



BERMUDA

PUBLIC HEALTH (COVID-19) PENALTIES REGULATIONS 2021

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The Minister responsible for health, in exercise of the power conferred by section 107K of the Public Health Act 1949 makes the following Regulations:

Citation

1 These Regulations, may be cited as the Public Health (COVID-19) Penalties Regulations 2021.

Interpretation

2 In these Regulations—

“the Act” means the Public Health Act 1949;

“offence” has the meaning assigned to it in section 107C of the Act, and in these Regulations includes an offence specified in regulation 7(1)(a) and (2)(a);

“penalty” has the meaning assigned to it in section 107C of the Act, and in these Regulations includes a penalty specified in regulation 7(1)(b) and (2)(b);

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“public health penalty ticket” or “ticket” has the meaning assigned to it in section 107C of the Act, and in these Regulations is a ticket referred to in regulation 4.

Application of Regulations

3 These Regulations apply to offences under—

- (a) regulation 33A of the Public Health (COVID-19) Regulations 2020 and specified in regulation 7(1)(a) of these Regulations; and
- (b) regulation 19A of the Public Health (COVID-19 Emergency Powers) (Phased Re-opening) Regulations 2021 and specified in regulation 7(2)(a) of these Regulations.

Form and application of public health penalty ticket

4 (1) In accordance with section 107E(3) of the Act, a public health penalty ticket shall contain information as provided in regulations 6 and 7 of these Regulations and be in the form as set out under the “Publications and Forms” section on the website: www.bermudapolice.bm/.

- (2) The public health penalty ticket shall apply to an offence referred to under—
 - (a) regulation 7(1)(a) of these Regulations, in relation to the Public Health (COVID-19) Regulations 2020; and
 - (b) regulation 7(2)(a) of these Regulations, in relation to the Public Health (COVID-19 Emergency Powers) (Phased Re-opening) Regulations 2021.

Procedure for issue and delivery of public health penalty ticket

5 (1) A police officer who has determined, pursuant to section 107G of the Act, to issue a public health penalty ticket to any person shall ascertain the identity of such person by requesting the name, address and date of birth of the person.

- (2) A police officer issuing a public health penalty ticket shall—
 - (a) complete the ticket and affix his signature on the summons portion of the ticket; and
 - (b) deliver the summons portion of the ticket personally to the person to whom the public health penalty ticket has been issued.

(3) The police officer shall request the person to whom the public health penalty ticket has been issued to enter his signature on the information portion of the ticket and such signature shall be sufficient proof of receipt of the public health penalty ticket by that person.

(4) The police officer shall direct the person to whom the public health penalty ticket has been issued regarding the following information on the ticket—

- (a) the date by which the penalty is to be paid and the address of the magistrates’ court where payment is to be made; and

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- (b) the requirement for the person to attend the magistrates' court on a date and time as stated in the public health penalty ticket, with respect to a person who does not pay the penalty within 28 days after receiving the ticket or within an extended period of time as may be granted under section 107I of the Act.

Information of the offence

- 6 (1) In accordance with section 107E(2) of the Act, the information portion of the public health penalty ticket shall be accompanied by a notification, as provided in that section, to the person to whom the public health penalty ticket has been issued.
- (2) The information portion of a public health penalty ticket shall further—
 - (a) give reasonably detailed information or particulars of the circumstances alleged to constitute the offence;
 - (b) state that proceedings will not be instituted for the offence if payment of the penalty is made within a period of 28 days from the date of issue of the public health penalty ticket;
 - (c) specify the amount of the penalty.
 - (3) Every public health penalty ticket information shall be—
 - (a) signed by the police officer issuing the ticket;
 - (b) signed by the informant and sworn before a justice of the peace.
 - (4) A public health penalty ticket information need not be sworn to before the summons portion is delivered and the informant need not be the same person as issued the summons.

