

MONTSERRAT
STATUTORY RULES AND ORDERS
S.R.O. 44 OF 2020

PUBLIC HEALTH (COVID-19 SUPPRESSION) (No.4) ORDER

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PUBLIC HEALTH (COVID-19 SUPPRESSION) (No.4) ORDER

THE PUBLIC HEALTH (COVID-19 SUPPRESSION) (No.4) ORDER MADE BY THE GOVERNOR ACTING ON THE ADVICE OF CABINET UNDER SECTION 10 OF THE PUBLIC HEALTH ACT (CAP. 14.01).

1. Citation and commencement

This Order may be cited as the Public Health (COVID-19 Suppression) (No.4) Order, 2020 and comes into force 8 July, 2020 at 5:00 a.m.

2. Interpretation

In this Order—

“**bus**” mean a motor vehicle which carries or is intended to carry passengers and their luggage, goods and merchandise or other load and can carry more than seven passengers excluding the driver;

“**dependant**” in relation to another person means—

- (a) the spouse of such person;
- (b) the child or step-child under the age of eighteen years of such person;
- (c) an adopted child under the age of eighteen years having been adopted by such person in a manner recognized by law; or
- (d) a person who is a relative of such person and is financially dependent on such person.

“**enforcement officer**” means a member of the Montserrat Police Service, Montserrat Defence Force, or any other law enforcement officer;

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“home” in relation to a person, means the place where the person lives or occupies on the date this Order comes into force, and includes any driveway, garden or yard forming part of that place;

“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 fifty persons;

“members of the same household” means persons (whether or not the persons are family members or relatives) who are living at the same home;

“Minister” means the Minister responsible for health matters;

“Montserratian” has the meaning assigned to it in the Montserrat Constitution Order (Cap. 1.01);

“non-resident technician” means a person who travels to Montserrat for the purpose of assisting with certification and maintenance of equipment;

“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;

“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; and

“social distancing” means maintaining a physical distance of at least six feet between all persons who are not members of the same household.

3. 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 (2) does not apply to a large gathering—

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- (a)* at a customs airport and a customs port if the purpose of the large gathering is for the embarkation or disembarkation of passengers;
 - (b)* at a school that is granted permission to open under paragraph 18;
 - (c)* at a funeral service; or
 - (d)* at a church service.
- (4)** As far as reasonably possible a person at a gathering shall maintain a physical distance of at least six feet from another person.

4. Restriction on visitation

- (1)** A person shall not visit a place of quarantine or isolation except with prior approval of the Chief Medical Officer.
- (2)** A person may visit a—
- (a)* patient in the hospital with prior approval of the Chief Medical Officer;
 - (b)* person in a residential care establishment or facility with prior approval of the manager or owner of the residential care establishment or facility; or
 - (c)* detainee or prisoner in a prison with prior approval of the Superintendent of Prisons.

5. Use of sea ports and exceptions

- (1)** The John A. Osborne Airport, the Little Bay Port or the Plymouth Port may be used for—
- (a)* the disembarkation and embarkation of the categories of persons listed in subparagraph (2) travelling by air or sea to and from Montserrat;
 - (b)* the embarkation and disembarkation of a member of the crew of an aircraft or vessel (including freight, cargo or courier aircraft or vessel);
 - (c)* the purpose of a medical evacuation; and
 - (d)* freight, cargo, and courier services.

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- (2) Subject to subparagraph (4) the following persons or category of persons may disembark in Montserrat by air or sea—
- (a) a Montserratian;
 - (b) a person who holds a permit of permanent residence issued under section 23 of the Immigration Act (Cap. 13.01);
 - (c) a person who ordinarily resides in Montserrat;
 - (d) a person who owns a habitable house or home in Montserrat;
 - (e) the husband, wife, child or other dependant of a person who falls under subparagraph (a), (b), (c) or (d) whether travelling with or separately from the person;
 - (f) a member of the crew of an aircraft or ship (including freight, cargo or courier craft or vessel);
 - (g) non-resident technician provided he has been granted permission to disembark in Montserrat prior to travelling to Montserrat; or
 - (h) any other person, as may be determined by the Minister, for the purpose of aiding in the suppression of COVID-19.
- (3) A person who travels to Montserrat for the purpose of aiding in the treatment, control and suppression of COVID-19, must possess a medical certificate which certifies that he is not infected with COVID-19.
- (4) A person referred to in subparagraph (2) who is desirous of travelling to Montserrat shall complete and submit the declaration form published on the website www.gov.ms/register-to-travel-to-montserrat/ no later than three days prior to booking a ticket to travel to Montserrat.
- (5) The owner of a vessel or aircraft that intends to transport a person referred to in subparagraph (2) shall ensure that the person has been granted approval to travel to Montserrat prior to departure of the aircraft or vessel from a place outside Montserrat.
- (6) A person is “**ordinarily resident**” in Montserrat if the person has established a regular habitual mode of life in Montserrat, the continuity of which has persisted apart from temporary or occasional absences.

