



BERMUDA

QUARANTINE (COVID-19) (NO. 3) ORDER 2020

BR 75 / 2020

TABLE OF CONTENTS

PART 1  
PRELIMINARY

- 1 Citation
- 2 Interpretation
- 3 Application of statutory requirements
- 4 Exceptions to requirements of Order

PART 2  
PRE-DEPARTURE REQUIREMENTS

- 5 Pre-departure requirements
- 5A Conveyance operators to only board travellers with Travel Authorisation
- 5B Pre-departure requirements for mariners
- 6 Pre-departure COVID-19 test
- 7 Travel Authorisation fee
- 8 Health insurance policy

PART 3  
ARRIVAL PROCEDURES

- 9 Arrival COVID-19 PCR testing
- 10 COVID-19 test results time frame
- 11 Wearing of masks and physical distancing

PART 4  
QUARANTINE REQUIREMENTS FOR TRAVELLERS

- 12 Quarantine for travellers with pre-departure COVID-19 PCR test
- 13 Quarantine and testing for travellers without pre-departure COVID-19 test
- 14 Quarantine requirements for travellers refusing to be tested on arrival

## QUARANTINE (COVID-19) (NO. 3) ORDER 2020

---

15 Compliance with public health supervision requirements

### PART 5

#### PUBLIC HEALTH SUPERVISION REQUIREMENTS FOR TRAVELLERS

16 Public health supervision during first 14 days after arrival

17 Use of electronic monitoring device

### PART 6

#### QUARANTINE AND PUBLIC HEALTH MEASURES FOR TRAVELLERS WHO RECEIVE POSITIVE COVID-19 PCR RESULT

18 Application of Public Health (COVID-19) Regulations 2020 to traveller with positive COVID-19 PCR result

19 Cost of treatment and accommodation

20 Travellers required to be fitted with electronic monitoring device

### PART 7

#### SHIP IN TRANSIT

21 Ship in transit

### PART 8

#### MISCELLANEOUS

22 Persons unable to quarantine

23 Traveller who fails to comply with requirements to be quarantined

24 Detention of persons refusing to undergo quarantine

25 Duty of Public Health Officer

26 Avoiding serious risk to public health

27 Offences

28 Revocation of Order and Savings

The Minister responsible for health, in exercise of the power conferred by section 9 of the Quarantine Act 2017, being of the opinion that a public health emergency exists and after having consulted with the Chief Medical Officer, makes the following Order:

### PART 1

#### PRELIMINARY

#### Citation

1 This Order may be cited as the Quarantine (COVID-19) (No. 3) Order 2020.

#### Interpretation

2 In this Order—

“conveyance operator” has the meaning given in regulation 2 of the Quarantine (Maritime and Air) Regulations 2017;

## QUARANTINE (COVID-19) (NO. 3) ORDER 2020

---

“COVID-19 PCR test” means a polymerase chain reaction test for the qualitative detection of nucleic acid from SARS-CoV-2;

“Ministry of Health website” means the Ministry of Health uniform resource locator or internet address located at [www.gov.bm/coronavirus](http://www.gov.bm/coronavirus);

“quarantine” means—

- (a) staying in a place of quarantine as a Health Officer may determine, which may be—
  - (i) the house or accommodation in Bermuda at which the person to be quarantined resides; or
  - (ii) a place designated by a Health Officer as a place of quarantine;
- (b) complying during the period of quarantine with such health measures as a Health Officer may specify as necessary to limit or prevent the spread of COVID-19; and
- (c) complying with the requirements of paragraph 11.

*[Paragraph 2 definition "conveyance operator" inserted by BR 91 / 2020 para. 2 effective 11 August 2020]*

### Application of statutory requirements

3 Any person who enters Bermuda and is landed in Bermuda shall comply with applicable requirements under the—

- (a) Quarantine Act 2017 and regulations and orders made under that Act;
- (b) Public Health Act 1949 and regulations and notices made under that Act.

