RESOLUTION FOR THE PURPOSES OF SECTION 4 (3) OF THE QUARANTINE ACT, CHAPTER 271

WHEREAS it is provided by section 4 (1) of the Quarantine Act, Chapter 271 (hereinafter referred to as "the Act") that the Minister may make regulations, as respects the whole or any part of Grenada, including the ports and coastal waters thereof, for preventing—

(*a*) danger to public health from ships or aircraft or persons or things therein, arriving at any place; and

(*b*) the spread of infection by means of any ship or aircraft about to leave any place, or by means of any person or thing about to leave any place in any ship or aircraft;

AND WHEREAS it is provided in section 4 (3) of the Act that regulations made under section 4 (1) of the Act shall not have any force or effect until confirmed by resolution of the House of Representatives;

AND WHEREAS on the 23rd day of November, 2021 the Minister with responsibility for Health made the Quarantine (COVID-19) Regulations, 2021 and on the 30th day of November, 2021 the House of Representative by resolution confirmed the Quarantine (COVID-19) Regulations, 2021;

AND WHEREAS it is now expedient that the Quarantine (COVID-19) (Amendment) Regulations, 2022 attached hereto as a Schedule be confirmed by the House of Representatives to amend the Quarantine (COVID-19) Regulations, 2021;

NOW THEREFORE BE IT RESOLVED that pursuant to the provisions of section 4 (3) of the Act that the Quarantine (COVID-19) (Amendment) Regulations, 2022 be now confirmed by the House of Representatives.

SCHEDULE

GRENADA

STATUTORY RULES AND ORDERS

NO. OF 2022

THE MINISTER IN EXERCISE OF THE POWERS CONFERRED ON HER BY SECTION 4 OF THE QUARANTINE ACT, CHAPTER 271 HEREBY MAKES THE FOLLOWING REGULATIONS—

Citation

1. These Regulations may be cited as the

QUARANTINE (COVID-19) (AMENDMENT) REGULATIONS, 2022

and shall be read as one with the Quarantine (COVID-19) Regulations, 2021, SRO No. 61 of 2021 hereinafter referred to as the "principal Regulations".

Amendment of regulation 2 of principal Regulations

2. Regulation 2 of the principal Regulations is amended by inserting in the appropriate alphabetical order the following new definitions—

> ""fixed penalty offence" means an offence designated as a fixed penalty offence under Schedule III;".

Amendment of regulation 5 of principal Regulations

3. Regulation 5 of the principal Regulations is amended in subregulation (2) by deleting the words "the Schedule" after the words "as set out under" and substituting therefor the words "Schedule I".

Insertion of new regulations 8A to 8F to principal Regulations

4. The principal Act is amended by inserting after regulation 8 the following new regulations—

> "**Penalty**
>
> 8A. A person who commits an offence designated as a fixed penalty offence is liable on service of a fixed penalty notice by a police officer, if the person so chooses, to the fixed penalty designated for the offence under Schedule II.

Fixed penalty notice

8B. (1) Where a police officer has reason to believe that a person has committed a fixed penalty offence, 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

(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 8B to 8F 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 8B to 8F.

(5) A police officer shall serve a fixed penalty notice personally upon a person alleged to have committed a fixed penalty offence 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 8D (2), the duplicate sent to the Magistrate's Court under subregulation (5) shall constitute a complaint laid before the Magistrate, in the name of the Chief of Police, 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 Schedule III, specifying the following—

(a) the date, time and place of service of the fixed penalty notice;

(b) the provision of this Act, or regulations made thereunder, creating the offence alleged, and such particulars of the offence as are required under the provision;

(c) the amount of the fixed penalty;

(d) the time within which the fixed penalty may be paid in accordance with regulation 8D (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.

Payment of fixed penalty

8C. (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 dealt with in the same manner as payment of a fine imposed for an offence under the Criminal Procedure Code, Chapter 72B.

(2) Payment of the fixed penalty shall be accompanied by the fixed penalty notice which shall be completed by the person in the manner prescribed.

Payment of fixed penalty precludes prosecution

8D. (1) A person upon whom a fixed penalty notice is served may pay the fixed penalty in accordance with the fixed penalty notice.

(2) The time within which a fixed penalty is payable is thirty-one days from the date of the fixed penalty notice.

(3) Where the fixed penalty is paid in accordance with the fixed penalty notice, no person shall then be liable to be convicted for the offence for which the fixed penalty notice was served and the complaint laid before the Magistrate shall be null and void.

Certificate of payment or non-payment of fixed penalty

8E. In any proceedings for a fixed penalty offence, a certificate that payment of the fixed penalty was or was not made to the clerk of the Magistrate's Court by the date specified in the certificate shall, if the certificate purports to be signed by such clerk, be sufficient evidence of the facts stated, unless the contrary is proved.

Consequence of failure to pay

8F. Where a fixed penalty is not paid within the time specified in accordance with regulation 8D (2), proceedings in respect of the offence specified in the fixed penalty notice shall thereafter proceed in the manner prescribed by the Criminal Procedure Code, Chapter 72B.".

Insertion of new Schedules II and III to principal Act

4. The principal Act is amended by renaming the Schedule as Schedule I and inserting thereafter the following new schedules—

"SCHEDULE II

FIXED PENALTY OFFENCES

(regulation 8A)

	Offence	**Regulation**	**Fixed Penalty**
1	Arriving in Grenada without subjecting to a PCR test or NAAT test not more than 72 hours	regulation 6 (1) (a)	$550

SCHEDULE III

(regulation 8B (7))

Quarantine Act, Chapter 271

Notice of Opportunity to Pay Fixed Penalty

Take Notice that, I, ..., (Rank, number and 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 Quarantine (COVID-19) Regulations, 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 contravened)

of the .....

(state Regulations or SRO Number/Act)

.....

Signature of police officer".

Made by the Minister this 27th day of January , 2022.

.....

Minister with responsibility for Health

Approved by the House of Representatives this day of , 2022.

.....

Clerk to the House of Representatives