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6. Medical examinations

- (1) A person arriving in Montserrat from a place outside of Montserrat—
- (a) shall answer all questions put to him by a 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) 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.

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7. Non-resident technician

- (1) Subject to subparagraphs (2) and despite section 6(1)(f) a non-resident technician is not required to self-quarantine for 14 days from his date of arrival into Montserrat.
- (2) A non-resident technician shall –
 - (a) only be in a public place for the purpose of travelling to and from the place where he is undertaking work as a non-resident technician;
 - (b) wear a mask at all times while at the place where he is undertaking work as a non-resident technician;
 - (c) practice social distancing while at the place where he is undertaking work as a non-resident technician; and
 - (d) remain at his place of occupancy at all times except when travelling to and from the place where he is undertaking work as a non-resident technician.

8. Operations of Schools

- (1) Subject to subparagraph (2) a child care centre, nursery school, primary school, secondary school, tertiary school or other school may open.
- (2) If a child care centre, nursery school, primary school, secondary school, tertiary school or other school intends to open the Head or owner of the school shall, prior to opening, submit a sanitisation plan to the Minister for approval.
- (3) The Head or owner of a child care centre, nursery school, primary school, secondary school, tertiary school or other school shall—
 - (a) ensure that staff, students and customers practice social distancing; and
 - (b) comply with any direction or guideline issued by the Minister regarding cleaning, sanitisation and other precautions.
- (4) If the Head or owner of a child care centre, nursery school, primary school, secondary school, tertiary school or other school fails to comply with this paragraph the Minister may close the child care centre, nursery school, primary school, secondary school, tertiary school or other school.

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9. Operations of religious establishments

- (1)** Subject to subparagraph (2) and (3) a pastor, minister or other church leader may cause a church or other religious establishment to be open to conduct a church service or funeral service.
- (2)** During a church service or funeral service a pastor, minister or other church leader shall ensure that—
 - (a)* persons wear face coverings;
 - (b)* as far as reasonably possibly members of the same household sit together;
 - (c)* persons who are not members of the same household sit three feet apart;
 - (d)* a person is assigned to sanitize the washroom or toilet after every use; and
 - (e)* distance markers are placed to designate seating arrangements.
- (3)** A pastor, minister or other church leader—
 - (a)* may stand, if it is reasonably practicable, twelve feet away from any person while conducting a church service or funeral service; and
 - (b)* shall stand no less than six feet away from any person while conducting a church service or funeral service;
 - (c)* shall wear a face covering while conducting a church service or funeral service if he stands less than twelve feet away from any person while conducting a church service or funeral service; and
 - (d)* is not required to wear a face covering while conducting a church service or funeral service if he stands twelve feet away from any person while conducting a church service or funeral service.
- (4)** A pastor, minister or other church leader shall comply with any direction or guideline issued by the Minister regarding cleaning, sanitisation and other precautions.

10. Operations of restaurants etc

- (1)** Subject to subparagraphs (2), (3), (4) and (5), the owner of a restaurant, cook-shop or other similar business may offer the following services—
 - (a)* collection of orders;

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- (b)* food delivery service; and
 - (c)* dine-in service provided the Minister has approved the plans submitted under subparagraph (4).
- (2) If a restaurant or cook-shop or other similar business offers a collection of order service the owner of the restaurant or cook-shop or other similar business shall ensure that only one customer is permitted to enter the premises to collect or pay for the order.
- (3) If a restaurant or cook-shop or other similar business offers a food delivery service the person making the food delivery and the person receiving the food delivery shall practice social distancing during the process of the food delivery.
- (4) If the owner of a restaurant or cook-shop or other similar business intends to offer a dine-in service, he shall submit a plan that sets out the seating policy, table spacing policy and the sanitisation plan of the business to the Minister for approval.
- (5) The owner of a restaurant, cook-shop or other similar business shall—
 - (a)* ensure that staff and customers practice social distancing; and
 - (b)* comply with any direction or guideline issued by the Minister regarding cleaning, sanitisation and other precautions.
- (6) If an owner of a restaurant, cook-shop or other similar business fails to comply with this paragraph the Minister may order the owner to close the restaurant, cook-shop or other similar business.

