

ANTIGUA AND BARBUDA



**PUBLIC HEALTH ACT (DANGEROUS INFECTIOUS DISEASE) (AMENDMENT)
(NO. 4) REGULATIONS, 2021**

STATUTORY INSTRUMENT

2021, No. 10

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PUBLIC HEALTH ACT (DANGEROUS INFECTIOUS DISEASE) (AMENDMENT) (No.4)
REGULATIONS 2021, 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. 4) Regulations, 2021.

(2) These Regulations shall take effect from 6:00pm on Tuesday 16th February, 2021.

2. Interpretation

In these Regulations –

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

3. Amendment of Regulation 5A of principal Regulations

Regulation 5A of the principal Regulations is amended as follows –

(a) by repealing paragraph 3 (Mandatory Curfew) and replacing it with the following:

“3. Mandatory Curfew

(1) A mandatory eleven (11) hours curfew shall come into effect from 6:00p.m. to 5:00a.m beginning on Tuesday 16th February, 2021 and continuing every evening thereafter from 6:00p.m for eleven (11) consecutive hours until 5:00a.m of the next day following.

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

(3) 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);
- (a) Customs and Excise Department;
- (e) Immigration Department;
- (j) 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;
- (i) LIAT (1974) Ltd.
- (m) Antigua and Barbuda Port Authority;
- (n) APUA (Electricity and Water and Telecommunications), other Water services, and Telecommunications Service Providers;
- (c) Antigua and Barbuda Airport Authority;
- (f) Businesses licensed to provide private security services;
- (g) Commercial Banks and Credit Unions to the extent required to facilitate ongoing automatic banking services.
- (t) Members of Parliament,
- (s) the Treasury Department, as determined by the Accountant General;
- (i) 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);
 - (aa) Hotels/Villas and ancillary staff thereof (as approved by the Ministry of Health and the Board; in room dining only;
 - (ab) Call Centre Employees;
 - (ac) Undertakers/Funeral parlours.”

- (b) by repealing paragraph 4 (Opening of businesses and conditions) and replacing this as follows:

“4. Opening of businesses and conditions

(1) Subject to the provisions of paragraphs 4A and 4B below, and the provisions of this paragraph, businesses throughout Antigua and Barbuda that have been certified and approved as COVID compliant by the Board, shall be permitted to open and to operate between the hours of 5:00am and 6:00pm daily.

(2) Registered livestock and vegetable farmers are permitted to operate in respect of their business between the hours of 4:00a.m. and 6:00p.m daily.

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

(4) Public transportation services may operate between the hours of 5:00am and 6:00pm., provided that the operator of the public transport and each passenger wear a face mask for the duration of the journey.

(5) 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 6:00p.m.

(6) Every business owner –

- (a) shall ensure that the business and every customer or client of a business observe the social distancing protocol and wear a face mask in accordance with the established protocol while conducting said business;
- (b) Who fails to ensure that staff and officers of the business and customers or clients of a business comply with the conditions set out in this subparagraph commits an offence and is liable on summary conviction to a fine of \$5,000.00 or to imprisonment for 6 months or to both such fine and imprisonment.”
- (c) by repealing paragraph 4A (Closure of Bars and Clubs) and replacing it as follows:

“4A. Closure of Bars and Clubs

(1) All Bars and Clubs throughout Antigua and Barbuda shall remain close until the 15th March, 2021.

(2) A person who opens, operates, or permit the operation of a Bar or Night Club contrary to subparagraph (1) commits an offence and is liable on summary conviction to a fine of \$5,000.00 or to imprisonment for 6 months or to both such fine and imprisonment.”

- (a) by repealing paragraph 4B (Operation of restaurant businesses) and replacing it as follow:

“4B. Operation of restaurant businesses

(1) The owner or operator of a restaurant business shall not permit “in-house” dining services.

(2) The owner or operator of a restaurant business that has been certified and approved as COVID compliant may only offer pick-up or take-out services.

(3) An owner or operator of a restaurant business that fails to comply with the provisions of this paragraph commits an offence and is liable on summary conviction to a fine of \$5,000.00 or to imprisonment for six (6) months or to both such fine and imprisonment.”

(*e*) by inserting after paragraph 4B the following new paragraph

“4C. Closure of Gyms and similar facilities

(1) All gyms and similar facilities throughout Antigua and Barbuda shall remain close until the 15th March, 2021.

