

TURKS AND CAICOS ISLANDS
EMERGENCY POWERS (COVID-19)(AMENDMENT)
REGULATIONS 2020

(Legal Notice 18 of 2020)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation and commencement
2. Emergency Powers (COVID-19) Regulations 2020
amended

**EMERGENCY POWERS (COVID-19)(AMENDMENT)
REGULATIONS 2020**

(Legal Notice 18 of 2020)

MADE by the Governor under section 3 of the Emergency Powers Ordinance and on the advice of the Cabinet.

Citation and commencement

1. These Regulations may be cited as the Emergency Powers (COVID-19)(Amendment) Regulations 2020 and shall come into operation on 26 March 2020.

Emergency Powers (COVID-19) Regulations 2020 amended

2. The Emergency Powers (COVID-19) Regulations are amended—

(a) in regulation 3—

(i) by deleting subregulation (2)(g); and

(ii) by deleting subregulation (3);

(b) by inserting after regulation 3 the following—

“Power to order self-isolation, etc.

3A.(1) Without prejudice to any other powers conferred by these Regulations, any person who, in the opinion of the Chief Medical Officer or a health officer, has been exposed to the risk of infection by the virus, may, at the discretion of the Chief Medical Officer or health officer, be required to remain at home or such other place of quarantine as specified by the Chief Medical Officer or health officer for the purposes of surveillance by the Chief Medical Officer or a medical officer, for a period of fourteen days.

(2) Any person required to remain at home or place in quarantine pursuant to subregulation (1)—

(a) shall furnish to the Chief Medical Officer or health officer all such information as may reasonably be required and shall comply with the orders and instructions of the Chief Medical Officer or health officer; and

(b) shall undergo such medical and clinical examinations as the Chief Medical Officer or

health officer may require and shall submit himself and his personal effects or other articles to disinfection and other measures as the Chief Medical Officer or health Officer may order.

(3) Any responsible adult or person in charge of a child or person under disability shall be responsible for the compliance of such child or person with the requirements and provisions of this regulation.”;

(c) by deleting regulation 6 and substituting the following—

Application to Justice of the Peace

6. (1) Where a person has failed to comply with an order by the Chief Medical Officer or a health officer made under these Regulations, to take the necessary precautions to prevent the transmission in the Islands of the virus, the Chief Medical officer or a health officer may make an application to a Justice of the Peace that the person has failed to comply with the requirements.

(2) Where the Justice of the Peace is satisfied with the application made under subregulation (1), he may, order that the person who has failed to comply with the requirements—

- (a) be taken into custody and be placed in quarantine;
- (b) be examined by a medical practitioner or health officer to ascertain whether or not the person is infected with the virus; or
- (c) be treated for the virus, where on examination of such person it is found that he is infected with the virus.

Authority to apprehend

6A.(1) An order made under regulation 6 is authority for the Chief Medical Officer or a health officer to direct a police officer to—

- (a) locate and apprehend the person who is the subject of the order; and
- (b) deliver the person who is the subject to the order to the place of quarantine named in the order, or to a medical practitioner for examination.

(2) The police officer shall do all things reasonably able to be done to locate, apprehend and deliver the person to the place of quarantine specified in the order.

(3) The police officer who apprehends a person who is the subject of an order pursuant to subregulation (2) shall promptly—

(a) inform the person of the reasons for the apprehension and of the person’s right to retain and instruct counsel without delay; and

(b) tell the person where the person is being taken.

(4) An order made under regulation 6 is authority to detain the person who is the subject of the order in the place of quarantine named in the order and to care for and examine the person and to treat the person for the virus in accordance with generally accepted medical practice for such period as the Chief Medical Officer or health officer shall determine.”;

(d) by deleting regulation 7 and substituting the following—

“Curfew

7. For the purposes of preventing, controlling and suppressing the spread of the virus, a curfew is hereby imposed—

(a) commencing Thursday 26 March 2020 to Friday 27 March 2020 from 8:00 p.m. to 5:00 a.m.; and

(b) commencing Saturday 28 March 2020 to midnight on the 14 April 2020, for twenty-four hours, except as provided herein or as may be approved by the Governor.

Shelter in place

7A.(1) For the purposes of preventing, controlling and suppressing the spread the virus, every person shall, during the curfew period under regulation 7, 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 directed to report to work by the person in charge of the service;

(b) workers who are required to work for businesses under regulation 7D;

(c) for essential travel to and from the doctor, grocery store, bank, pharmacy or to refuel;

(d) for outdoor exercise, whether alone or together with a family member living under the same roof, not exceeding an hour and a half per day between the hours of 5:00 a.m. to 9:00 a.m. and 5:00 p.m. to 7:00 p.m.;

- (e) to attend urgent meetings of the Cabinet;
- (f) to attend urgent meetings of the House of Assembly:

Provided that such person shall, at all times, adhere to the social distancing requirement specified in these Regulations, distancing himself at least six feet (6 ft.) from any other person.

