

MONTSERRAT
STATUTORY RULES AND ORDERS
S.R.O. 19 OF 2022

PUBLIC HEALTH (COVID-19 SUPPRESSION) (NO.3) ORDER

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**THE PUBLIC HEALTH (COVID-19 SUPPRESSION) (NO.3) ORDER
MADE BY THE GOVERNOR ACTING ON THE ADVICE OF
CABINET UNDER SECTION 10 OF THE PUBLIC HEALTH ACT
(CAP. 14.01).**

PART I—PRELIMINARY

1. Citation and commencement

This Order may be cited as the Public Health (COVID-19 Suppression) (No.3) Order, 2022 and comes into force 1 April, 2022 at 5 a.m.

2. Interpretation

(1) In this Order—

“**COVID-19**” means the illness caused by a novel coronavirus now called severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2; formerly called 2019-nCoV), which was first identified amid an outbreak of respiratory illness cases in Wuhan City, Hubei Province, China, in 2019;

“**COVID-19 test**” includes—

- (a) a test intended for the qualitative detection of nucleic acid of the SARS-CoV-2 in the upper and lower respiratory tract specimens that utilize Polymerase Chain Reaction (PCR) testing platforms;
- (b) a test intended for the qualitative detection of nucleic acid of the SARS-CoV-2 in the upper and lower respiratory tract specimens that utilize Ribose Nucleic Acid (RNA) testing platforms; and

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(c) antigen test;

but excludes antibody tests;

“**designated quarantine facility**” means any premises designated by the Minister as a quarantine facility under paragraph 8;

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

“**hand hygiene station**” includes a station that has handwashing soap and water or alcohol-based hand rub;

“**Health Officer**” means a Health Officer appointed under section 3(3) of the Quarantine Act (Cap 14.09) and includes an Environmental Health Officer;

“**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;

“**Minister**” means the Minister responsible for health matters;

“**non-resident technician**” means—

(a) a person who travels to Montserrat for the purpose of assisting with certification and maintenance of equipment; and includes

(b) a vaccinated medical specialist engaged by a public or private entity who travels to Montserrat for no more than ten days;

“**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;

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“**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;

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

- (2) For the purposes of this Order, a person is considered “**fully vaccinated**”—
- (a) fourteen days after receipt of the second dose in a 2-dose COVID-19 vaccine series which was approved by the World Health Organization; or
 - (b) fourteen days after receipt of one dose of a single-dose COVID-19 vaccine which was approved by the World Health Organization.

PART II—PROHIBITIONS AND RESTRICTIONS

3. Mandatory face covering

- (1) Subject to subparagraph 3, a person shall wear a face covering in a public place.
- (2) Subject to subparagraph 3 and for the avoidance of doubt, a customer, visitor, staff or employee shall wear a face covering when entering, while conducting business and while working in a public place, business, organisation, department or place of business.
- (3) Subparagraphs (1) and (2) do not apply to a—
 - (a) child age three years and under;
 - (b) person who has a medical condition, health condition, cognitive condition or disability that prevents the person from wearing a face covering;
 - (c) customer, when the customer is dining at a restaurant or food shop;
 - (d) customer, when the customer is drinking at a bar or rum shop;
 - (e) person if a request is made of the person to remove his face covering temporarily for security and identification purposes;

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- (f)* person who is driving in a motor vehicle with no passengers in the motor vehicle;
 - (g)* person who is driving in a motor vehicle with a member of his household;
 - (h)* person who is on a beach or road or in a park or other similar open public place;
 - (i)* person who is on a beach or road or in a park or other similar open public place with a member of his household; and
 - (j)* person engaging in a physical activity in a gym or other similar place of business.
- (4)** A face covering should completely cover a person's nose, mouth and chin without gapping.
- (5)** The owner or head of a business, organisation, department or place of business shall—
- (a)* post or cause to be posted a notice, in a conspicuous place at the main entrance of the business, organisation, department or place of business, which specifies that the wearing of a face covering is mandatory;
 - (b)* not permit a customer, visitor, staff or employee to enter the business, organisation, department or place of business if the customer or visitor is not wearing a face covering; and
 - (c)* ensure that a customer, visitor, staff or employee continues to wear a face covering while in the business, organisation, department or place of business and if the customer, visitor, staff or employee refuses to wear the face covering while in the business, organisation, department or place of business, ask the customer, visitor, staff or employee to leave the business, organisation, department or place of business.
- (6)** A parent or legal guardian is responsible for ensuring that a child over the age of three wears a face covering in a public place.

