



BERMUDA

PUBLIC HEALTH (COVID-19 EMERGENCY POWERS) (STAY AT HOME)
REGULATIONS 2021

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SCHEDULE 3
Permitted Business Restrictions

WHEREAS the World Health Organization has declared COVID-19 to be a global pandemic;

AND WHEREAS COVID-19, which is a communicable disease of the first category under the Public Health Act 1949, continues to be an unprecedented and severe threat to public health in Bermuda;

AND WHEREAS the Minister responsible for health has issued the Public Health (COVID-19) Emergency Order 2021 under section 107A of the Public Health Act 1949;

AND WHEREAS it is necessary in the interests of public health to take extraordinary measures to prevent, control and suppress COVID-19;

NOW THEREFORE Her Excellency the Governor, on the advice of the Minister responsible for health, and in exercise of the power conferred by section 107B of the Public Health Act 1949, makes the following Regulations:

Citation

1 These Regulations may be cited as the Public Health (COVID-19 Emergency Powers) (Stay at Home) Regulations 2021.

Interpretation

2 In these Regulations—

“appropriate physical distancing” means maintaining a distance between all persons who are not members of the same household of at least—

- (a) six feet; or
- (b) three feet, provided each person is wearing a mask which completely covers their nose and mouth,

and following any relevant guidance;

“commencement” means the date and time of commencement of these Regulations;

“curfew” means the curfew imposed by regulation 3(1);

“enforcement officer” means—

- (a) a police officer;
- (b) a member of the Royal Bermuda Regiment; or
- (c) a customs officer;

“guidance” means guidance issued by the Minister of Health on precautions to be taken and procedures to be followed for the prevention, control or suppression of COVID-19, and published on the website www.gov.bm/coronavirus;

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“home”, in relation to a person, means the place in Bermuda where he is living—

- (a) on commencement; or
- (b) if he arrives in Bermuda at a later date, on that date,

and includes any driveway, garden or yard forming part of that place;

“members of the same household” means persons (whether or not family members) who are living in the same home;

“permitted business” means any of the following—

- (a) retail grocery store;
- (b) pharmacy;
- (c) bank;
- (d) gas station;
- (e) office of a registered health professional, clinic, hospital or other health facility (including a veterinary surgery).

Curfew

3 (1) Except as permitted by these Regulations, no person shall be away from his home at any time of the day or night from 5am on 13 April 2021 until these Regulations cease to have effect.

(2) A person may leave his home during the curfew for the following purposes only, and provided appropriate physical distancing is maintained at all times—

- (a) essential visits to a permitted business, during the hours of 7am to 7pm only;
- (b) essential medical appointments, during the hours of 7am to 7pm only (except for an emergency situation or scheduled appointment outside that period);
- (c) for a walk or run, alone or with one other member of the same household, for a maximum period of sixty minutes per day during the hours of 7am to 7pm only, remaining at all times within a distance of one kilometre from his home;
- (d) to assist elderly or vulnerable relatives or neighbours, during the hours of 7am to 7pm only (except for an emergency situation);
- (e) to attend an appointment at a COVID-19 testing centre or vaccination centre;
- (f) to embark a flight leaving Bermuda.

(3) Parents of a minor child who do not live together may also leave home during the curfew, between the hours of 7am and 7pm only, to take the child to stay for one or

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more nights at the home of the other parent to give effect to an agreement between the parents.

(4) In paragraph (3), “parent” includes a step-parent, a person who has parental responsibility for a child and a person who has care of a child.

(5) Persons listed in Schedules 1 and 2 are exempt from the curfew, but only when on official business, working or travelling to and from work, and all such persons shall carry identification at all times and show to an enforcement officer on request.

Obligation to maintain appropriate physical distancing

4 All persons shall take all reasonable steps to maintain appropriate physical distancing (including following any relevant guidance) at all times in any public or private place.

Mandatory closures

5 The following shall remain closed at all times during the curfew—

- (a) bars and clubs;
- (b) beauty salons, spas and barbers;
- (c) indoor places of public entertainment including bowling alleys, cinemas, museums, concert halls, church halls, auditoriums and theatres;
- (d) golf courses;
- (e) gyms and other sports clubs;
- (f) restaurants (including take-away and delivery service), except in so far as providing food service in support of a charitable feeding programme;
- (g) retail stores, except permitted businesses.