11. Operations of bars etc

- (1) Subject to subparagraph (2) the owner of a bar, rum shop or other similar business may—
 - (a)* offer a take-away service; and
 - (b)* allow customers to sit in the bar or rum shop provided the Minister has approved the plans submitted under subparagraph (2).
- (2) If a bar, rum shop or other similar business intends to allow customers to sit in the business place he shall submit a plan that sets out the seating policy, table spacing policy and the sanitisation plan of the business to the Minister for approval.

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- (3) The owner of a bar, rum shop or other similar business shall—
 - (a) ensure that staff and customers practice social distancing; and
 - (b) comply with any direction or guideline issued by the Minister regarding cleaning, sanitisation and other precautions.
- (4) If an owner of a bar, rum shop or other similar business fails to comply with this paragraph the Minister may order the owner to close the bar, rum shop or other similar business.

12. Operations of barbershops etc

- (1) The owner of a barber shop, beauty salon, spa or other similar business may offer services by appointments only.
- (2) For the avoidance of doubt the owner of a barber shop, beauty salon, spa or similar business shall not offer walk-in services.
- (3) The owner of a barber shop, beauty salon, spa or similar business shall—
 - (a) ensure that a customer maintains a physical distance of six feet from another customer; and
 - (b) comply with any direction or guideline issued by the Minister regarding cleaning, sanitisation and other precautions.
- (4) If an owner of a barber shop, beauty salon, spa or similar business fails to comply with this paragraph the Minister may order the owner to close the barber shop, beauty salon, spa or similar business.

13. Operations of a gym, sports club

- (1) Subject to subparagraph (2) the owner of a gym, sports club or other similar entity may offer services.
- (2) If the owner of a gym, sports club or other similar entity intends to offer services the owner shall submit the sanitisation plan of the entity to the Minister for approval.
- (3) The owner of a gym, sports club or other similar entity shall—
 - (a) ensure that a customer maintains a physical distance of six feet from another customer; and

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(b) comply with any direction or guideline issued by the Minister regarding cleaning, sanitisation and other precautions.

- (4) If the owner of a gym, sports club or other similar entity fails to comply with this paragraph the Minister may order the owner to close the gym, sports club or other similar entity.

14. Contact sporting activities

- (1) A person may engage in a contact sporting activity provided paragraph 3(2) is complied with.
- (2) Paragraph 17(2) does not apply to a person when the person is engaging in a contact sporting activity.
- (3) For the purposes of this paragraph a “**contact sporting activity**” means a sporting activity in which a person necessarily comes into bodily contact with another person.

15. Operations of bus drivers and taxi operators

- (1) A bus driver or taxi operator may operate only with the prior permission of the Minister.
- (2) A bus driver or taxi operator shall transport no more than one passenger in the front passenger seat of the bus or taxi.
- (3) A taxi operator shall transport no more than two passengers in the rear of the in a motorcar during each trip.
- (4) Despite subparagraph (3), a taxi operator may transport more than two passengers in the rear of the motorcar if all the passengers in the motorcar are members of the same household.
- (5) A bus may transport more than one passenger in each row in the rear of the bus provided subparagraph (8) is complied with.
- (6) A bus driver and a taxi operator shall comply with any direction or guideline issued by the Minister regarding cleaning, sanitisation and other precautions.
- (7) If a bus driver or taxi operator fails to comply with this paragraph the Minister may order that the bus driver, taxi operator cease operating.
- (8) A person who is a passenger in a taxi or a bus shall wear a face covering in the taxi or bus.

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16. Remote working where reasonably practicable

- (1) Public officers may work remotely from home where reasonably practicable, subject to the direction of the Deputy Governor.
- (2) If it is reasonably practicable, an employer shall arrange for his employees to work remotely from home using electronic means or otherwise.

