



BERMUDA

PUBLIC HEALTH (COVID-19 EMERGENCY POWERS) (PHASED RE-OPENING)
AMENDMENT (NO. 7) REGULATIONS 2021

BR 142 / 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. 7) 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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“home”, in relation to a person, means the place in Bermuda where he lives, and includes any driveway, garden or yard forming part of that place;

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

Inserts regulation 3A

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

“Night-time curfew

3A (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 1A 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 regulations 6A and 8A

5 The principal Regulations are amended—

(a) 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.”;

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(b) by revoking regulation 8A and substituting the following—

“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 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 14

6 The principal Regulations are amended by inserting after regulation 14(2) the following—

“(2A) A police officer of the rank of inspector or above may, upon reasonable belief that a contravention of these Regulations has occurred at a business or facility, order the owner or operator, his servant or his agent carrying on business at the business or facility, to close the business or facility for a period not exceeding 24 hours.”.

Inserts regulation 15A

7 The principal Regulations are amended by inserting after regulation 15 the following—

“Utilities, telecommunications etc

15A During the night-time curfew, persons providing the following services are permitted to respond to emergency calls for supply, restoration of service or repairs, provided appropriate physical distancing is maintained at all times—

- (a) utility supply (electricity and domestic gas);
- (b) water truckers;
- (c) telecommunications, computer repair and internet service providers;
- (d) plumbing and electrical repairs;
- (e) repair of large appliances.”.

Inserts regulation 17AA

8 The principal Regulations are amended by inserting after regulation 17A the following—

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“Restriction on boating activity

17AA (1) Subject to the size of the boat, and provided appropriate physical distancing can be maintained and relevant guidance on other precautions to be taken is followed at all times, the maximum number of persons (excluding any crew) who may—

- (a) use a boat for recreational purposes is 20 persons;
- (b) use a boat operated commercially for hire or reward is the number of passengers specified in the licence issued under the Marine Board (Island Boats) Regulations 1965, as modified by the Department of Marine and Ports to reflect the requirement for appropriate physical distancing.

(2) A person may remain on a boat referred to in paragraph (1)(a) between 12.30am and 5am provided—

- (a) the boat is moored, berthed or anchored in one place throughout that period; and
- (b) appropriate physical distancing is maintained and relevant guidance on other precautions to be taken is followed at all times,

and regulation 3A shall apply to a person who so remains on the boat during the night-time curfew as if the boat were his home or accommodation.

(3) For the avoidance of doubt, no person shall use a boat referred to in paragraph (1)(b) at any time during the night-time curfew.

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

Amends regulation 18

9 The principal Regulations are amended by revoking regulation 18(1) and (2) and substituting the following—

“(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, and 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, during the night-time curfew—

- (a) direct the person to return immediately to his home; or
- (b) detain and convey the person to his home.

(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.”.

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Inserts Schedule 1A

10 The principal Regulations are amended by inserting, after regulation 23, the following Schedule—

“SCHEDULE 1A

(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.

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.

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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.

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—

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- (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),

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

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),

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

Commencement

11 These Regulations shall come into operation at 12pm on 17 September 2021.

Made this 17th day of September 2021

Governor

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[Operative Date: 17 September 2021]