



BERMUDA

PUBLIC HEALTH (COVID-19 EMERGENCY POWERS) (PHASED RE-OPENING)
AMENDMENT (NO. 11) 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:

Citation

1 These Regulations, which amend the Public Health (COVID-19 Emergency Powers) (Phased Re-Opening) Regulations 2021 (the “principal Regulations”), may be cited as the Public Health (COVID-19 Emergency Powers) (Phased Re-opening) Amendment (No. 11) Regulations 2021.

Amends regulation 2

2 The principal Regulations are amended in regulation 2 by inserting in the correct alphabetical order the following—

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

Inserts regulation 3B

3 The principal Regulations are amended by inserting after regulation 3A the following—

“Night-time curfew

3B (1) Except as permitted by these Regulations or in an emergency, no person shall be away from his home or accommodation during the hours of 12.30am to 5am (the “night-time curfew”).

(2) 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.

(3) In paragraph (2), “parent” includes a step-parent, a person who has parental responsibility for a child and a person who has care of a child.

(4) Persons listed in Schedule 1B are exempt from the night-time 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.”.

Amends regulation 5

4 The principal Regulations are amended in regulation 5 by deleting “50”, wherever it appears, and substituting “20”.

Amends regulation 6A

5 The principal Regulations are amended in regulation 6A, by revoking paragraph (1) and substituting the following—

“(1) The owner or operator of a bar or club shall ensure that—

- (a) each person permitted to use the indoor facilities possesses, and presents for verification, a valid SafeKey to the appropriate official in the bar or club;
- (b) the number of persons permitted to sit at a table in the bar or club shall not at any one time exceed 10 persons;
- (c) tables shall be at least six feet apart;
- (d) only table service and seated bar service is permitted, except for collection of food at a buffet.”

Amends regulation 8A

6 The principal Regulations are amended by revoking regulation 8A and substituting the following—

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“Restaurants

8A The owner or operator of a restaurant shall ensure that—

- (a) each person permitted to dine indoors possesses, and presents for verification, a valid SafeKey or a valid COVID-19 vaccination certificate or a valid Student 7-day Pass in the case of a child between the ages of 5 and 11 years who is dining with a parent or guardian, to the appropriate official in the restaurant;
- (b) the number of persons permitted to sit at a table in the restaurant shall not at any one time exceed 10 persons;
- (c) tables shall be at least six feet apart;
- (d) only table service and seated bar service is permitted, except for collection of food at a buffet.”.

Amends regulation 17A

7 The principal Regulations are amended in regulation 17A(1) by deleting “50” and substituting “20”.

Amends regulation 17AA

8 The principal Regulations are amended in regulation 17AA(1)(a) by deleting “50” and substituting “20”.

Inserts Schedule 1B

9 The principal Regulations are amended by inserting, after the revoked Schedule 1A, the following Schedule—

“SCHEDULE 1B

(Regulation 3)

PERSONS EXEMPT FROM NIGHT-TIME 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.

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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.

Hotel staff etc

7 Persons working in a hotel, guest house or vacation rental property.

Funeral home staff

8 Funeral directors, morticians and other staff of a funeral home.

Border control, airport, docks and security

9 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.

Essential services

10 All persons working in services listed in Schedule 3 to the Trade Union and Labour Relations (Consolidation) Act 2021.

Media

11 Members of the print or broadcast media.

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Child protection

12 Members of the Department of Child and Family Services.

Other public officers

13 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.

Registered commercial farmers and licensed fishermen

14 Registered commercial farmers and licensed fishermen.

Cleaning and maintenance

15 Persons engaged to clean, maintain or repair the premises of any permitted business, or the premises of any business employing persons mentioned in this Schedule.

Financial services

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

(2) A designation—

- (a) made under paragraph 15(1) of Schedule 1 to the Public Health (COVID-19 Emergency Powers) (Stay at Home) Regulations 2021;
- (b) made under paragraph 12(1) of Schedule 1 to the Public Health (COVID-19 Emergency Powers) Regulations 2021 or paragraph 13(1) of Schedule 1A to those Regulations;
- (c) made under paragraph 12(1) of Schedule 1 to the Public Health (COVID-19 Emergency Powers) (No. 3) Regulations 2020;
- (d) 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; or
- (e) made under, or that was deemed to be valid for the purposes of, paragraph 15(1) of Schedule 1 to these Regulations (before revocation);
- (f) made under, or that was deemed to be valid for the purposes of, paragraph 16 of Schedule 1A to these Regulations (before revocation),

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

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Ministerial permission

17 (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 granted under—

- (a) paragraph 16 of Schedule 1 to the Public Health (COVID-19 Emergency Powers) (Stay at Home) Regulations 2021; or
- (b) paragraph 16 of Schedule 1 to these Regulations (before its revocation);
- (c) paragraph 17 of Schedule 1A to these Regulations (before its revocation),

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

Commencement

10 These Regulations shall come into operation at 6am on 23 December 2021.

Made this 22nd day of December 2021

Governor

[Operative Date: 23 December 2021]