

SAINT CHRISTOPHER AND NEVIS

STATUTORY RULES AND ORDERS

No. 37 of 2020

Emergency Powers (COVID-19) (No. 12) Regulations

In exercise of the power conferred by section 5 of the Emergency Powers Act, Cap. 19.02, the Governor-General, makes the following Regulations:

[Published 31st July 2020 – Extra-Ordinary Gazette No. 59 of 2020]

1. Citation and duration.

(1) These Regulations may be cited as the Emergency Powers (COVID-19) (No. 12) Regulations, 2020.

(2) These Regulations shall come into operation from 5:00 a.m. on Saturday 1st August, 2020, and shall expire at 4:59 a.m. on Saturday 8th August, 2020.

2. Interpretation.

In these Regulations

“day of limited operation” means a period of limited operation of businesses and enterprises which would be in place from 5:00 a.m. to 11:59 p.m., where movement shall be exercised in accordance with regulation 7, regulation 16 and as specified in Schedule I;

“night curfew” means a period of curfew with a duration from 12:00 midnight of one day until 4:59 a.m. of the following day.

3. Curfew Schedule.

The schedule for curfews during the emergency period to mitigate the spread of COVID-19 is set out in Schedule I, except as provided in these Regulations or as may be approved by the Commissioner of Police.

4. Work remotely from home.

(1) All businesses and offices may continue their business operations by allowing their employees to work remotely from home utilizing virtual means, unless those employees are permitted to work under regulation 6 or are designated as being essential workers under regulation 8.

(2) Senior persons, older persons or persons in the pre-retirement age range and persons with chronic underlying conditions should be given priority to work remotely from home.

(3) Subject to sub-regulation (1), where a business is able to continue its operations by its employees practicing social distancing and physical distancing in accordance with the provisions of regulation 7, it may operate.

5. Public Service, Statutory Bodies, State-owned Enterprises and Courts.

(1) All persons employed within the public service, a statutory body or a State-owned enterprise shall work remotely from home, except as may otherwise be directed by the Secretary to the Cabinet.

(2) Subject to the Eastern Caribbean Supreme Court Practice Direction, No. 5 of 2020 COVID-19 Emergency Measures (3rd Re-issue), the Courts shall remain accessible, shall adhere to physical distancing protocols and the persons employed therein shall work remotely from home as far as reasonably practicable.

(3) In this regulation, "Court" includes the Magistrates Courts and the Eastern Caribbean Supreme Court.

6. Closure of businesses and exceptions.

Subject to regulation 16, during a period of night curfew, all businesses and establishments shall remain closed except for the following businesses which may remain open for any period within the specified time

- (a) hospitals and medical facilities;
- (b) businesses licensed to provide security guard services;
- (c) such other businesses or undertakings as may be specifically exempted, in writing, by the Commissioner of Police

provided that the owner or operator of an establishment specified in paragraphs (a) to (c) shall adhere to social distancing and physical distancing protocols pursuant to regulation 7.

7. Social distancing and physical distancing protocols.

Any establishment, that is permitted to operate pursuant to the provisions of these Regulations, shall make the necessary arrangements to facilitate social distancing and physical distancing and shall

- (a) ensure that all customers and staff maintain physical distancing of at least six feet (6ft.) in or outside of their business, if in a line to enter the business;
- (b) determine the total number of persons that may be permitted in the establishment at any one time by permitting one person for every thirty square feet of store space;
- (c) place distance markers at least six feet apart, indicating where each customer must stand on a line at a check out point or other line;
- (d) place distance markers at least six feet apart on the outside of the establishment, indicating where customers must stand while waiting to enter the establishment.

8. Shelter in place.

(1) Subject to sub-regulation (2) and regulation 16, in an effort to prevent the spread of the novel coronavirus or COVID-19 during a period of night curfew, every person shall remain confined to their place of residence, inclusive of their yard space, to avoid contact outside of their family, except

- (a) essential workers, who are required to report to work;
- (b) workers required to work under regulation 6;
- (c) for essential travel for medical emergencies;

provided that such persons shall ensure at all times to distance themselves at least six feet from any other person.

