



BERMUDA

PUBLIC HEALTH (COVID-19 EMERGENCY POWERS) (STAY AT HOME)
AMENDMENT REGULATIONS 2021

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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:

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Citation

1 These Regulations, which amend the Public Health (COVID-19 Emergency Powers) (Stay at Home) Regulations 2021 (“the principal Regulations”), may be cited as the Public Health (COVID-19 Emergency Powers) (Stay at Home) Amendment Regulations 2021.

Amends regulation 2

2 In regulation 2 of the principal Regulations—

(a) delete the definition of “curfew” and insert in alphabetical order—

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

(b) in the definition of “permitted business”, insert after paragraph (e)—

“(f) laundromat;

(g) money service business licensed under the Money Service Business Act 2016.”.

Amends regulation 3

3 In regulation 3 of the principal Regulations—

(a) in the heading, delete “Curfew” and substitute “Night-time curfew”;

(b) delete paragraph (1) and substitute—

“(1) Except as permitted by these Regulations or in an emergency, no person shall be away from his home during the hours of 8pm to 6am (the “night-time curfew”).”;

(c) in paragraph (2)—

(i) delete “curfew” and substitute “night-time curfew”;

(ii) delete subparagraph (a);

(iii) delete subparagraph (b) and substitute—

“(b) essential medical appointments scheduled between 8pm and 6am;”;

(iv) delete subparagraphs (c) and (d);

(d) delete paragraph (3) and substitute—

“(3) Minor children of parents who do not live together may spend nights at the home of either parent to give effect to an agreement between the parents.”;

(e) in paragraph (5), delete “curfew” and substitute “night-time curfew”.

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Inserts regulation 4A

4 After regulation 4 of the principal Regulations, insert—

“No mixing of households

4A A person shall not assemble in a group that includes persons who are not members of the same household, or host such a group, in any public or private place, unless doing so cannot reasonably be avoided in the course of an activity permitted by or under these Regulations.”.

Amends regulation 5

5 In regulation 5 of the principal Regulations—

(a) renumber the existing provision as paragraph (1), and in paragraph (1)—

(i) delete “during the curfew”;

(ii) delete subparagraph (d);

(iii) delete subparagraph (f) and substitute—

“(f) restaurants, except for take-away and delivery.”;

(iv) delete subparagraph (g);

(b) insert after paragraph (1)—

“(2) A person may access a golf course, alone or with members of his household, but the clubhouse and any other facilities shall remain closed at all times.”

Amends regulation 7

6 In regulation 7 of the principal Regulations—

(a) delete “during the curfew” and substitute “at all times”;

(b) in paragraph (a), after “Bermuda College”, insert “, provided that lecturers, IT and other support staff may attend the College to facilitate remote learning”.

Amends regulation 8

7 In regulation 8(1) of the principal Regulations, delete “during the curfew” and substitute “at all times, subject to paragraph (2)”.

Amends regulation 9

8 In regulation 9(1) of the principal Regulations, delete “during the curfew”.

Amends regulation 11

9 In regulation 11 of the principal Regulations—

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- (a) in paragraph (1), delete “During the curfew, a” and substitute “A”;
- (b) in paragraph (2), delete “any relevant guidance” and substitute “Schedule 4”;
- (c) delete paragraphs (3), (4) and (5).

Inserts regulations 11A to 11D

10 After regulation 11 of the principal Regulations insert—

“Retail stores and online vendors

11A (1) The owner or operator of a retail store (other than a permitted business) shall ensure compliance with the following conditions—

- (a) opening hours between 7am to 7pm only;
- (b) customers shall not be permitted to enter the premises;
- (c) collection of goods only.

(2) A retail store or online vendor may make deliveries to customers, subject to Schedule 4.

(3) For the avoidance of doubt, “retail store” includes a pet shop.

Restaurants

11B (1) The owner or operator of a restaurant shall ensure compliance with the following conditions—

- (a) opening hours between 7am to 7pm only;
- (b) collection of orders only;
- (c) only one customer at a time shall be permitted to enter the premises to collect or pay for an order;
- (d) dine-in services prohibited.

(2) A restaurant may make deliveries to customers, subject to Schedule 4.

Fishermen and farmers

11C (1) A licensed fisherman may sell fresh local fish roadside, Monday to Saturday only and between the hours of 7am to 7pm only, subject to the supervision of the Minister of Home Affairs.

(2) A registered commercial farmer may sell fresh local produce roadside, Monday to Saturday only and between the hours of 7am to 7pm only, subject to the supervision of the Minister of Home Affairs.

(3) A licensed fisherman or registered commercial farmer may make deliveries to customers, subject to Schedule 4.

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Closure of business not in compliance with health directions

- 11D (1) The owner or operator of any—
- (a) permitted business;
 - (b) retail store;
 - (c) restaurant;
 - (d) roadside stall of a licensed fisherman or registered commercial farmer; or
 - (e) other business permitted to operate in accordance with these Regulations,

shall take all reasonable steps to ensure that all staff and customers maintain appropriate physical distancing (at the premises and during any deliveries), and shall comply with any relevant guidance regarding cleaning, sanitisation, use of personal protective equipment and other precautions to be taken.

(2) If any such business 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 shall forthwith comply with that order, and shall continue to comply until otherwise directed by the Minister.

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

Amends regulation 12

- 11 In regulation 12 of the principal Regulations—
- (a) delete “During the curfew” and substitute “At any time, including during the night-time curfew”;
 - (b) insert after subparagraph (d)—
 - “(e) repair of large appliances.”.

