



BERMUDA

QUARANTINE (MARITIME AND AIR) REGULATIONS 2017

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The Minister responsible for health, on the advice of the Chief Medical Officer and in exercise of the power conferred by section 5 of the Quarantine Act 2017, makes the following Regulations:

PART 1 PRELIMINARY

Citation

1 These Regulations may be cited as the Quarantine (Maritime and Air) Regulations 2017.

Interpretation

2 (1) In these Regulations, unless context otherwise requires—

“Act” means the Quarantine Act 2017;

“affected” means persons, baggage, cargo, containers, conveyances, goods, postal parcels or human remains that are infected or contaminated, or carry sources of infection or contamination, so as to constitute a public health risk;

“affected area” means a geographical location specifically for which health measures have been recommended by WHO under the IHR 2005;

“arrival” in relation to a conveyance, means—

- (a) in the case of a seagoing vessel, arrival or anchoring in the defined area of a port;
- (b) in the case of an aircraft, arrival at an airport;

“cargo” means goods carried on a conveyance or in a container;

“container” means an article of transport equipment—

- (a) of a permanent character and accordingly strong enough to be suitable for repeated use;
- (b) specially designed to facilitate the carriage of goods by one or more modes of transport, without intermediate reloading;
- (c) fitted with devices permitting its ready handling, particularly its transfer from one mode of transport to another; and
- (d) specially designed so as to be easy to fill and empty;

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- “contamination” means the presence of an infectious or toxic agent or matter on a human or animal body surface, in or on a product prepared for consumption or on other inanimate objects, including conveyances, that may constitute a public health risk;
- “conveyance” means any aircraft or ship on an international voyage;
- “conveyance operator” means a natural or legal person in charge of a conveyance or their agent;
- “crew” means persons on board a conveyance who are not travellers;
- “decontamination” means a procedure whereby health measures are taken to eliminate an infectious or toxic agent or matter on a human or animal body surface, in or on a product prepared for consumption or on other inanimate objects, including conveyances, that may constitute a public health risk;
- “departure” means, for persons, baggage, cargo, conveyances or goods, the act of leaving a territory;
- “deratting” means the procedure whereby health measures are taken to control or kill rodent vectors of human disease present in baggage, cargo, containers, conveyances, facilities, goods and postal parcels at the point of entry;
- “disease” means an illness or medical condition, irrespective of origin or source, that presents or could present significant harm to humans;
- “disinfection” means the procedure whereby health measures are taken to control or kill infectious agents on a human or animal body surface or in or on baggage, cargo, containers, conveyances, goods and postal parcels by direct exposure to chemical or physical agents;
- “disinsection” means the procedure whereby health measures are taken to control or kill the insect vectors of human diseases present in baggage, cargo, containers, conveyances, goods and postal parcels;
- “event” means a manifestation of disease or an occurrence that creates a potential for disease;
- “goods” means tangible products, including animals and plants, transported on an international voyage, including for utilization on board a conveyance;
- “health assessment” means an evaluation of the relevant medical history and the travel history of a traveller and a non-invasive physical examination, including an examination of the traveller’s head, neck and extremities and the measurement of vital signs such as the traveller’s temperature, heart rate and respiratory rate;
- “health measure” means procedures applied to prevent the spread of disease or contamination; a health measure does not include law enforcement or security measures;
- “IHR 2005” has the meaning provided in paragraph (2);

