



BERMUDA

PUBLIC HEALTH (COVID-19 EMERGENCY POWERS) (NO. 2) REGULATIONS
2020

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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, is an unprecedented and severe threat to public health in Bermuda;

AND WHEREAS the Minister responsible for health has issued the Public Health (COVID-19) Emergency (No. 2) Order 2020 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 or suppress the disease;

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NOW THEREFORE His 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) (No. 2) Regulations 2020.

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;

“enforcement officer” means—

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

“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;

“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.

Obligation to maintain appropriate physical distancing

3 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

4 (1) No person shall assemble in a group of more than 75 persons for any reason in any public or private place.

(2) No person shall host a group of more than 75 persons for any reason in any public or private place.

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- (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) a service or ceremony held on the premises of a church or other religious establishment, whether indoors or outdoors; or
 - (ii) a funeral service, or a marriage or domestic partnership ceremony, whether or not held on the premises of a church or other religious establishment;
 - (d) passengers on a boat operated commercially for hire or reward for recreational purposes, if the number of passengers specified in the licence issued under the Marine Board (Island Boats) Regulations 1965 exceeds 75 persons;
 - (e) persons while in attendance at a school or the Bermuda College;
 - (f) persons while participating in the conduct of a parliamentary election,

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

(4) The Minister of National Security may grant an exemption (a “large group exemption”) permitting a group of more than 75 persons to assemble—

- (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.

(5) Notice of a large group exemption and any conditions imposed by the Minister of National Security under paragraph (4) shall be published in the Gazette at least one day before the specified date.

(6) A large group exemption granted under regulation 5(4) of the Public Health (COVID-19 Emergency Powers) Regulations 2020, and notice thereof published under regulation 5(5) of those Regulations, shall be deemed to be duly granted and published under paragraphs (4) and (5) of this regulation.

(7) In this regulation—

“parliamentary election” has the meaning given in section 1(1) of the Parliamentary Election Act 1978;

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

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Bars and clubs to close and all sale of liquor to end at 2am

5 (1) A bar or club shall close no later than 2am, and shall reopen no earlier than 8am.

(2) Subject to paragraph (3), 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 2am and 8am.

(3) Paragraph (2) 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 2am and 8am, provided the intoxicating liquor is delivered to and consumed in the guest's sleeping accommodation.

(4) A police officer of the rank of superintendent 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.

(5) In this regulation—

“club” means a club licensed under the Liquor Licence Act 1974;

“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.

Closure of business or facility not in compliance with health directions

6 (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) 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.

(3) 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

7 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

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- (c) participate in more than one raft-up (of any number of boats) occurring at the same time.

Enforcement powers

8 (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 75 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.

Offences

9 (1) A person who fails to comply with any of these Regulations (other than regulation 3) 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) 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

10 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

11 Guidance issued and published under the Public Health (COVID-19 Emergency Powers) Regulations 2020 shall be deemed to be duly issued and published under the corresponding provisions of these Regulations.

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Commencement and duration

12 (1) These Regulations shall come into effect at 6am on 27 September 2020.

(2) These Regulations shall cease to have effect when the Public Health (COVID-19) Emergency (No. 2) Order 2020 ceases to have effect.

Made this 25th day of September 2020

Governor

[Operative Date: 27 September 2020]