

SAINT CHRISTOPHER AND NEVIS

STATUTORY RULES AND ORDERS

No. 14 of 2020

Emergency Powers (COVID-19) (No. 5) 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:

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1. Citation and duration.

(1) These Regulations may be cited as the Emergency Powers (COVID-19) (No. 5) Regulations, 2020.

(2) These Regulations shall come into operation from 6:00 a.m. on Saturday 18th April, 2020, and shall expire at 6:00 a.m. on Saturday 25th April, 2020.

2. Interpretation.

In these Regulations

“day of limited operation” means a period of limited operation of businesses and enterprises

(a) which would be in place for the time period specified in Schedule I; and

(b) where movement shall be exercised in accordance with regulations 7 and 17;

“night curfew” means a period of curfew with a duration from 7:01 p.m. of one day until 5:59 a.m. of the following day;

“twenty-four hour curfew” means a period of curfew with a duration of twenty-four hours in accordance with the provisions of these Regulations.

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.

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

6. Closure of businesses and exceptions.

(1) Subject to regulation 16, 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.

- (2) Subject to regulation 16, all works of construction shall cease except
- (a) where it is necessary for the purposes of health, safety and security under these Regulations;
 - (b) for urgent plumbing, electrical, roof repairs or other emergency repairs for a home or business.

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 sub-regulation 16, in an effort to prevent the spread of the novel coronavirus or COVID-19, 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 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.

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

9. Education and religious instruction.

(1) All religious and educational places of instruction or worship shall remain closed.

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

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;

(c) a wedding, subject to regulation 16(7);

(d) a banquet, ball or reception;

(e) any other ceremony in any facility or public place;

(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;

(i) any bars or rum shops; or

(j) 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) flight 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, no person shall

- (a) offer for hire or seek to travel on any inter island 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;
- (c) a detainee in prison.

14. Suspension of all retail liquor licences.

Notwithstanding the provisions of the Liquor Licences Act, Cap. 18.21, all retail liquor licences are suspended once a period of emergency is declared in relation to COVID-19.

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;
- (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;
- (f) any public beach;
- (g) any bars or rum shops; or
- (h) any other type of social event.

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

- (a) no more than ten members of the immediate family should be in attendance;
- (b) no more than one officiant should be in attendance;
- (c) only essential mortuary personnel should be in attendance;
- (d) the funeral shall have a maximum duration not exceeding one hour; and
- (e) 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) no more than ten persons should be in attendance;
- (b) no more than one officiant should be in attendance;
- (c) only essential camera technicians should be in attendance;
- (d) only the two essential witnesses should be in attendance;
- (e) the wedding shall have a maximum duration not exceeding one half hour; and
- (f) 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 unless,

- (a) there is not more than two passengers per row of seating;
- (b) all persons wear a mask at all times, pursuant to regulation 15;
- (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.

(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.

17. Hygiene protocols.

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

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 |
|--|--------------------------|-------------------------------------|
| Saturday 18 th April, 2020 from 6:00 a.m. to Sunday 19 th April, 2020 5:59 a.m. | Twenty-four hour curfew | |
| Sunday 19 th April, 2020 from 6:00 a.m. to Monday 20 th April, 2020 5:59 a.m. | Twenty-four hour curfew | |
| Monday 20 th April, 2020 | Limited day of operation | 6:00 a.m. to 7:00 p.m. |
| Monday 20 th April, 2020 from 7:01 p.m. to Tuesday 21 st April, 2020 5:59 a.m. | Night curfew | |
| Tuesday 21 st April, 2020 | Limited day of operation | 6:00 a.m. to 7:00 p.m. |
| Tuesday 21 st April, 2020 from 7:01 p.m. to Wednesday 22 nd April, 2020 5:59 a.m. | Night curfew | |
| Wednesday 22 nd April, 2020 from 6:00 a.m. to Thursday 23 rd April, 2020 5:59 a.m. | Twenty-four hour curfew | |
| Thursday 23 rd April, 2020 | Limited day of operation | 6:00 a.m. to 7:00 p.m. |

| | | |
|---|--------------------------|------------------------|
| Thursday 23 rd April, 2020 from 7:01 p.m. to Friday 24 th April, 2020 5:59 a.m. | Night curfew | |
| Friday 24 th April, 2020 | Limited day of operation | 6:00 a.m. to 7:00 p.m. |
| Friday 24 th April, 2020 from 7:01 p.m. to Saturday 25 th April, 2020 5:59 a.m. | Night curfew | |

SCHEDULE II
Hand Washing and Sanitizing Protocol for Good Hygiene
(regulation 17)

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 17th day of April, 2020.

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