Amends regulation 13

- 12 In regulation 13 of the principal Regulations—
- (a) delete “During the curfew—” and substitute “The following restrictions apply at all times—”;
 - (b) delete subparagraph (a) and substitute—
 - “(a) no person shall visit any other person’s home or allow any person to visit his home, except—
 - (i) in an emergency;
 - (ii) minor children as provided in regulation 3(3);

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- (iii) a caregiver or person providing medical assistance;
- (iv) to assist elderly or vulnerable relatives or neighbours;
- (v) a veterinary surgeon for essential medical care of a pet;
- (vi) a person making deliveries in accordance with Schedule 4.”.

Revokes and replaces regulation 14

13 Regulation 14 is revoked and replaced as follows—

“Access to beaches, parks and playgrounds

14 A person may access beaches, parks (including the Railway Trail) and playgrounds alone or with members of his household only.”.

Revokes regulation 15

14 Regulation 15 of the principal Regulations is revoked.

Revokes and replaces regulation 16

15 Regulation 16 of the principal Regulations is revoked and replaced as follows—

“Restriction on recreational boating activity

16 (1) Only persons who are members of the same household may use a boat for any recreational purposes.

(2) No person shall use a boat for recreational purposes after 7pm.

(3) No person shall tie his boat to another boat (raft-up) for recreational purposes.”.

Amends regulation 22

16 In regulation 22 of the principal Regulations, delete paragraph (2).

Amends Schedule 1

17 In the heading to Schedule 1 of the principal Regulations, delete “CURFEW” and substitute “NIGHT-TIME CURFEW”.

Amends Schedule 2

18 In Schedule 2 to the principal Regulations—

(a) in paragraph 11, delete subparagraph (1) and substitute—

“(1) Persons engaged in courier and delivery services.”;

(b) after paragraph 11, insert—

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“Construction and landscaping

11A (1) Persons engaged in construction, maintenance and related services, in accordance with relevant guidance, where the site is—

- (a) outdoors; or
- (b) indoors, if the premises are uninhabited.

(2) Persons engaged in landscaping.

Boat and motor vehicle repairs and delivery of motor vehicles

11B Persons engaged in boat and motor vehicle (including motorcycle and auxiliary bicycle) repairs, and the delivery of motor vehicles to customers.

Self-employed persons working alone or with members of household only

11C Self-employed persons who are unable to work remotely, provided they do not come into contact at their place of work with anybody who is not a member of their household.

Payroll officer

11D One member of staff of a business, designated in writing by the employer as the payroll officer, who requires access to the premises for the purpose of dealing with employee payroll if that work cannot be carried out remotely.”;

(c) in paragraph 12—

- (i) in the heading, delete “and maintenance” and substitute “, maintenance, repair and pest control”;
- (ii) renumber the existing provision as subparagraph (1) and thereafter insert—

“(2) Building custodians or other persons engaged to clean, maintain or repair the premises of any business or facility which is not permitted to open under these Regulations.

(3) Persons engaged in pest control for any business or facility.”.

Amends Schedule 3

19 Schedule 3 to the principal Regulations is amended—

- (a) in the heading of paragraph 1, by deleting “and gas stations”;
- (b) in subparagraphs (1) and (2) of paragraph 1, by deleting “or gas station”;
- (c) by inserting after paragraph 1—

“Laundromats

2 The owner or operator of a laundromat shall ensure compliance with the following conditions—

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- (a) only customers who are members of one same household to be allowed in the laundromat at any one time, by appointment only;
- (b) a wash and fold service may be provided, so long as customers are not permitted to enter the premises during the drop-off or collection of their laundry.

Money service businesses

3 The owner or operator of a money service business shall ensure that only one customer at a time shall be permitted to enter the premises.”.

Inserts Schedule 4

20 After Schedule 3 to the principal Regulations, insert—

“SCHEDULE 4
REGULATION OF DELIVERIES

Application

1 This Schedule applies in relation to all deliveries made while these Regulations are in effect.

Restricted delivery times

2 (1) Deliveries shall be made between the hours of 7am to 7pm only.

(2) Subparagraph (1) does not apply to persons engaged in courier and delivery services on behalf of Government Departments, or urgent deliveries for other essential services listed in the First Schedule to the Labour Relations Act 1975.

Delivery protocols

3 (1) A person making a delivery shall telephone ahead to ensure that the delivery can be received.

(2) A person making a delivery to a private residence shall not enter a customer’s home, but shall—

- (a) leave the goods outside the customer’s door; and
- (b) telephone or otherwise inform the customer that the delivery has been made.

(3) A person making a delivery shall not require a customer to sign for receipt of a delivery.

Delivery of food or groceries

4 (1) A person making a delivery of food or groceries shall ensure compliance with applicable provisions of the Public Health Act 1949 and the Public Health (Food) Regulations 1950.

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(2) In particular, a person making a delivery of food or groceries shall ensure that fresh, raw, and ready to eat foods are separately wrapped, and that all foods are protected from contamination by dust, dirt or flies (as required by regulation 9 of the Public Health (Food) Regulations 1950).

Additional health precautions

5 (1) A person making a delivery shall maintain appropriate physical distancing at all times.

(2) A person making a delivery shall comply with all relevant guidance regarding cleaning, sanitisation, use of personal protective equipment and other precautions to be taken before, during and after deliveries.

Order to cease deliveries

6 If a person making deliveries is not in compliance with this Schedule or with relevant guidance, the Minister of Health may order the person to cease making deliveries; and the person shall forthwith comply with that order, and shall continue to comply until otherwise directed by the Minister.”.

Commencement

21 These Regulations come into effect at 5am on 20 April 2021.

Made this 19th day of April 2021

Governor

[Operative Date: 20 April 2021]