

2020 *Emergency Powers (Covid-19) (Proclamation No. 3) SRO. 74*
(No. 2) Regulations

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GRENADA

STATUTORY RULES AND ORDERS NO. 74 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 23rd December, 2020).

1. Citation. These Regulations may be cited as the

EMERGENCY POWERS (COVID-19) (PROCLAMATION NO. 3) (NO. 2)
REGULATIONS, 2020.

2. Definitions. In these Regulations, “essential worker” means an officer, staff, employee, director or manager 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) waste disposal and sanitation companies;
- (f) any hospital or health care, medical, residential care establishment or facility;
- (g) the Airports Authority and Ports Authority;
- (h) an establishment in the water sector or the electricity sector;
- (i) an establishment in the telecommunication sector or any other sector encompassing the provision of electronic communications; and
- (j) any print or electronic media house.

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3. Restriction on freedom of movement.—(1) Beginning the 23rd day of December, 2020 and ending on the 3rd day of January, 2021 a curfew shall be imposed on each day from the hours of 8:00 pm and ending at 5:00 am the following day and during this period every person shall remain confined to their place of residence (inclusive of their yard space) to avoid contact outside of his or her household, except as provided in these Regulations or as may be authorised in writing by the Commissioner of Police in consultation with the Chief Medical Officer.

(2) Freedom of movement may be exercised from 5:00 a.m. to 8:00 p.m. each day during this period in accordance with these Regulations.

(3) Notwithstanding sub-regulation (1), an essential worker is permitted freedom of movement for the purpose of undertaking an essential service.

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

(5) Notwithstanding sub-regulation (1), the Commissioner of Police in consultation with the Chief Medical Officer may grant written permission to a person or business to operate during the curfew period.

4. Requirement to wear masks in public.—(1) No person shall, without reasonable excuse, be in a public space without wearing a face mask, face shield or face covering in a manner which covers his or her mouth, nose and chin.

(2) No person shall, without reasonable excuse, be in a motor vehicle with another person outside of his or her household without wearing a face mask, face shield or face covering in a manner which covers his or her mouth, nose and chin.

(3) Where the person under this regulation is a child accompanied by an individual who has responsibility for the child, the individual shall provide and ensure that the child has and wears the face mask, face shield or face covering as required by this regulation.

(4) The owner or operator of any business, establishment or office which provides goods or services to the public shall ensure that a member of the public is not permitted entry to, or otherwise remains within, any enclosed space within the premises of the business, establishment or office unless, the member of the public is wearing a face mask, face shield or face covering, in a manner which covers his or her mouth, nose and chin.

(5) Sub-regulations (1) to (4) shall not apply to—

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- (a) children under seven years of age;
- (b) an employee or agent of the person responsible for the business, establishment or office within an area designated for the employee or agent and not for public access, or within or behind a physical barrier, if there is no other person in the area and subject to such guidelines made by the Ministry of Health; and
- (c) those circumstances provided for in guidelines made by the Ministry of Health.

(6) For the purposes of sub-regulations (1) and (2), the circumstances in which a person has a reasonable excuse include those where—

- (a) the person cannot put on, wear or remove a face mask, face shield or face covering—
 - (i) because of any medical, physical or mental illness or impairment, or disability which inhibits their ability to wear a face mask, face shield or face covering; or
 - (ii) without severe distress;
- (b) the person is travelling with, or providing assistance to, another person and such other person relies on lip-reading to communicate with the first person;
- (c) the person removes his or her face mask, face shield or face covering to avoid harm or injury, or the risk of harm or injury, to himself or others;
- (d) the person is travelling to avoid injury, or to escape a risk of harm, and does not have a face mask, face shield or face covering with him or her;
- (e) if it is reasonably necessary for the person to eat or drink, the person removes his or her face mask, face shield or face covering to eat or drink;
- (f) the person has to remove his or her face mask, face shield or face covering to take medication;
- (g) a request is made of that person to remove his or her face mask, face shield or face covering temporarily for security and identification purposes if necessary for the purpose of receiving services; or

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(h) the circumstances provided for in guidelines issued by the Ministry of Health.

(7) Subject to the exemptions in sub-regulation (5) (b), an employee shall wear a face mask, face shield or face covering when working in an enclosed public space.

(8) Sub-regulation (1) does not apply to a person on a beach or public park, if he or she maintains physical distancing of no less than six feet (6ft.) to any person outside of his or her household.

5. Physical distancing and sanitation protocols for establishments and businesses.—(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, establishment or office;
- (b) determine the number of persons that may be permitted in the business, establishment or office 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; and
- (d) place distance markers six feet (6ft.) apart on the outside of the business, establishment or office, indicating where customers must stand while waiting to enter the business, establishment or office.

(2) Every business, establishment or office, including operators of motor omnibuses, hiring cars and taxis, shall administer or ensure sanitation of the hands of every person upon entry into the business, establishment or office.

