



BERMUDA

EMERGENCY POWERS (COVID-19 SHELTER IN PLACE) REGULATIONS 2020

BR 30 / 2020

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

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AND WHEREAS COVID-19 is an unprecedented and severe threat to public health in Bermuda;

AND WHEREAS His Excellency the Governor has issued a Proclamation of Emergency under section 14 of the Bermuda Constitution Order 1968;

NOW THEREFORE His Excellency the Governor, in exercise of the power conferred by section 3 of the Emergency Powers Act 1963, makes the following Regulations:

Citation

1 These Regulations may be cited as the Emergency Powers (COVID-19 Shelter in Place) Regulations 2020.

Interpretation

2 In these Regulations—

“appropriate social distancing” means maintaining a distance of at least two metres (six feet) between all persons who are not members of the same household, and includes such further directions as are published by the Minister of Health on the website www.gov.bm/coronavirus (based on World Health Organization standards);

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

“curfew” means the curfew imposed by regulation 3;

“enforcement officer” means—

(a) a police officer; or

(b) a member of the Royal Bermuda Regiment;

“home”, in relation to a person, means the place where he is living on commencement, 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 at the same home;

“permitted business” means a retail grocery store, pharmacy, bank, gas station, office of a registered health practitioner, clinic, hospital or other health facility (including a veterinary surgery).

Curfew

3 (1) Except as permitted by these Regulations, no person shall leave his home at any time of the day or night from 6am on 4 April 2020 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 social distancing is maintained at all times—

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- (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 (half a mile) 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).

(3) For the avoidance of doubt, a minor child of parents who do not live together shall remain at the home where the child is living on commencement until these Regulations cease to have effect.

(4) 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.

Mandatory closures

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

- (a) bars and clubs;
- (b) beauty salons, spas and barbers;
- (c) cinemas, concert halls 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;
- (h) swimming pools in hotels, guest houses and vacation rental properties.

Schools and day care

5 The following shall remain closed during the curfew—

- (a) Bermuda College;
- (b) schools (private and public);
- (c) nurseries and day care facilities, other than a facility approved by the Minister of Health for the care of children for essential services workers.

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Religious establishments

6 (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 social distancing is maintained—

- (a) for private prayer (maximum of five persons); and
- (b) in order to broadcast a service via electronic means (maximum of five 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 social distancing is maintained at all times.

Remote working mandated

7 (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

8 (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

9 (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 compliance with directions published by the Minister of National Security on the website www.gov.bm/coronavirus.

(3) The owner or operator of a permitted business shall take all reasonable steps to ensure that all staff and customers maintain appropriate social distancing (at the premises and during any deliveries), and shall comply with any further directions of the Minister of Health regarding cleaning and sanitisation, as published on the website www.gov.bm/coronavirus.

(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

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it, and such manager or person shall forthwith comply with that order, and shall continue to comply until otherwise directed by the Minister.

Utilities, telecommunications etc

10 During the curfew, persons providing the following services are permitted to respond to emergency calls for supply, restoration of service or repairs, provided appropriate social 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

11 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

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

Restriction on road traffic

13 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

14 (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.

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Enforcement powers

15 (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) The power in paragraph (1) may be exercised where a person is at any place other than the person's home.

(3) For the purposes of exercising the power in paragraph (1), 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 this regulation.

Offences

16 A person who fails to comply with any of these Regulations commits an offence and may be arrested without warrant, and is liable on summary conviction to a fine of \$10,000 or a term of imprisonment of six months, or both.

Section 5 of the Emergency Powers Act 1963

17 Section 5 of the Emergency Powers Act 1963 provides that any provision of law which is inconsistent with these Regulations shall be of no effect while these Regulations remain in force.

Commencement and duration

18 (1) These Regulations shall come into effect at 6am on 4 April 2020.

(2) These Regulations shall cease to have effect at 6am on 15 April 2020, unless before that time they are extended for such period, not exceeding three months, as may be approved by resolution of both Houses of the Legislature and communicated to the Governor by message.

(3) The Governor shall, by notice in the Gazette, notify the public of any such extension.

[These Regulations are extended in effect until 6am on 18 April 2020, see the Governor's notice GN 371/2020 given and published on 6 April 2020 on www.gov.bm/theofficialgazette.]

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SCHEDULE 1

(Regulation 3)

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 practitioner, 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.

Border control, airport, docks and security

- 7 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) stevedores, truckers and staff of Hamilton Docks;
(d) licensed security officers.

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Media

8 Members of the print or broadcast media.

Child protection

9 Members of the Department of Child and Family Services.

Other public officers

10 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.

Ministerial permission

11 (1) 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.

(2) Such a person shall carry identification at all times and show to an enforcement officer on request.

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SCHEDULE 2

(Regulation 7)

PERSONS NOT REQUIRED TO WORK REMOTELY

Schedule 1

1 All persons listed in paragraphs 1 to 11 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.

Financial services

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

Funeral homes

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

Courier and delivery services

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

Cleaning and maintenance

7 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.

Made this 3rd day of April 2020

Governor

[Operative Date: 04 April 2020]