(2) For the purposes of this regulation, an “essential worker” includes essential officers of

- (a) the Royal Saint Christopher and Nevis Police Force;
- (b) the Saint Christopher and Nevis Defence Force;
- (c) the Fire and Rescue Services Department;
- (d) National Emergency Management Agency and Nevis Disaster Management Department, the National Emergency Operating Centre, the Health Emergency Operating Centre and any other Disaster Management Services;
- (e) the prisons, correctional facilities, or other similar establishments;
- (f) any hospital, health care or medical facility;
- (g) the Customs Department;
- (h) the Immigration Department;
- (i) the Air and Sea Ports Authorities;
- (j) the essential media personnel of a Media House;
- (k) the office of the Director of Public Prosecution, the Attorney General’s Chambers, Members of Parliament, the Secretary to the Cabinet;
- (l) the emergency technical personnel of any water, electricity or other sector encompassing the provision of electronic communications including print and electronic media;
- (m) the Electoral Office, the Electoral Commission and related services;
- (n) the Government Printery.

(3) All essential workers shall at all times carry personal identification and official work identification where possible.

9. Education and religious instruction.

(1) All educational places of instruction shall remain closed.

(2) Sub-regulation (1) does not prohibit any activity referred to therein by electronic or virtual means.

(3) All religious places of instruction or worship may function on a day of limited operation, and

- (a) the following persons should be encouraged to connect to virtual church services from home or may attend a separate early morning service designated for that purpose

- (i) senior persons, persons in the pre-retirement age range or persons over 65 years old;
 - (ii) persons with underlying health conditions;
 - (iii) individuals with disabilities; and
 - (iv) those who might not be able to wear a mask for the duration of the service,
- (b) all services shall be in accordance with the provisions of these Regulations, in particular, regulation 7, regulation 15, regulation 17 and any other conditions or directives given by the COVID-19 Taskforce.

10. Restriction on social activities.

No person shall host, attend or visit

- (a) a private party;
- (b) a recreational or competitive sporting event or other types of public entertainment, subject to regulation 16(15);
- (c) a wedding, subject to regulation 16(7);
- (d) a banquet, ball or reception;
- (e) any other ceremony in any facility or public place, subject to regulation 16;
- (f) a funeral, subject to regulation 16(6);
- (g) a meeting of a fraternal society, private or social club or civic association or organization;
- (h) any public beach, subject to regulation 16(11); or
- (i) any other type of social event.

11. Restriction on international travel.

(1) For the purposes of preventing, controlling and suppressing the spread of the novel coronavirus or COVID-19, with immediate effect

- (a) except with the prior written permission of the Air Ports Authorities, all airports including private airports and fixed-base operations shall be closed to incoming international flights;
- (b) all sea ports shall be closed to regional and international seafaring and private boating; and
- (c) a visitor shall not be permitted to enter and disembark for any reason, including transiting through Saint Christopher and Nevis.

(2) The restriction contained in sub-regulation (1) does not apply to

- (a) outgoing flights or outgoing ships, as the case may be;
- (b) cargo flights or cargo ships, as the case may be;
- (c) commercial courier flights;
- (d) emergency medical flights;

- (e) emergency flights approved by the Air Ports Authorities;
- (f) flights carrying any diplomat.

(3) Notwithstanding sub-regulation (2), no crew member will be allowed or granted shore leave, unless for the purposes of operational difficulties and upon receiving permission from the Airports Authorities or the Ports Authorities.

12. Restriction on domestic travel.

- (1) Subject to regulation 16, during a period of night curfew, no person shall
 - (a) offer for hire or seek to travel on any interisland private commercial sea transport;
 - (b) drive a vehicle on any public or private road for a purpose other than those purposes stated in regulation 5, 6 or 8;
 - (c) offer for hire or seek to travel on any motor omnibus, any motor vehicle for hire or reward, taxi or any passenger ferry.

(2) The Saint Christopher and Nevis Police Force and the Saint Christopher and Nevis Defence Force shall have powers to stop any vehicle and inquire as to the purposes for which that vehicle is being utilized, and may arrest anyone found in violation of this regulation.

- (3) For the purposes of this regulation,
 - “vehicle” includes a motor vehicle or motorbike;
 - “motor omnibus”, “motor vehicle for hire or reward” and “taxi” have the meanings assigned under the Vehicles and Road Traffic Act, Chapter 15.06.

