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Regulations*

2020

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SCHEDULE

GRENADA

STATUTORY RULES AND ORDERS NO. 40 OF 2020

IN EXERCISE OF THE POWERS CONFERRED UNDER SECTION 4 OF THE EMERGENCY POWERS ACT, CHAPTER 88 FOR THE PURPOSES OF SECTION 17 OF THE CONSTITUTION, THE CABINET OF GRENADA MAKES THE FOLLOWING REGULATIONS—

(Gazetted 15th June, 2020).

1. Citation. These Regulations may be cited as the

EMERGENCY POWERS (COVID-19) (NO. 12) REGULATIONS, 2020.

2. Restriction on freedom of movement.—(1) A curfew is imposed beginning from 7:00 a.m. on the 16th day of June, 2020 and ending at 7:00 a.m. on the 23rd day of June, 2020 and during this period every person shall remain confined to their place of residence (inclusive of their yard space) to avoid contact outside of their household, except as provided in these Regulations or as may be authorised in writing by the Commissioner of Police acting on the direction of the Cabinet.

(2) Freedom of movement may be exercised from 5:00 a.m. to 9:00 p.m. in accordance with these Regulations.

(3) Every person shall, whenever he is outside of his place of residence, wear a mask or suitable covering over his nose and mouth.

(4) These Regulations shall not apply in the case of a medical emergency.

3. Work remotely from home.—(1) All businesses and offices may continue their business operations by allowing their employees to work remotely from home utilising virtual means, unless they are permitted to work under regulation 5 or are designated as essential workers under regulation 7.

(2) Where a business is unable to continue its business operations by its employees working remotely from home, the business shall cease its operations.

4. Public Service, Statutory Bodies, State-owned Enterprises and Courts.—(1) Subject to subregulation (2), all members of the public service shall work remotely from home, except as otherwise directed by the Secretary to the Cabinet.

(2) Where the Secretary to the Cabinet directs that specified public officers attend work, the Government shall take reasonable steps to—

- (a) ensure safe transport of the public officers in accordance with regulation 14; and
- (b) comply with the physical distancing protocols in accordance with regulation 6.

(3) Subject to subregulation (4), all employees of Statutory Bodies and State-owned Enterprises shall work remotely from home, except as otherwise directed by the Board and approved in writing by the Commissioner of Police acting on the direction of the Cabinet.

(4) Where the Board with the approval of the Commissioner of Police directs that specified employees attend work, the Statutory Bodies or State-owned Enterprises as the case may be shall take reasonable steps to—

- (a) ensure safe transport of the employees in accordance with regulation 14; and
- (b) comply with the physical distancing protocols in accordance with regulation 6.

(5) Subject to the Practice Directions of the Eastern Caribbean Supreme Court, the Court shall remain accessible, shall adhere to physical distancing protocols and the persons employed within the public service shall work remotely from home as far as reasonably practicable.

(6) In this regulation, “the Court” means the Magistrate’s Courts and the West Indies Associated States Supreme Court.

5. Closure of businesses and exceptions.—(1) Every establishment or business shall remain closed except for the following—

- (a) wholesale or retail grocery stores, and commercial bakeries from 8:00 a.m. to 7:00 p.m.;
- (b) suppliers who supply groceries stores;
- (c) doctor’s offices, dentist’s offices, optician’s offices, hospitals, medical facilities and pharmacies and medical supply establishments;

