

MONTSERRAT
STATUTORY RULES AND ORDERS
S.R.O. 18 OF 2020

PUBLIC HEALTH (COVID-19 CONTROL AND SUPPRESSION) ORDER

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PUBLIC HEALTH (COVID-19 CONTROL AND SUPPRESSION) ORDER

THE PUBLIC HEALTH (COVID-19 CONTROL AND SUPPRESSION) ORDER MADE BY THE GOVERNOR ACTING ON THE ADVICE OF CABINET UNDER SECTION 10 OF THE PUBLIC HEALTH ACT (CAP. 14.01).

WHEREAS section 10 of the Public Health Act (Cap. 14.01) (the Act) provides that where any part of Montserrat appears to be threatened with or affected by any communicable disease in epidemic proportions, and that measures apart from, or in addition to those specifically provided for in this Act should be taken promptly; and

WHEREAS section 10 of the Act also provides that the Governor acting on the advice of Cabinet may by order direct the enforcement of any measure he thinks expedient for removing or otherwise guarding against any such condition and the probable consequences thereof, or for preventing or mitigating as far as possible any such disease; and

WHEREAS section 10 of the Act also provides that an order made under this section may extend to the whole of Montserrat; and

WHEREAS there was an outbreak of a new infectious disease caused by the most recently discovered coronavirus (COVID-19), a respiratory disease that spreads easily from person to person, which begun in Wuhan, China, in December 2019; and

WHEREAS the World Health Organization (WHO), on 11th March 2020, stated that the number of cases of COVID-19 outside China has increased 13-fold, and the number of affected countries has tripled; and

WHEREAS the WHO has declared the rapid spread of COVID-19 as a global pandemic; and

WHEREAS COVID-19 has been confirmed in 196 countries and territories, resulting in 398,760 confirmed cases and 17,250 deaths to date; and

WHEREAS there have been 2 confirmed cases of COVID-19 on Montserrat;

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NOW THEREFORE the Governor acting on the advice of Cabinet makes the following Order:

1. Citation and commencement

This Order may be cited as the Public Health (COVID-19 Control and Suppression) Order, 2020 and comes into force 26 March, 2020 at 6 pm.

2. Interpretation

In this Order—

“essential service” includes the provision of—

- (a) air traffic (including meteorological, telecommunication, security, fire and crash services connected with airports) services;
- (b) fire, prison, defence or police service;
- (c) medical, health, hospital, infirmary or nursing home services;
- (d) telecommunications or broadcasting services;
- (e) water, electricity or sanitation services;
- (f) banking business services;
- (g) grocery, agricultural or pharmaceutical products;
- (h) immigration, customs or postal services;
- (i) services connected with the Legislative Assembly;
- (j) services connected with the loading and unloading of ships and with the storage and delivery of goods at, or from a dock, wharf or warehouse operated in connection with the dock or wharf;
- (k) services connected with oil-refining and with the loading, distribution; transportation or retail of petroleum fuel, liquefied natural gas or any renewable energy source;

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- (l) public services connected with the payment of salaries, pensions and other benefits, in government departments, agencies; statutory bodies and arms-length bodies;
- (m) services connected with the Judiciary;
- (n) services connected with essential government functions as determined by the Hon. Deputy Governor; or
- (o) airport, seaport, civil aviation or ferry services;

“isolate” means the removal to a hospital or other suitable place approved by the Chief Medical Officer of a person infected with or suspected to be infected with COVID-19, and his detention at the hospital or other suitable place, until, in the opinion a Medical Officer he is no longer infected with COVID-19;

“large gathering” means a gathering of more than four persons;

“public place” includes a public highway, street, road, square, court, alley, land, bridle-way, footway, parade, wharf, jetty, quay, bridge, public garden or open space, and every theatre, place of public entertainment of any kind, or other place of general resort, admission to which is obtained by payment, or to which the public have access; and

“self-quarantine” means staying at one’s place of residence away from other persons for the purpose of observing and monitoring one’s health for the development of COVID-19 symptoms.

3. Prevention of the spread of COVID-19

- (1) A person arriving in Montserrat from a place outside of Montserrat—
 - (a) shall answer all questions put to him by the Medical Officer which would allow the Medical Officer to assess what measures would be necessary to prevent, limit or suppress the spread of COVID-19;
 - (b) shall provide a Medical Officer with information which would allow the Medical Officer to assess what measures would be necessary to prevent, limit or suppress the spread of COVID-19;
 - (c) may be subjected to a clinical examination by a Medical Officer;

