



BERMUDA

PUBLIC HEALTH (COVID-19 EMERGENCY POWERS) REGULATIONS 2021

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	SCHEDULE 1
	Persons exempt from curfew

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

AND WHEREAS COVID-19, which is a communicable disease of the first category under the Public Health Act 1949, continues to be an unprecedented and severe threat to public health in Bermuda;

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AND WHEREAS the Minister responsible for health has issued the Public Health (COVID-19) Emergency Order 2021 under section 107A of the Public Health Act 1949;

AND WHEREAS it is necessary in the interests of public health to take extraordinary measures to prevent, control and suppress COVID-19;

NOW THEREFORE Her Excellency the Governor, on the advice of the Minister responsible for health, and in exercise of the power conferred by section 107B of the Public Health Act 1949, makes the following Regulations:

### Citation

1 These Regulations may be cited as the Public Health (COVID-19 Emergency Powers) Regulations 2021.

### Interpretation

2 In these Regulations—

“appropriate physical distancing” means maintaining a distance between all persons who are not members of the same household of at least—

- (a) six feet; or
- (b) three feet, provided each person is wearing a mask which completely covers their nose and mouth,

and following any relevant guidance;

“curfew” means the curfew imposed by regulation 3(1);

“enforcement officer” means—

- (a) a police officer;
- (b) a member of the Royal Bermuda Regiment; or
- (c) a customs officer;

“facility” includes any school, nursery, religious establishment, hotel, restaurant, bar, club, nightclub, and any other place of public resort or meeting;

“guidance” means guidance issued by the Minister of Health on precautions to be taken and procedures to be followed for the prevention, control or suppression of COVID-19, and published on the website [www.gov.bm/coronavirus](http://www.gov.bm/coronavirus);

“home” in relation to a person, means the place where he lives, 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.

### Night-time curfew

3 (1) No person shall be away from his home or accommodation during the hours of midnight to 5am, except for a medical or other emergency.

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(2) Persons listed in Schedule 1 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.

### Obligation to maintain appropriate physical distancing

4 All persons shall take all reasonable steps to maintain appropriate physical distancing (including following any relevant guidance) at all times in any public or private place.

### Large groups prohibited

5 (1) No person shall assemble in a group of more than 25 persons for any reason in any public or private place.

(2) No person shall host a group of more than 25 persons for any reason in any public or private place.

(3) This regulation does not apply to—

(a) 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;

(b) persons travelling on any form of public transport;

(c) persons while in attendance at—

(i) an indoor service or ceremony in a church or other religious establishment;

(ii) an indoor funeral service;

(iii) an indoor marriage ceremony; or

(iv) an indoor domestic partnership ceremony,

but the number of persons at the indoor service or ceremony shall not exceed 20 per cent of the indoor area's full capacity, as calculated in accordance with guidance;

(d) persons required to attend the Court of Appeal, Supreme Court, magistrates' court or a tribunal;

(e) persons while in attendance at a vaccination centre;

(f) persons while in attendance at a school or the Bermuda College,

provided appropriate physical distancing is maintained and relevant guidance on other precautions to be taken is followed at all times.

(4) In paragraph (3)(c), a "service" or "ceremony" does not include a reception or wake.

(5) The Minister of National Security may grant an exemption (a "large group exemption") permitting a group of more than 25 persons to assemble—

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- (a) on a specified date;
- (b) and at a specified time and place,

provided appropriate physical distancing is maintained and relevant guidance on other precautions to be taken is followed at all times, and subject to such conditions as the Minister of National Security may impose.

(6) Notice of a large group exemption and any conditions imposed by the Minister of National Security under paragraph (5) shall be published in the Gazette at least one day before the specified date.

(7) A large group exemption granted under regulation 4(4) of the Public Health (COVID-19 Emergency Powers) (No. 3) Regulations 2020, and notice thereof published under regulation 4(5) of those Regulations, shall be deemed to be duly granted and published under paragraphs (5) and (6) of this regulation.