4. Mandatory hand hygiene station

- (1)** A hand hygiene station shall be placed at the entrance of a public building (including schools and healthcare facilities) or private commercial building.
- (2)** The owner or manager of a building referred to in subparagraph (1) shall—

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- (a) place or cause to be placed a hand hygiene station in a conspicuous place at the main entrance of the building;
 - (b) mandate that a visitor, staff or employee use the hand hygiene station before passing the threshold of the entrance of the building;
 - (c) ensure that the quantity and usability of the hand hygiene station is adapted to the type (e.g. young children, elderly, those with limited mobility) and number of users that frequent or work in the building; and
 - (d) ensure regular refilling of containers and regular refilling and maintenance of the equipment at the hand hygiene station.
- (3) A person shall use the hand hygiene station referred to in subparagraph prior to entering a public building (including schools and healthcare facilities) or private commercial building.

5. Restriction on visitation

- (1) A person shall not visit—
- (a) the home or place of occupancy of a person who is in self-quarantine; or
 - (b) a designated quarantine facility or place of isolation except with prior approval of the Chief Medical Officer.
 - (c) a patient in the hospital;
 - (d) a person in a residential care establishment or facility; or
 - (e) a detainee or prisoner in a correctional facility.
- (2) Despite subparagraph (1), a person may visit a—
- (a) patient in the hospital with prior approval of the hospital;
 - (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.

6. Pre-entry requirements

- (1) A person who intends to enter Montserrat shall take a COVID-19 test no earlier than three days prior to entry into Montserrat.
- (2) The following persons are exempted from the requirements of subparagraph (1)(a)—

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- (a) a child under five years of age;
- (b) a person entering Montserrat in circumstances related to a medical evacuation; and
- (c) a person who has been granted permission by the Minister to enter Montserrat for the purpose of aiding with preparations for a disaster or after a disaster,

provided that such person may be subjected to screening, temperature checks and clinical examinations on entering Montserrat.

- (3) The owner of a vessel or aircraft that intends to transport a person referred to in subparagraph (1) shall ensure that a non-resident technician has been granted approval to travel to Montserrat prior to departure of the aircraft or vessel from a place outside Montserrat.

7. Entry into Montserrat

- (1) A person entering Montserrat—
 - (a) shall answer all questions put to him by a Medical Officer or Health Officer which would allow the Medical Officer or Health Officer to assess what measures would be necessary to prevent, limit or suppress the spread of COVID-19;
 - (b) shall provide the Medical Officer or Health Officer with a copy of a test result document which shows that the person took a COVID-19 test and that the person is negative for COVID-19;
 - (c) shall, where applicable, pay the requisite fees for the COVID-19 test;
 - (d) shall, if the person is a fully vaccinated person, provide the Medical Officer or Health Officer with proof that he is a fully vaccinated person;
 - (e) shall provide a Medical Officer or Health Officer with information which would allow the Medical Officer or Health Officer to assess what measures would be necessary to prevent, limit or suppress the spread of COVID-19;
 - (f) may be subjected to a clinical examination by a Medical Officer;
 - (g) who is considered by a Medical Officer or Health Officer to be high risk of being infected with COVID-19 may be isolated; and

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- (h) may be required to present himself for surveillance at a place and time as may be appointed by the Medical Officer or Health Officer and while undergoing surveillance may be removed to a hospital or other suitable place approved by the Chief Medical Officer.
- (2) A person in Montserrat who, in the opinion of a Medical Officer or Health Officer is likely to be infected with COVID-19—
 - (a) shall answer all questions put to him by the Medical Officer or Health Officer which would allow the Medical Officer or Health Officer to assess what measures would be necessary to prevent, limit or suppress the spread of COVID-19;
 - (b) shall provide a Medical Officer or Health Officer with information which would allow the Medical Officer or Health 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 or Health Officer and while undergoing surveillance may be removed to a hospital or other suitable place approved by the Chief Medical Officer; and
 - (e) may be required to self-quarantine.
- (3) The negative COVID-19 test result document referred to in subparagraph (1) shall state the—
 - (a) name, address, telephone number and email address of the laboratory at which the COVID-19 test was conducted;
 - (b) date the sample for the COVID-19 test was taken;
 - (c) date the COVID-19 test was conducted;
 - (d) full names, date of birth and address of the person tested for COVID-19 test; and
 - (e) results of the COVID-19 test conducted in relation to that person.
- (4) If a person fails to provide proof, under subparagraph (1), that he is a fully vaccinated person, he shall be treated as a person who is not fully vaccinated.
- (5) The owner of a vessel or aircraft who transports a person to Montserrat who is not in possession of a copy of a negative PCR

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COVID-19 test or a negative RNA COVID-19 test commits an offence.