*[Paragraph 3 subparagraph (a) amended by BR 91 / 2020 para. 3 effective 11 August 2020]*

### Exceptions to requirements of Order

4 (1) The requirements of this Order shall not apply to a person who enters Bermuda and is landed in Bermuda, who is—

- (a) a child under the age of ten years, subject to subparagraph (2);
- (b) subject to subparagraph (3), a crew member of—
  - (i) a cargo or commercial aircraft;
  - (ii) a cargo ship; or
  - (iii) an aircraft operating for the purpose of giving medical attention, delivering medical supplies to Bermuda, or airlifting a patient to or from Bermuda, which crew shall be taken to include any medical personnel on the flight;
- (c) a person who has written permission of the Quarantine Authority to enter Bermuda.
- (d) *[Deleted by BR 91 / 2020 para. 4]*

QUARANTINE (COVID-19) (NO. 3) ORDER 2020

---

(1A) Subject to paragraph 21, the requirements of this Order shall not apply to a ship in transit and the crew members of the ship.

(2) Where a parent or guardian having charge of a child under the age of ten years is required to be placed under quarantine under this Order, the child shall also be required to be placed under quarantine together with the parent or guardian.

(3) The exception in subparagraph (1)(b) applies only with respect to a crew member—

- (a) who is staying in Bermuda for a period of less than 24 hours; and
- (b) who, throughout that period, shall be in quarantine in the room at the accommodations at which he is staying.

*[Paragraph 4 subparagraph (1)(b) amended, and subparagraph (3) inserted by BR 78 / 2020 para. 2 effective 16 July 2020; Paragraph 4 amended by BR 91 / 2020 para. 4 effective 11 August 2020]*

PART 2

PRE-DEPARTURE REQUIREMENTS

Pre-departure requirements

5 (1) Each person who is not ordinarily resident in Bermuda and who intends to travel to, and be landed in, Bermuda shall, within 48 hours before departure for Bermuda, apply for Travel Authorisation by completing the Travel Authorisation Form set out on the Ministry of Health website, and by complying with requirements to—

- (a) obtain a negative COVID-19 PCR result as provided in paragraph 6;
- (b) pay the Travel Authorisation fee, as provided in paragraph 7;
- (c) provide proof of the person's health insurance cover, as provided in paragraph 8;
- (d) provide personal health information as stated on the Travel Authorisation Form.

(2) Each person ordinarily resident in Bermuda who is returning to Bermuda shall, within 48 hours before departure for Bermuda—

- (a) complete the Travel Authorisation Form set out on the Ministry of Health website;
- (b) pay the Travel Authorisation fee, as provided in paragraph 7;
- (c) provide personal health information as stated on the Travel Authorisation Form.

(3) Each person entering Bermuda shall bring with him a thermometer required for public health checks as provided under paragraph 16.

(4) A person not ordinarily resident in Bermuda shall not be granted Travel Authorisation to depart for Bermuda if—

QUARANTINE (COVID-19) (NO. 3) ORDER 2020

---

- (a) he has not complied with subparagraph (1);
- (b) he has a positive COVID-19 test result; or
- (c) the information he has provided on the Travel Authorisation Form indicates that he has symptoms of COVID-19 or of a communicable disease of the first or second category (as defined under section 66 of the Public Health Act 1949).

(5) Each person ordinarily resident in Bermuda who has not complied with subparagraph (2), shall be subject to the requirements of Part 5 of this Order.

*[Paragraph 5 amended by BR 91 / 2020 para. 5 effective 11 August 2020]*

Conveyance operators to only board travellers with Travel Authorisation

5A (1) No conveyance operator departing for Bermuda shall permit any person who is not ordinarily resident in Bermuda to board a conveyance with the intention of travelling to, and landing in, Bermuda who is not in possession of a Travel Authorisation as required under paragraph 5(1).

(2) A conveyance operator that contravenes subparagraph (1) shall be responsible for the immediate repatriation, and the full costs of repatriation, of the person who is not in possession of a Travel Authorisation.

