
ARRANGEMENT OF REGULATIONS

1. Citation
2. Definitions
3. Application
4. Requirement to wear masks in public
5. Physical distancing and sanitation protocols for businesses
6. Business and institutional operations
7. Restriction on events or gatherings
8. Power to close premises or impose restrictions on persons entering or remaining on them
9. Power to impose restrictions on travel in motor vehicles
10. Powers of public health officers and environmental health officers for screening and assessment, and of healthcare professionals
11. Powers of public health officers and environmental health officers at screening and assessment places
12. Powers exercisable after assessment
13. Powers exercisable at a specified place for screening and assessment or isolation
14. Penalty
15. Fixed penalty notice
16. Payment of fixed penalty
17. Payment of fixed penalty precludes prosecution
18. Certificate of payment or non-payment of fixed penalty
19. Consequence of failure to pay

SCHEDULE – Notice of Opportunity to Pay Fixed Penalty

GRENADA

STATUTORY RULES AND ORDERS NO. 59 OF 2020

THE MINISTER IN EXERCISE OF THE POWERS CONFERRED ON HIM BY SECTION 60 OF THE PUBLIC HEALTH ACT, CHAPTER 263 HEREBY MAKES THE FOLLOWING REGULATIONS—

(Gazetted 16th September, 2020).

1. Citation. These Regulations may be cited as the

PUBLIC HEALTH (COVID-19) REGULATIONS, 2020.

2. Definitions.—(1) In these Regulations—

“coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

“COVID-19” means the Novel Coronavirus (2019-nCov), which is an infectious disease caused by a virus which, having emerged during 2019, was declared a global pandemic by the World Health Organisation on the 11th March, 2020;

“environmental health officer” means an environmental health officer employed or contracted by the Government and designated to discharge functions under these Regulations by Chief Medical Officer;

“event or gathering” means a wedding, a funeral, any other service of a religious institution, a social activity or any other activity in which people who are not of the same household are present;

“healthcare professional” means—

- (a) a registered health practitioner;
- (b) a registered nurse; or
- (c) such other registered healthcare professional as may be designated by Order by the Minister;

“hiring car” has the meaning assigned under the Road Traffic Act, Chapter 289A;

“motor omnibus” has the meaning assigned under the Road Traffic Act, Chapter 289A;

“public health officer” means a registered health practitioner or registered nurse, employed or contracted by the Government;

“taxi” has the meaning assigned under the Road Traffic Act, Chapter 289A.

(2) For the purposes of these Regulations, a person is “potentially infectious” at any time if the person is, or may be, infected or contaminated with coronavirus, and there is a risk that the person might infect or contaminate others with coronavirus.

3. Application. These Regulations shall not apply in the individual case of a medical emergency.

4. Requirement to wear masks in public.—(1) No person shall, without reasonable excuse, be in a public space without wearing a face mask, face shield or face-covering in a manner which covers his or her mouth, nose and chin.

(2) Where the person under this regulation is a child accompanied by an individual who has responsibility for the child, the individual shall provide and ensure that the child has and wears the face mask, face shield or face covering as required by this regulation.

(3) The owner or operator of any business, establishment or office which provides goods or services to the public shall ensure that a member of the public is not permitted entry to, or otherwise remains within, any enclosed space within the premises of the business, establishment or office unless, the member of the public is wearing a face mask, face shield or face covering, in a manner which covers his or her mouth, nose and chin.

(4) Subregulations (1) to (3) shall not apply to—

- (a) children under five years of age;
- (b) employees and agents of the person responsible for the business, establishment or office within an area designated for them and not for public access, or within or behind a physical barrier; subject to such guidelines made by the Ministry of Health; and

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- (c) those circumstances provided for in guidelines made by the Ministry of Health.

(5) For the purposes of subregulation (1), the circumstances in which a person has a reasonable excuse include those where—

- (a) the person cannot put on, wear or remove a face mask, face shield or face covering—
 - (i) because of any medical, physical or mental illness or impairment, or disability which inhibits their ability to wear a face mask, face shield or face covering; or
 - (ii) without severe distress;
- (b) the person is travelling with, or providing assistance to, another person and such other person relies on lip-reading to communicate with the first person;
- (c) the person removes his or her face mask, face shield or face covering to avoid harm or injury, or the risk of harm or injury, to himself or others;
- (d) the person is travelling to avoid injury, or to escape a risk of harm, and does not have a face mask, face shield or face covering with him;
- (e) if it is reasonably necessary for the person to eat or drink, the person removes his or her face mask, face shield or face covering to eat or drink;
- (f) the person has to remove his or her face mask, face shield or face covering to take medication;
- (g) a request is made of that person to remove his or her face mask, face shield or face covering temporarily for security and identification purposes if necessary for the purpose of receiving services; or
- (h) the circumstances provided for in guidelines issued by the Ministry of Health.