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- (d) gas stations from 6:00 am. to 7:00 p.m.;
 - (e) hardware stores from 8:00 a.m. to 7:00 p.m.;
 - (f) hotels, excluding any discotheques therein, and where a hotel remains open the hotel's staff shall remain on the premises for the duration of the period under regulation 2 (1); hotel employers shall bear the costs of the board and lodging of such staff members;
 - (g) banks, credit unions and money services business from 8:00 a.m. to 7:00 p.m.;
 - (h) commercial ports and related businesses from 8:00 a.m. to 7:00 p.m. subject to any variation by the Ports Authority;
 - (i) airports subject to regulation 10 (1) (a);
 - (j) commercial courier flights as authorised by the Airports Authority;
 - (k) food vendors and restaurants from 8:00 a.m. to 7:00 p.m. with in-dining services as authorised by the Ministry of Health, and drive-through or takeaway services;
 - (l) registered or *bona fide* fishermen, farmers and butchers engaged in their business;
 - (m) veterinarians engaged in their trade;
 - (n) accountants engaged in their trade;
 - (o) insurance companies;
 - (p) businesses licensed to provide security guard services;
 - (q) manufacturers and suppliers of personal protective equipment and hand sanitisation products;
 - (r) works of construction for urgent plumbing, electrical, roof repairs or other emergency repairs for a home or business, and other works of construction as authorised by the Permanent Secretary with responsibility for Works in accordance with all conditions to such authorisation;
 - (s) the Inland Revenue Division;

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- (t) real estate companies from 8:00 a.m. to 7:00 p.m.;
 - (u) laundromats from 8:00 a.m. to 7:00 p.m.;
 - (v) landscapers and gardeners engaged in their business, and flower shops, from 8:00 a.m. to 7:00 p.m.;
 - (w) hire purchase stores from 8:00 a.m. to 7:00 p.m.;
 - (x) companies offering payday loans from 8:00 a.m. to 7:00 p.m.
 - (y) law offices from 8:00 a.m. to 7:00 p.m., and attorneys-at-law engaged in their trade;
 - (z) domestic workers engaged in delivery of their services from 8:00 a.m. to 7:00 p.m.;
 - (aa) retail stores from 8:00 a.m. to 7:00 p.m.;
 - (bb) businesses and establishments of the beauty salon industry including barbers, hairdressers, makeup artists, manicurists, pedicurists, nail technicians, shampoo technicians, hair colour specialists, cosmetologists, estheticians, skincare specialists, laser hair removal specialists, electrologists, spa therapists, beauty therapists, tattoo artists, and body piercing artists, from 8:00 a.m. to 7:00 p.m., as authorised by the Ministry of Health;
 - (cc) gyms and fitness centers from 8:00 a.m. to 7:00 p.m. as authorised by the Ministry of Health;
 - (dd) operators licenced under the Gaming Act, 2016 from 8:00 a.m. to 7:00 p.m. as authorised by the Ministry of Health;
 - (ee) such other businesses or undertakings as may be specifically exempted in writing by the Commissioner of Police acting on the direction of the Cabinet,

and the owner or operator of the establishment or business exempted under paragraphs (a) to (ee) shall adhere to physical distancing protocols under regulation 6 and any other conditions imposed by the Commissioner of Police on the direction of the Cabinet.

(2) Contravention of any condition to any authorisation granted for works of construction under subregulation (1) (r) is an offence.

(3) The Commissioner of Police, acting on the direction of the Cabinet, may specify the business hours for such other businesses or undertakings under subregulation (1) (ee).

(4) If the manager, owner, other person in charge or employee of any establishment exempted under subregulation (1), aids, abets or facilitates the contravention of these Regulations, the establishment shall be immediately closed without prejudice to any other penalty in law.

(5) For the avoidance of doubt, exemptions granted in writing by the Commissioner of Police acting on the direction of the Cabinet pursuant to previous regulations made pursuant to the Emergency Powers Act, Chapter 88 in response to the COVID-19 pandemic shall remain in force until revoked.

(6) In this regulation, “grocery stores” includes supermarkets and shops which sell groceries.

6. Physical distancing protocols.—(1) Every 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 (30 sq ft) of store space;
- (c) place distance markers six feet (6ft.) apart, indicating where each customer must stand on a line at a checkout point;
- (d) place distance markers six feet (6ft.) apart on the outside of the establishment, indicating where customers must stand while waiting to enter the establishment.