*[Paragraph 5A inserted by BR 91 / 2020 para. 6 effective 11 August 2020]*

Pre-departure requirements for mariners

5B (1) A mariner who intends to travel by sea to, and be landed in, Bermuda shall, before landing in Bermuda, apply to travel to Bermuda by sea by complying with requirements to—

- (a) obtain a negative COVID-19 PCR test result as provided in paragraph 6;
- (b) apply for Travel Authorisation by completing the Travel Authorisation Form set out on the Ministry of Health website; and
- (c) pay the Travel Authorisation fee, as provided in paragraph 7.

(2) A mariner referred to in subparagraph (1) who has not complied with the requirements of subparagraph (1)(a) and (b) shall be required to—

- (a) be in quarantine on the boat he is travelling on for a period of 14 days as from the date of his last port of departure prior to arrival in Bermuda; and
- (b) undergo a COVID-19 PCR test at the end of the 14-day quarantine period.

*[Paragraph 5B inserted by BR 91 / 2020 para. 6 effective 11 August 2020]*

Pre-departure COVID-19 test

6 (1) Each person who is not a resident of Bermuda who intends to travel to, and be landed in, Bermuda may be required, as may be determined by the Quarantine Authority in consultation with the Chief Medical Officer, to undergo a COVID-19 PCR test, which must be undertaken not more than seven days before departure.

## QUARANTINE (COVID-19) (NO. 3) ORDER 2020

---

(1A) The determination of the Quarantine Authority under subparagraph (1) shall be made by notice set out in the Ministry of Health website.

(2) The COVID-19 PCR test shall be performed by a registered laboratory whose professional status and practising certificates can be verified with the applicable regulatory authority in the jurisdiction where the test is undertaken.

(3) Where a person has a negative COVID-19 PCR result after undergoing a COVID-19 PCR test as required in subparagraph (1), the person shall carry the test results with him when travelling to Bermuda and shall give the test results to a Health Officer upon request.

(4) The negative COVID-19 PCR result obtained for purposes of this paragraph shall be set out on the official documentation of the laboratory that conducted the COVID-19 test, which documentation shall state—

- (a) the name, address, telephone number and email address of the laboratory at which the COVID-19 PCR test was conducted;
- (b) the date the COVID-19 PCR test was conducted;
- (c) the full names, date of birth and address of the person tested for COVID-19 PCR;
- (d) the results of the COVID-19 PCR test conducted in relation to that person.

*[Paragraph 6 subparagraph (1) amended, and subparagraph (1A) inserted by BR 78 / 2020 para. 3 effective 16 July 2020]*

### Travel Authorisation fee

7 Each person applying for Travel Authorisation or completing a Travel Authorisation Form as provided under paragraph 5, shall, at the time he is submitting the Travel Authorisation Form, also electronically forward the following fees as directed on the Ministry of Health website—

- (a) a fee of \$75 for each person 10 years and above;
- (b) a fee of \$30 for each child under the age of 10 years.

### Health insurance policy

8 Each person who is not a resident of Bermuda and who intends to travel to, and be landed in, Bermuda may be required, at the time he is submitting the Travel Authorisation Form as provided under paragraph 5, to also provide evidence of the person's health insurance policy that includes insurance coverage for—

- (a) COVID-19 medical costs; and
- (b) full hospitalization, doctors' visits, prescriptions and air ambulance.

PART 3  
ARRIVAL PROCEDURES

Arrival COVID-19 PCR testing

9 (1) Each person that is landed in Bermuda shall, upon arrival, be tested for COVID-19—

- (a) at the airport, if the person has arrived by aircraft; or
- (b) in the port of entry, if the person has arrived by ship.

(2) The COVID-19 PCR test to be conducted under subparagraph (1) shall be such test as shall be approved by a Health Officer and shall either be—

- (a) the nasopharyngeal swab;
- (b) an oropharyngeal swab; or
- (c) a saliva test.

(3) A person that is landed in Bermuda shall be required to undergo the COVID-19 PCR tests referred to in subparagraph (2)(a) and (c) or (2)(b) and (c), as a Health Officer may determine, in the case where the person has not undergone any pre-departure COVID-19 PCR test and obtained test results similar to the test and results referred to in paragraph 6(2) to (4).

