

**MONTSERRAT**  
**STATUTORY RULES AND ORDERS**  
**S.R.O. 49 OF 2021**

**QUARANTINE (PREVENTION OF COMMUNITY TRANSMISSION)**  
**REGULATIONS**

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**QUARANTINE (PREVENTION OF COMMUNITY TRANSMISSION)  
REGULATIONS**

**THE QUARANTINE (PREVENTION OF COMMUNITY TRANSMISSION)  
REGULATIONS MADE BY THE GOVERNOR ACTING ON THE ADVICE OF  
CABINET UNDER SECTION 4 OF THE QUARANTINE ACT (CAP. 14.01).**

**1. Citation**

These Regulations may be cited as the Quarantine (Prevention of Community Transmission) Regulations, 2021.

**PART I—PRELIMINARY**

**2. Interpretation**

In these Regulations—

“**active monitoring**” means in relation to a person who is subject to a self-quarantine or isolation order, the regular monitoring of the person by a Health Officer by means of communication through telephone, email, text, or any type of electronic communication, to assess the person for the presence of symptoms of an infectious disease and may include medical inspections and physical examinations;

“**infectious disease**” means an epidemic or acute infectious disease and includes a disease that affects the upper and lower respiratory tract but does not include a sexually transmitted disease;

“**isolation**” in relation to a person who is ill, means the separation of that person from other people in such a manner as to prevent infection or contamination with an infectious disease—

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- (a) in a hospital; or
- (b) at another suitable place;

“**responsible adult**” means, in relation to a child, a person with parental responsibility for the child or a person who has custody or charge of the child for the time being; 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 symptoms of an infectious disease.

**PART 2 —POWERS TO CONTAIN INFECTIOUS DISEASE**

**3. Restrictions and requirements imposed by the Chief Medical Officer**

The Chief Medical Officer may, in writing—

- (a) require a person to place himself under the care and treatment of a Medical Officer, and require the person to deliver to the Chief Medical Officer a report as to whether or not the person is infected with an infectious disease;
- (b) require a person to conduct himself in such a manner as not to expose another person to the infectious disease;
- (c) impose on a person any other restriction or requirement which the Chief Medical Officer considers necessary to prevent the transmission of an infectious disease in Montserrat; and
- (d) require the owner or occupier of premises to close the premises or a part of the premises or to restrict access to the premises.

**4. Restrictions and requirements of the Principal Environmental Health Officer**

The Principal Environmental Health Officer may, in writing—

- (a) require a person to clean or disinfect, or both, a premises, place, object or anything specified in the order, utilizing such apparatus, as the Principal Environmental Health Officer deems necessary;
- (b) require access to premises to enable compliance with an order given under this paragraph;

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- (c) require the destruction of any matter or thing specified in the order; and
- (d) require the owner or occupier of premises to close the premises or a part of the premises or to restrict access to the premises.

**5. Conditions applicable to the imposition of restrictions and requirements**

- (1) If the Chief Medical Officer or Principal Environmental Health Officer imposes restrictions and requirements under paragraph 3 or 4, the Chief Medical Officer or Principal Environmental Health Officer shall comply with the provisions of this paragraph.
- (2) A decision to impose a restriction or requirement under regulation 3 or 4 may only be taken if it is considered, when taking the decision, that the restriction or requirement is proportionate to what is sought to be achieved by imposing it.
- (3) A restriction or requirement imposed under paragraph 3 or 4 may be varied orally or in writing.
- (4) If a restriction or requirement under paragraph 3 or 4 is imposed on or in relation to a child, a person who is a responsible adult in relation to the child must ensure that the child complies with the restriction or requirement, insofar as that person is reasonably able to do so.
- (5) If a restriction or requirement is orally imposed on a person under these Regulations, or is orally varied, the person, or the responsible adult in relation to a child, shall be provided with a written notification of the requirement that has been imposed or varied.
- (6) If a restriction or requirement is imposed under these Regulations, the restriction or requirement must express it to be contingent on the risk of transmission of an infectious disease constituting a serious risk to public health.

