

TURKS AND CAICOS ISLANDS
EMERGENCY POWERS (COVID-19)(NO. 4)
REGULATIONS 2020

(Legal Notice 38 of 2020)

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TURKS AND CAICOS ISLANDS

EMERGENCY POWERS (COVID-19)(NO. 4) REGULATIONS 2020

(Legal Notice 38 of 2020)

MADE by the Governor under section 4(1) of the Emergency Powers Ordinance and article 6(1) of the Emergency Powers (Overseas Territories) Order 2017 (*S.I. 2017 No. 181*), and acting on the advice of the Cabinet.

Citation, commencement and expiry

1. (1) These Regulations may be cited as the Emergency Powers (COVID-19)(No. 4) Regulations 2020 and shall come into operation at 6:01 a.m. on 4 May 2020 and shall, except for regulation 8(3), expire at 6:00 a.m. on 1 June 2020.

(2) Regulation 8(3) shall expire on 30 June 2020.

Interpretation

2. In these Regulations—

“aircraft” includes any aeroplane or helicopter or other means of airborne navigation by means of which a person can travel across international borders;

“airport” means an area on land or water (including any buildings, installations and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft, and which is designated an airport under the Airports Authority Ordinance;

“CDC” means the Centres for Disease control and Prevention;

“Chief Medical Officer” has the meaning given in section 2(1) of the Public and Environmental Health Ordinance;

“child” means a person under the age of eighteen years;

“Covid-19” means the novel Coronavirus (2019-n CoV);

“health officer” has the meaning given in section 2(1) of the Public and Environmental Health Ordinance;

“public health officer” means a health officer under the Public and Environmental Health Ordinance;

“responsible adult” means, in relation to a child, a person with parental responsibility for the child (within the meaning of

the Children (Care and Protection) Ordinance or a person who has custody or charge of the child for the time being;

“ship” means every description of vessel used in navigation however propelled;

“visitor” has the meaning assigned to that term in the Immigration Ordinance.

Curfew

3. (1) For the purpose of preventing, controlling and suppressing the spread of Covid-19, a curfew is imposed from 8:00 p.m. to 5:00 a.m. every night starting 4th May 2020 until 5:00 a.m. on 25th May 2020.

(2) Every person shall, during the curfew period under subregulation (1), remain confined to his or her place of residence (inclusive of the yard space) to avoid contact outside of their family, except—

- (a) for essential travel to and from the doctor/hospital;
- (b) essential workers, who are directed to report to work by the person in charge of the service:

Provided that an essential worker shall, at all times, adhere to the physical distancing requirements specified in these Regulations, distancing himself or herself 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 Ports Authority;
- (j) waste disposal and sanitation companies;
- (k) the Emergency Medical Services Department;

- (l) Public Health;
- (m) any hospital, health care or medical facility;
- (n) 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.

(4) A person who is exempted under subregulation (1)(a) or (b) shall use the most direct routes of travel from his home to his place of work or such other places mentioned in paragraph (a) and back to his home directly without making detours.

Wearing of face mask

4. To prevent the spread of Covid-19, every person shall wear a face mask or face covering, covering his nose and mouth, when in a public place.

Work remotely from home

5. (1) For the purposes of preventing, controlling and suppressing the spread of Covid-19, all businesses and offices shall, unless exempted under regulation 7, 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 7 or are designated as being essential workers under regulation 3.

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

Public sector

6. (1) For the purposes of preventing, controlling and suppressing the spread of Covid-19, all persons employed within the public service shall continue to work remotely from home, except as may otherwise be directed by the Deputy Governor.

(2) For the purposes of preventing, controlling and suppressing the spread of Covid-19, all persons employed within a statutory body or other public body shall continue to work remotely from home, except as may otherwise be directed by the head of that body, taking into account directives issued in relation to the public service.

(3) The directives issued under subregulations (1) and (2) shall ensure that adequate provisions for physical distancing are

in place for all employees inclusive of adequate hand washing and hand sanitising facilities for employees and customers, and reduction in numbers of persons within offices.