17. Social distancing

- (1) The owner of a business or organisation that is permitted to operate under this Order shall—
 - (a) establish measures that ensure customers and staff maintain a physical distance of at least six feet from another person both inside and outside the business or organisation;
 - (b) determine the number of persons that may be permitted to enter the business or organisation at any one time by permitting one person for every thirty square feet of floor space;
 - (c) place distance markers six feet apart, inside the business or organisation to indicate where each customer must stand at the checkout point or in a queue;
 - (d) place distance markers six feet apart, outside of the business or organisation to indicate where a customer must stand while waiting to enter the business or organisation.
- (2) A person shall practice social distancing at all times.

18. Permits

- (1) The Minister may give a person, business, organisation or department written permission to open a business or entity referred to in paragraphs 8, 9, 10, 11, 12, 13 and 14.
- (2) A permit issued under this Order may include conditions.
- (3) If a person, business, organisation fails to comply with a condition of a permit issued under this Order, the Minister may revoke permission to operate.
- (4) The Minister may appoint persons to ensure compliance with this Order and directions or guidelines issued under paragraphs 8, 9, 10, 11, 12, 13 and 14.

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19. Enforcement Powers

- (1) An enforcement officer may stop a person and require the person to answer any question to enable the enforcement officer to ascertain whether the person is in compliance with this Order and where the person does not satisfy the enforcement officer that he is in compliance with this Order, the enforcement officer may arrest the person.
- (2) An enforcement officer may stop a person and require the person to answer any question to enable the enforcement officer to ascertain the person's identity and whether the person is in compliance with paragraphs 6 (1)(f), 6(2)(e) and 7(2)(d) and where the person does not satisfy the enforcement officer that he is in compliance with paragraphs 6 (1)(f), 6(2)(e) and 7(2)(d), the enforcement officer may—
 - (a) direct the person to return to his home or place of occupancy immediately;
 - (b) detain and convey the person to his home or place of occupancy; or
 - (c) arrest the person.
- (3) The powers in subparagraph (1) may be exercised where a person is at any place other than the person's home or place of occupancy.
- (4) An enforcement officer may use reasonable force, if necessary, in the exercise of a power in this Order.
- (5) The Chief Medical Officer, environmental health officer, health officer, enforcement officer, or other person appointed by the Minister may visit a person, a business or organisation to ensure compliance with this Order and directions or guidelines issued under paragraphs 8, 9, 10, 11, 12, 13 and 14.
- (6) The Chief Medical Officer, environmental health officer or a health officer or enforcement officer may order the immediate closure of a business for failure of the person, a business or organisation to comply with this Order and directions or guidelines issued under 8, 9, 10, 11, 12, 13 and 14.

20. Offences

- (1) A person who assaults, obstructs, hinders, resists, uses threatening or abusive language or aids or incites any other persons to assault, obstruct, hinder or resist an enforcement officer, the Chief Medical Officer, an environmental

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health officer, a health officer or a person appointed under paragraph 18 (4) in the execution of his duty under this Order commits an offence.

- (2) A person who is present at, or promotes, aids, or assists in the promotion of a large gathering commits an offence.
- (3) A police officer may order a large gathering to disperse, and a person who fails to obey the order commits an offence.
- (4) A person who fails to comply with this Order commits an offence.

21. Application to Court

- (1) If a person fails to comply with an order by the Chief Medical Officer or a health officer, the Chief Medical Officer or health officer may apply to the Magistrate's Court for directions.
- (2) If the Magistrate's Court is satisfied with the application made under subparagraph (1), the Magistrate's Court may order that the person who has failed to comply be—
 - (a) taken into custody and be placed in quarantine or isolation;
 - (b) taken into custody and be admitted to, detained and treated at the hospital;
 - (c) examined by a medical officer or health officer to ascertain whether or not the person is infected with COVID-19, or
 - (d) treated for COVID-19, where on examination of the person it is found that he is infected with COVID-19.

22. Penalty

A person who commits an offence under this Order 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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23. Expiry

This Order expires 4 August, 2020 at 5 a.m.

Made by the Governor acting on the advice of Cabinet this 2nd day of July, 2020.


CLERK OF CABINET

Published by exhibition by the Clerk of Cabinet at the Office of the Legislature, Farara Plaza, Brades, Montserrat, MSR1110, this 7th day of July, 2020.


CLERK OF CABINET