Hotels etc

6 The owner or operator of a hotel, guest house or vacation rental property shall ensure compliance with the following conditions—

- (a) access to the amenities and services of the hotel, guest house or vacation rental property is available to its guests only;
- (b) indoor bars shall be closed;
- (c) indoor dining is permitted provided that no more than six persons are seated at any one table and tables are at least six feet apart;
- (d) only table service is permitted,

and shall comply with any relevant guidance.

Schools and day care

7 The following shall remain closed during the curfew—

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- (a) Bermuda College (except any vaccination centre or testing centre at Bermuda College);
- (b) schools (private and public), provided that teachers, IT and other support staff may attend a school to facilitate remote learning, and a school may open if approved by the Minister of Health for the supervision of children of essential services workers;
- (c) nurseries and day care facilities, other than a facility approved by the Minister of Health for the care of children of essential services workers.

Religious establishments

8 (1) Churches and all other religious establishments shall remain closed during the curfew.

(2) Members of the clergy shall be permitted to enter a church or other religious establishment during the hours of 7am to 7pm, provided appropriate physical distancing is maintained—

- (a) for private prayer (maximum of five persons); and
- (b) in order to broadcast a service via electronic means (maximum of ten persons in total to conduct the service and facilitate the broadcast).

(3) Graveside funerals are permitted with a maximum of ten mourners, plus the officiant and funeral home staff, provided appropriate physical distancing is maintained at all times.

Remote working mandated

9 (1) An employer is permitted to continue his business during the curfew by arranging for his employees to work remotely from home using electronic means or otherwise.

(2) Except as provided by paragraph (1), an employer shall cease operations for the duration of these Regulations.

(3) This regulation does not apply to a permitted business, and is subject to the exceptions set out in Schedules 1 and 2.

Public officers

10 (1) Public officers shall work remotely from home where reasonably practicable, subject to the direction of the Head of the Public Service.

(2) This regulation is subject to the exceptions set out in Schedules 1 and 2.

Permitted businesses

11 (1) During the curfew, a permitted business may open between the hours of 7am to 7pm only (except for a hospital or other health facility).

(2) A permitted business which is a retail grocery store or pharmacy may make deliveries to customers between the hours of 7am to 7pm, subject to any relevant guidance.

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(3) The owner or operator of a permitted business shall take all reasonable steps to ensure that all staff and customers maintain appropriate physical distancing (at the premises and during any deliveries), and shall comply with any relevant guidance.

(4) If a retail grocery store, pharmacy or gas station is not in compliance with this regulation, the Minister of Health may order the manager or other person in charge to close it, and such manager or person shall forthwith comply with that order, and shall continue to comply until otherwise directed by the Minister.

(5) Any person who is aggrieved by an order under this regulation may appeal to a court of summary jurisdiction in accordance with section 190 of the Public Health Act 1949.

(6) Permitted businesses shall be subject to the restrictions set out in Schedule 3.

Utilities, telecommunications etc

12 During the curfew, persons providing the following services are permitted to respond to emergency calls for supply, restoration of service or repairs, provided appropriate physical distancing is maintained at all times—

- (a) utility supply (electricity and domestic gas);
- (b) water truckers;
- (c) telecommunications, computer repair and internet service providers;
- (d) plumbing and electrical repairs.

Restriction on visitation

13 During the curfew—

- (a) no person shall visit any other person's home or allow any person to visit his home, except as provided by regulation 3(2)(d);
- (b) no person shall visit any place of quarantine or isolation;
- (c) no person shall visit a patient in a hospital, except with permission from the hospital;
- (d) no person shall visit a person in a residential care establishment or facility,
- (e) no person shall visit a detainee in a correctional facility,

save for a member of the clergy and immediate family members in the event of an imminent expectation of the end of life.

Closure of beaches, parks and playgrounds

14 No person shall access any public beach, park (including the Railway Trail) or playground during the curfew.

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Restriction on road traffic

15 No person shall drive or ride a vehicle of any description (including a bicycle), on any public or private road during the curfew, except for a purpose permitted by these Regulations.

Restriction on boating activity

16 (1) No person shall operate a boat or jetski for any recreational purpose during the curfew, except for an emergency situation.