(4) Every person in an office referenced in subregulations (1) and (2) shall distance themselves from other persons at a minimum of six feet (6ft.) from any other person.

Closure of businesses and exceptions

7. (1) For the purposes of preventing, controlling and suppressing the spread of Covid-19, all establishments, institutions, businesses, offices, stores and organisations shall suspend operations to the general public, except for the businesses specified in subregulations (2) and (3).

(2) The following business may open from 4th May 2020 for any period within the specified time—

- (a) 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 (currently with guests), excluding any casinos, spas, gyms, discotheques, bars and restaurants therein, however such restaurants may offer room service;
- (h) banks from 9:00 a.m. to 5:00 p.m.;
- (i) commercial ports and related businesses;
- (j) ferry service for emergency cases (but not non-essential travel);
- (k) commercial aviation from 6:00 a.m. to 5:00p.m.;
- (l) airports based on local flights only;
- (m) laundromats and wash houses for hygienic purposes from 6:00 a.m. to 5:00 p.m.;
- (n) pet food store from 6:00 a.m. to 5:00 p.m.;

- (o) any water depot facility from 9:00 a.m. to 5:00 p.m.;
- (p) agriculture and fisheries businesses from 5:00 a.m. to 6:00 p.m.;
- (q) security services business;
- (r) courier services form 6:00 a.m. to 5:00 p.m.;
- (s) hardware stores from 8:00 a.m. to 5:00 p.m.; and
- (t) water, electricity, telecommunications (including internet services) or other sector encompassing the provision of electronic communications including print and electronic media.

(3) The following business may open from 11th May 2020 for any period within the specified time—

- (a) construction companies from 6:00 a.m. to 5:00 p.m.;
- (b) tool and contractor's equipment rental businesses from 6:00 a.m. to 5:00 p.m.;
- (c) concrete plants from 6:00 a.m. to 5:00 p.m.;
- (d) quarry pits from 6:00 a.m. to 5:00 p.m.;
- (e) sand mining businesses from 6:00 a.m. to 5:00 p.m.;
- (f) tyre shops from 6:00 a.m. to 5:00 p.m.;
- (g) electrical supplies/plumbing supplies/parts supplies businesses from 6:00 a.m. to 5:00 p.m.;
- (h) landscaping businesses from 6:00 a.m. to 5:00 p.m.;
- (i) concrete testing labs from 6:00 a.m. to 5:00 p.m.;
- (j) in-house maintenance shops from 6:00 a.m. to 5:00 p.m.;
- (k) millworks and stonework shops from 6:00 a.m. to 5:00 p.m.;
- (l) customs clearance brokers and shippers from 6:00 a.m. to 5:00 p.m.;
- (m) mobile toilet businesses from 6:00 a.m. to 5:00 p.m.;
- (n) cleaning services from 6:00 a.m. to 5:00 p.m.;
- (o) HVAC (heating, ventilation and air-conditioning) businesses from 6:00 a.m. to 5:00 p.m.;

- (p) restaurants for take away only 6:00 a.m. to 5:00 p.m.;
- (q) convenience stores from 6:00 a.m. to 5:00 p.m.;
- (r) office supplies businesses from 6:00 a.m. to 5:00 p.m.;
- (s) auto parts businesses from 6:00 a.m. to 5:00 p.m.; and
- (t) office-based small businesses (including lawyers offices, architects, survey companies, engineers) from 6:00 a.m. to 5:00 p.m. with no more than four (4) persons in the office at a time: provided that such business is able to maintain physical distancing requirements in the Regulations, to ensure distancing of at least six feet (6 ft.) between one person and another person.

(4) All businesses shall remain closed to the public on Sunday each week, except—

- (a) doctor's offices, hospitals or medical facilities;
- (b) hotels where guests are in residence, excluding any casinos, spas, gyms, discotheques, bars and restaurants therein, however such restaurants may only offer room service to guests;
- (c) ferry service for emergency cases;
- (d) commercial aviation;
- (e) airports; and
- (f) security services business.