(2) Employees of a hospital or health care, medical, residential care establishment or facility and members of the Royal Grenada Police Force shall take reasonable steps to comply with the requirements under subregulation (1), unless it is reasonably impracticable.

7. Shelter in place and essential workers.—(1) For the avoidance of doubt but subject to regulation 12, every person shall remain confined to their place of residence (inclusive of their yard space) to avoid contact outside of their household except—

- (a) essential workers who report to work;
- (b) workers required to work under regulation 4 or 5;
- (c) for essential travel to an establishment exempted under regulation 5 (1) or for essential travel to an establishment under paragraphs (a) to (i) of subregulation (3);
- (d) all Members of Parliament, the Attorney-General, the Director of Public Prosecution, Magistrates and Judges, the Registrar, the Deputy Registrar of the Supreme Court;
- (e) members of the Official COVID-19 Taskforce on official duties;
- (f) for outdoor exercise, whether alone or together with family members living under the same roof, not exceeding an hour and a half per day between the hours of 5:00 a.m. to 6:00 p.m.;
- (g) in the case of emergency travel to any hospital or medical facility.

(2) For the purposes of paragraphs (a) to (f) of subregulation (1), such a person shall at all times distance himself at least six feet (6 ft.) from any other person.

(3) For the purposes of this regulation, an “essential worker” means an officer, staff, employee or director of—

- (a) the Royal Grenada Police Force;
- (b) the National Disaster Management Agency, or any person authorised by the National Disaster Management Agency;
- (c) Her Majesty’s Prison;
- (d) the Ministry of Health;
- (e) the Department of Custom and Excise Division;
- (f) the Accountant-General’s Division;

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- (g) the Ministry of Social Services;
 - (h) the Office of the Prime Minister;
 - (i) the Inland Revenue Division;
 - (j) the Ministry of National Security;
 - (k) the Ministry of Agriculture;
 - (l) waste disposal and sanitation companies;
 - (m) any hospital or health care, medical, residential care establishment or facility;
 - (n) the Airports Authority and Ports Authority, where that individual is essential to the operations;
 - (o) an establishment in the water sector or the electricity sector, where that individual is essential to the operations;
 - (p) an establishment in the telecommunication sector or any other sector encompassing the provision of electronic communications, where that individual is essential to the operations;
 - (q) any print or electronic media house, where that individual is essential to the operations;
 - (r) private caregivers for the elderly or disabled, as authorised in writing by the Commissioner of Police acting on the direction of the Cabinet; and
 - (s) any other Department or Ministry or officer or category of officers or workers as—
 - (i) in the case of public officers, directed by the Secretary to the Cabinet;
 - (ii) in any other case, approved in writing by the Commissioner of Police acting on the direction of the Cabinet.

(4) Every Ministry or Department listed at paragraphs (d) to (k) of subregulation (3) shall operate with essential staff which shall include the Permanent

Secretary, the Senior Administrative Officer and any other head of Department and such other public officer directed to attend by the Secretary to the Cabinet.

(5) All essential workers shall at all times carry personal identification that evidences their employment by, attachment to or connection to the entity by virtue of which they are deemed essential workers.

(6) Beaches may be accessed from 5:00 a.m. to 5:00 p.m. for the purpose of outdoor exercise under subregulation (1) (f).

8. Education and religious instruction.—(1) All educational places of instruction shall remain physically closed.

(2) Religious institutions may operate, and conduct funerals and weddings in accordance with regulation 9, at their places of worship as authorised by the Cabinet.

(3) For the avoidance of doubt, subregulation (2) does not restrict any activity referred to therein by electronic or virtual means.

9. Restriction on social activities and funerals. No person shall host or attend—

- (a) any social activity of any description; or
- (b) a funeral hosting more than ten persons in addition to the officiant and essential mortuary staff; or
- (c) a wedding hosting more than ten persons in addition to the officiant, the bride and the groom.

