

SAINT CHRISTOPHER AND NEVIS

STATUTORY RULES AND ORDERS

No. 31 of 2021

Emergency Powers (COVID-19) (No. 5) Regulations, 2021

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

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Part I
Preliminary

1. Citation and duration.

(1) These Regulations may be cited as the Emergency Powers (COVID-19) (No. 5) Regulations, 2021.

(2) These Regulations shall come into force from 5:01 a.m. on Monday 26th July, 2021 and shall expire at 5:00 a.m. on Monday 9th August, 2021.

2. Interpretation.

In these Regulations,

“Court” includes the Magistrates’ Courts and the Eastern Caribbean Supreme Court;

“COVID-19 (Prevention and Control) Act” means the COVID-19 (Prevention and Control) Act, No. 16 of 2020;

“COVID-19” means the COVID-19 novel coronavirus (2019-n CoV);

“night curfew” means a period of curfew with a duration from 11:01 p.m. of one day until 5:00 a.m. of the following day.

Part II

Emergency Measures for the Federation of Saint Christopher and Nevis

3. Night Curfew.

(1) A period of night curfew is imposed every day from 11:01 p.m. of each day until 5:00 a.m. of the following day, commencing at 11:01 p.m. on Monday 26th July, 2021 and ending at 5:00 a.m. on Monday 9th August, 2021.

(2) Subject to sub-regulations (3), (4) and (5), 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 his or her place of residence, inclusive of his or her yard space, to avoid contact outside of the family, except

- (a) essential workers, who are required to report to work under sub-regulation (4);
or
- (b) 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.

(3) Notwithstanding sub-regulation (2), a person, other than an essential worker, who is required to move from his or her home during the period of night curfew, shall first obtain the approval of the Commissioner of Police to do so.

(4) For the purposes of these Regulations, 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 Prosecutions, 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 Government Printery;
- (n) approved hotels or approved quarantine facilities;
- (o) approved COVID-19 taxi operators; and
- (p) approved COVID-19 ferry operators.

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

(6) 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.

4. Resumption of Work.

(1) Subject to sub-regulations (2) and (3) and regulations 6 and 13, all businesses and offices may resume their business operations.

(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 unable to resume its operations by its employees practicing social distancing and physical distancing in accordance with the provisions of regulation 6, it shall allow its employees to work remotely from home utilizing virtual means.

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

Subject to regulations 6 and 13, all persons employed within the public service, the Courts, a statutory body, or a State-owned enterprise shall resume work.

6. 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 (6 ft.) 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.

7. Education and religious instruction.

(1) All educational places of instruction including pre-schools, nurseries, day care centres or other early childhood education facilities, may apply to and operate in accordance with the directives of the Ministry of Education, subject to the provisions of regulations 6 and 13 and where applicable shall apply to the Early Childhood Development Unit.

(2) All religious places of instruction or worship may reopen in accordance with the provisions of regulations 6 and 13 and any other conditions or directives given by the National COVID-19 Taskforce and 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

- (a) senior persons, persons in the pre-retirement age range or persons over 65 years old;
- (b) persons with underlying health conditions;
- (c) individuals with disabilities; and
- (d) those who might not be able to wear a mask for the duration of the service.

(3) Sub-regulations (1) and (2) do not prohibit any activity referred to therein by electronic or virtual means.

8. No Mass Gathering.

Notwithstanding the provisions of the COVID-19 (Prevention and Control) Act, there shall be no mass events for the duration of these Regulations.

9. Limited Social Activities.

No person shall host, attend or visit

- (a) a private party;
- (b) a recreational or sporting event or other types of public entertainment, subject to regulation 15;
- (c) a wedding, subject to regulation 10 (1);
- (d) a banquet, ball or reception;
- (e) any other ceremony in any facility or public place;
- (f) a funeral, subject to regulation 10 (2);
- (g) a meeting of a fraternal society, private or social club or civic association or organization;
- (h) any public beach, subject to regulation 10 (3);
- (i) any bars or rum shops, subject to regulation 10(5); or
- (j) any other type of social event;

except with the written permission of the Commissioner of Police, the provisions of the Mass Events Protocol and compliance with the provisions of regulations 6 and 13.

10. Exceptions.

(1) Notwithstanding regulation 9, a person may attend a wedding and all persons, except the bride and groom, shall adhere to safety protocols and social distancing and physical distancing protocols pursuant to regulations 6 and 13.

(2) Notwithstanding regulation 9, a person may attend a funeral and all persons shall adhere to safety protocols and social distancing and physical distancing protocols pursuant to regulations 6 and 13.

- (3) Notwithstanding regulation 9, a person may visit a public beach
 - (a) for the purposes of swimming or exercise;