(8) For the avoidance of doubt, the Minister of National Security may at any time modify or revoke a large group exemption granted or deemed to be granted under paragraph (5) or (7).

(9) In this regulation—

“school” has the meaning given in section 2(1) of the Education Act 1996.

Bars, clubs and sale of intoxicating liquor

6 (1) A bar or club shall close no later than 11pm, and shall reopen no earlier than 8am.

(2) The owner or operator of a bar or club shall ensure compliance with the following conditions—

- (a) in both indoor and outdoor areas of bars and clubs, only table service from the bar is permitted;
- (b) no customer shall stand at the bar or elsewhere;
- (c) no group at any one table shall exceed six persons.

(3) Subject to paragraph (4), notwithstanding anything in the Liquor Licence Act 1974 or any other provision of law that would otherwise allow it, no business or facility shall sell or serve intoxicating liquor between the hours of 11pm and 8am.

(4) Paragraph (3) does not prohibit or restrict the sale in accordance with section 30 of the Liquor Licence Act 1974 of intoxicating liquor to a guest in a hotel between the hours of 11pm and 8am, provided the intoxicating liquor is delivered to and consumed in the guest's sleeping accommodation.

(5) A police officer of the rank of inspector or above may, upon reasonable belief that a contravention of these Regulations has occurred on a licensed premises, order any licensed person, his servant or his agent carrying on business at the licensed premises, to close the licensed premises for a period not exceeding 24 hours.

(6) In this regulation—

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“bar” means premises licensed under a Licence (B) (within the meaning of section 9(1)(c) of the Liquor Licence Act 1974);

“club” means premises licensed under a Night Club Licence, Proprietary Club Licence or Members’ Club Licence (within the meaning of paragraph (f), (g) or (h) of section 9(1) of the Liquor Licence Act 1974, respectively);

“intoxicating liquor” has the meaning given in section 1(1) of the Liquor Licence Act 1974;

“licensed person” and “licensed premises” have the meanings given in section 1(1) of the Liquor Licence Act 1974.

Restaurants

7 (1) The owner or operator of a restaurant shall ensure compliance with the following conditions—

- (a) indoor and outdoor dining permitted;
- (b) no group at any one table shall exceed six persons;
- (c) if licensed premises, only table service from the bar is permitted.

(2) In this regulation, “licensed premises” has the meaning given in regulation 6(6).

Gyms and sports clubs

8 The owner or operator of a gym or sports club shall ensure that, when using the indoor facilities, a distance of at least six feet between persons who are not members of the same household shall be maintained.

“Party bus” prohibited

9 (1) No person shall cause or allow a minibus to be used for the conveyance of passengers to or between licensed premises.

- (2) No person shall travel on a minibus being used for that purpose.
- (3) No person shall consume any intoxicating liquor on a minibus.
- (4) In this regulation—

“intoxicating liquor” has the meaning given in section 1(1) of the Liquor Licence Act 1974;

“licensed premises” has the meaning given in section 1(1) of the Liquor Licence Act 1974;

“minibus” has the meaning given in section 2(1) of the Motor Car Act 1951.

Recreational boating

10 No person shall use a boat for recreational purposes after 6pm.

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### Closure of business or facility not in compliance with health directions

11 (1) The owner or operator of any business or facility shall take all reasonable steps to ensure that all staff, customers or users of the business or facility maintain appropriate physical distancing at all times, and shall comply with any further guidance regarding cleaning, sanitisation, use of personal protective equipment and other precautions to be taken.

(2) Further guidance regarding other precautions to be taken, referred to in paragraph (1), may include guidance requiring the testing for COVID-19 of the staff of a business or facility, or of any category of business or facility.

(3) If any such business or facility is not in compliance with paragraph (1), the Minister of Health may order the manager or other person in charge to close it, and such manager or person in charge shall forthwith comply with that order, and shall continue to comply until otherwise directed by the Minister.

