

ANTIGUA AND BARBUDA



**PUBLIC HEALTH ACT (DANGEROUS INFECTIOUS DISEASE) (AMENDMENT)
(NO. 5) REGULATIONS 2020**

STATUTORY INSTRUMENT

2020, No. 30

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**PUBLIC HEALTH ACT (DANGEROUS INFECTIOUS DISEASE) (AMENDMENT) (No. 5)
REGULATIONS 2020, made by the Board pursuant to Section 102 of the Public Health Act,
Cap. 353.**

1. Citation and commencement

(1) These Regulations may be cited as the Public Health Act (Dangerous Infectious Disease) (Amendment) (No. 5) Regulations, 2020.

(2) This regulation shall come into effect at 9:00p.m. on Wednesday the 13th day of May, 2020.

2. Interpretation

In these Regulations –

“principal Regulations” means the Public Health Act (Dangerous Infectious Disease) Regulations 2020, Statutory Instrument No. 16 of 2020

3. Repeal and replacement of Regulation 5A

The principal Regulations are amended by repealing and replacing Regulation 5A as follows –

“5A. Special measure applicable to the period 13th May to 12th June, 2020

For the further control of the spread of the dangerous infectious disease COVID-19, the Board hereby issues and directs that the following special measures be observed throughout Antigua and Barbuda:

1. Duration

These special measures shall take effect from 9:00p.m. on Wednesday 13th May 2020 until 5:00 am on Friday 12th June, 2020.

2. Restriction on freedom of movement

(1) Freedom of movement of every person in Antigua and Barbuda shall be restricted only in accordance with the provisions of these Regulations.

(2) Except as provided herein, every person shall, during the period of the mandatory curfew, remain confined to his or her place of residence (which includes the porch, gallery and yard space of his or her home) to avoid contact with others who do not form part of his or her immediate household occupant.

3. Mandatory Curfew

(1) A mandatory eight (8) hours curfew shall be in effect from 9:00p.m until 5:00a.m beginning 9:00p.m.Wednesday 13th May, 2020 and continuing every evening thereafter from 9:00p.m for 8 consecutive hours until 5:00a.m the day following.

(2) Subject to this regulation, the curfew period will not apply to individuals who are involved in a medical emergency.

4. Closure of all businesses and exceptions

(1) Except as provided in this regulation, all businesses shall remain closed for the duration of these special measures unless permitted to operate under these regulations.

(2) The following services, whether provided in a private or public capacity may continue for the duration of these regulations –

- (a) doctors and dentists offices;
- (b) law offices (for the purpose of bail applications, Magistrate Court matters and commercial transactions including matters pertaining to interests in land);
- (c) clinics;
- (d) pharmacies;
- (e) provision of healthcare services and residential care services;
- (f) residential or elderly care facilities and establishments;
- (g) religious rites performed by church leaders and Chaplain of Faith-Based Organisations on the recommendation of the Ecclesiastical Commission;

- (h) Trade Unions;
 - (i) Undertakers/Funeral parlours;
 - (j) Accountants Offices
- (3) The following businesses are permitted to open and operate between the hours of 5:00a.m. to 9:00p.m. each day –
- (a) fish and meat markets, abattoirs;
 - (b) vending of agricultural produce;
 - (c) wholesale, retail, grocery stores, supermarkets, bakeries and community shops;
 - (d) gas stations;
 - (e) critical cleaning services, sanitation workers;
 - (f) delivery services;
 - (g) Banking Institutions licensed under the Banking Act 2015;
 - (h) Credit Unions
 - (i) All Money Services Businesses conducting money transfers pursuant to a Class A licence issued by the Financial Services Regulatory Commission;
 - (j) Licensed Insurance businesses and Insurance Agents;
 - (k) Hardware Stores, Contractors and Construction businesses and their workmen;
 - (l) landscape businesses and businesses engaged in maintenance of the physical environment.
 - (m) Marine services
 - (n) Auto mechanics
 - (o) Auto Parts sales
 - (p) all retail businesses;

(3A) Hairdressing salons and Barbershops are permitted to operate in accordance with the strict guidelines established by the Ministry of Health in conjunction with the Board and copies

of the said guidelines are to be prominently displayed inside the work area and on the entry door of the hairdresser salon and barber shop.