(2) Where a person's home consists of a boat, the person shall keep the boat at its mooring from commencement until these Regulations cease to have effect, except for an emergency situation.

Enforcement powers

17 (1) An enforcement officer may stop any person and require the person to answer any questions to enable the enforcement officer to ascertain the person's identity and whether the person is in compliance with these Regulations, and where the person does not satisfy the enforcement officer that the person is exempt or otherwise in compliance with these Regulations, the enforcement officer may—

- (a) direct the person to return immediately to his home; or
- (b) detain and convey the person to his home.

(2) Where the person does not satisfy the enforcement officer that the person is exempt or otherwise in compliance with these Regulations, the enforcement officer may at any time, take such action as may be necessary to enforce these Regulations.

(3) For the purposes of exercising the power in paragraphs (1) and (2), an enforcement officer may enter any place other than a private residence.

(4) An enforcement officer may use reasonable force, if necessary, in the exercise of a power under these Regulations.

(5) No person shall resist, wilfully obstruct, or assault, an enforcement officer who is acting in the execution of his duty under these Regulations.

Offences

18 (1) A person who fails to comply with any of these Regulations (other than regulation 4) commits an offence and is liable in accordance with section 171 of the Public Health Act 1949, to the following—

- (a) a fine of \$6,000, in respect of a first offence;
- (b) for a second or subsequent offence, a fine of \$10,000 or imprisonment for a term not exceeding three months, or both such fine and imprisonment;
- (c) in addition, in the case of a continuing offence, a fine of \$1,000 in respect of each day during which the offence is continued.

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(2) A person who fails to take all reasonable steps, as required by regulation 4, to maintain appropriate physical distancing by not wearing a mask when one is required commits an offence and is liable on summary conviction to—

- (a) a fine of \$500, in respect of a first offence;
- (b) a fine of \$1,000, for a second or subsequent offence.

(3) Where an enforcement officer has reasonable grounds for suspecting that an offence contrary to paragraph (1) is being or has been committed, he may arrest without warrant anyone whom he has reasonable grounds for suspecting is committing or has committed that offence.

Section 107B(4) of the Public Health Act 1949

19 Section 107B(4) of the Public Health Act 1949 provides that any provision of law which is inconsistent with these Regulations, to the extent of such inconsistency, shall be of no effect while these Regulations remain in force.

Revocation of Public Health (COVID-19 Emergency Powers) Regulations 2021

20 (1) The Public Health (COVID-19 Emergency Powers) Regulations 2021 are revoked.

(2) For the avoidance of doubt, paragraph (1) shall not affect the prosecution of a person for an offence under the revoked Regulations which was committed before the commencement of these Regulations.

Savings for guidance

21 Guidance issued and published, or deemed to be issued and published, under the Public Health (COVID-19 Emergency Powers) Regulations 2021 shall be deemed to be duly issued and published under the corresponding provisions of these Regulations.

Commencement and duration

22 (1) These Regulations shall come into effect at 5am on 13 April 2021.

(2) These Regulations shall cease to have effect at 5am on 20 April 2021, unless before that time they are extended.

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SCHEDULE 1

PERSONS EXEMPT FROM CURFEW

Members of the Legislature, etc

- 1 (1) All members of the House of Assembly and Senate.
(2) The staff of the Premier, Ministers and the Opposition Leader.
(3) Staff of the Legislature required when the Legislature is sitting.

Deputy Governor and Consuls

- 2 (1) The Deputy Governor and staff of Government House.
(2) The US Consul General and staff.
(3) Honorary Consuls.

Judiciary etc

- 3 Judges of the Supreme Court, magistrates, and court associates and lawyers required for any court proceedings.

Public service executive

- 4 The Cabinet Secretary, the Head of the Public Service, the Financial Secretary and Permanent Secretaries.

Uniformed services

- 5 Members of the Royal Bermuda Regiment, the Bermuda Police Service (including the Reserve Police and Special Constables), the Bermuda Fire and Rescue Service, and the Department of Corrections.

Health and BHB staff

- 6 Any registered health professional, ambulance driver or crew, or staff of a healthcare facility (whether employed by the Bermuda Hospitals Board, registered residential care or nursing home, or otherwise), and other staff of the Bermuda Hospitals Board or the Ministry of Health.