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- “infection” means the entry and development or multiplication of an infectious agent in the body of humans and animals that may constitute a public health risk;
- “inspection” means the examination, by a Health Officer or under his supervision, of areas, baggage, containers, conveyances, facilities, goods or postal parcels, including relevant data and documentation, to determine if a public health risk exists;
- “International Health Regulations 2005” means the International Health Regulations 2005 as adopted by the Fifty-eight World Health Assembly on 23 May 2005;
- “invasive” means the puncture or incision of the skin or insertion of an instrument or foreign material into the body or the examination of a body cavity. For the purposes of these Regulations, medical examination of the ear, nose and mouth, temperature assessment using an ear, oral or cutaneous thermometer, or thermal imaging, medical inspection, auscultation, external palpitation, retinoscopy, external collection of urine, faeces or saliva samples, external measurement of blood pressure, and electrocardiography shall be considered to be non-invasive;
- “medical examination” means ascertaining the relevant medical history and the travel history of the person being examined, the conduct of a physical examination and any laboratory tests or radiographic or diagnostic tests that are required to make a determination of whether the person might have a communicable disease;
- “point of entry” means a passage for international entry or exit of travellers, baggage, cargo, containers, conveyances, goods and postal parcels as well as agencies and areas providing services to them on entry or exit;
- “postal parcel” means an addressed article or package carried internationally by postal or courier services;
- “public health risk” means a likelihood of an event that may affect adversely the health of human populations, with an emphasis on one which may spread internationally or may present a serious and direct danger;
- “quarantine” means the restriction of activities, which may include the separation from others of suspect persons who are not ill or the separation of suspect baggage, containers, conveyances or goods in such a manner as to prevent the possible spread of infection or contamination;
- “Quarantine Authority” means the Quarantine Authority established under powers conferred by section 3 of the Act;
- “reservoir” means an animal, plant or substance in which an infectious agent normally lives and whose presence may constitute a public health risk;
- “Ship Sanitation Control Certificate” means a certificate issued by a Health Officer that corroborates a ship’s compliance with maritime sanitation and

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quarantine rules specified in Article 39 of IHR 2005 that is outlined in Form 5 of Schedule 3 of the Regulations;

“Ship Sanitation Control Exemption Certificate” means a certificate issued by a Health Officer that corroborates a ship’s compliance with maritime sanitation and quarantine rules specified in Article 39 of IHR 2005 that is outlined in Form 5 of Schedule 3 of the Regulations;

“valid” in relation to a Ship Sanitation Control Certificate and Ship Sanitation Control Exemption Certificate, means a certificate issued within the preceding six months or, where the conveyance in respect of which the certificate is issued is proceeding to its home port, the preceding seven months;

“vector” means an insect or other animal which normally transports an infectious agent that constitutes a public health risk.

(2) In these Regulations, the abbreviation “IHR 2005” refers to the International Health Regulations 2005.

(3) In relation to communicable diseases, the measures which may be taken and the circumstances in which they may be taken shall be in accordance with these Regulations.

PART 2 CONVEYANCES

Identifying contamination or suspected contamination on a conveyance

3 (1) A conveyance operator arriving in Bermuda shall report to a Health Officer whether a public health risk has occurred on board the conveyance in the case where—

- (a) a traveller, crew member or conveyance operator on board the conveyance is suffering from a communicable disease or suspected of suffering from a communicable disease as set out in Schedule 1;
- (b) there has been any case of a death on board; or
- (c) the conveyance is arriving from an affected area.

(2) On discovering the presence of a public health risk as referred to in paragraph (1), the conveyance operator shall report the details promptly to a Health Officer or cause a Health Officer to be informed immediately and note that information on the Maritime Declaration of Health or Aircraft Declaration of Health, as the case may be.

(3) A conveyance operator may, for the purposes of paragraph (1)(a), determine whether a traveller is suspected of suffering from a communicable disease in accordance with the guidance in Schedule 2.

(4) A conveyance operator who reported the public health risk identified in paragraph (1) shall provide to the Health Officer upon arrival or where requested by the Health Officer—

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- (a) in the case where the voyage is by ship, a Maritime Declaration of Health as set out in Form 1 of Schedule 3; or
- (b) in the case where the voyage is by aircraft, an Aircraft Declaration of Health as set out in Form 2 of Schedule 3.

(5) A Health Officer may require a Maritime Declaration of Health or Aircraft Declaration of Health from a conveyance at any time before the arrival of the conveyance where the Health Officer deems it necessary to do so.

(6) A conveyance operator who contravenes the provisions of this regulation commits an offence.

Restriction on boarding or leaving conveyance

4 (1) No person, including a conveyance operator, traveller or crew member, shall, without the general or special permission of a Health Officer, board or leave a conveyance arriving in Bermuda, in the case where the conveyance operator has reported that a public health risk outlined in regulation 3(1) has taken place and a Health Officer—

- (a) may request a police officer to arrest such person as provided in regulation 21; or
- (b) may cause all such other reasonable steps to be taken to enforce this provision.