13. Restriction on visitation.

No person shall visit or be permitted to visit

- (a) any place of quarantine or isolation station;
- (b) a patient in a hospital or residential care establishment or facility, including an elderly nursing home.

14. Hygiene protocols.

The hygiene protocols that must be followed by businesses and enterprises are set out under Schedule II.

15. Wearing masks outdoors.

Notwithstanding the provisions of the Small Charges Act, Cap. 4.36, a person shall wear a face mask, covering their nose and mouth, when in a public place, once a period of emergency is declared in relation to COVID-19.

16. Exceptions for days of limited operation.

(1) The provisions of these Regulations shall apply during a day of limited operation and shall be subject to the provisions of regulation 7 for social distancing and physical distancing.

(2) Notwithstanding sub-regulation (1), during a day of limited operation, persons who can work remotely from home pursuant to regulation 4 shall do so to combat the spread of COVID-19 and to limit the loss of lives in Saint Christopher and Nevis.

(3) Subject to sub-regulation (1), where it is not possible for a business to function in accordance with the provisions of regulation 7, relating to social distancing and physical distancing, that business shall cease to operate for the duration of these Regulations.

(4) During a day of limited operation a business or enterprise that is able to operate may do so provided that the owner or operator of the business or enterprise shall adhere to social distancing and physical distancing protocols pursuant to regulation 7.

(5) Notwithstanding regulation 10, persons may attend virtual meetings and no person shall physically host, attend or visit

- (a) a private party;
- (b) a recreational or competitive sporting event or other types of public entertainment, subject to regulation 16(15);
- (c) a banquet, ball or reception;
- (d) any other ceremony in any facility or public place;
- (e) a meeting of a fraternal society, private or social club or civic association or organization; or
- (f) any other type of social event.

(6) Notwithstanding regulation 10, during a day of limited operation a person may attend a funeral except

- (a) the funeral shall have a maximum duration not exceeding one hour;
- (b) the seating arrangements shall allow for a minimum of six feet between persons and distance markers must indicate where each person may sit;
- (c) the total number of persons that may be permitted to attend inside of the building is one person for every thirty square feet; and
- (d) all persons shall adhere to social distancing and physical distancing protocols pursuant to regulation 7.

(7) Notwithstanding regulation 10, during a day of limited operation, a person may attend a wedding except

- (a) the wedding shall have a maximum duration not exceeding one hour;
- (b) the seating arrangements shall allow for a minimum of six feet between persons and distance markers must indicate where each person may sit;
- (c) the total number of persons that may be permitted to attend inside of the building is one person for every thirty square feet; and
- (d) all persons, except the bride and groom, shall adhere to social distancing and physical distancing protocols pursuant to regulation 7.

(8) Notwithstanding regulation 12, during a day of limited operation no person shall offer for hire or seek to travel on any motor omnibus, any hiring car or taxi or any passenger ferry or catamaran unless,

- (a) all persons wear a mask at all times, pursuant to regulation 15;
- (b) windows remain open or partially open depending on the weather conditions;
- (c) all persons shall practice good hand hygiene, proper sanitary behaviour and social distancing protocols, in accordance with regulation 7, 14 and Schedule II.

(9) During a day of limited operation, works of construction, farmers and fishers may operate and shall adhere to social distancing and physical distancing protocols pursuant to regulation 7.

(10) During a day of limited operation, all businesses and enterprises shall operate in such a manner as to ensure that opening and closing hours allow sufficient time for all personnel to adhere to the hours set for night curfew.

(11) Notwithstanding regulation 10, during a day of limited operation, a person may visit a public beach

- (a) for the purposes of swimming or exercise;
- (b) where no more than eight members of the immediate family should be in close proximity to each other;
- (c) where there shall be no picnics, beach parties or other gatherings; and
- (d) where all persons shall adhere to social distancing and physical distancing protocols pursuant to regulation 7.

(12) During a day of limited operation, seniors, disabled persons and essential workers with identification shall be granted priority to enter any business or enterprise.