(6) Subject to the exemptions in subregulation (4) (b), an employee shall wear a face mask, face shield or face covering when working in an enclosed public space.

(7) Subregulation (1) does not apply to a person on a beach or public park, if he or she maintains physical distancing of no less than six feet (6ft.) from any person outside of his or her household.

5. Physical distancing and sanitation protocols for businesses.—(1) Every business, establishment or office shall—

- (a) ensure that all customers and staff maintain physical distancing of no less than six feet (6ft.) in or outside their business, establishment or office;
- (b) determine the number of persons that may be permitted in the business, establishment or office at any one time by permitting one person for every thirty square feet (30 sq ft) of store space;
- (c) place prominent distance markers six feet (6ft.) apart, indicating where each customer must stand on a line at a checkout point; and
- (d) place distance markers six feet (6ft.) apart on the outside of the business, establishment or office, indicating where customers must stand while waiting to enter the business, establishment or office.

(2) Every business, establishment or office, including operators of motor omnibuses, hiring cars and taxis, shall administer or ensure sanitisation of the hands of every person upon entry into the establishment or business.

(3) Employees of a hospital or health care, medical, residential care establishment or facility and members of the Royal Grenada Police Force shall take reasonable steps to comply with the requirements under subregulations (1) and (2), unless it is reasonably impracticable.

6. Business and institutional operations.—(1) All businesses, establishments and offices may commence, continue or resume their business operations, except the businesses, establishments and offices as may be prescribed from time to time by Order by the Minister.

(2) Notwithstanding subregulation (1), every business, establishment or office shall operate in accordance with—

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- (a) regulation 5 and every protocol established by the Cabinet or the Minister in respect of the industry of the business, establishment or office; and
 - (b) any condition imposed upon the business, establishment or office pursuant to regulations made pursuant to the Emergency Powers Act, Chapter 88 in response to the COVID-19 pandemic—
 - (i) whether or not as a condition to an exemption to operate; and
 - (ii) whether imposed individually or upon a category of businesses, establishments or offices, until the condition has been discharged in writing.

(3) Educational institutions may only operate as authorised by the Minister which may include operations remotely by utilising virtual means.

(4) For the avoidance of doubt, any business, establishment or office may commence, continue or resume their business operations remotely by utilising virtual means.

7. Restriction on events or gatherings.—(1) No person shall host or attend—

- (a) any event or gathering of any description hosting more than twenty persons;
- (b) a funeral hosting more than seventy-five persons in addition to the officiant and essential mortuary staff; or
- (c) a wedding hosting more than seventy-five persons in addition to the officiant, the bride and the groom.

(2) The Minister may, in consultation with the Chief Medical Officer, for the purpose of—

- (a) preventing, protecting against, delaying or otherwise controlling the incidence or transmission of coronavirus; or
- (b) facilitating the most appropriate deployment of medical or emergency personnel and resources,

by Order published in the *Gazette* prohibit, or impose requirements or restrictions in relation to, the holding of an event or gathering.

(3) An Order under subregulation (2) may be made in respect of—

- (a) a specified event or gathering; or
- (b) events or gatherings of a specified description.

(4) An Order under subregulation (2) may only have the effect of imposing prohibitions, requirements or restrictions on—

- (a) the owner or occupier of premises for an event or gathering to which the Order relates;
- (b) the organiser or promoter of such an event or gathering.

(5) An Order under subregulation (2) may, among other things, impose requirements about informing persons who may be planning to attend an event or gathering of its prohibition or any requirements or restrictions imposed in relation to the holding of it.

(6) An Order under subregulation (2) may grant exemption from the application of specified provisions of these Regulations, if the Minister in consultation with the Chief Medical Officer is satisfied that the risk is mitigated.

(7) For the purposes of subregulation (3), events or gatherings may be described—

- (a) by reference to a number of people attending the event or gathering;
- (b) by reference to a requirement for medical or emergency services to attend the event or gathering; or
- (c) in any other way.

(8) The Minister may vary or revoke to any extent an Order made under subregulation (1) in the same manner as the Order was made.