(2) Before any conveyance operator, traveller or crew member is landed for the purposes of section 24 of the Bermuda Immigration and Protection Act 1956, he shall furnish all such information as may reasonably be required by a Health Officer, including information as to places recently visited and the intended destination and address of his continued travels and shall, if so required by a Health Officer, complete and sign a Public Health Passenger Locator Form as set out in Form 3 of Schedule 3.

Power to inspect

5 A Health Officer may at any time board any conveyance arriving in Bermuda—

- (a) to inspect the conveyance, cargo or baggage;
- (b) to assess the health of a conveyance operator, traveller or crew member to determine whether a health assessment is needed; and
- (c) to determine whether a traveller is suspected of having a communicable disease.

Power to divert conveyances

6 (1) If a Health Officer is of the opinion that a port or part of the airport in Bermuda at which a conveyance arrives or is lying is not suitably equipped to deal with a public health risk that has been reported, he may order the conveyance to be taken to a berth, port or part of the airport in Bermuda which is suitably equipped.

(2) The Health Officer, upon being authorized by the Quarantine Authority, shall order the diversion of a conveyance to the next known port of call or destination airport

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available to it if a Health Officer has reasonable grounds to believe that there is a communicable disease on board that is of such severity that Bermuda would be unable to manage.

(3) The Health Officer shall, inform the next known port of call or destination airport of the information collected under this regulation or of the diversion order issued under paragraph (2).

Conveyances at point of entry

7 (1) A Health Officer may order the actions provided for in paragraph (2)(a) through (e) if he has been informed that on board the conveyance exists—

- (a) any case of a traveller or crew member having or suspected of having a communicable disease;
- (b) any case where there has been a death on board; or
- (c) any case of a conveyance arriving from an affected area.

(2) A Health Officer, in relation to any conveyance arriving at a port or airport in Bermuda, before any traveller is landed for the purposes of section 24 of the Bermuda Immigration and Protection Act 1956, where it is suspected that any of the public health risks outlined in paragraph (1) is present on the conveyance, may—

- (a) prevent the disembarkation of—
 - (i) travellers;
 - (ii) goods, stores, baggage, personal effects or other articles;
- (b) require that any records associated with the conveyance be provided by a conveyance operator for the Health Officer to review;
- (c) require a conveyance operator to take any measures reasonably necessary for the prevention of the spread of any infection and vectors and the destruction of any contaminated baggage, cargo or containers onboard the conveyance as directed by a Health Officer;
- (d) disinfect, decontaminate or destroy cargo, containers, postal parcels, other articles and parts of the conveyance which the Health Officer may consider affected;
- (e) perform an examination of food and water if considered sources of infection and the application of appropriate measures, including disinfection, destruction and other measures for eliminating risk of infection;
- (f) provide for the destruction of animals, birds and insects which may be considered as potential vectors of the disease;
- (g) follow any particular guidelines issued by the WHO that may be in effect.

(3) No travellers, goods, stores, baggage, personal effects or other articles shall, without the general or special permission of a Health Officer, be taken off or put on board

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a conveyance referred to in paragraph (1); and any person who contravenes this regulation commits an offence.

(4) A conveyance shall be considered to be affected until a Health Officer or qualified person authorized by the Quarantine Authority is satisfied that—

- (a) the measures provided for in paragraph (2) have been effectively carried out; and
- (b) there are no remaining conditions on the conveyance that would constitute a public health risk.

Conveyances in transit

8 (1) A conveyance operator approaching a port or the airport in Bermuda who does not desire to submit to any of the requirements of these Regulations which may be applicable shall be at liberty to put to sea or continue his flight without being subjected to control under these Regulations if he notifies a Health Officer of his intention.

(2) The conveyance operator shall not land goods (including goods transmitted by post) or disembark travellers but may, upon approval of a Health Officer, take on fuel, food, water and supplies.