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- (d)* who is considered by a Medical Officer to be high risk of being infected with COVID-19 may be isolated;
 - (e)* may be required to present himself for surveillance at a place and time as may be appointed by the Medical Officer and while undergoing surveillance may be removed to a hospital or other suitable place approved by the Chief Medical Officer; and
 - (f)* shall self-quarantine for 14 days commencing on the date of arrival in Montserrat; whether or not the person has symptoms suggestive of COVID-19;
- (2) A person in Montserrat who, in the opinion of a Medical Officer is likely to be infected with COVID-19—
 - (a)* shall answer all questions put to him by the Medical Officer which would allow the Medical Officer to assess what measures would be necessary to prevent, limit or suppress the spread of COVID-19;
 - (b)* shall provide a Medical Officer with information which would allow the Medical Officer to assess what measures would be necessary to prevent, limit or suppress the spread of COVID-19;
 - (c)* may be subjected to a clinical examination by a Medical Officer;
 - (d)* may be required to present himself for surveillance at a place and time as may be appointed by the Medical Officer and while undergoing surveillance may be removed to a hospital or other suitable place approved by the Chief Medical Officer; and
 - (e)* shall be required to self-quarantine for 14 days or may be isolated.

4. Prohibition on a large gathering

- (1) A large gathering for a social, spiritual or recreational activity including, but not limited to a community event; civic event; public event; leisure event; faith-based event; sporting event; parade; concert; festival; convention; fundraiser or similar activity is prohibited.
- (2) For the avoidance of doubt, a person shall not be a part of a large gathering.
- (3) The prohibition under subparagraph (1) and (2) does not apply to—

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- (a)* a large gathering at a customs airport and a customs port if the purpose of the large gathering is for the embarkation or disembarkation of passengers;
 - (b)* a person employed to provide an essential service or a service ancillary to an essential service; or
 - (c)* a large gathering at a funeral.
- (4) A gathering for the purposes of a funeral may be a gathering of a maximum of fifteen persons.
- (5) As far as reasonably possible a person at a gathering shall maintain a physical distance of at least six feet from another person.

5. Curfew

- (1) A person shall not be in a public place from 7 pm daily to 5 am the following day.
- (2) A person may be in a public place from 5 am to 7 pm daily if the purpose for being in the public place is to—
- (a)* seek medical care,
 - (b)* shop for necessities to include food, medicine or other necessity,
 - (c)* conduct a banking transaction,
 - (d)* care for a family member or pet,
 - (e)* travel to and from work as an essential service provider; or
 - (f)* engage in an outdoor activity to include walking, biking or hiking either alone or in a gathering that is not a large gathering.
- (3) A place, or a person that offers a service that is not an essential service shall cease to offer the service on the date and at the time this Order comes into force.
- (4) A place or person that offers an essential service shall cease to offer the essential service no later than 6 pm daily and may resume the service no earlier than 5 am the following day.
- (5) Subparagraph (4) does not apply a place or person that offers—
- (a)* an essential service if that place or person usually offers the essential service for twenty-four hours daily; or

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(b) airport, seaport and ferry services.

(6) Subparagraph (1) does not apply to a person—

(a) employed to offer an essential service if that person offers the service based on a twenty-hour shift system;

(b) employed to offer a service ancillary to an essential service if that person offers the service based on a twenty-hour shift system;

(c) who is in a public place for the purpose of seeking medical attention;

(d) who disembarks a vessel or airplane, provided that the person shall not be in a public place later than 11 pm;

(e) who is at the airport or seaport for the purpose of transporting a person who has disembarked from a vessel or airplane, provided that the person shall not be in a public place later than 11 pm;

(f) who attends the airport or seaport for the purpose of departing from Montserrat, provided that the person shall not be in a public place earlier than 4 am; or

(g) who attends the airport or seaport for the purpose of transporting a person departing from Montserrat, provided that the person shall not be in a public place earlier than 4 am.

6. Closure of Schools

For the purpose of preventing, limiting and suppressing the spread of COVID-19 all schools shall close commencing 16 March, 2020.

7. Penalty

(1) A person who is present at, or promotes, aids, or assists in the promotion of a large gathering commits an offence.

(2) A police officer may order a large gathering to disperse, and a person who fails to obey the order commits an offence.

(3) A person who fails to comply with this Order commits an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for three months or to both a fine and imprisonment and in the case of a second or subsequent offence to a fine of \$1,000 or to imprisonment for a term of six months or to both such fine and imprisonment.

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8. Expiry

This Order expires 10 April, 2020.

9. Repeal

The Public Health (COVID-19) (No.2) Regulations, 2020 and the Public Health (Closure of Schools) Regulations, 2020 are repealed.

Made by the Governor acting on the advice of Cabinet this 24th day of March, 2020.

(Sgd.) Marjorie Smith
CLERK OF CABINET

Published by exhibition by the Clerk of Cabinet at the Office of the Legislature, Farara Plaza, Brades, Montserrat, MSR1110, this 25th day of March, 2020.

(Sgd.) Marjorie Smith
CLERK OF CABINET