(2) For the purposes of this regulation, an “essential worker” includes essential officers of—

- (a) the Royal Turks and Caicos Islands Police Force and 911 Centre;
- (b) the Fire Services;
- (c) Her Majesty’s Prisons;
- (d) the Environmental Health Department;
- (e) the Department of Immigration;
- (f) the Customs Department;
- (g) the Airports Authority;
- (h) the Civil Aviation Authority;
- (i) the National Insurance Board;
- (j) the National Health Insurance Board;
- (k) the Office of the Director of Public Prosecution;
- (l) the Attorney General’s Chambers;
- (m) the Judiciary;
- (n) waste disposal and sanitation companies;
- (o) the Emergency Medical Services Department;
- (p) Public Health;
- (q) any hospital, health care or medical facility;
- (r) any water, electricity, telecommunications (including internet services) or other sector encompassing the provision of electronic communications including print and electronic media.

(3) All essential workers shall at all times carry personal identification.

Work remotely from home

7B.(1) For the purposes of preventing, controlling and suppressing the spread of the virus, all businesses and offices may only continue their business operations by allowing their employees to work remotely from home utilising virtual means, unless those workers are permitted to work under regulation 7D or are designated as being essential workers under regulation 7A.

(2) Where a business is unable to have employees work remotely from home, that business shall cease its operations.

Public service

7C.For the purposes of preventing, controlling and suppressing the spread of the virus, all persons employed within the public service, unless specifically designated essential workers, shall work remotely from home.

Closure of businesses and exceptions

7D.(1) For the purposes of preventing, controlling and suppressing the spread of the virus, all establishments, institutions, businesses, offices, stores and organisations shall suspend operations to the general public except for the following—

- (a) food delivery service, wholesale or retail grocery store, from 6:00 a.m. to 7:00 p.m., the first two shopping hours to be reserved for seniors, disabled persons and essential workers;
- (b) food delivery service from 6:00 a.m. to 7:00 p.m.;
- (c) doctor's offices, hospitals or medical facilities;
- (d) pharmacies, from 6:00 a.m. to 5:00 p.m.;
- (e) gas stations and fuel delivery service, from 6:00 a.m. to 5:00 p.m.;
- (f) medical supply establishments;
- (g) hotels, excluding any casinos, spas, gyms, discotheques and restaurants therein, however such restaurants may offer take away or room service;
- (h) banks from 9:00 a.m. to 5:00 p.m.;
- (i) commercial ports and related businesses from 6:00 a.m. to 5:00 p.m.;
- (j) ferry service for emergency cases (but not non-essential travel);

- (k) commercial aviation from 6:00 a.m. to 5:00 p.m.
- (l) airports, subject to regulation 3;
- (m) laundromats and wash houses for hygienic purposes from 6:00 a.m. to 5:00 p.m.;
- (n) drive thru or take away food vendors from 6:00 a.m. to 7:30 p.m.;
- (o) pet food store from 6:00 a.m. to 5:00 p.m.;
- (p) any water depot facility from 9:00 a.m. to 5:00 p.m.;
- (q) agriculture and fisheries businesses from 5:00 a.m. to 6:00 p.m.;
- (r) security services business;
- (s) courier services form 6:00 a.m. to 5:00 p.m.;
- (t) such other businesses or undertakings as may be specifically exempted in writing by the Governor.

(2) The owner or operator of the establishment specified in subregulation (1)(a) to (t) shall restrict the number of customers inside their place of business at any one time so that each customer is enabled to distance himself at least six feet (6ft.) from any other person.

(3) Every person in such establishment or business shall distance themselves from other persons at a minimum of six feet (6ft.) from any other person.

Physical distancing protocols

7E. Every business establishment shall—

- (a) ensure that all customers and staff maintain physical distancing of no less than six feet (6ft.) in or outside their business;
- (b) determine the 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) within twenty-four hours of the commencement of these Regulation, place distance markers six feet (6ft.) apart, indicating where each customer must stand on a line at a check out point; and
- (d) within twenty-four hours of the commencement of these Regulations, place distance markers six feet (6ft.) apart on the outside of the establishment,

indicating where customers must stand while waiting to enter the establishment.

Education and religious instruction

7F. For the purposes of preventing, controlling and suppressing the spread of the virus—

(a) educational places of instruction shall remain closed for the period specified in the Public and Environmental Health (Control and Suppression)(Covid-19) Regulation 2020 (*L.N. 15 of 2020*);

(b) all religious places of worship shall be closed.

Restriction on social activities

7G.(1) No person shall host or attend—

(a) any social activities of any description, including a wedding; or

(b) a funeral, except ten members of the immediate family and at least one officiant and essential mortuary staff, which is approved by the Chief Medical Officer;

Restriction on domestic travel

7H. No person shall offer for hire or seek to travel on any—

(a) public service vehicle transportation or any public transportation save for persons who are authorised under 7D(1)(t); or

(b) interisland private or commercial air or sea transport that is non-essential:

Provided that airlines or boat shall reduce the number of persons traveling on interisland flights to permit social distancing:

Provided further that the Governor may vary any of the requirements above by Order.

