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

(2) A designation—

- (a) made under paragraph 15(1) of Schedule 1 to the Public Health (COVID-19 Emergency Powers) (Stay at Home) Regulations 2021;
- (b) made under paragraph 12(1) of Schedule 1 to the Public Health (COVID-19 Emergency Powers) Regulations 2021 or paragraph 13(1) of Schedule 1A to those Regulations;
- (c) made under paragraph 12(1) of Schedule 1 to the Public Health (COVID-19 Emergency Powers) (No. 3) Regulations 2020; or
- (d) made under, or that was deemed to be valid for the purposes of, paragraph 11(1) of Schedule 1 to the Public Health (COVID-19 Emergency Powers) Regulations 2020,

shall be deemed to be valid for the purposes of subparagraph (1).

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Ministerial permission

16 (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 16 of Schedule 1 to the Public Health (COVID-19 Emergency Powers) (Stay at Home) Regulations 2021 shall be deemed to be valid for the purposes of subparagraph (1).

Made this 8th day of May 2021

Governor

[Operative Date: 09 May 2021]