

Regulations of Anguilla: 49/2021

Gazette Dated: 13th May, 2021

PUBLIC HEALTH ACT, R.S.A. C. P125
PUBLIC HEALTH (TEMPORARY RESTRICTIONS ON MOVEMENT OF PEOPLE AND PUBLIC GATHERINGS) (STEP 2) REGULATIONS, 2021

Regulations made by the Minister with approval of Executive Council under section 8 of the Public Health Act, R.S.A. c. P125.

WHEREAS the disease known as coronavirus (COVID-19) has been declared a global pandemic which threatens the public health and safety of many territories and states around the globe resulting in widespread infection of persons and resultant deaths of many;

AND WHEREAS the rate of infection and territorial spread of the COVID-19 disease has been confirmed to now be present in the territory;

AND WHEREAS under and by virtue of the Public Health Act R.S.A. c. P125, the Minister responsible for health is empowered to take necessary measures to protect and preserve the public health and safety of the people of Anguilla from any infectious or notifiable disease;

AND WHEREAS in consequence of the global spread of the infectious disease known as COVID-19 it has become necessary for the Minister to take certain measures;

AND WHEREAS section 2 of the Public Health Act R.S.A. c. P125 provides that the duties, powers and functions of the Minister shall extend to and include all matters relating to promotion or preservation of the health of the people of Anguilla;

AND WHEREAS section 3(c) of the aforesaid Act provides that in the exercise of his duties, powers and functions under section 2 of the Act the Minister shall have power to make such orders and issue such directions as he deems advisable for the abatement of any nuisance or the removal of any condition which, in his opinion, is or may become injurious to the public health or in respect of any other matter that, in his opinion, is necessary for the purpose of this Act;

AND WHEREAS section 8 of the said Act provides that the Minister may, with the approval of the Executive Council, make regulations for the proper execution and carrying out of the purposes and provisions of the Act generally and in particular with respect to certain specified matters;

NOW THEREFORE, by virtue and in the exercise of the powers vested in me by sections 2 and 8 of the Public Health Act, I, Dr. Ellis Lorenzo Webster, Minister of Health, by and with the approval of the Executive Council, hereby make the Regulations which shall now follow:

Interpretation

1. (1) In these Regulations—

“money services business” has the meaning given in the Money Services Business Act, R.S.A. c. M104;

(2) A person is “fully vaccinated” where a minimum of 21 days has passed since receiving the final dose of the COVID-19 vaccine.

Application

2. These Regulations shall apply for the period beginning 13 May 2021 at 23:59 and ending 20 May 2021 at 23:59.

Shelter in place

3. (1) Every person shall remain confined to their place of residence, inclusive of their outdoor space.

(2) Subsection (1) does not apply to persons working in the following establishments—

- (a) Health Authority of Anguilla;
- (b) pharmacies and suppliers of oxygen;
- (c) residential care facilities private and public;
- (d) the Royal Anguilla Police Force and Anguilla Fire and Rescue Services;
- (e) Her Majesty’s Prison and the Zenaida Haven Residential Centre;
- (f) Ministry of Health;
- (g) Disaster management;
- (h) Governor’s Office and the Attorney General’s Chambers;
- (i) Immigration;
- (j) Customs;
- (k) Government and private waste disposal and sanitation services;
- (l) mortuaries and coroners;
- (m) security companies;
- (n) Water Corporation;
- (o) Electricity companies;
- (p) Telecommunications companies;
- (q) Radio;
- (r) any other government department as directed by the Deputy Governor and that is not specified in this subsection;
- (s) private health care facilities and suppliers of medical products;

- (t) the House of Assembly and the Judiciary;
- (u) grocery stores or wholesale food and drink suppliers;
- (v) restaurants, bakeries, food van and food vendors;
- (w) gas stations;
- (x) private suppliers of water;
- (y) private commercial cleaning companies;
- (z) commercial banks and money services businesses;
- (aa) shipping and brokerage companies;
- (bb) Department of Social Development;
- (cc) Department of Probation;
- (dd) Treasury;
- (ee) Inland Revenue;
- (ff) fishing and agricultural industry;
- (gg) Hardware Suppliers;
- (hh) Construction companies;
- (ii) Finance and Insurance Companies;
- (jj) Law Offices and other legal firms;
- (kk) Retail sales for electronic, office supplies and stationary;
- (ll) Automotive repair, supply and cleaning companies;
- (mm) Landscaping and gardening companies;
- (nn) hotels, villas, guest houses and other accommodation that are open and occupied by guests;
and
- (oo) Anguilla Air and Sea Ports Authority;

who are permitted to leave their place of residence to work in accordance with sections 4 and 5.