8. Power to close premises or impose restrictions on persons entering or remaining on them.—(1) The Minister may, in consultation with the Chief Medical Officer, for the purpose of—

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- (a) preventing, protecting against, delaying or otherwise controlling the incidence or transmission of coronavirus or COVID-19; or
 - (b) facilitating the most appropriate deployment of medical or emergency personnel and resources,

by Order published in the *Gazette*, impose prohibitions, requirements or restrictions in relation to the entry into, departure from, or location of persons in, premises.

(2) An Order under subregulation (1) may be made in respect of—

- (a) specified premises; or
- (b) premises of a specified description.

(3) An Order under subregulation (1) may only have the effect of imposing prohibitions, requirements or restrictions on—

- (a) the owner or occupier of premises to which the direction relates;
- (b) any other person involved in managing entry into, or departure from, such premises or the location of persons on them.

(4) An Order under subregulation (1) may, among other things, impose requirements for the purpose of—

- (a) closing the premises;
- (b) restricting entry into the premises; and
- (c) securing restrictions in relation to the location of persons on the premises.

(5) An Order under subregulation (1) may impose prohibitions, requirements or restrictions by reference to—

- (a) the number of persons on the premises;
- (b) the size of the premises;
- (c) the purpose for which a person is on the premises;
- (d) the facilities in the premises;

(e) a period of time.

(6) Where the Order imposes prohibitions, requirements or restrictions on a person specified by name, the Order shall be served on that person not less than two calendar days before publication in the *Gazette*.

(7) The Minister may vary or revoke to any extent an Order made under subregulation (1) in the same manner as the Order was made.

9. Power to impose restrictions on travel in motor vehicles.—(1) The Minister may, in consultation with the Chief Medical Officer, for the purpose of—

- (a) preventing, protecting against, delaying or otherwise controlling the incidence or transmission of coronavirus or COVID-19; or
- (b) facilitating the most appropriate deployment of medical or emergency personnel and resources,

by Order published in the *Gazette*, impose prohibitions, requirements or restrictions in relation to travel in motor vehicles and the operation of motor omnibuses, hiring cars and taxis.

(2) The Minister may vary or revoke to any extent an Order made under subregulation (1) in the same manner as the Order was made.

10. Powers of public health officers and environmental health officers for screening and assessment, and of healthcare professionals.—(1) Where a public health officer or environmental health officer has reasonable grounds to suspect that a person is potentially infectious, the public health officer or environmental health officer may, subject to subregulation (2)—

- (a) direct the person to go immediately to a place specified in the direction which is suitable for screening and assessment; or
- (b) where the person fails to comply with a direction under paragraph (a), request a police officer to remove the person to a place suitable for screening and assessment.

(2) Where a public health officer or environmental health officer exercises the powers conferred by this regulation, the public health officer or environmental health officer shall inform that person—

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- (a) of the reason for directing or removing him or her; and
 - (b) that it is an offence—
 - (i) in a case where a person is directed, to fail without reasonable excuse to comply with the direction; or
 - (ii) in a case where a person is removed by a police officer, to abscond.

(3) A direction imposed on a person under this regulation may be enforced by a police officer to remove the person to a place suitable for screening and assessment.

(4) Where a healthcare professional, other than a public health officer, has reasonable grounds to suspect that a person is potentially infectious, the healthcare professional shall immediately—

- (a) inform the person of that fact; and
- (b) make a report to the Chief Medical Officer.

11. Powers of public health officers and environmental health officers at screening and assessment places .—(1) Where—

- (a) a person is at a place suitable for screening and assessment; and
- (b) a public health officer or environmental health officer has reasonable grounds to suspect that the person is potentially infectious,

the public health officer or environmental health officer may require the person to remain at the place for screening and assessment purposes for a period not exceeding 72 hours.

(2) Where a public health officer or environmental health officer requires a person to remain at a place under this regulation, the public health officer or environmental health officer shall inform that person—

- (a) of the reason for imposing the requirement;
- (b) of the maximum period the person may be required to remain there; and
- (c) that it is an offence to fail to comply with the requirement.

(3) A requirement imposed on a person under this regulation may be enforced by a police officer to keep the person at the place.

(4) A public health officer or environmental health officer may—

- (a) require the person to be screened and assessed; and
- (b) impose other requirements on the person in connection with his or her screening and assessment.

(5) Requirements under subregulation (4) (a) may in particular include requirements on a person—

- (a) at such times as the public health officer or environmental health officer may specify to allow a healthcare professional to take a biological sample by appropriate means; and
- (b) to answer questions and provide information about his or her health or other relevant matters, including his or her travel history and other individuals with whom he or she may have had physical contact.