*[Paragraph 9 subparagraph (3) inserted by BR 91 / 2020 para. 7 effective 11 August 2020]*

COVID-19 test results time frame

10 Each person tested for COVID-19 as required under paragraph 9 shall be informed of the test results no later than 48 hours after the test is conducted.

*[Paragraph 10 amended by BR 91 / 2020 para. 8 effective 11 August 2020]*

Wearing of masks and physical distancing

11 Each person shall, upon arrival in Bermuda,—

- (a) wear a mask when—
  - (i) outside the aircraft or ship;
  - (ii) in a room with any other person; or
  - (iii) in any public place;
- (b) stay at a distance from any other person of at least—
  - (i) two metre (six feet); or
  - (ii) one metre (three feet), provided each person is wearing a mask which completely covers their nose and mouth.

QUARANTINE (COVID-19) (NO. 3) ORDER 2020

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PART 4

QUARANTINE REQUIREMENTS FOR TRAVELLERS

Quarantine for travellers with pre-departure COVID-19 PCR test

- 12 (1) Each person who—
- (a) had conducted a pre-departure COVID-19 PCR test as required under paragraph 6 and had obtained a negative COVID-19 PCR result; and
  - (b) has undergone the COVID-19 PCR testing upon arrival as required under paragraph 9—

shall place himself in quarantine at the house or accommodation in Bermuda at which the person is residing until such time as he shall receive results of the COVID-19 testing as provided under paragraph 10.

(2) Subject to paragraph 16, where a person receives a negative COVID-19 PCR result following the COVID-19 PCR testing, he shall be released from quarantine and be provided with a written notification of his test results.

Quarantine and testing for travellers without pre-departure COVID-19 test

13 (1) A person who is landed in Bermuda without having conducted a pre-departure COVID-19 PCR test shall undergo COVID-19 PCR testing and be quarantined as provided in this paragraph.

(2) A person to whom this paragraph applies shall undergo a COVID-19 PCR test—

- (a) upon arrival, as provided under paragraph 9; and
- (b) on such other day or days within the period of 14 days from the date of arrival in Bermuda, as the Chief Medical Officer may determine as provided in paragraph 16(2)(a).

(3) A person to whom this paragraph applies shall place himself in quarantine at the house or accommodation in Bermuda at which the person is residing until the person has—

- (a) conducted, as provided under subparagraph (2)(b), such additional COVID-19 PCR test as is required to be conducted on or immediately after the 8th day after his arrival in Bermuda; and
- (b) received a negative COVID-19 PCR result for the test.

(4) A person under quarantine as provided in subparagraph (3) shall not depart from the place of quarantine during the period of quarantine, except for the purpose of attending at an official place of testing for COVID-19 as directed by a Health Officer.

*[Paragraph 13 subparagraph (2)(b) revoked and substituted by BR 78 / 2020 para. 4 effective 16 July 2020; Paragraph 13 subparagraph (3) revoked and substituted, and subparagraph (4) substituted by BR 94 / 2020 para. 2 effective 25 August 2020]*



QUARANTINE (COVID-19) (NO. 3) ORDER 2020

---

Quarantine requirements for travellers refusing to be tested on arrival

- 14 (1) A person who refuses to be tested as provided in Part 4, shall—
- (a) place himself in quarantine at the house or accommodation in Bermuda at which the person is residing for a period of 14 days as from the date of arrival in Bermuda; and
  - (b) be required to undergo a COVID-19 PCR test at the end of the quarantine period,

and shall be released from quarantine only if he receives a negative COVID-19 PCR test result.

(2) Where, at the end of the 14 days of quarantine, the person further refuses to be tested as required under subparagraph (1)(b), the person shall be required to undergo quarantine for another 14 days.

Compliance with public health supervision requirements

15 A person to whom this Part applies shall comply with public health supervision requirements as provided in Part 5 of this Order.