(3) Notwithstanding subsections (1) and (2), a person may leave their place of residence for the purpose of—

- (a) essential visits to any of the establishments referred to in section 3(2);

- (b) attending a funeral or a wedding in accordance with section 9(4); or
 - (c) outdoor exercise for periods not exceeding an hour and a half per pay day between the hours of 6:00 am to 6:00 pm; and
 - (d) visits between friends and family members not exceeding 12 persons where all 12 persons have been fully vaccinated.
 - (e) attendance at restaurants, places of worship and religious instruction and gyms in accordance with sections 11, 14 and 15 respectively.
- (4) For the avoidance of doubt, unvaccinated minors are not permitted under subsection (3).

Hours of operation for establishments referred to in section 3

4. (1) The establishments referred to in section 3(2), paragraphs (r) to (mm) shall be permitted to open to the public between the hours of 6 am to 4 pm.

(2) In relation to Water Corporation, telecommunication, and electricity companies, these establishments shall only be permitted to offer retail services between the hours of 6 am and 4 pm.

(3) A person who causes an establishment to open in contravention of this section commits an offence.

Restrictions on movement of persons

5. (1) Where a person is permitted to leave their place of residence in accordance with section 3(2) and 3(3), he shall only be able to do so during the hours of 6 am to 6 pm.

(2) Notwithstanding subsection (1) the restriction on movement does not apply to persons working in the establishments referred to in section 3(2) paragraphs (a) to (ee), (nn) and (oo) who—

- (a) are required to work outside the period specified in subsection (1); and
- (b) have left their place of residence to report to work.

Restrictions in relation to grocery shopping and gas stations

6. (1) Grocery stores and gas stations are permitted to open to the public between the hours of 6 am and 4 pm.

(2) No more than one person per household is permitted to shop, at any one time, at any of the establishments referred to in subsection (1).

(3) Where a person wishes to shop at any of the establishments referred to in subsection (1) he is only permitted to shop at a grocery store, wholesale food and drink supplier or gas station located near his residence.

Physical distancing requirements

7. Every establishment permitted to operate under section 3 shall—

- (a) endeavour to facilitate physical distancing of no less than 3 feet between persons inside the establishment;

- (b) determine the number of persons that may be permitted in any establishment at any one time by permitting one person for every 30 square feet of floor space; and
- (c) within 24 hours of the commencement of these Regulations, place distance markers 3 feet apart on the floor space of such establishments, indicating where customers must stand while waiting inside the establishment.

Wearing of masks compulsory

8. (1) Where a person is permitted to leave their place of residence pursuant to section 3, he shall wear a mask where he is in close proximity or is likely to be in close proximity to a person not living in his household.

(2) The mask shall be worn to cover his nose and mouth.

Restriction on public gatherings

9. (1) Where a person is permitted to leave their place of residence pursuant to section 3, such persons shall at all times, endeavour to remain 3 feet away from any other person.

(2) Where a person is permitted to leave their place of residence to exercise, pursuant to section 3(3)(c) such persons are prohibited from assembling in groups exceeding 5 persons in any public place.

(3) The maximum number of persons permitted in any establishment referred to in section 3 shall be determined in accordance with section 7.

(4) Notwithstanding subsection (3)—

- (a) the maximum number of persons permitted to assemble indoors or outdoors for the purpose of a funeral or a wedding is 12 persons; and
- (b) where the wedding or funeral is being held indoors, all 12 persons in attendance must be fully vaccinated.

Private indoor mass gatherings of fully vaccinated persons

10. (1) Persons who are fully vaccinated are permitted to have indoor and outdoor gatherings in accordance with this section.

(2) The maximum number of persons permitted to gather under this section is 12 persons and such group of persons may include unvaccinated minors

(3) Where persons are permitted to gather under this section such persons must at all times comply with—

- (a) the physical distancing requirements set out in section 7(a); and
- (b) the wearing of masks requirements set out in section 8.

(4) Persons permitted to gather under this section shall at all times have in their possession valid proof of full vaccination issued by the Ministry of Health.