Closure of public beaches

7I. All public beaches shall be closed.

Restriction on visitation

7J. No person shall visit or be permitted to visit—

- (a) any place of quarantine or isolation station;
- (b) a patient in a hospital or facility, except a responsible adult in the case of a child;
- (c) residential care establishment; or
- (d) a detainee in a detention centre, prison or police cell.

Power to requisition any building, ship or aircraft, etc.

7K.(1) Where the Governor is satisfied that it is reasonably required for any statutory purpose so to do for the duration of the emergency or any period therein, Governor may give notice, in writing, to the person having control of any building, vehicle, ship in the Islands, or of any aircraft or article of any description in the Islands, of having requisitioned a building, vehicle, ship, aircraft or article.

(2) Where the Governor requisitions any building, ship, aircraft or article under subregulation (1) the Governor may, by himself or any other person under his direction, take possession of the building, ship, aircraft or article and do to or in relation to such building, ship, aircraft or article, anything which might lawfully have been done by the owner of such building, ship, aircraft or article as if such building, ship, aircraft or article had not been requisitioned under these Regulations, and may use such building, ship, aircraft or article for any purpose for which such building, ship, aircraft or article might lawfully have been used if it had not been so requisitioned.

(3) At the conclusion of the requisition, the Governor shall make prompt and adequate compensation in the circumstances to the owner or occupier of such building, ship, aircraft or article.

Power to requisition essential services

7L.(1) Where the Governor is satisfied that it is reasonably required so to do for the duration of the emergency or any period therein, he may give notice, in writing, for the requisition of any essential service to the person having the management or control of any essential service requisitioning such service with effect from such date as may be specified in such notice.

(2) Where any essential service is requisitioned under subregulation (1), the Governor shall by instrument in writing appoint some person as controller of the service requisitioned.

(3) Upon the appointment of some person as controller of any essential service, such person shall be entitled to take possession of all premises and assets of every description (other than money or securities for money) which, immediately before

the giving of the notice by which such service was requisitioned, were used or intended to be used for the purposes of such service and, in relation to any premises and assets so taken possession of, and in relation to the service so requisitioned, to do or cause to be done any act or thing which might lawfully have been done by the person having control of such service if the service had not been so requisitioned.

(4) In this regulation—

“essential services” means any service established, maintained or operated by the Government, or by any public or private enterprise, or otherwise, for—

- (a) the collection, storage, purification or distribution of water for use by the public or any class of the public;
- (b) the collection, storage, treatment and disposal of sewage or garbage or refuse;
- (c) the manufacture, storage or distribution of fuel (including gasoline, propane, diesel) for use by the public or any class of the public;
- (d) the provision of medical service, electricity services or telecommunication services (including internet); or
- (e) the removal, handling or burial of deceased persons or disposal of dead animals.

Power to stop, detain and arrest

7M. (1) Where an authorised person has reasonable cause to believe that a person is in violation of these Regulations, he may stop, detain, question and arrest such person and confiscate any vehicle being used by that person, if he considers it necessary so to do.

(2) Any person who assaults, obstructs, hinders or resists or uses any threatening or abusive language or aids or incites any other person to assault, obstruct, hinder or resist any authorised person in the execution of his duty under this regulation, commits an offence.

(3) For the purposes of these Regulations, an “authorised person” means—

- (a) any member of the Royal Turks and Caicos Islands Police Force, any other law enforcement officer, or a prison officer; or

- (b) any person authorised by the Governor to do the act in relation to which the expression is used.

Obstruction

7N. No person shall obstruct the Chief Medical officer, any health officer, public officer, police officer, any other law enforcement officer, or any prison officer, acting in the course of his duty as such, or any person exercising any powers or performing any duties conferred or imposed on him by or under any of these Regulations, or otherwise discharging any lawful functions in connection with the performance of any statutory purpose.

Price gouging

7O.(1) No person shall declare the sale or offer for sale of goods during this period of public emergency at an unconscionable price.

(2) In this regulation “unconscionable price” means an amount that represents a “gross disparity” between the price of the goods charged and the average price of the same item during the thirty days immediately prior to the declared state of emergency, providing that the increased price is not directly attributable to additional costs.

Forfeiture upon conviction

7P. Upon the conviction of any person for an offence against regulation 7A(1), the Court, in addition to any other penalty it may impose may order that any property including any vehicle used in the commission of the offence, be forfeited to the Government.”.

MADE this 25th day of March 2020.

NIGEL DAKIN
GOVERNOR

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations introduce additional measures for the purposes of preventing, controlling and suppressing the spread of the coronavirus, for example, further restrictions on international travel.