(13) During a day of limited operation, restaurants and take away food vendors may be opened up to 10:00 p.m. and may

- (a) operate for the purposes of food delivery or food take away services;
- (b) offer in-dining and
 - (i) all persons shall adhere to social distancing and physical distancing protocols pursuant to regulation 7;
 - (ii) all persons shall adhere to the hygiene protocols pursuant to regulation 14 and Schedule II;
 - (iii) no more than eight members of the same household should be in close proximity to each other;
 - (iv) no more than two persons, who are not from the same household, shall be grouped together or share a table;
 - (v) spacing between tables shall allow for a minimum of six feet between persons;
 - (vi) all persons including restaurant staff shall wear a face mask, covering their nose and mouth in accordance with regulation 15, except when eating or drinking.

(14) During a day of limited operation, bars may be opened for the sale of liquor in accordance with the provisions of the Liquor Licences Act, Cap. 18.21 and

- (a) all persons shall adhere to social distancing and physical distancing protocols pursuant to regulation 7;
- (b) all persons shall adhere to the hygiene protocols pursuant to regulation 14 and Schedule II;
- (c) no more than eight members of the same household should be in close proximity to each other;
- (d) no more than two persons, who are not from the same household, shall be grouped together or share a table;
- (e) spacing between tables, at the bar or other seating arrangement shall allow for a minimum of six feet between persons;
- (f) all persons shall wear a face mask, covering their nose and mouth in accordance with regulation 15, except when eating or drinking.

(15) Notwithstanding regulation 10, during a day of limited operation, a person may attend sports training or practice sessions for amateur or other recreational sporting events and

- (a) all persons shall adhere to social distancing and physical distancing protocol, as far as is reasonably practicable;
- (b) all persons shall wear a face mask, covering their nose and mouth in accordance with regulation 15, except during the training or practice exercise;
- (c) all persons shall adhere to the hygiene protocols pursuant to regulation 14 and Schedule II;
- (d) all training or practice sessions shall be in accordance with any other conditions or directives given by the COVID-19 Taskforce or the Ministry of Sports.

17. Exceptions for fishers during night curfew.

During a period of night curfew, snapper fishers and longliners may operate and shall adhere to social distancing and physical distancing protocols pursuant to regulation 7, as far as is reasonably practicable.

18. Power of COVID-19 Taskforce.

The COVID-19 Taskforce may

- (a) inspect or visit any business or enterprise to ensure compliance with the provisions of these Regulations;
- (b) be consulted to assist businesses and enterprises to comply with the provisions of these Regulations.

19. Penalty.

A person who contravenes or fails to comply with these Regulations shall be liable on summary conviction to a fine not exceeding five thousand dollars or a term of imprisonment not exceeding 6 months or to both and to forfeiture of any goods or money in respect of which the offence has been committed.

SCHEDULE I
Curfew Schedule

(regulation 3)

Date	Type of Curfew	Period when movement allowed
5:00 a.m. to 11:59 p.m. of each day from Saturday 1 st August, 2020 to Friday 7 th August, 2020	Each day is a limited day of operation	5:00 a.m. to 11:59 p.m.
12:00 midnight of one day to 4:59 a.m. of the following day from Saturday 1 st August, 2020 to Saturday 8 th August, 2020	Night curfew	

SCHEDULE II
Hand Washing and Sanitizing Protocol for Good Hygiene

(regulation 14)

The following are the recommended guidelines for hand washing and hand sanitizing to prevent the spread of the Covid-19 Coronavirus:

1. Wash your hands often with soap and water for at least 20 seconds especially after you have been in a public place, or after blowing your nose, coughing, or sneezing. Be sure to scrub the backs of the hands, in between the fingers and under the nails. Wash your hands before putting on and after removing your mask.
2. If soap and water are not readily available, use a hand sanitizer that contains at least 60% alcohol. Cover all surfaces of your hands including the back of the hands and in between the fingers and rub them together until they feel dry.
3. Avoid touching your eyes, nose, and mouth with unwashed hands.
4. A motor omnibus, hiring car or taxi or any passenger ferry must sanitize all door knobs and hand rests after each trip.

Made this 31st day of July, 2020.

SIR S. W. TAPLEY SEATON
GCMG, CVO, QC, JP, LL.D
Governor-General