(3) The conveyance operator shall proceed accordingly and put to sea or air immediately after notifying the Health Officer under paragraph (1), and if he fails to do so, he will be subjected to the requirements of these Regulations.

Notifying the next port of call or flight destination of risk of infection or contamination

9 (1) Where a conveyance has departed and a Health Officer is reasonably of the view that the conveyance or any traveller on board presents a risk of spreading a communicable disease, paragraph (2) shall apply.

(2) The Health Officer shall notify the appropriate authority at the conveyance's next known port of call or destination airport of—

- (a) the Health Officer's view that the conveyance (or any traveller or thing on board) presents a risk of spreading a communicable disease;
- (b) the reason or reasons for the Health Officer's view;
- (c) the steps that the Health Officer considers should be taken in relation to the conveyance (or to any traveller or thing on board).

PART 3

TRAVELLERS

Duty to provide information

10 (1) Every traveller shall answer all relevant questions asked by a Health Officer and provide to the officer any information or record as required under regulation 4(2) in

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his possession that the officer may reasonably require in the performance of a duty under these Regulations.

(2) Any traveller who has reasonable grounds to suspect that he has or might have a communicable disease or is infected with vectors, or that he has recently been in close proximity to a person who has, or is reasonably likely to have, a communicable disease or is infected with vectors, shall disclose that fact to a Health Officer.

(3) Every traveller shall comply with any reasonable measure ordered by a Health Officer for the purpose of preventing the introduction and spread of a communicable disease.

Traveller to be informed

11 A Health Officer who takes any health measure in respect of a traveller under these Regulations shall, if reasonably possible, inform the traveller of the measure before it is taken.

Quarantine

12 A Health Officer may quarantine a traveller individually or within a group where he reasonably suspects the traveller to be suffering from a communicable disease or infected by vectors.

Interpreter

13 A Health Officer shall, if reasonably possible, cause a traveller to be provided with an interpreter if the traveller does not have an adequate understanding of what has been said or has a speech or hearing disability.

Health assessment requirement

14 (1) A Health Officer may require a traveller on arrival or departure to undergo a health assessment if—

- (a) the officer has reasonable grounds to suspect that the traveller has or might have a communicable disease or is infected with vectors, or has recently been in close proximity to a person who has or might have a communicable disease or is infected with vectors;
- (b) the traveller has refused to be screened under regulation 15; or
- (c) the traveller has contravened regulation 16(1) or (3).

(2) The health assessment shall be undertaken as soon as reasonably practicable but in any case within eight hours after the Health Officer requires the traveller to undergo it.

Screening technology

15 (1) Any qualified person authorized by the Quarantine Authority may, to determine whether a traveller has a communicable disease or the symptoms of one, use

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any screening technology authorized by the Quarantine Authority that does not involve an invasive procedure.

(2) If a traveller refuses to be screened with the screening technology and the person using the technology is not a qualified person for the purposes of paragraph (1) or a Health Officer, the person using the technology shall immediately inform the qualified person or Health Officer of the refusal.

Vaccination or other prophylaxis certificates

16 (1) A Health Officer may require proof of vaccination from a traveller who has been to, or arrived from, an affected area.

(2) Proof of vaccination of a traveller shall meet the requirements of Annex 6 of the IHR 2005 and shall be made in a certificate as set out in Form 4 of Schedule 3.

(3) The Health Officer may, in the case of a traveller who is unable to produce a certificate of vaccination, require that the traveller undergo a health assessment or other health measures as required.

(4) Where a traveller fails to produce a certificate of vaccination which is required under paragraph (1), or refuses to comply with a health assessment requirement under paragraph (3), a Health Officer may deny the traveller permission to land in Bermuda.

Disinfestation of traveller and baggage

17 A Health Officer may require a traveller, his clothing and his personal belongings to be disinfested if, after a health assessment of the traveller, the Health Officer has reasonable grounds to believe that the traveller is infested with vectors.

Compulsory medical examination

18 (1) If a Health Officer has reasonable grounds to believe that a traveller has or might have a communicable disease or is infected with vectors, or has recently been in close proximity to a person who has or might have had a communicable disease or is infested with vectors, the Health Officer may require the traveller to undergo a medical examination.