Restriction of restaurant sit-down services

11. (1) Restaurants may offer sit-down services to persons who are fully vaccinated.
- (2) No restaurant shall offer sit-down services to persons who are not fully vaccinated.
- (3) For the avoidance of doubt, in relation to persons who are not fully vaccinated, restaurants are only permitted to offer take-out services.
- (4) No restaurant shall allow the congregation of more than 5 persons who are not fully vaccinated at the restaurant at any particular time.
- (5) No restaurant shall permit a person to sit and dine at the establishment unless such person has provided proof of being fully vaccinated.
- (6) Restaurants shall at all times comply with the physical distancing requirements set out in section 6.
- (7) The maximum number of fully vaccinated persons who shall be permitted to sit down and dine at a restaurant at any one time is 12.

Restriction on the sale of alcohol

12. (1) A restaurant, bar or other similar premise that are in possession of a liquor licence may allow fully vaccinated persons to sit down and consume liquor purchased from the establishment.
- (2) In relation to a person who is not fully vaccinated, restaurants, bars or other similar premises that are in possession of a liquor licence shall—
- (a) only offer take away services to persons purchasing liquor from such premises; and
- (b) not permit any person to consume liquor at such premises.

Closure of schools and day care facilities

13. The following places shall be closed—
- (a) schools, public and private; and
- (b) day care facilities.

Restrictions on places of worship and religious instruction

14. (1) Places of worship and religious instruction may permit fully vaccinated persons to worship inside place of worship or religious instruction.
- (2) For the avoidance of doubt, persons who are not fully vaccinated, are not permitted to worship inside the place of worship or religious instructions.
- (3) Places of worship and religious instruction shall at all times comply with the physical distancing requirements set out in section 7.
- (4) No places of worship and religious instruction shall permit a person to enter the establishment unless such person has provided proof of being fully vaccinated.

(5) The maximum number of fully vaccinated persons who shall be permitted to worship inside a place of worship or religious instruction at any one time is 12.

Restrictions on gyms

15. (1) Gyms may permit fully vaccinated person to exercise indoors or outdoors at such gym.

(2) For the avoidance of doubt, persons who are not fully vaccinated, are not permitted to exercise indoors or outdoors at a gym.

(3) Gyms shall at all times comply with the physical distancing requirements set out in section 7 and mask wearing requirements set out in section 8.

(4) No gym shall permit a person to enter the establishment unless such person has provided proof of being fully vaccinated.

(5) The maximum number of fully vaccinated persons who shall be permitted to exercise indoor or outdoors at a gym at any one time is 12.

Restriction of visitors at residential homes, hospitals and prison

16. No person is permitted to visit persons housed at the following places—

- (a) The Princess Alexandra Hospital;
- (b) Her Majesty's Prison;
- (c) The Zenaida Haven Residential Centre; and
- (d) Residential homes or other medical or care home facilities.

Restriction on social activities

17. For the avoidance of doubt—

- (a) no person shall—
 - (i) host a private party, or
 - (ii) attend a private party;unless in accordance with section 10;
- (b) no person shall host or attend—
 - (i) a recreational or competitive sporting event,
 - (ii) a banquet, ball or reception,
 - (iii) a meeting of a fraternal society, private or social club or civic association or organisation,
 - (iv) a funeral, exceeding 12 persons including 1 officiant and essential mortuary staff,

- (v) a wedding, comprising more than 12 persons including the bride, the bridegroom, the official witnesses and the marriage officiant, or
- (vi) any other social event.

Maintaining of a log by establishments

18. (1) Where vaccinated persons are permitted to congregate at places of worship and religious instructions, gyms, restaurants they shall comply with this section.

(2) The establishments referred to in subsection (1) shall maintain of a log of persons attending and such log shall include the following information—

- (a) names, addresses and contact information of fully vaccinated persons visiting the establishment;
- (b) date on which such persons are visiting;
- (c) table sitting arrangements in relation to such persons;
- (d) vaccination code displayed on the vaccination card.

Offence

19. Any person who fails or neglects to carry out or infringes any provisions of these regulations, is guilty of an offence and is liable upon summary conviction to a fine of \$2,500 or to imprisonment for a term of 6 months or to both.

Citation and commencement

20. These Regulations may be cited as the Public Health (Temporary Restriction on Movement of People and Public Gatherings) (Step 2) Regulations, 2021 and shall come into force on 13 May 2021.

Made by the Minister with approval of the Executive Council this 13th day of May, 2021.



Dr. Ellis Lorenzo Webster
Minister of Health