List of offences, descriptions and penalties

- 7 (1) For the purposes of the Public Health (COVID-19) Regulations 2020 and with respect to Schedule 1 of these Regulations—
- (a) a public health penalty ticket may be issued for the offence of breach of Public Health (COVID-19) Regulations 2020 as provided in column 1 of Part 1;
 - (b) the penalty for breach of the offence under subparagraph (a) is the amount set out in column 2 of Part 1;
 - (c) the offence under subparagraph (a) for which a public health penalty ticket may be issued includes the offences that are contrary to the Public Health (COVID-19) Regulations 2020, as listed in column 1 of Part 2;
 - (d) the description of an offence that is contrary to a provision listed in column 1 of Part 2 is the description set out in column 2 of Part 2.
- (2) For the purposes of the Public Health (COVID-19 Emergency Powers) (Phased Re-opening) Regulations 2021 and with respect to Schedule 2 of these Regulations—

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- (a) a public health penalty ticket may be issued for the offence of breach of the Public Health (COVID-19 Emergency Powers) (Phased Re-opening) Regulations 2021 as provided in column 1 of Part 1;
- (b) the penalty for breach of the offence under subparagraph (a) is the amount set out in column 2 of Part 1;
- (c) the offence in subparagraph (a) for which a public health penalty ticket may be issued includes the offences that are contrary to the provisions of the Public Health (COVID-19 Emergency Powers) (Phased Re-opening) Regulations 2021, as listed in column 1 of Part 2;
- (d) the description of an offence that is contrary to a provision listed in column 1 of Part 2 is the description set out in column 2 of Part 2.

Deposit of public health penalty ticket with the court

8 Where a police officer has issued a public health penalty ticket, he shall deposit with the court the information portion of the ticket.

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SCHEDULE 1

(regulation 7(1))

OFFENCES AND PENALTIES UNDER
THE PUBLIC HEALTH (COVID-19) REGULATIONS 2020

PART 1

Description of offence	Penalty
Breach of the Public Health (COVID-19) Regulations 2020	\$500

PART 2

Regulations	Description of offences under thePublic Health (COVID-19) Regulations 2020
regulation 7	Breach of order to be under public health supervision, active monitoring or isolation
regulation 8	Breach of duty to furnish information to Public Health Officer
regulation 15	Failure to report for medical inspection
regulation 18	Improperly leaving place of isolation while under public health supervision, active monitoring or isolation

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SCHEDULE 2

(regulation 7(2))

OFFENCES AND PENALTIES UNDER
THE PUBLIC HEALTH (COVID-19 EMERGENCY POWERS) (PHASED RE-OPENING)
REGULATIONS 2021

PART 1

Description of offence	Penalty
Breach of Public Health (COVID-19 Emergency Powers) (Phased Re-opening) Regulations 2021	\$500

PART 2

Regulations	Description of offences under the Public Health (COVID-19 Emergency Powers) (Phased Re-opening) Regulations 2021
regulation 5	(1) Failure of host to limit a group to the maximum permitted group size in any public or private place without a large group exemption. (2) Person assembling in a group exceeding the maximum permitted group size in any public or private place without a large group exemption. (3) Person assembling in a group exceeding the maximum permitted group size at an indoor or outdoor funeral service without a large group exemption. (4) Person assembling in a group exceeding the maximum permitted group size, plus the officiant and photographer, at an indoor or outdoor marriage ceremony without a large group exemption. (5) Person assembling in a group exceeding the maximum permitted group size, plus the officiant and photographer, at an indoor or outdoor domestic partnership ceremony without a large group exemption. (6) Failure of host to comply with conditions of a large group exemption.
regulation 14	Owner or operator of business or facility not in compliance with health orders and relevant guidance.
regulation 16	Breach of prohibition of visiting any person in a place of quarantine or isolation.
regulation 19(2)	Failure of person to comply with requirement to wear a mask in accordance with guidance.

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Made this 11th day of August 2021

Minister of Health

[Operative Date: 12 August 2021]