10. Restriction on international travel.—(1) With immediate effect—

- (a) except with the prior written permission of the Airports Authority, all airports including private airports and fixed-base operations (FBOs) shall be closed to incoming international flights carrying any passenger;
- (b) all seaports shall be closed to regional and international seafaring and private boating; and
- (c) no person shall be permitted to enter and disembark for any reason, including transiting through the State of Grenada, except with the permission of the Airports Authority and the Ministry of Health.

(2) Subregulation (1) shall 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) commercial courier flights;
- (d) emergency medical flights;
- (e) emergency flights;
- (f) flights carrying any diplomat,

if permission has been granted by the Airports Authority and the Ministry of Health.

(3) Notwithstanding subregulation (2), no crew member will be allowed or granted shore leave, unless for the purposes of operational difficulties and upon receiving permission from the Airports Authority or the Ports Authority.

11. Restriction on domestic travel. No person shall offer for hire or seek to travel on any—

- (a) mail boat, sailing inter-island, except for transport of freight; or
- (b) inter-island private commercial sea transport,

except with the approval of the Ports Authority and the Ministry of Health.

12. Movement to transact business at exempted establishment.—(1) A person may leave his residence in accordance with regulation 2 (2) to attend an establishment exempted under regulation 5 (1) or to access essential services offered by an essential worker under regulation 7 (3) or for the purposes of regulation 8 (2), 9 (b) or 9 (c).

(2) Employees or workers of an establishment exempted under regulation 5 (1) or 8 (2) may leave their homes for the purposes of attending work and their employers shall ensure safe transport for each employee or worker where necessary in accordance with regulation 14.

13. Restriction on road traffic.—(1) No person shall drive a motor vehicle on any public or private road for a purpose other than stated in regulation 4, 5, 7, 8 (2), 9 (b), 9 (c) or 12.

(2) The Royal Grenada Police Force shall have powers to stop any motor vehicle and inquire as to the purposes for which that motor vehicle is being utilised, and to arrest anyone found in violation of this restriction.

(3) The power to tow away under section 30, and to affix an immobilising device under section 30A, of the Road Traffic Act, Chapter 289A shall apply in respect of any motor vehicle driven or used in contravention of this regulation.

(4) In this regulation, “motor vehicle” has the meaning assigned under the Road Traffic Act, Chapter 289A.

14. Restriction on transportation.—(1) No person shall travel in a motor vehicle with a person of a different household unless there is at least one vacant seat between the two persons.

(2) Operators of motor omnibuses, hiring cars and taxis may operate as authorised by the Commissioner of Police acting on the direction of the Cabinet.

(3) A person may travel in a motor vehicle in accordance with regulations 2 (2), 4, 5, 12 and 13.

(4) In this regulation, “motor omnibus”, “hiring car” and “taxi” have the meanings assigned under the Road Traffic Act, Chapter 289A.

15. Restriction on visitation. No person shall visit or be permitted to visit—

- (a) any place of quarantine or isolation station;
- (b) a detainee in a prison.

(2) A hospital or residential care establishment or facility, including an elderly nursing home, may permit no more than two persons per day to visit a patient.

16. Mandatory reporting and isolation.—(1) A person who has travelled into the State of Grenada on or after the 9th day of March, 2020 shall immediately place himself in self-isolation for not less than fourteen days from his date of arrival, and immediately notify a police station in his parish in accordance with the Parish Boundaries Act, Chapter 224.

(2) A person under self-isolation under subregulation (1) or under observation or surveillance for the purposes of the Quarantine Act, Chapter 271 or the Public

Health Act, Chapter 263, shall remain in self-isolation, observation or surveillance and—

- (a) install on all of his mobile devices as far as possible; and
- (b) for the duration of his self-isolation, observation or surveillance, comply with the instructions of,

the surveillance mobile application as pre-approved by the Ministry of Health.