(2) The medical examination shall be conducted by a medical practitioner and undertaken as soon as reasonably practicable but in any case within eight hours after the Health Officer requires the traveller to undergo the examination.

Detention by a Health Officer

19 (1) A Health Officer with the assistance of a police officer may detain any traveller who—

- (a) has refused to undergo a health assessment;
- (b) has refused as required to undergo a medical examination under regulation 18;
- (c) has failed to comply with an order made under regulation 27;

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- (d) the Health Officer has reasonable grounds to believe—
 - (i) has or might have a communicable disease or is infected with vectors, or has recently been in close proximity to a person who has or might have a communicable disease or is infected with vectors; and
 - (ii) is capable of infecting other people.

(2) A police officer may, at the request of a Health Officer, arrest without a warrant and bring to the Health Officer any traveller referred to in paragraph (1) who resists detention.

Confirmation of detention

20 A Health Officer who has requested a police officer to arrest a traveller under regulation 19(2) shall provide the traveller with reasons in writing for his arrest and detention.

Arrest without warrant

21 A police officer may, at the request of a Health Officer, arrest without a warrant and bring to a Health Officer any traveller —

- (a) who resists detention;
- (b) who refuses to be quarantined; or
- (c) who refuses to comply with any order of the Health Officer.

Right to review

22 (1) The Health Officer shall immediately inform a traveller detained under regulation 19 of his right to review the confirmation of detention.

(2) The Health Officer shall provide the opportunity for a medical examination by a medical practitioner within eight hours of the time in which the traveller is detained.

(3) The Health Officer may transfer the traveller to a hospital, isolation hospital or clinic within eight hours of the time in which the traveller is detained for the medical examination under paragraph (2).

(4) The Health Officer shall give the traveller a copy of the determination to transfer the traveller to a hospital, isolation hospital or clinic and such determinations shall include the reasons for the continued detention.

(5) A traveller who has received a confirmation of detention under regulation 20 or of transfer to a hospital, isolation hospital or clinic under paragraph (4) may request a review of the confirmation by making a written request to that effect to the Quarantine Authority.

(6) The Quarantine Authority shall, within 48 hours after receiving the request, conduct a review of the confirmation of detention or transfer to a hospital, and either reconfirm the detention or order the release of the traveller if he has reasonable grounds to believe that the traveller does not pose a risk of significant harm to public health.

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Appeal to court

23 A traveller whose request to the Quarantine Authority for review of the confirmation of detention under regulation 22(5) or confirmation of transfer to a hospital under regulation 22(4) has been refused by the Quarantine Authority, may file an appeal to the Supreme Court within 48 hours of receiving the Quarantine Authority's decision.

Technological means of appearance

24 The traveller may appear before the court by any technological means satisfactory to the court that permits the court and the traveller to communicate simultaneously if the court is satisfied that the use of technology is necessary or prudent to prevent the spread of a communicable disease.

Release

25 A Health Officer shall not detain a traveller referred to in regulation 19(1) or who was placed in quarantine under regulation 12 if—

- (a) the Health Officer has reasonable grounds to believe that the traveller does not pose a risk of significant harm to public health;
- (b) the traveller is transferred to a hospital or isolation hospital or clinic under the Public Health Act 1949;
- (c) the release of the traveller is ordered under regulation 22 (6) or regulation 23; or
- (d) the Health Officer has reasonable grounds to believe that other reasonable means are available to prevent or control a risk of significant harm to public health.

Request for specific medical practitioner

26 (1) At any time, a traveller may request an examination by a medical practitioner of his choice in addition to a medical examination conducted under regulation 18.

(2) A Health Officer shall inform the traveller of this right.

(3) The Health Officer shall accept the request if, in the opinion of the Health Officer, the examination would not unduly delay any measures taken in the administration of the Act or these Regulations.

(4) Any costs associated with a request for an examination by a medical practitioner under paragraph (1) shall be the responsibility of the traveller.