(6) Requirements under subregulation (4) (b) may include requirements on a person—

- (a) to produce any documents which may assist in his or her assessment;
- (b) to provide details by which he or she may be contacted during such subsequent period as the public health officer or environmental health officer may specify.

(7) If a public health officer or environmental health officer considers it appropriate for the purposes of screening or assessing the person, the public health officer or environmental health officer may—

- (a) direct the person to go immediately to another place which is specified in the direction and is suitable for those purposes; or
- (b) request a police officer to remove the person to another place suitable for those purposes.

(8) Where a public health officer or environmental health officer exercises the powers conferred by this regulation, the public health officer or environmental health officer shall inform that person—

- (a) of the reason for directing or removing him or her; and
- (b) that it is an offence—
 - (i) in a case where a person is directed, to fail without reasonable excuse to comply with the direction; or
 - (ii) in a case where a person is removed by a police officer, to abscond.

(9) Where the powers in regulation 10 are exercised in relation to a person in a place to direct him or her to go to, or remove him or her to, another place, this regulation shall apply in relation to that person afresh in that other place.

12. Powers exercisable after assessment.—(1) This regulation applies where—

- (a) a person has been screened and assessed by a public health officer or environmental health officer, under regulation 11 or otherwise, and—
 - (i) the screening confirmed that the person is infected or contaminated with coronavirus; or
 - (ii) the screening was inconclusive; or
- (b) a person has been assessed by a public health officer or environmental health officer, under regulation 11 or otherwise, and the public health officer or environmental health officer has reasonable grounds to suspect that the person is potentially infectious.

(2) Requirements under this regulation may include requirements—

- (a) to provide information to the public health officer or any specified person;
- (b) to provide details by which the person may be contacted during a specified period;

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- (c) to go for the purposes of further screening and assessment to a specified place suitable for those purposes and do anything that may be required under regulation 11 (1);
 - (d) to remain at a specified place, which may be a place suitable for screening and assessment, for a specified period;
 - (e) to remain at a specified place in isolation from others for a specified period;
 - (f) to install on all mobile devices as far as possible and, for the duration of a specified period, to comply with the instructions of the surveillance mobile application designated by the Minister.

(3) Restrictions on a person under this regulation may include restrictions, for a specified period, on—

- (a) the person's movements or travel;
- (b) the person's activities, including his or her work or business activities;
- (c) the person's contact with other persons or with other specified persons.

(4) Where a public health officer imposes a requirement or restriction on a person under this regulation, the public health officer shall inform the person—

- (a) of the reason for doing so; and
- (b) that it is an offence to fail to comply with the requirement or restriction.

(5) In deciding whether to impose a requirement referred to in subregulation (2) (d) or (e) the public health officer must have regard to a person's wellbeing and personal circumstances.

(6) A public health officer may vary or revoke a requirement or restriction imposed on a person, but may only extend the period to which a requirement referred to in subregulation (2) (d) or (e) or a restriction relates in accordance with regulation 11.

13. Powers exercisable at a specified place for screening and assessment or isolation.—(1) The period specified in relation to any restriction under regulation 11, may not exceed 14 days.

(2) After the imposition of a requirement to remain or a restriction under regulation 11, a public health officer shall—

- (a) assess the person within 72 hours; and
- (b) in the light of that assessment, reconsider which requirements or restrictions are necessary and proportionate to impose on that person under regulation 11.

(3) The public health officer may, following reconsideration under regulation (2)—

- (a) revoke the requirement to remain or the restriction or specify a different period not exceeding 14 days in relation to it; or
- (b) substitute a different requirement or restriction under regulation 11.

(4) If under subregulation (3) the public health officer revokes the requirement to remain or the restriction, the Chief Medical Officer may, if satisfied that the person is potentially infectious, re-impose the requirement or restriction for the period originally specified.

(5) If before the end of the period specified in relation to a requirement to remain or restriction under regulation 11 (3) or subregulation (3) (a)—

- (a) a public health officer reasonably suspects that the person will be potentially infectious at the end of that period; and
- (b) the public health officer considers that the requirement or restriction is still necessary and proportionate,

the officer may extend the period for a further specified period.

(6) Except in the case of a requirement referred to in regulation 11 (2) (e), the further period specified under subregulation (5) may not exceed 14 days.

(7) Where the period to which a requirement to remain or restriction under regulation 11 relates is extended under subregulation (5), a public health officer shall review the requirement or restriction at least once in every period of 24 hours.