(3) Any person who is aware that he has been in contact with any person who has travelled into Grenada on or after the 9th day of March, 2020 shall immediately notify a police station in his parish in accordance with the Parish Boundaries Act, Chapter 224 and await instructions.

(4) Any person who is exhibiting any flu-like symptoms shall immediately notify a police station in his parish in accordance with the Parish Boundaries Act, Chapter 224.

(5) Any person who has observed that any other person is exhibiting flu-like symptoms shall notify a police station in his parish in accordance with the Parish Boundaries Act, Chapter 224.

(6) Any person who knowingly makes a false report for the purposes of subregulation (4) shall be guilty of an offence.

(7) Any person who is asked by any official of the Ministry of Health to submit himself to any testing for COVID-19 shall submit to such testing.

(8) Any person who is directed by the Ministry of Health to submit himself to self-isolation or quarantine shall comply with the direction.

(9) For the purposes of this regulation, the Ministry of Health shall be contacted using the COVID-19 Helplines at telephone number 458-4787 or 538-4787.

17. Penalty.—(1) A person who contravenes or fails to comply with these Regulations, or any direction for the purposes of these Regulations, shall be guilty of an offence and, on summary conviction, liable to a fine not exceeding one thousand dollars and to imprisonment for a term not exceeding twelve months and to forfeiture of any goods or money in respect of which the offence has been committed.

(2) Without prejudice to subregulation (1), a person who commits an offence by contravening—

- (a) regulation 2 (3); or
- (b) regulation 5 (2); or
- (c) regulation 13 (1); or
- (d) regulation 14 (1); or
- (e) regulation 15; or
- (f) regulation 16 (8),

is liable on service of a fixed penalty notice by a police officer, if the person so chooses, to a fixed penalty of—

- (i) in the first case, five hundred dollars;
- (ii) in the second case, seven hundred and fifty dollars;
- (iii) in the third case or any subsequent case, one thousand dollars.

18. Fixed penalty notice.—(1) Where a police officer has reason to believe that a person has committed an offence specified under regulation 17 (2), 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 18 to 23 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 18 to 23.

(5) A police officer shall serve a fixed penalty notice personally upon a person alleged to have committed an offence specified under regulation 17 (2) 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 20 (2), the duplicate sent to the Magistrate's Court under subregulation (5) shall constitute a complaint laid before the Magistrate 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 the Schedule, specifying the following—

- (a) the date, time and place of service of the fixed penalty notice;
- (b) the provision of these Regulations creating the offence alleged, and such particulars of the offence as are required under these Regulations;
- (c) the amount of the fixed penalty;
- (d) the time within which the fixed penalty may be paid in accordance with regulation 20 (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.

19. Payment of fixed penalty.—(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.

20. Payment of fixed penalty precludes prosecution.—(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.

21. Certificate of payment or non-payment of fixed penalty. In any proceedings for an offence specified under regulation 17 (2), 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.

22. Consequence of failure to pay. Where a fixed penalty is not paid within the time specified in accordance with regulation 20 (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.

23. Duty and powers of Police Force.—(1) It shall be the duty of every police officer to enforce (using reasonable force if necessary) compliance with these Regulations and with any order, instruction or condition lawfully made, given or imposed by any officer or other person under the authority of these Regulations; and for such purpose any police officer may enter any premises without a warrant.

(2) Any police officer may arrest without a warrant any person whom he has reasonable cause to believe has committed an offence against these Regulations.

24. Guidelines. The Commissioner of Police may, on the direction of the Cabinet of Grenada, issue guidelines to provide for further clarification of these Regulations.

SCHEDULE

Emergency Powers Act, Chapter 88

Notice of Opportunity to Pay Fixed Penalty

Take Notice that, I,
(Rank) (Number) (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 regulations made under the Emergency Powers Act, 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/section contravened)

of the

(state Regulations or SRO Number/Act)

.....

Signature of Police Officer.

Made this 15th day of June, 2020.

RUTH E. ROUSE
Secretary to the Cabinet.