(5) The owner or operator of a business or establishment specified in subregulation (1) 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.

(6) The owner or operator of a business or establishment specified in subregulation (1) shall ensure that adequate provisions for physical distancing are in place for all employees, inclusive of adequate hand washing and hand sanitising facilities for employees and customers, and reduction in numbers of persons within offices.

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

Closure of airports and seaports

8. (1) For the purposes of preventing, controlling and suppressing the spread of Covid-19—

- (a) all airports shall remain closed to regional and international flights, whether commercial or private;
- (b) all sea ports shall remain closed to regional and international seafaring; and
- (c) no person shall be permitted to enter or transit through the Turks and Caicos Islands.

(2) The restriction contained in subregulation (1) does not apply to—

- (a) outgoing flights or outgoing ships, as the case may be;
- (b) cargo flights or cargo ships, as the case may be;
- (c) courier flights;
- (d) medevac flights;
- (e) technical stops (stops by aircraft to refuel and proceed onward to another destination);
- (f) emergency flights approved by the Civil Aviation Authority and the Airports Authority; or
- (g) naval vessels, however no person shall be allowed on or off the vessel with the exception of Chief Medical Officer or other public health officials.

(3) Cruise ports shall remain closed until 30th June 2020 and no cruise ship shall be permitted to enter the Islands until after 30th June 2020, subject to guidance from the CDC and the cruise industry.

Power to order self-isolation, etc.

9. (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 Covid-19, 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.

Screening requirements

10. (1) For the purposes of these Regulations, the screening and clinical examination requirements, in relation to a person are requirements to the effect that a person shall—

- (a) answer questions about his health or other relevant circumstances (including travel history and information about other individuals with whom he may have had contact);
- (b) produce any documents which may assist a medical officer in assessing his health;
- (c) at such time as a medical officer may specify, allow a medical officer, to take a biological sample the person, including a sample of his respiratory secretions or blood, by appropriate means including by swabbing his nasopharyngeal cavity, or provide such a sample; and
- (d) provide sufficient information to enable the person to be contacted immediately by a medical officer during such period as a medical officer may specify, where the medical officer considers that such provision of information is necessary in order to reduce or remove the risk of the person infecting or contaminating others.

(2) Where the person is a child and is accompanied by a responsible adult, the responsible adult shall—

- (a) ensure that the child answers questions in accordance with subregulation (1)(a);

- (b) answer the questions if the child is unable to do so or cannot reliably do so;
- (c) produce any documents, required under subregulation (1)(b), on the child's behalf;
- (d) allow a medical officer, to take a biological sample of the child, including a sample of the child's respiratory secretions or blood, by appropriate means including by swabbing the child's nasopharyngeal cavity, or provide such a sample; and
- (e) provide information where required by a medical officer under subregulation (1)(d).

Duty to provide information

11. (1) The Chief Medical Officer may, request any person to provide to the Chief Medical Officer with such information the Chief Medical Officer considers necessary to assess what precautions should be taken to prevent the spread of Covid-19 in the Islands.

(2) A person who is requested to provide information to the Chief Medical Officer pursuant to subregulation (1) shall provide the information so requested.

Application to Justice of the Peace

12. (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 Covid-19, 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 Covid-19; or
- (c) be treated for Covid-19, where on examination of such person it is found that he is infected with Covid-19.

Authority to apprehend

13. (1) An order made under regulation 12 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 12 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 Covid-19 in accordance with generally accepted medical practice for such period as the Chief Medical Officer or health officer shall determine.

Physical distancing protocols

14. (1) Every business or establishment shall—

- (a) determine the number of customers that may be permitted in the establishment at any one time not exceeding the maximum number of ten (10) customers (save for supermarkets, hardware stores and hospitals so long as every person in such business or establishment shall distance themselves from other persons at a minimum of six feet (6ft.) from any other person);
- (b) ensure that all customers and staff maintain physical distancing of no less than six feet (6ft.) in or outside their business or establishment;
- (c) subject to paragraph (a), determine the number of persons that may be permitted in the business or establishment at any one time by permitting one person for every thirty square feet of store space;

- (d) place distance markers six feet (6ft.) apart, indicating where each customer shall stand on a line at a check out point; and
- (e) place distance markers six feet (6ft.) apart on the outside of the business or establishment, indicating where customers shall stand while waiting to enter the establishment.

