

MONTSERRAT
STATUTORY RULES AND ORDERS
S.R.O. 29 OF 2022

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

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**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, 2022 and comes into force 11th July, 2022 at 5 a.m.

2. Interpretation

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
 - (c) antigen test;
- but excludes antibody tests;

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

“**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;

“**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;

3. Restriction on visitation

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.

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4. COVID-19 positive test - requirements

A person who tests positive for COVID-19—

- (a) shall self-quarantine for 10 days;
- (b) is not required to take a test for COVID-19 after the expiration of 10 days in self-quarantine; and
- (c) may be in a public place after 10 days of self-quarantine.

5. 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;
- (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
- (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;

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- (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.

6. Testing on entry into Montserrat

A person who enters Montserrat shall take a COVID-19 test.

7. 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.

8. 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;
 - (b) detain and convey the person to his home or place of occupancy; or
 - (c) arrest the person.

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- (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.

9. 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 comply with this Order commits an offence.

10. Penalties

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.

11. 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.

12. Guidelines

A public authority may issue guidelines to supplement these rules.

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13. Repeal

The Public Health (COVID-19 Suppression) (No. 3) Order, 2022 (S.R.O. 19 of 2022) is repealed.

14. 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 June, 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 1st day of July, 2022.

(Sgd.) Marjorie Smith
CLERK OF CABINET