8. Designation of premises as quarantine facility

- (1) The Minister may designate, in writing, any premises or type of premises to be a quarantine facility or place of isolation for the purposes of this Order.
- (2) A person who intends to self-quarantine in a designated quarantine facility shall—
 - (a) prior to entering Montserrat, make arrangements with the owner of the designated quarantine facility to self-quarantine at the designated quarantine facility; and
 - (b) pay the owner of the designated quarantine facility the costs of staying at the designated quarantine facility.
- (3) A person who is staying at a designated quarantine facility shall comply with any rule or guideline issued by the Minister.

9. Persons not fully vaccinated – entry into Montserrat

- (1) A person who is not fully vaccinated and who enters Montserrat shall, after completing the relevant immigration checks, security checks and COVID-19 screening, examinations and tests—
 - (a) proceed directly to his home or place of occupancy to self-quarantine; or
 - (b) proceed directly to a designated quarantine facility or place of isolation.
- (2) A person who is not fully vaccinated and who proceeds directly to his home, place of occupancy, designated quarantine facility or place of isolation under subparagraph (1) shall remain at his home, place of occupancy, designated quarantine facility or place of isolation until the sooner of the following—
 - (a) ten days has elapsed, provided a COVID-19 test taken between eight and ten days after he enters Montserrat shows that he is not infected with COVID-19; or
 - (b) he leaves Montserrat.
- (3) Despite subparagraph (1), a person who is not fully vaccinated is not required to remain at home, place of occupancy, designated quarantine facility or place of isolation if the Chief Medical Officer otherwise directs.

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10. Fully vaccinated persons – entry into Montserrat

- (1) A fully vaccinated person shall take a COVID-19 test on entry into Montserrat.
- (2) If the results of the COVID-19 test referred to in subparagraph (1) show that the fully vaccinated person is not infected with COVID-19, the person is not required to self-quarantine or isolate.
- (3) If the results of the COVID-19 test referred to in subparagraph (1) is indeterminate, that person shall proceed directly to his home, place of occupancy, designated quarantine facility or place of isolation and shall remain at his home, place of occupancy, designated quarantine facility or place of isolation to await the results of further COVID-19 tests.
- (4) If the results of further COVID-19 tests referred to in subparagraph (2) show that the fully vaccinated person is not infected with COVID-19 then he is not required to self-quarantine or isolate.
- (5) If the results of further COVID-19 tests referred to in subparagraph (2) show that the fully vaccinated person is infected with COVID-19 then he is required to self-quarantine or isolate until—
 - (a) he is not infected with COVID-19; or
 - (b) he leaves Montserrat.
- (6) A non-resident technician who is fully vaccinated shall be treated as a fully vaccinated person for the purposes of this Order.

11. Not fully vaccinated - Non-resident technician - directions

- (1) A non-resident technician who is not fully vaccinated and who intends to enter Montserrat shall make an application to the Minister for approval to enter Montserrat prior to submitting an online declaration.
- (2) Subject to subparagraph (3), a non-resident technician who is not fully vaccinated is not required to self-quarantine from the date of his entry into Montserrat.
- (3) A non-resident technician who is not fully vaccinated 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;

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- (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.

12. Not fully vaccinated - Non-resident technician- COVID-19 test

- (1) A non-resident technician who is not fully vaccinated and who enters Montserrat shall take a COVID-19 test within 24 hours of entry into Montserrat.
- (2) If a non-resident technician is not fully vaccinated and intends to remain in Montserrat for more than five days, the non-resident technician must take a COVID-19 test on day five of his stay in Montserrat.
- (3) For the avoidance of doubt, a non-resident technician who receives a negative PCR COVID-19 test result or a negative RNA COVID-19 test result following the COVID-19 test referred to subparagraphs (1) and (2) shall comply with paragraph 11(3).
- (4) A non-resident technician who is not fully vaccinated shall take a COVID-19 test between eight and ten days after he enters Montserrat.
- (5) On the expiration of ten days after his entry into Montserrat a non-resident technician who is not fully vaccinated shall not be subject to paragraphs 11(3)(a), (c) and (d), provided he tests negative for COVID-19.
- (6) For the avoidance of doubt—
 - (a) paragraph 11 and this paragraph apply to a non-resident technician, whether the non-resident technician is a Montserratian or a non-Montserratian; and
 - (b) a person shall only qualify for the measures applicable to a non-resident technician under paragraph 11 and this paragraph if the person entered Montserrat as a non-resident technician with prior approval from the Minister.

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13. Protocols for children

- (1) For the purposes of this Order, if a child under the age of eighteen enters Montserrat the child shall be treated like the adult who accompanied the child when the child entered Montserrat.
- (2) A child two years and under is not required to take a COVID-19 test.