(4) Registered livestock and vegetable farmers are permitted to be at their farms between the hours of 4:00a.m. and 6:00p.m.

(5) Licensed fishermen are permitted operate during the curfew period between the hours of 2:00a.m and 6:00p.m.

(6) Public transportation services are permitted to operate daily from 5:00a.m to 9:00 p.m provided the operator of the public transport and the passengers wear a face mask and the passengers are seated in a staggering formation with one person in every row that would normally accommodate 2 persons and no more than 2 persons in the back seat.

(7) Churches and Faith-Based Organisations may conduct community outreach programmes, such as, soup kitchens and the distribution of food and care packages to members of the community between the hours of 5:00 a.m and 9:00p.m.

(8) The curfew period shall not apply to persons who are employees or officers of the following

- (a) The Royal Police Force of Antigua and Barbuda including the Fire Brigade;
- (b) The Antigua and Barbuda Defence Force;
- (c) Office of National Drug and Money Laundering Control Policy (ONDCP);
- (d) Customs and Excise Department;
- (e) Immigration Department;
- (f) Mount Saint John's Medical Centre;
- (g) Emergency Medical Services and E-911 Services;
- (h) Media workers and other employees of a broadcasting service to the extent that they are traveling for work;
- (i) Her Majesty's Prison;
- (j) Air Traffic Control Services;
- (k) Meteorological Services;
- (l) LIAT (1974) Ltd.
- (m) Antigua and Barbuda Port Authority;
- (n) APUA (Electricity and Water and Telecommunications), other Water services, and Telecommunications Service Providers;
- (o) Antigua and Barbuda Airport Authority;
- (p) Businesses licensed to provide private security services;
- (q) Commercial Banks and Credit Unions to the extent required to facilitate ongoing automatic banking services.

- (r) all members of Parliament,
- (s) the Treasury Department, as determined by the Accountant General;
- (t) the Inland Revenue Department, as determined by the Commissioner of Inland Revenue;
- (u) National Solid Waste Management Authority;
- (v) healthcare workers and employees of allied health care services;
- (w) critical construction workers approved by the Cabinet to include BHM, Meridian Construction Company, CCECC and WIOC;
- (x) Brokers and Shipping agents;
- (y) businesses involving logistics;
- (z) fuel manufacturers and distributors (WIOC and RUBIS);
- (a) Hotels/Villas and ancillary staff operating on a limited scale (no gaming rooms, spas, gyms, tennis courts, and other recreational services are allowed; in room dining only).

(9) Every business owner, staff, customer, officer and any other person falling within the exceptions outlined at subparagraphs (2) to (8) hereof shall observe the social distancing protocol and wear a face mask during the period for which they are allowed to operate.

5. Public Service, Statutory Bodies, State-owned enterprises and the Magistrates Court

(1) Subject to subparagraph (3), members of the public service who are not employed in the provision of services under paragraph 4(8) are permitted to work for the duration of these regulations based on the instructions of the Permanent Secretary of the Department or Division.

(2) Subject to subparagraph (3) employees of statutory bodies are permitted to work for the duration of these regulations based on the instructions of the Director or Chairman of the Board of the Statutory Body.

(3) All Permanent Secretaries within the civil service, and the Directors and Chairmen of Board of the Statutory Bodies shall encourage and support employees in working from home to the extent that this is possible.

(4) The Magistrates' Court shall continue to function as advised by the Chief Magistrate.

(5) The High Court shall continue to function as advised by the Chief Justice.

(6) The Antigua and Barbuda Department of Marine Services and Merchant Shipping shall operate as authorised by the Director of the Department of Marine Services and Merchant Shipping.