PART 5

PUBLIC HEALTH SUPERVISION REQUIREMENTS FOR TRAVELLERS

Public health supervision during first 14 days after arrival

- 16 (1) Each person who is landed in Bermuda shall comply with public health supervision requirements for 14 days after his arrival in Bermuda.
- (2) Public health supervision shall include conducting—
- (a) COVID-19 PCR tests on such day or days in relation to a person referred to in paragraph 12, 13 or 14, as the Chief Medical Officer may determine by notice set out on the Ministry of Health website.
  - (b) public health checks as directed by a Health Officer,

and reporting the findings of the tests and checks conducted as provided in subparagraph (3).

(3) The COVID-19 PCR tests and the public health checks required under subparagraph (2) shall be communicated between the person under public health supervision and a Health Officer—

- (a) by means of an online application; or
- (b) by such other means as the Health Officer may determine.

## QUARANTINE (COVID-19) (NO. 3) ORDER 2020

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(4) A person under public health supervision shall comply with the instructions of the Health Officer regarding the terms specified for his supervision.

*[Paragraph 16 subparagraph (2)(a) revoked and substituted by BR 78 / 2020 para. 5 effective 16 July 2020; Paragraph 16 amended by BR 91 / 2020 para. 9 effective 11 August 2020]*

Use of electronic monitoring device

17 A person under public health supervision shall be monitored during the period of public health supervision as the Quarantine Authority may determine as appropriate, which may include the use of an electronic monitoring device.

### PART 6

#### QUARANTINE AND PUBLIC HEALTH MEASURES FOR TRAVELLERS WHO RECEIVE POSITIVE COVID-19 PCR RESULT

Application of Public Health (COVID-19) Regulations 2020 to traveller with positive COVID-19 PCR result

18 (1) A person who is landed in Bermuda who—

- (a) following COVID-19 PCR tests conducted under Parts 3, 4 and 5 of this Order (or COVID-19 PCR tests conducted at any other time) receives a positive COVID-19 PCR result;
- (b) is a close contact of a person who has a positive COVID-19 PCR result; or
- (c) is symptomatic,

shall be subject to public health supervision, active monitoring or isolation as provided under Part 3 of the Public Health (COVID-19) Regulations 2020.

(2) A person referred to under subsection (1)—

- (a) may be placed under public health supervision, active monitoring or isolation for a period of 14 days at such person's home or accommodation; and
- (b) if found not improved after treatment under subparagraph (a), may be placed under isolation for an extended period at a place approved by the Quarantine Authority until such time as the person is found to have a negative COVID-19 PCR result.

Cost of treatment and accommodation

19 A person referred to in paragraph 18 who is made subject to public health supervision, active monitoring or isolation as provided under Part 3 of the Public Health (COVID 19) Regulations 2020 shall bear the costs of all treatment received and the costs for accommodation and board.

## QUARANTINE (COVID-19) (NO. 3) ORDER 2020

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Travellers required to be fitted with electronic monitoring device

20 (1) A person referred to in paragraph 18 may, for the purpose of monitoring his public health supervision, active monitoring or isolation as provided under Part 3 of the Public Health (COVID-19) Regulations 2020, be required to be fitted with an electronic monitoring bracelet.

(1A) A person referred to in paragraphs 4(2), 13 or 14 may, during the period of his quarantine, be required to be fitted with an electronic monitoring bracelet, as the Quarantine Authority may in writing determine.

(2) A person fitted with an electronic monitoring bracelet under this paragraph shall comply with the instructions of the Health Officer regarding—

- (a) the terms specified for his monitoring; and
- (b) the use of the electronic monitoring bracelet.

*[Paragraph 20 heading deleted and substituted, subparagraph (1A) inserted, and subparagraph (2) amended by BR 78 / 2020 para. 6 effective 16 July 2020]*

### PART 7

#### SHIP IN TRANSIT

Ship in transit

21 (1) A conveyance operator of a ship and the crew who, for purposes of regulation 8 of the Quarantine (Maritime and Air) Regulations 2017, have entered Bermuda on transit shall—

- (a) anchor or berth the ship at a location approved by the Quarantine Authority;
- (b) remain confined to the ship for the duration of the transit stop, except in the case of crew transfer; and
- (c) clearly display on the ship a yellow quarantine flag.