Hotel staff etc

- 7 Persons working in a hotel, guest house or vacation rental property.

COVID-19 vaccination and testing centres

- 8 Persons who need to attend, and travel to or from, a COVID-19 vaccination or testing centre, and persons transporting them.

Funeral home staff

- 9 Funeral directors, morticians and other staff of a funeral home.

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Border control, airport, docks and security

10 The following persons—

- (a) members of the Department of Customs and Department of Immigration;
- (b) all staff employed at the LF Wade International Airport;
- (c) passengers and crew who need to travel to and from the airport for flights during the curfew, and persons transporting them;
- (d) stevedores, truckers and staff of Hamilton Docks;
- (e) licensed security officers.

Essential services

11 All persons working in services listed in the First Schedule to the Labour Relations Act 1975.

Media

12 Members of the print or broadcast media.

Child protection

13 Members of the Department of Child and Family Services.

Other public officers

14 Public officers not falling within the preceding paragraphs, as designated in writing by the Head of the Public Service, subject to any conditions or limitations included in the designation.

Financial services

15 (1) Persons working in the financial services sector, as designated in writing by the Minister of Finance.

(2) A designation—

- (a) made under paragraph 12(1) of Schedule 1 to the Public Health (COVID-19 Emergency Powers) Regulations 2021 or paragraph 13(1) of Schedule 1A to those Regulations; or
- (b) made under paragraph 12(1) of Schedule 1 to the Public Health (COVID-19 Emergency Powers) (No. 3) Regulations 2020; or
- (c) made under, or that was deemed to be valid for the purposes of, paragraph 11(1) of Schedule 1 to the Public Health (COVID-19 Emergency Powers) Regulations 2020,

shall be deemed to be valid for the purposes of subparagraph (1).

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Ministerial permission

16 A person not falling within the preceding paragraphs who has the written permission of the Minister of National Security, subject to any conditions or limitations in the Ministerial permission.

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SCHEDULE 2

(Regulation 9)

PERSONS NOT REQUIRED TO WORK REMOTELY

Schedule 1

1 All persons listed in paragraphs 1 to 16 of Schedule 1.

Essential services

2 All persons working in services listed in the First Schedule to the Labour Relations Act 1975.

Food supply

3 Wholesale food suppliers, registered commercial farmers and licensed fishermen.

Hotel staff etc

4 Persons working in a hotel, guest house or vacation rental property.

Teachers etc at school to facilitate remote learning

5 Teachers, IT and other support staff required at a school to facilitate remote learning.

Supervision and care of children of essential services workers

6 Persons providing approved supervision and organized care to children of essential services workers.

Laundry services to institutions

7 Persons providing laundry services for institutions, and persons picking the laundry up from, and delivering it to, the institutions.

Care of animals

8 Persons required to feed and care for animals, including those in a pet shop.

Financial services

9 Persons working in the financial services sector, as designated in writing by the Minister of Finance.

Funeral homes

10 Funeral directors, morticians and other staff of a funeral home.

Courier and delivery services

11 (1) Persons engaged in courier and delivery services on behalf of Government Departments, or urgent deliveries for other essential services only.

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(2) Charitable food deliveries.

Cleaning and maintenance

12 Persons engaged to clean, maintain or repair the premises of any permitted business, or the premises of any business employing persons mentioned in this Schedule or Schedule 1.

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SCHEDULE 3
PERMITTED BUSINESS RESTRICTIONS

Grocery stores and gas stations

1 (1) Visits to a permitted business which is a retail grocery store or gas station shall be restricted as follows—

- (a) Mondays and Thursdays shall be for persons whose surnames begin with the letters A to F only;
- (b) Tuesdays and Fridays shall be for persons whose surnames begin with the letters G to Q only;
- (c) Wednesdays and Saturdays shall be for persons whose surnames begin with the letters R to Z only;
- (d) Sundays shall be reserved for—
 - (i) persons aged 55 years and over (other than persons falling within Schedules 1 and 2); and
 - (ii) disabled persons,
who may also shop on their relevant day in accordance with subparagraphs (a) to (c).

(2) Persons falling within Schedules 1 and 2 may visit a grocery store or gas station on any day except Sundays, regardless of surname.

Made this 12th day of April 2021

Governor

[Operative Date: 13 April 2021]