- (b) where there shall be no picnics, beach parties or other gatherings; and
 - (c) where all persons shall adhere to safety protocols and social distancing and physical distancing protocols pursuant to regulations 6 and 13.
- (4) Restaurants and takeaway food vendors may operate
- (a) for the purposes of food delivery or food take away services;
 - (b) for in-dining and
 - (i) all persons shall adhere to the social distancing and physical distancing protocols pursuant to regulation 6;
 - (ii) all persons shall adhere to the hygiene protocol pursuant to regulation 13;
 - (iii) spacing between tables shall allow for a minimum of six feet;
 - (iv) all persons including restaurant staff shall wear a face mask, covering their nose and mouth in accordance with regulation 13, except when eating or drinking.
- (5) A bar 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 the social distancing and physical distancing protocols pursuant to regulation 6;
 - (b) all persons shall adhere to the hygiene protocol pursuant to regulation 13;
 - (c) spacing between tables shall allow for a minimum of six feet between persons;
 - (d) all persons including staff shall wear a face mask, covering their nose and mouth in accordance with regulation 13, except when eating or drinking.
- (6) Salons and barbers' shops may be opened and no more than two persons shall be allowed to remain in the waiting area and
- (a) all persons shall adhere to the social distancing and physical distancing protocols pursuant to regulation 6;
 - (b) all persons shall adhere to the hygiene protocol pursuant to regulation 13 except if their treatment requires the removal of a face mask.
- (7) All street vendors shall operate within the confines of the public market and
- (a) an accurate record of all persons visiting the market shall be kept, including their names, addresses and telephone numbers;
 - (b) all persons shall adhere to social distancing and physical distancing protocols pursuant to regulation 6; and
 - (c) all persons shall adhere to the hygiene protocols pursuant to regulation 13.

11. Restriction on domestic travel.

- (1) No person shall offer for hire or seek to travel on any motor omnibus, any hiring car or taxi or any passenger ferry unless,

- (a) there is not more than seventy five percent of the full passenger capacity aboard any hiring car or taxi or any passenger ferry and no more than ten passengers aboard any motor omnibus;
- (b) all persons wear a mask at all times, pursuant to regulation 13;
- (c) windows remain open or partially open depending on the weather conditions;
- (d) all persons shall practice good hand hygiene, proper sanitary behaviour and social distancing protocols.

(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.

12. 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;
- (c) a detainee in prison.

13. Safety Protocols.

(1) All persons shall be required to comply with sections 6 and 7 of the COVID-19 (Prevention and Control) Act, social distancing, physical distancing and hygiene protocols.

(2) A person shall wear a face mask covering his or her nose and mouth when indoors or outdoors in a public place.

14. Restriction on Regional and International Travellers.

(1) Subject to the applicable Travel Protocols established pursuant to the COVID-19 (Prevention and Control) Act, all travellers shall be required to submit official proof of a negative RT-PCR test taken 72 hours prior to entry into Saint Christopher and Nevis.

(2) Subject to the applicable Travel Protocols established pursuant to the COVID-19 (Prevention and Control) Act, all travellers shall be required to submit official proof of their vaccination status against the COVID-19 virus, prior to entry into Saint Christopher and Nevis.

(3) Pursuant to sub-regulation (2), a non-resident traveller shall be required to produce proof of full vaccination upon arrival in order to enter Saint Christopher and Nevis.

(4) All citizens and residents of Saint Christopher and Nevis shall be permitted entry irrespective of their vaccination status.

(5) Notwithstanding the provisions of the COVID-19 (Prevention and Control) Act, all arriving travellers who are fully vaccinated against the COVID-19 virus

- (a) shall remain in a government quarantine facility for a period of three days and be tested for the COVID-19 virus on day 4; or
- (b) may remain in quarantine at a private residence certified by the National COVID-19 Taskforce, with the written permission of the Chief Medical Officer in consultation with the Commissioner of Police and shall pay for private security services for the duration of that quarantine period; and
- (c) shall only be released from quarantine upon receiving a negative PCR test.

(6) All persons who are not fully vaccinated shall remain in quarantine for at least 14 days in a government quarantine facility and shall only be released in accordance with the provisions of the COVID-19 (Prevention and Control) Act except children under 18 who are travelling with their fully vaccinated parents and who will be subject to the same quarantine time as their parents.

15. Sports and training.

(1) Notwithstanding the provisions of the COVID-19 (Prevention and Control Act), a person may attend sports training or practice sessions for amateur or other recreational sporting events and, in accordance with regulation 13,

- (a) all persons shall adhere to the 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, except during the training or practice exercise;
- (c) all persons shall adhere to the hygiene protocols;
- (d) all training or practice sessions shall be in accordance with any other conditions or directives given by the National COVID-19 Taskforce and the Ministry of Sports.

(2) Subject to sub-regulation (3), management of teams or clubs within each sport discipline may apply to the Ministry of Sports in the form set out in Part II of Schedule III of the COVID-19 (Prevention and Control) Act, for permission to host inter-team or inter-club competitive matches.

(3) Notwithstanding the provisions of the COVID-19 (Prevention and Control) Act, a fully vaccinated person may attend amateur, competitive or other recreational sporting events and

- (a) all spectators shall be required to produce proof of full vaccination, by presenting the COVID-19 vaccination record card or other valid proof of vaccination authorized by the Ministry of Health, before entry into the sporting event;

- (b) the manager of the event shall ensure that a maximum capacity of fifty per cent is maintained inside the building or stadium;
- (c) the manager of the event shall ensure that an accurate record of all persons in attendance at the event is kept, including their names, addresses, telephone numbers and patient number on the COVID-19 vaccination record card;
- (d) the seating arrangements shall allow for a minimum of six feet between persons and distance markers shall indicate where each person may sit;
- (e) all persons shall adhere to social distancing and physical distancing protocols pursuant to regulation 6; and

all persons shall adhere to the hygiene protocols pursuant to regulation 13.

(4) Notwithstanding sub-regulation 3, the officials and players approved by the Chief Medical Officer in consultation with

- (a) the Commissioner of Police; and
- (b) the Ministry of Sports

may attend amateur, competitive or other sporting events.

16. **Penalty.**

Subject to the provisions of section 22 of the COVID-19 (Prevention and Control) Act, 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.

Made this 22nd day of July, 2021.

SIR S. W. TAPLEY SEATON
GCMG, CVO, QC, JP, LLD
Govenor-General