(2) A public health officer or a police shall have power to enforce the physical distancing protocol required by these Regulations.

(3) A public health officer or a police may order the immediate closure of a business or establishment or part of the business or establishment for failure of the business or establishment to comply with the physical distancing protocol as required by these Regulations and if the public health officer or police officer determines that the business operation or its surroundings are unsafe.

Education and religious instruction

15. (1) For the purposes of preventing, controlling and suppressing the spread of Covid-19, all educational places of instruction shall remain closed.

(2) For the purposes of preventing, controlling and suppressing the spread of Covid-19, all religious places of worship shall remain closed until 10th May 2020:

Provided that no more than the maximum number of ten (10) persons shall be allowed to be inside at any given time and the physical distancing protocols shall apply:

Provided further that a religious place of worship may have more than one service per day, if necessary, in order to facilitate physical distancing.

Restriction on social activities

16. No person shall host or attend—

- (a) any social activities of any description, including a wedding; or
- (b) any funeral, save except ten (10) members of the immediate family and at least one officiant and essential mortuary staff, which shall be approved by the Chief Medical Officer.

Restriction on domestic travel

17.(1) 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 essential workers or authorised under regulation 7(1); or
- (b) interisland private or commercial air or sea transport that is non-essential:

Provided that an airline or a boat shall reduce the number of persons traveling on interisland transportation to permit physical distancing:

Provided further that travel for the purposes of banking, doctor and hospital visits, emergencies and cargo shall be considered as essential travel.

(2) Travel between the islands of Grand Turk and Salt Cay and between the islands of Middle Caicos and North Caicos is unrestricted provided physical distancing requirements are observed.

Public beaches

18. Subject to subregulation (2), all public beaches shall be reopened from 4th May 2020 subject to the following conditions—

- (a) physical distancing requirements shall be observed;
- (b) no gathering of more than four (4) adult persons outside the same household;
- (c) no alcohol should be taken onto or consumed on the beach;
- (d) no sports shall be allowed on the beach, except individual fitness activities.

Restriction on visitation

19. (1) 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; or
- (c) residential care establishment.

(2) Limited visitation will be permitted for a detainee in a detention centre, prison or police cell, with the appropriate

application of physical distancing due to the vulnerability of these populations.

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

20. (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

21. (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

22. (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) The owner or person last having control of a vehicle confiscated under subsection (1) shall pay the cost in respect of towing away of the vehicle or storage of the vehicle.

(4) 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

23. 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

24. (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

25. Upon the conviction of any person for an offence against regulation 4(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.

Publication of false statements

27. No person shall publish or cause to be published, posted or re-posted, over any media platform inclusive of social media, any purported news or report, or purported statement of fact, knowing or have reasonable cause to suspect that the same —

(a) is untrue or false; or

(b) may incite public fear, panic or ethnic hatred.

Offence

29. Any person who contravenes these Regulations commits an offence and is liable on summary conviction to a fine of five thousand dollars or to a term of imprisonment for three months, or to both such fine and imprisonment.

Revocation

30. Regulation 8(3) of the Emergency Powers (Covid-19)(No. 3) Regulations 2020 is revoked.

MADE this 2nd day of May 2020.

**NIGEL DAKIN
GOVERNOR**

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations seek to—

- (a) impose a night time curfew to 8:00 p.m. to 5:00 a.m. beginning on 4th May 2020 until 25th May 2020;
- (b) impose other measures considered necessary to prevent, control and suppress the spread of COVID-19 (Coronavirus);
- (c) provide for a phased reopening of businesses and activities starting on 4th May 2020 for certain businesses and activities.