(2) The conveyance operator shall forthwith notify Bermuda Maritime Operations Centre or Bermuda Radio, on marine VHF Channel 16, in the case where the ship in quarantine is required to shift anchorage as a result of—

- (a) weather disturbances; or
- (b) other circumstances (such as where an anchor drags or does not hold),

and the Bermuda Maritime Operations Centre shall advise the Quarantine Authority and direct the ship in accordance with any additional requirements the Quarantine Authority may impose.

(3) The conveyance operator who, for purposes of the ship and crew, needs to perform crew transfer or take on fuel, food or water shall notify Bermuda Maritime Operations Centre of the need.

## QUARANTINE (COVID-19) (NO. 3) ORDER 2020

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(4) *[Deleted by BR 91 / 2020 para. 10]*

*[Paragraph 21 amended by BR 91 / 2020 para. 10 effective 11 August 2020]*

### PART 8 MISCELLANEOUS

#### Persons unable to quarantine

22 A person who has satisfied a Health Officer that he is unable to comply with quarantine requirements under this Order shall—

- (a) comply with such directions as the Health Officer may give; and
- (b) quarantine to the best of his ability as directed by the Health Officer.

#### Traveller who fails to comply with requirements to be quarantined

23 Any person not belonging to Bermuda and not ordinarily resident in Bermuda who has arrived by aircraft or ship, and who—

- (a) has failed to apply for, or has given false information when applying for, the Travel Authorisation under paragraph 5; or
- (b) refuses to undergo quarantine as required by a Health Officer under this Order,

shall be placed in quarantine at a place designated by the Health Officer for the purpose until such time as he is able to board a returning flight or ship to his place of origin and such person shall bear all costs for accommodation and board while on quarantine.

*[Paragraph 23 heading deleted and substituted, and subparagraph (a) deleted and substituted by BR 91 / 2020 para. 11 effective 11 August 2020]*

#### Detention of persons refusing to undergo quarantine

24 For the avoidance of doubt, where a person not belonging to Bermuda and not ordinarily resident in Bermuda fails to comply with the requirements of a Health Officer under this Order, Regulations 19(2) and 20 of the Quarantine (Maritime and Air) Regulations 2017 shall apply.

#### Duty of Public Health Officer

25 A Public Health Officer responsible for a person quarantined or placed in public health supervision, active monitoring or isolation under this Order, shall notify the person as provided under regulation 12 of the Public Health (COVID-19) Regulations 2020.

#### Avoiding serious risk to public health

26 Where a person is placed under public health supervision, active monitoring or isolation for an extended period as provided in paragraph 18(2)(b) of this Order, such placement of the person must be expressed by the Public Health Officer as necessary to prevent the risk of transmission of COVID-19 constituting a serious risk to public health.

## QUARANTINE (COVID-19) (NO. 3) ORDER 2020

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### Offences

27 Any person who—

- (a) gives false information when completing the Travel Authorisation Form under paragraph 5; or
- (b) otherwise contravenes the provisions of this Order,

commits an offence under section 11 of the Quarantine Act 2017.

### Revocation of Order and Savings

28 (1) The Quarantine (COVID-19) (No. 2) Order 2020 is hereby revoked.

(2) Where under the Order referred to in subparagraph 1, a determination, designation or decision was made—

- (a) by the Quarantine Authority, such determination, designation or decision shall continue to have force as if made by the Quarantine Authority under this Order;
- (b) by a Public Health Officer, Health Officer or medical practitioner, such determination, designation or decision shall continue to have force as if made by the Public Health Officer, Health Officer or medical practitioner under this Order.

Made this 1st day of July 2020

Quarantine Authority

Minister of Health

[Operative Date: 01 July 2020]

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*[Amended by:*

BR 78 / 2020

BR 91 / 2020

BR 94 / 2020]