14. Protocols bus drivers and taxi operators

- (1) The owner or driver of a bus or taxi shall—
 - (a) place or cause to be placed a hand hygiene station in a conspicuous place at the entrance of the bus or taxi;
 - (b) mandate that a passenger use the hand hygiene station before entering the bus or taxi;
 - (c) ensure regular refilling of containers or regular refilling and maintenance of the equipment at the hand hygiene station and;
 - (d) ensure that a passenger wears a face covering in a bus or taxi.
- (2) A person shall use the hand hygiene station referred to in subparagraph (1) prior to entering a bus or taxi.
- (3) A bus driver and a taxi operator shall comply with any direction or guideline issued by the Minister regarding cleaning, sanitisation and other precautions.
- (4) 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.

15. Monitoring device

- (1) A person who is ordered to self-quarantine or who is placed in isolation may be fitted with a monitoring device.
- (2) A person who is fitted with a monitoring device shall comply with the written instructions of a Health Officer regarding the care and use of the monitoring device.
- (3) The use of a monitoring device under sub-paragraph (2) shall be for the sole purpose of preventing the transmission of COVID-19 in Montserrat.
- (4) The monitoring device shall be used to monitor—

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- (a)* whether the person has left the place of self-quarantine or the place of isolation; and
 - (b)* the health status of the person, if the monitoring device is an electronic monitoring device.
- (5)** The monitoring of a person with monitoring device shall be terminated immediately on the expiration of the self-quarantine or isolation period of that person.
- (6)** If a monitoring device is an electronic monitoring device, information obtained from the electronic monitoring of a person shall be stored in a secure manner.

PART III—ENFORCEMENT AND PENALTIES

16. 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 this Order.
- (3)** Where the person under subparagraph (2) does not satisfy the enforcement officer that he is in compliance with this Order, the enforcement officer may—
 - (a)* direct the person to immediately proceed to his home or place of occupancy or designated quarantine facility;
 - (b)* detain and convey the person to his home or place of occupancy or designated quarantine facility; or
 - (c)* arrest the person.
- (4)** 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.
- (5)** An enforcement officer may use reasonable force, if necessary, in the exercise of a power in this Order.
- (6)** The Chief Medical Officer, Health Officer, Medical Officer, enforcement officer or other person appointed by the Minister may

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visit a person, a business, organisation, department or place of business to ensure compliance with this Order and directions or guidelines issued under this Order.

- (7) The Chief Medical Officer, Health Officer, Medical Officer or enforcement officer may order the immediate closure of a business, organisation, department or place of business for failure of the person, a business, organisation, department or place of business to comply with this Order and directions or guidelines issued under this Order.

17. 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, Health Officer, Enforcement Officer, Medical Officer or a person appointed under this Order in the execution of his duty under this Order commits an offence.
- (2) A person who fails to wear a face covering in a public place, place of business, business, organisation or department commits an offence.
- (3) If the owner or manager of a building referred to in paragraph 4(1) fails to comply with paragraph 4(2) the owner or manager commits an offence.
- (4) A person who is fitted with a monitoring device and who attempts to remove or tamper the monitoring device commits an offence.
- (5) A person who, without lawful excuse, fails to comply with the instructions of a Health Officer regarding the care and use of a monitoring device commits an offence.
- (6) A person who fails to comply with this Order commits an offence.

18. Penalties

- (1) A person who commits an offence under this Order is liable on summary conviction to a fine of \$500 or to three months' imprisonment 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 six months' imprisonment or to both a fine and imprisonment.
- (2) The owner or head of a business, organisation, department or place of business who fails to comply with paragraph 3(5) is liable to a fine of \$500 and in the case of a second or subsequent offence to a fine of \$1,000.

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- (3) The owner or manager of a building referred to in paragraph 4(1) who fails to comply with paragraph 4(2) is liable to a fine of \$500 and in the case of a second or subsequent offence, to a fine of \$1,000.
- (4) In addition to the penalty under subparagraph (2), a court may order the closure of the business, organisation, department or place of business for a period of thirty days.

19. Application to Court

- (1) If a person fails to comply with an order by the Chief Medical Officer or 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.

PART IV—MISCELLANEOUS

20. Guidelines

A public authority may issue guidelines to supplement these rules.

21. Repeal

The Public Health (COVID-19 Suppression) (No.2) Order, 2021 (S.R.O. 5 of 2022) is repealed.

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22. Expiry

This Order expires 31st August, 2022 at 5 a.m.

Made by the Governor acting on the advice of Cabinet this 24th day of March, 2022.

(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 30th day of March, 2022.

(Sgd.) Marjorie Smith
CLERK OF CABINET