(3) 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 sub-regulations (1) and (2), unless it is reasonably impracticable.

6. Business and institutional operations.—(1) Subject to sub-regulation (2), all businesses, establishments and offices may commence, continue, or resume their business operations, except the businesses establishments and offices as may be prescribed from time to time by Order of the Minister.

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(2) Except for essential businesses, no person shall keep his or her business, establishment or office open after 8:00 p.m.

(3) Notwithstanding sub-regulation (1), every business, establishment or office shall operate in accordance with—

- (a) regulation 5 and every protocol established by the Cabinet or the Minister in respect of the industry of the business, establishment or office; and
- (b) any condition imposed upon the business, establishment or office pursuant to regulations made pursuant to the Emergency Powers Act, Chapter 88 in response to the COVID-19 pandemic—
 - (i) whether or not as a condition to an exemption to operate; and
 - (ii) whether imposed individually or upon a category of businesses, establishments or offices, until the condition has been discharged in writing.

(4) Notwithstanding sub-regulation (1) and regulation 5, no community shop selling intoxicating liquor for the purposes of the Liquor Dealers' Licences Act, Chapter 174, shall permit more than three customers at any one time.

(5) Notwithstanding sub-regulation (1) and regulation 5, no establishment operating as a refreshment house for the purposes of the Licences Act, Chapter 172, shall permit more than ten customers at any one time.

(6) Educational institutions may only operate as authorised by the Minister which may include operations remotely by utilising virtual means.

(7) For the avoidance of doubt, any business, establishment or office may commence, continue or resume their business operations remotely by utilising virtual means.

7. Restriction on events or gatherings.—(1) No person shall host or attend any event or gathering of any description except—

- (a) a funeral hosting no more than ten persons in addition to the officiant and essential mortuary staff; or
- (b) a wedding hosting no more than ten persons in addition to the officiant, the bride and the groom.

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(2) The Commissioner of Police in consultation with the Chief Medical Officer may grant written permission to a person to increase the number of persons who can be hosted at a funeral or wedding under sub-regulation (1).

(3) Notwithstanding sub-regulation (1), the Commissioner of Police in consultation with the Chief Medical Officer may grant written permission to a person, business or organisation to host an event or gathering.

(4) For the avoidance of doubt, an event or gathering under sub-regulation (1) includes an event or gathering hosted at the beach or at a private home.

8. Religious institutions.—(1) Religious institutions may only operate according to regulation 7 and the Public Health (COVID-19) (Restriction on Religious Institutions) Order, 2020, SR0 No. 64 of 2020.

(2) Notwithstanding the provisions of the Order referred to under sub-regulation (1), all religious institutions must adopt and implement 6ft physical distancing protocol in according to regulation 5.

9. Prohibition on eating and drinking in public transport. No person shall eat or drink while traveling on any motor omnibus, hiring car or taxi.

10. Restaurant operators and food vendors. Every food vendor and restaurant operator shall provide only drive-through and take away service to the public in accordance with the physical distancing protocols

11. Mandatory reporting and isolation.—(1) 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.

(2) 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.

(3) Any person who knowingly makes a false report for the purposes of sub-regulation (4) shall be guilty of an offence.

(4) 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.

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

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(6) 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.

12. Powers of the Chief Medical Officer. Where it appears to the Chief Medical Officer that a business or establishment is not complying with the protocols under the Public Health (COVID-19) Regulations SRO No. 59 of 2020, the Chief Medical Officer may direct the closure of the business or establishment for a period not exceeding seven business days, to facilitate the training of the management and staff in order to ensure that the business or establishment complies with the Public Health protocols.

13. 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

14. 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.

(2) Without prejudice to sub-regulation (1), a person who commits an offence is liable on service of a fixed penalty notice by a police officer, if the person so chooses, to a fixed penalty of five hundred and fifty dollars.

15. Fixed penalty notice.—(1) Where a police officer has reason to believe that a person has committed an offence specified under regulation 3 (1), 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 sub-regulation (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

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- (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 4 to 8 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 4 to 8.

(5) A police officer shall serve a fixed penalty notice personally upon a person alleged to have committed an offence specified under regulation 3 (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 6 (2), the duplicate sent to the Magistrate's Court under sub-regulation (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 6 (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.

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16. 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.

17. 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.

18. Certificate of payment or non-payment of fixed penalty. In any proceedings for an offence specified under regulation 3 (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.

19. Consequence of failure to pay. Where a fixed penalty is not paid within the time specified in accordance with regulation 6 (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.

20. Scope and application. Where there is any inconsistency between the provisions of these Regulations and the Public Health (COVID-19) Regulations, 2020 the provisions of these regulations shall prevail to the extent of the inconsistency.

21. Repeal. The Emergency Powers (COVID-19) (Proclamation No. 3) Regulations, 2020, SRO No. 73 of 2020.

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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)

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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 22nd day of December, 2020.

RUTH E. ROUSE
Secretary to the Cabinet.

GRENADA

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