(4) Any person who is aggrieved by an order made under this regulation may appeal to a court of summary jurisdiction in accordance with section 190 of the Public Health Act 1949.

### Restriction on raft-ups

12 No person shall—

- (a) tie together for recreational purposes (raft-up) more than three boats;
- (b) participate in a raft-up that consists of more than three boats; or
- (c) participate in more than one raft-up (of any number of boats) occurring at the same time.

### Enforcement powers

13 (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.

(2) 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 at any time, take such action as may be necessary to enforce these Regulations, including the dispersal of any groups of more than 25 persons.

(3) For the purposes of exercising the power in paragraphs (1) and (2), 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 these Regulations.

(5) No person shall resist, wilfully obstruct, or assault, an enforcement officer who is acting in the execution of his duty under these Regulations.

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### Offences

14 (1) A person who fails to comply with any of these Regulations (other than regulation 4) commits an offence and is liable in accordance with section 171 of the Public Health Act 1949, to the following—

- (a) a fine of \$6,000, in respect of a first offence;
- (b) for a second or subsequent offence, a fine of \$10,000 or imprisonment for a term not exceeding three months, or both such fine and imprisonment;
- (c) in addition, in the case of a continuing offence, a fine of \$1,000 in respect of each day during which the offence is continued.

(2) A person who fails to take all reasonable steps, as required by regulation 4, to maintain appropriate physical distancing by not wearing a mask when one is required commits an offence and is liable on summary conviction to—

- (a) a fine of \$500, in respect of a first offence;
- (b) a fine of \$1,000, for a second or subsequent offence.

(3) Where an enforcement officer has reasonable grounds for suspecting that an offence contrary to paragraph (1) is being or has been committed, he may arrest without warrant anyone whom he has reasonable grounds for suspecting is committing or has committed that offence.

### Section 107B(4) of the Public Health Act 1949

15 Section 107B(4) of the Public Health Act 1949 provides that any provision of law which is inconsistent with these Regulations, to the extent of such inconsistency, shall be of no effect while these Regulations remain in force.

### Savings for guidance

16 Guidance issued and published, or deemed to be issued and published, under the Public Health (COVID-19 Emergency Powers) (No. 3) Regulations 2020 shall be deemed to be duly issued and published under the corresponding provisions of these Regulations.

### Commencement and duration

17 (1) These Regulations shall come into effect at 6am on 25 January 2021.

(2) These Regulations shall cease to have effect when the Public Health (COVID-19) Emergency Order 2021 ceases to have effect.

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SCHEDULE 1

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 professional, 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) passengers and crew who need to travel to and from the airport for flights during the curfew, and persons transporting them;
  - (d) stevedores, truckers and staff of Hamilton Docks;
  - (e) licensed security officers.



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### Essential services

8 All persons working in services listed in the First Schedule to the Labour Relations Act 1975.

### Media

9 Members of the print or broadcast media.

### Child protection

10 Members of the Department of Child and Family Services.

### Other public officers

11 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.

### Financial services

12 (1) Persons working in the financial services sector, as designated in writing by the Minister of Finance.

(2) A designation—

- (a) made under paragraph 12(1) of Schedule 1 to the Public Health (COVID-19 Emergency Powers) (No. 3) Regulations 2020; or
- (b) made under, or that was deemed to be valid for the purposes of, paragraph 11(1) of Schedule 1 to the Public Health (COVID-19 Emergency Powers) Regulations 2020,

shall be deemed to be valid for the purposes of subparagraph (1).

### Ministerial permission

13 (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) A written permission—

- (a) granted under paragraph 13(1) of Schedule 1 to the Public Health (COVID-19 Emergency Powers) (No. 3) Regulations 2020; or
- (b) granted under, or that was deemed to be valid for the purposes of, paragraph 12 of Schedule 1 to the Public Health (COVID-19 Emergency Powers) Regulations 2020,

shall be deemed to be valid for the purposes of subparagraph (1).

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Made this 22nd day of January 2021

Governor

[Operative Date: 25 January 2021]