Order to comply with treatment or measure

27 (1) If a Health Officer, after the medical examination of a traveller, has reasonable grounds to believe that the traveller has or might have a communicable disease or is infected with vectors, or has recently been in close proximity to a person who has or might have a communicable disease or is infected with vectors, the Health Officer may order the traveller to comply with treatment or any other measure for preventing the introduction and spread of the communicable disease.

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(2) Subject to section 31 of the Bermuda Immigration and Protection Act 1956, if a Health Officer, after a medical examination, believes that a traveller does not pose an imminent public health risk, the Health Officer may allow the person to be landed.

(3) A Health Officer shall notify the Chief Medical Officer of any traveller who is not an imminent public health risk or of any order he may have given to a traveller under this regulation.

Restrictions affecting a place used for quarantine or detention

28 When any place is in use for quarantine or detention purposes, no person shall enter or leave the place and no article shall be taken to or removed from the place except with the general or special permission of the Quarantine Authority or a Health Officer or otherwise on such conditions as the Quarantine Authority or a Health Officer may generally or specially impose.

PART 4

SHIP SANITATION CONTROL CERTIFICATES AND SHIP SANITATION CONTROL EXEMPTION CERTIFICATES

Ship Sanitation Control Certificates or Sanitation Control Exemption Certificates

29 (1) On arrival of a ship at a port in Bermuda the Health Officer may request the Ship Sanitation Control Certificate or the Ship Sanitation Control Exemption Certificate and if such certificate is not forthcoming or is no longer valid the Health Officer may inform the Quarantine Authority accordingly.

(2) A Health Officer shall arrange for the conveyance to be inspected if there is no Ship Sanitation Control Certificate or Ship Sanitation Control Exemption Certificate.

(3) A Ship Sanitation Control Exemption Certificate shall be issued when no evidence of a public health risk is found on board and the Health Officer is satisfied that the conveyance is free from infection and contamination, including vectors and reservoirs.

(4) If, after the conveyance has been inspected, the Health Officer is of the opinion that it is in such a condition as to pose a public health risk, or if vectors or some source of infection and contamination is found on board the conveyance, the Health Officer shall consider the conveyance affected and shall order control measures that include the disinsection, deratting or decontamination of the ship.

(5) After the health measures have been completed to the Health Officer's satisfaction, the conveyance shall be entitled to receive a Ship Sanitation Control Certificate as signed and issued by the Health Officer.

(6) When, in the opinion of the Health Officer, it is not possible to efficiently carry out health measures on board the conveyance, because of the cargo or for other reasons, he may cause the conveyance to berth at a specific port or area or a port to reduce the spread of contamination or disease and this would be reported to the National Focal Point and he shall make an entry in the Ship Sanitation Control Certificate to be issued to the

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conveyance before it leaves port, to the effect that the conveyance was inspected and found to require health measures but that it was impracticable to carry out the health measures.

(7) If the conveyance operator was unable to perform the required health measures, the Health Officer shall inform the next port of call and shall make an entry in the Ship Sanitation Control Certificate.

Application for a Ship Sanitation Control Certificate or Ship Sanitation Control Exemption Certificate

30 (1) On receipt of an application in writing for a Ship Sanitation Control Certificate or Ship Sanitation Control Exemption Certificate sent to a Health Officer at least one week in advance of the arrival of the ship in Bermuda by —

- (a) the owner or agent of a ship; or
- (b) the master of the ship acting for and on behalf of the owner;

a Health Officer shall take such steps as he may consider necessary to satisfy himself that the ship is maintained as provided in paragraphs (2).

(2) A Health Officer shall ensure that a ship referred to in paragraph (1) does not pose a public health risk.

(3) A Health Officer may give directions for the control of any public health risk.

(4) Upon a Health Officer being satisfied that the condition of the ship is not a public health risk or that the control measures necessary for the control of public health risks or the spread of infection have been properly carried out by the owner or on the owner's behalf, he may issue the appropriate certificate.

Ports issuing Ship Sanitation Control Certificates or Ship Sanitation Control Exemption Certificates

31 (1) The Quarantine Authority, after consulting with the Chief Medical Officer, shall make known to Public Health England those ports possessing the equipment and personnel necessary for the issuance of a Ship Sanitation Control Certificate and a Ship Sanitation Control Exemption Certificate.