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**PART 3—EXAMINATION, SELF-QUARANTINE AND  
ISOLATION**

**6. Compulsory examination or screening**

- (1) A person in Montserrat who, in the opinion of a Health officer, has been exposed to an infectious disease or is likely to be infected with an infectious disease shall—
- (a) answer all questions put to him by the Health Officer which would allow the Health Officer to assess what measures would be necessary to prevent, limit or suppress the spread of the infectious disease;
  - (b) answer questions about his health or other relevant circumstances including travel history and information about other individuals with whom he may have had contact;
  - (c) produce any document required or which to his knowledge may be of assistance in assessing his health;
  - (d) at such time as maybe specified, allow that his biological sample be taken, including a sample of his respiratory secretions or blood, by appropriate means including by swabbing his nasopharyngeal cavity, or provide such a sample;
  - (e) provide a Health Officer with information which would allow the Health Officer to assess what measures would be necessary to prevent, limit or suppress the spread of an infectious disease; and
  - (f) provide sufficient information to enable him to be contacted immediately during such period as the Health Officer may specify, if the Health Officer considers that such provision of information is necessary in order to prevent, limit or suppress the transmission of the infectious disease.
- (2) If a child is to undergo a compulsory examination, the responsible adult shall—
- (a) ensure that the child answers questions in accordance with paragraph (1);
  - (b) answer the questions if the child is unable to do so or cannot reliably do so;
  - (c) produce any document, required under paragraph (1)(c), on the child's behalf;

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- (d) allow the Health Officer, to take a biological sample of the child, including a sample of the child's respiratory secretions or blood, by appropriate means including by swabbing the child's nasopharyngeal cavity, or provide such a sample; and
- (e) provide information if required under paragraph (1)(f).

**7. Restrictions and requirements following examination or isolation**

- (1) The Health Officer may, orally or in writing, impose on a person any one or more of the requirements specified in paragraph (2) if the Health Officer considers that it is necessary and proportionate to do so in order to reduce or remove the risk of the person infecting or contaminating others following—
  - (a) the person's examination under paragraph 6; or
  - (b) the person's discharge from the isolation.
- (2) The requirements referred to in paragraph (1), which are to be provided to a Health Officer are for the person to—
  - (a) provide his contact details to the Health Officer;
  - (b) supply information to the Health Officer which may assist in assessing the person's health;
  - (c) at such time as the Health Officer may specify, allow the Health Officer, to take a biological sample of the person, including a sample of the person's respiratory secretions or blood, by appropriate means including by swabbing the person's nasopharyngeal cavity, or provide such a sample; and
  - (d) comply with any other specified condition or to take any other specified measure.
- (3) The conditions or measures which may be specified under paragraph (2)(d) include—
  - (a) a restriction on the person's freedom of movement;
  - (b) a restriction on the person's activities; or
  - (c) a restriction on the person's contact with specified persons.
- (4) A Health Officer may, orally or in writing—
  - (a) vary any requirement imposed under this paragraph; and
  - (b) impose on the person any additional requirements specified in paragraph (2).

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- (5) Before imposing or varying a requirement under this paragraph, the Health Officer shall—
- (a) inform the person or in case of a child, a person who is a responsible adult in relation to the child, of the requirement or variation that the Chief Medical Officer deems necessary to impose or make; and
  - (b) have regard to any relevant representations by the person or in case of a child, a person who is a responsible adult in relation to the child, as to its suitability.
- (6) If a requirement under this paragraph is imposed on or in relation to a child, or varied in relation to a child, a person who is a responsible adult in relation to the child must ensure that the child complies with the requirement, insofar as that person is reasonably able to do so.
- (7) If the Chief Medical Officer orally imposes a requirement on the person under this paragraph, or orally varies such a requirement, he shall provide the person, or the responsible adult in relation to a child, with a written notification of the requirement that has been imposed or varied.

**8. Power to order self-quarantine**

Despite any power conferred by these Regulations, a person who, in the opinion of a Chief Medical Officer, has been exposed to an infectious disease, may, at the discretion of the Chief Medical Officer, be ordered to self-quarantine under active monitoring for such time as the Chief Medical Officer deems fit.

**9. Replacement of self-quarantine with isolation**

The Chief Medical Officer may replace a self-quarantine order with an isolation order if—

- (a) the risk of the spread of the infection in Montserrat is considered to be exceptionally serious;
- (b) in the opinion of the Chief Medical Officer, the person subject to the self-quarantine order has not complied with or is not likely to comply with the conditions of the order, or cannot furnish adequate guarantees with respect to the prevention of transmission of an infectious disease; or



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- (c) the person who is subject to the self-quarantine order develops symptoms of an infectious disease.

**10. Power to order isolation**

- (1) The Chief Medical Officer may place a person in isolation, if in his opinion—
  - (a) there are reasonable grounds to believe that the person is, or may be, infected or contaminated with an infectious disease; and
  - (b) there is a risk that person might infect or contaminate another person.
- (2) A person to whom this paragraph applies shall be placed in isolation for a period of not less than 14 days.
- (3) The Chief Medical Officer may impose on or in relation to the person one or more screening requirements under regulation 7.
- (4) If a special restriction or requirement is imposed under this paragraph, the Chief Medical Officer shall express it to be contingent on the risk of transmission of infectious disease constituting a serious risk to public health.