(8) If on a review under subregulation (7) the public health officer considers that the person is no longer potentially infectious, the officer shall revoke the requirement to remain or the restriction.

(9) If on a review under subregulation (7—

(a) subregulation (8) does not apply; but

(b) the public health officer considers that the requirement to remain or the restriction is no longer necessary and proportionate,

the public health officer may substitute a different requirement or restriction under regulation 11, which may not apply beyond the end of the further period specified under subregulation (5).

14. Penalty.—(1) A person who contravenes or fails to comply with these Regulations, or any direction for the purposes of these Regulations, shall be guilty of an offence and, on summary conviction, liable to a fine not exceeding five hundred dollars and to imprisonment for a term not exceeding twelve months.

(2) Without prejudice to subregulation (1), a person who commits an offence is liable on service of a fixed penalty notice by a police officer, if the person so chooses, to a fixed penalty of three hundred and fifty dollars.

15. Fixed penalty notice.—(1) Where a police officer has reason to believe that a person has committed an offence specified under regulation 14 (2), the police officer may direct the person to state his or her true name and place of residence and serve upon the person a fixed penalty.

(2) A person who refuses to comply with subregulation (1) commits an offence.

(3) Where a police officer has served a fixed penalty notice upon a person, the police officer shall—

(a) charge the person with the commission of an offence; and

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- (b) notify the person that, if he or she does not wish to be prosecuted for the alleged offence in court, he or she may pay to the clerk of the Magistrate's Court in the district in which the offence was committed the fixed penalty prescribed for the offence in the fixed penalty notice within the time specified.

(4) A person upon whom a fixed penalty notice is served may decline to be dealt with under regulations 15 to 20 and where he or she fails to pay the fixed penalty within the time specified in the fixed penalty notice, or within such further time as may be allowed in a particular case, his or her conduct constitutes a declination to be dealt with under regulations 15 to 20.

(5) A police officer shall serve a fixed penalty notice personally upon a person alleged to have committed an offence specified under regulation 14 (2) and shall send a duplicate of the fixed penalty notice to the Magistrate's Court of the district in which the offence is alleged to have been committed.

(6) Where the fixed penalty is not paid within the time specified in accordance with regulation 17 (2), the duplicate sent to the Magistrate's Court under subregulation (5) shall constitute a complaint laid before the Magistrate to institute proceedings in accordance with the Criminal Procedure Code, Chapter 72B.

(7) A fixed penalty notice shall be signed by the police officer and shall be in the manner specified under the Schedule, specifying the following—

- (a) the date, time and place of service of the fixed penalty notice;
- (b) the provision of these Regulations creating the offence alleged, and such particulars of the offence as are required under these Regulations;
- (c) the amount of the fixed penalty;
- (d) the time within which the fixed penalty may be paid in accordance with regulation 17 (2); and
- (e) the clerk of the Magistrate's Court to whom, and the address at or to which, the fixed penalty may be paid or remitted.

16. Payment of fixed penalty.—(1) Payment of the fixed penalty shall be made to the clerk of the Magistrate's Court as stated in the fixed penalty notice, and shall be

Take Notice that, I,
(Rank) (Number) (Name of Police Officer)

have reason to believe that an offence, particulars of which are given overleaf, has been committed. The fixed penalty for the offence is

(penalty in words and figures)

If this amount is paid to the Clerk of the Magistrate's Court within thirty-one (31) days from the date of this notice, that is to say, not later than no proceedings will be taken and any liability to conviction of the offence will be discharged. The offence carries a maximum fine of \$

In paying the fixed penalty, the following conditions shall be observed—

- (1) The fixed penalty shall be accompanied by this notice.
- (2) Where payment of the fixed penalty is made otherwise than in conformity with the regulations made under the Public Health Act, the Clerk shall as soon as practicable after payment return the amount paid to the sender, and thereafter proceedings in respect of the alleged offence shall begin.
- (3) Payment of the fixed penalty shall be made or remitted to—

“The Clerk of the Magistrate's Court” at the following address—

.....

.....
(State name and address of court)

This notice was given at

on, 20....., at a.m./p.m.
(state date) (state time)

PARTICULARS OF OFFENCE

At a.m./p.m. on the day of, 20..... at

.....
.....

you

.....
.....

contrary to
(state specific regulation/section contravened)

of the
(state Regulations or SRO Number/Act)

.....
Signature of Police Officer.

Made by the Minister this 16th day of September, 2020.

NICKOLAS STEELE
Minister with responsibility for Health.

GRENADA

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