Ship Sanitation Control Certificates: charging

32 The Quarantine Authority may charge the conveyance operator for the issuance of a Ship Sanitation Control Certificate or Ship Sanitation Control Exemption Certificate as is provided in the Government Fees Regulations 1976.

Form of Certificate

33 (1) The Ship Sanitation Control Certificate, Ship Sanitation Control Exemption Certificate and the Extension to either certificate shall be in the form set out in Form 5 of Schedule 3.

(2) Any extension to those certificates shall be made in a form such as the Quarantine Authority shall determine.

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PART 5

CADAVERS, BODY PARTS AND OTHER HUMAN REMAINS

Obligation of conveyance operator

34 (1) Every conveyance operator carrying a cadaver, a body part or other human remains into Bermuda shall provide a copy of the death certificate, burial permit and either an embalmer's certificate or other documentation to the Health Officer at the entry point as he may require.

(2) If the conveyance operator does not provide a death certificate or the Health Officer has reasonable grounds to suspect that the cadaver, body part or other human remains have or might have a communicable disease or are infested with vectors, the Health Officer shall immediately inform the Quarantine Authority and follow any directive issued respecting the matter.

(3) The conveyance operator shall comply with any directive of the Health Officer respecting the cadaver, body part or other human remains.

Prohibition on exporting cadavers

35 No person shall export a cadaver, a body part or other human remains that have or might have a communicable disease listed in Schedule 1 unless the exportation is authorized by the Quarantine Authority.

Import and export of human cells, tissues or organs

36 The import or export of cells, tissues or organs for transplantation must, for the purposes of preventing the spread of communicable diseases, be in accordance with the Organ Procurement Transplantation Network (OPTN) or other entity as approved by the Quarantine Authority.

PART 6

CHARGES FOR SERVICES

Conveyances

37 (1) When the Quarantine Authority decides that any requirement under regulation 7 is to be complied with at the cost of the conveyance operator, the Quarantine Authority may require the amount of the charge for the work or part thereof to be paid to or deposited with the Quarantine Authority before the work is undertaken.

(2) The amount of the charge for any work undertaken or to be undertaken by the Quarantine Authority shall be such reasonable sum as, to the exclusion of any charge or claim in respect of profit, represents the actual or estimated cost incurred or to be incurred by the Quarantine Authority in undertaking the work, unless notice thereof in writing has been given to the master before the work is undertaken.

(3) All such charges may be recovered against the conveyance operator or his agent.

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Refusal to clear conveyance where charges unpaid

38 (1) All expenses and charges referred to in these Regulations shall be payable to the Quarantine Authority or the Health Officer acting on behalf of the Quarantine Authority.

(2) Where any expenses or charges are payable by a conveyance operator, the Collector of Customs may refuse to clear the conveyance until all liability in respect of the expenses has been discharged.

PART 7

MISCELLANEOUS PROVISIONS

Duty to comply with directions

39 (1) Subject to these Regulations, the Quarantine Authority or a Health Officer, may give such orders and instructions and impose such conditions and take such action as he may deem desirable for the purpose of carrying these Regulations into effect.

(2) Every traveller, crew member or conveyance operator to whom these Regulations apply shall comply with all such orders, instructions and conditions, and shall furnish all such information as the Quarantine Authority or Health Officer, may reasonably require (including information as to his name, destination and address).

(3) Every traveller, crew member or conveyance operator who has for the time being the custody or charge of a child or other person who is under disability shall comply with any orders, instructions or conditions so given made or imposed and shall furnish all such information as aforesaid in respect of such child or other traveller.

Notification of health measures

40 (1) A Health Officer applying health measures under these Regulations shall, whenever requested, furnish free of charge to a conveyance operator, the shipowner or ship's agent, notification specifying the nature of such health measures, the methods employed, the parts of the conveyance treated and the reasons for the application of such measures.

(2) A Health Officer shall also furnish, on demand and without charge, to travellers or crew where a case of a communicable disease has occurred, a notification giving particulars of the date of their arrival and of the measures to which they and their personal effects have been subjected.