**11. Duty of person ordered to self-quarantine or isolate**

- (1) A person ordered to self-quarantine or isolate shall—
  - (a) furnish to the Chief Medical Officer such information as may reasonably be required and shall comply with the orders and instructions of the Chief Medical Officer; and
  - (b) undergo such medical inspections and examinations as the Chief Medical Officer may require and shall submit himself and his personal effects or other articles to disinfection and other measures as the Chief Medical Officer may order.
- (2) A responsible adult shall be responsible for the compliance of a child with this regulation.

**12. Duties of Chief Medical Officer with respect to persons in isolation**

The Chief Medical Officer shall notify the person placed in isolation under regulation 10 of—

- (a) the fact of the person's placement in isolation;

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- (b) the powers under which the person is kept in isolation;
- (c) the reason for the person's isolation;
- (d) the next steps that may be taken and by whom;
- (e) the obligation to keep the need for the person's isolation under review;
- (f) the penalty for—
  - (i) absconding, or attempting to abscond;
  - (ii) providing false or misleading information intentionally or recklessly;
  - (iii) obstructing a person carrying out a function under these Regulations; and
- (g) the right to appeal to the High Court.

**13. Restrictions affecting place of self-quarantine or isolation**

If a place is in use for isolation, 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 Chief Medical Officer or otherwise than on such conditions as the Chief Medical Officer may generally or specially impose.

**14. Electronic monitoring device**

- (1) A person who is ordered to self-quarantine or who is placed in isolation may be fitted with an electronic monitoring device.
- (2) A person who is fitted with an electronic monitoring device shall comply with the written instructions of a Health Officer regarding the care and use of the electronic monitoring device.
- (3) The use of an electronic monitoring device under sub-paragraph (2) shall be for the sole purpose of preventing the transmission of an infectious disease in Montserrat.
- (4) The electronic monitoring device shall be used to monitor—
  - (a) whether the person has left the place of self-quarantine or the place of isolation; and
  - (b) the health status of the person.

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- (5) The electronic monitoring of a person by an electronic monitoring device shall be terminated immediately on the expiration of the self-quarantine or isolation period of that person.
- (6) Information obtained from the electronic monitoring of a person shall be stored in a secure manner.

**15. Travel outside Montserrat during self-quarantine**

A person who is about to leave Montserrat by aircraft or a vessel before the period of self-quarantine has ended shall inform the Chief Medical Officer of the place to which he is travelling, of his impending arrival and address there, and of the period of self-quarantine still uncompleted.

**16. Discharge from isolation**

A person placed in isolation may be discharged from isolation after he has completed the period set out in the isolation order if the Chief Medical Officer or a Health Officer certifies that he is not infected with an infectious disease.

**17. Requirement of person improperly leaving place**

A person who, contrary to these Regulations, leaves any place in use for self-quarantine or isolation, without prejudice to any other provision of these Regulations, may be informed by a Chief Medical Officer or police officer, that in order to be in compliance with these Regulations, they must return to the place of self-quarantine or isolation.

**PART 4—ENFORCEMENT**

**18. Application to Magistrate**

- (1) If a person fails to comply with an order by the Chief Medical Officer or Health Officer made under these Regulations, to take the necessary precautions to prevent the transmission in Montserrat of an infectious disease, the Chief Medical Officer may make an application to a Magistrate that the person has failed to—
  - (a) comply with the requirements of the self-quarantine or isolation order;

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- (b)* isolate himself from other persons;
  - (c)* submit to an examination by a Health Officer or Chief Medical Officer;
  - (d)* place himself under the care and treatment of a Health Officer or Medical Officer; or
  - (e)* conduct himself in such a manner as not to expose another person to infection.
- (2)** If the Magistrate is satisfied with the application made under paragraph (1), he may, order that the person who has failed to comply with requirements under paragraph (1)—
- (a)* be taken into custody and be placed in isolation;
  - (b)* be taken into custody and be admitted to, detained and treated at the hospital;
  - (c)* be examined by a Health Officer or Chief Medical Officer to ascertain whether or not the person is infected with an infectious disease; or
  - (d)* be treated for infectious disease, if on examination of such person it is found that he is infected with an infectious disease.
- (3)** The admission and treatment of the person at the hospital or place of isolation as ordered under paragraph (2) shall be at the cost of the individual.