6. Social Distancing Protocol

(1) Every business permitted by this regulation to operate shall observe the social distancing protocols as follows –

- (a) ensure that all customers and staff maintain physical distancing of no less than six (6) feet in or around their business;
- (b) determine the number of persons that may be permitted inside the establishment at any one time by permitting one person for every fifty square feet of store space;
- (c) place distance markers at six feet interval showing where persons are permitted to stand at a check out point;
- (d) place distance markers at six feet interval to show where persons are permitted to stand while waiting outside of the establishment;

(2) In addition to observing the social distancing protocols, owners of businesses and providers of any service permitted to operate shall ensure that workers and customers observe proper sanitation practices and that a sanitizing station is available at the entry to the business and sanitary procedures are observed by all customers.

7. Wearing of face mask in public

(1) Subject to subsection (4) a person shall wear a face mask when in any public place.

(2) No person is permitted to be in any supermarket, market, or in any street or in any public place without wearing a face mask.

(3) Where there is more than one occupant in a motor vehicle, the occupants shall wear a face mask unless they are of the same household.

(4) A facemask shall –

- (a) completely cover both the nose and the mouth of the wearer;
- (b) leave the ears, eyes and forehead visible; and
- (c) not be worn together with dark glasses and head covering.

8. Education and religious instructions

(1) Subject to subparagraph (3), all educational institutions and places of instruction shall remain closed.

(2) Subject to subparagraphs (3) and (4), all churches and places of worship shall remain closed.

(3) Subparagraph (1) and (2) shall not prohibit any activity referred to therein if done by electronic or virtual means.

(4) Subparagraph (2) shall not apply on the occasion of a wedding, funeral, baptism or other religious ceremony provided no more than twenty-five persons are in attendance, all of whom shall practice social distancing and wear a face mask.

9. Restriction on social gathering

No person shall –

- (a) host or attend at any private party which includes any person from outside of his or her immediate household occupant;
- (b) attend or participate in any organised sporting event or any sports stadium;
- (c) hold any banquet, ball or reception;
- (d) attend meetings of a fraternal society, social or private club, civic organisation or association.

10. Restriction on the movement of children

No person under the age of eighteen (18) years is permitted to be on any street or in any vehicle, whether a private or public transport for the duration of these regulations, except in the company of a parent or a legal guardian.

11. Permitted Use of Beaches

(1) No person is permitted to picnic, consume alcohol, food or play music on any beach for the duration of these regulations.

(2) A person is permitted to utilise the beach every day between the hours of 5:00a.m and 7:00p.m for a therapeutic purpose.

(3) Sailing is permitted for the purpose of fishing, provided there are no more than five (5) persons on board the sailing vessel and, in any event, persons on board the vessel are able to practice social distancing protocols by maintaining a distance of six (6) feet between occupants at all times.

12. Physical exercise

(1) A person may, during the period 5:00a.m to 9:00p.m. each day, walk, jog, run, cycle or perform any other physical activity which may lawfully be carried on, provided such a person complies with the requirements of subparagraph (2).

(2) Except for the physical activities identified in subparagraph (3), a person performing physical activity –

- (a) shall do so in an open field or on the side of a public road;
- (b) may do so in the company of persons of his household or of one other person only, if the person is not of his household occupant;
- (c) shall wear a face mask or other face covering in accordance with paragraph 7;
- (d) shall observe social distancing protocol; and
- (e) shall not use the occasion as an occasion for social gathering.

(3) Swimming, tennis, golfing are permitted provided persons observe social distancing protocols.

13. Extension of measures

The Board may, by notice published in the State media and on Government website, extend the period of curfew, or in its discretion, modify or discontinue any measure, but subject to the modification or discontinuance being published in the official *Gazette* as soon as possible thereafter.”

14. Offence

A person who fails to comply with these special measures commits an offence and is liable on summary conviction to a fine of five thousand (\$5,000.00) dollars or to imprisonment for six (6) months or to both such fine and imprisonment.

15. Approval of other measures

Measures implemented by the Port Authority, Customs or Immigration Division, or Quarantine Authority, to control the Spread of the dangerous infectious disease in their scope of operations shall not be held to be in conflict with these Regulations.

Made the 13th day of May, 2020.

Eustace Lake,
Chairman of the Central Board of Health