Permission required for traveller with a communicable disease to land

41 A traveller, conveyance operator or crew member at a port or the airport in Bermuda who knows or has reason to suspect that he is suffering from a communicable disease shall in no case land without the permission of a Health Officer, which permission may be subject to general or special directions as may be given by the Quarantine Authority under section 9A of the Act.

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Matters not to be discharged from conveyance

42 No traveller, conveyance operator or crew member shall knowingly discharge goods or containers from the conveyance that are capable of producing a public health risk.

Departing conveyances

43 (1) Any traveller, conveyance operator or crew member who, knowing or having reason to suspect that he is suffering from a communicable disease, embarks in or is conveyed in a conveyance leaving Bermuda without the permission of a Health Officer may be arrested and detained as provided under regulation 21.

(2) Any conveyance operator who knowingly conveys or permits the departure of a conveyance with any traveller or thing on board contrary to any prohibition or restriction imposed under these regulations, commits an offence.

Offences against Regulations

44 Any traveller, conveyance operator or crew member who contravenes the provisions of these Regulations commits an offence under section 11 of the Act, may be arrested as provided under regulation 21 and shall be liable on summary conviction for the penalty provided under that section.

Revocation of Regulations

- 45
- (1) The Public Health (Quarantine Stations) Regulations 1926 are revoked.
 - (2) The Quarantine (Air) Regulations 1946 are revoked.
 - (3) The Quarantine (Maritime) Regulations 1946 are revoked.

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SCHEDULE 1

(Paragraph 3(1))

LIST OF COMMUNICABLE DISEASES

Cholera

Coronavirus (COVID-19)

Dengue fever

Human influenza caused by a new sub-type

Meningococcal diseases

mpox (monkeypox)

Pneumonic plague

Polio myelitis due to wild type poliovirus

Rift valley fever

Severe acute respiratory syndrome (SARS)

Smallpox

West Nile fever

Viral haemorrhagic fevers (Ebola, Lassa and Marburg)

Yellow fever

Zika

[Schedule 1 amended by BR 9 / 2020 para. 2 effective 7 February 2020; Schedule 1 amended by BR 53 / 2023 para. 2 effective 2 June 2023]

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SCHEDULE 2

(regulation 3(2))

GUIDANCE FOR IDENTIFYING A COMMUNICABLE DISEASE

1 A traveller or crew member of a ship may be suffering from a communicable disease for the purposes of regulation 3 if—

- (a) that person has a fever with a temperature of 38 degree Celsius or higher which has lasted for over 48 hours;
- (b) that person has a fever with a temperature of 38 degrees Celsius or higher which is accompanied by one or more of the following signs or symptoms—
 - (i) prostration;
 - (ii) decreased consciousness;
 - (iii) glandular swelling;
 - (iv) jaundice;
 - (v) cough or shortness of breath;
 - (vi) bruising or bleeding without previous injury;
 - (vii) paralysis.
- (c) that person is suffering from any one or more of the following signs and symptoms—
 - (i) acute skin rash or eruption;
 - (ii) severe vomiting, other than sea sickness;
 - (iii) severe diarrhoea;
 - (iv) recurrent convulsions.

2 A traveller or crew member of an aircraft may be suffering from a communicable disease for the purposes of regulation 3 if that person has a fever with a temperature of 38 degrees Celsius or higher and one or more of the following signs or symptoms—

- (a) appearing obviously unwell;
- (b) persistent coughing;
- (c) impaired breathing;
- (d) persistent diarrhoea;
- (e) persistent vomiting;
- (f) skin rash;

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- (g) bruising or bleeding without previous injury;
- (h) confusion of recent onset.

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SCHEDULE 3

(regulations 3(4), 4(2), 16(2) and 33(1))

QUARANTINE FORMS

Schedule 3 to these Regulations providing for Forms 1 through 5 has been omitted.

In accordance with section 8(7) of the Quarantine Act 2017, Schedule 3 is published separately on the website of the Ministry of Health, accessed at www.gov.bm.

Made this 3rd day of November 2017

Minister of Health

[Amended by:

BR 9 / 2020

BR 53 / 2023]