**19. Authority to apprehend**

- (1)** An order made under regulation 18 is authority for the Chief Medical Officer to direct a police officer to—
- (a)* locate and apprehend the person who is the subject of the order; and
  - (b)* deliver the person who is the subject to the order to the place of isolation named in the order, or to a Health Officer for examination.
- (2)** The police officer shall do all things reasonably able to be done to locate, apprehend and deliver the person to the place of public isolation specified in the order.
- (3)** The police officer who apprehends a person who is the subject of an order pursuant to paragraph (2) shall promptly—

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- (a)* inform the person of the reasons for the apprehension and of the person's right to retain and instruct counsel without delay; and
  - (b)* inform the person where the person is being taken.
- (4)** An order made under regulation 18(2)(b) is authority to detain the person who is the subject of the order in the place of isolation named in the order and to care for and examine the person and to treat the person for infectious disease in accordance with generally accepted medical practice for such period as the Health Officer or Chief Medical Officer shall determine.
- (5)** Subject to regulation 22(2), an order made under regulation 18(2)(c) is authority to detain the person who is the subject of the order in the place of isolation named in the order and to care for and examine the person for a period not exceeding 14 days.

**20. Failure to consent to treatment not assault or battery**

If an order made under these Regulations is to be carried out by a Chief Medical Officer or a Health Officer, the failure of the person subject to such an order to consent does not constitute an assault or battery against that person by the Chief Medical Officer or the Health Officer should the order be carried out.

**21. Monitoring and reporting**

If a person is taken into custody by order of a Chief Medical Officer under regulations 18(2)(b) or 19, the Chief Medical Officer shall—

- (a)* designate a Health Officer to be responsible for the monitoring of the person named in the order; and
- (b)* require the designated Health Officer produce a report in respect of the condition of the person.

**22. Rights of a person apprehended**

- (1)** A person apprehended pursuant regulations 18(2)(b) or 19 shall be informed of the person's right to counsel.

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- (2) A person apprehended pursuant regulations 18(2)(b) or 19 shall not be held for longer than seventy-two hours unless a hearing is held within that time period and an order is made under regulation 23.

**23. Right of appeal**

- (1) A person in relation to whom a restriction or requirement is imposed under these Regulations may appeal to the High Court against the decision to impose that requirement or restriction.
- (2) A person with parental responsibility for a child in relation to whom a restriction or requirement is imposed under these Regulations may appeal to the High Court against the decision to impose that restriction or requirement.

**24. Technological means of appearance**

A person who has appealed to the court under regulation 23 may appear before the court by any technological means satisfactory to the court that permits the court and such person to communicate simultaneously if the court is satisfied that the use of technology is necessary or prudent to prevent the spread of infectious disease.

**PART 5—TEMPORARY ISOLATION HOSPITALS**

**25. Temporary isolation hospitals**

If, for purposes of these Regulations, need arises to establish temporary isolation treatment facilities, the Minister shall establish temporary isolation treatment facilities.

**26. Reception of cases**

Temporary isolation facilities may be used for the isolation of cases of an infectious disease and their contacts occurring within Montserrat.

**27. Health Officer duty**

A Health Officer responsible for treating a person under these Regulations shall report in respect of the treatment and the condition of the person to Chief Medical Officer, in the case of treatment taking place at a temporary isolation facility.

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**28. Restrictions affecting a place used for isolation or detention**

No person or article shall enter or leave the temporary isolation facility except with the general or special permission of the Chief Medical Officer, on such conditions as may generally or specially be imposed.

**29. Presence of responsible adult**

The responsible adult, of a child who has been admitted to the temporary isolation facility, shall not be allowed to enter the isolation facility or remain there without the approval of the Chief Medical Officer.

**30. Permission to leave**

Under no circumstances shall patients, or persons in isolation, be allowed to leave the grounds of a temporary isolation facility without the special permission of the Chief Medical Officer.

**PART 6—GENERAL**

**31. Powers**

References in these Regulation to Chief Medical Officer shall, unless the context otherwise requires, be deemed to include a Health Officer performing any function which he is authorized to perform.

**32. Offences**

- (1) A person commits an offence if he—
  - (a) fails, without reasonable excuse, to comply with a restriction or requirement imposed under these Regulations; or
  - (b) absconds, or attempts to abscond, from detention or isolation under these Regulations.
- (2) A person who provides false or misleading information intentionally or recklessly to any person carrying out a function under these Regulations commits an offence.

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- (3) A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations commits an offence.
- (4) A responsible adult who fails without reasonable excuse to comply with restrictions and requirements imposed on child under these Regulations commits an offence.
- (5) A person who is fitted with an electronic monitoring device and who attempts to remove or tamper with the electronic monitoring device commits an offence.
- (6) A person who, without lawful excuse, fails to comply with the instructions of a Health Officer regarding the care and use of an electronic monitoring device commits an offence.

**33. Penalty**

A person who commits an offence under these Regulation is liable to a fine of \$1,000 in respect of a first offence; and in the case of a second or subsequent offence, to a fine of \$2,000 or imprisonment for a term not exceeding three months, or to both.

Made by the Governor acting on the advice of Cabinet this 15th day of July, 2021.

(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 27<sup>th</sup> day of July, 2021.

(Sgd.) Marjorie Smith  
**CLERK OF CABINET**