(2) No gym shall be permitted to operate or offer any services contrary to subparagraph (1).

(3) A person who opens or permit the opening or operation of a gym contrary to subparagraph (2) commits an offence and is liable on summary conviction to a fine of \$5,000.00.”

(*v*) by inserting immediately after subparagraph (5) of paragraph 5 (Public Service, Statutory Bodies, State-owned enterprises and the Magistrates Court) a new subparagraph as follows:

“(6) All prison visits are suspended.”

(*g*) by repealing paragraph 8 (Education and religious instructions) and replacing it as follows:

“8. Education and religious instructions

(1) The Minister of Education may –

(*a*) acting on the advice of the Board, determine the date for the closing or opening of any or all Educational Institution throughout Antigua and Barbuda with a view to managing the spread of the dangerous infectious disease COVID-19;

(*l*) declare that educational instructions may be delivered via a digital platform approved by the Ministry of Education.

(2) The Minister of Education shall, in conjunction with the Board, determine the sanitization measures that shall be applicable to each Educational Institution for the entirety of any period in which face-to-face instructions are permitted.

(3) Church gatherings are limited to a maximum of 25 people until the 15th March, 2021.

(*h*) by repealing paragraph 9 (Restriction on social gathering) and replacing it as follows:

“9. Restriction on social gathering

(1) Except as provided herein, no person shall host or attend at any private or public gathering or event having more than five (5) persons, except where the persons so gathered are of his or her household.

(2) All funeral services and wedding ceremonies, howsoever and wheresoever conducted, shall be limited to a maximum of twenty-five (25) persons;

(3) No person shall be permitted to host or participate in a wedding reception for the duration of these special measures.

(4) No wake, repast or similar celebration shall be held in respect of the final farewell to any dead.

(5) A law enforcement officer is authorised to disband any gathering in contravention of this paragraph.

(6) A person commits an offence if contrary to the provisions of this paragraph, him or her –

- (a) owns premises where a party, fete or other social gathering is held;
- (b) permits any person to host a party, fete or other social gathering at premises under his or her control;
- (c) organises any party, fete or other social gathering;
- (d) attends any party, fete or other social gathering,

and is liable on summary conviction to a fine of \$5,000.00 or to imprisonment for six (6) months or to both such fine and imprisonment.

- (i) by amending paragraph 11 (Permitted use of Beaches) at subparagraph (2) thereof, by deleting “7:00p.m.” and replacing this with “6:00p.m.”
- (j) by repealing paragraph 11A (Prohibition on excursions to off-shore islands used for recreational purposes) and replacing it as follows:

“11A. Prohibition on excursions to off-shore islands used for recreational purposes

(1) Subject to subparagraph (2), excursions by private individuals to any of the off-shore islands is prohibited.

(2) Excursions to the off-shore islands by commercial vessels are permitted provided social distancing protocols and the wearing of face masks is observed.”

- (k) by amending paragraph 12 (Physical exercise and sporting competitions) as follows:
 - (i) by repealing subparagraph (1) and replacing it with the following:

“(1) A person may, during the period 5:00am. to 6:00p.m each day, walk, jog, run, cycle or perform any other physical activity which may lawfully be carried out under these regulations, provided such a person complies with the requirements of subparagraph (2).”

(ii) by repealing subparagraph (4) and replacing it with the following:

“(4) Recreational football and basketball shall not be permitted.”

4. Conflict with previous amendments to principal Regulations

Where the provision of the following amendments to the Public Health Act (Dangerous Infectious Disease) Regulations 2020, Statutory Instrument No. 16 of 2020 as amended are inconsistent with the provisions of this statutory instrument, this statutory instrument shall prevail to the extent of the inconsistency:

- (a) Public Health Act (Dangerous Infectious Disease) (Amendment) Regulations 2021, Statutory Instrument No. 5 of 2021;
- (b) Public Health Act (Dangerous Infectious Disease) (Amendment) (No. 2) Regulations 2021, Statutory Instrument No. 6 of 2021
- (c) Public Health Act (Dangerous Infectious Disease) (Amendment) (No. 3) Regulations 2021, Statutory Instrument No. 7 of 2021

Made the 16th February, 2021.

Eustace Lake,
Chairman of the Central Board of Health.