



BERMUDA

PUBLIC HEALTH (COVID-19 EMERGENCY POWERS)
(NO. 2) REGULATIONS 2022

BR 103 / 2022

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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, continues to be 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 Order 2022 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 and suppress COVID-19;

NOW THEREFORE 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 may be cited as the Public Health (COVID-19 Emergency Powers) (No. 2) Regulations 2022.

Interpretation

2 In these Regulations—

“mask-mandated facility” means—

- (a) a corrections facility;
- (b) a hospital or other health services;
- (c) a residential care establishment or facility;

“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;

“health services” has the meaning given in section 2 of the Bermuda Health Council Act 2004;

“mask” means a face covering that covers a person’s mouth and nose as described in guidance.

Obligation to wear a mask in a mask-mandated facility

3 (1) All persons shall, in accordance with guidance, wear a mask while inside a mask-mandated facility (not including any outdoor areas).

(2) A person who fails to wear a mask when one is required commits an offence and is liable on summary conviction to—

- (a) a fine of \$500, in respect of a first offence;
- (b) a fine of \$1,000, for a second or subsequent offence.

Public health penalty ticket

4 (1) In accordance with section 107B(7) and Part VA of the Public Health Act 1949, where an offence is committed under regulation 3 of these Regulations a public health penalty ticket under the Public Health (COVID-19) Penalties Regulations 2021 may be issued in respect of that offence and where such public health penalty ticket is issued those Regulations shall apply in respect of that offence to the extent provided thereof.

(2) A person to whom a public health penalty ticket under the Public Health (COVID-19) Penalties Regulations 2021 is issued in respect of an offence referred to in paragraph (1), who pays the penalty specified in the ticket in compliance with those Regulations, shall only be liable to pay the penalty as provided in regulation 7(2)(b) of those Regulations.

(3) For the avoidance of doubt, and in accordance with section 107J of the Public Health Act 1949, a person to whom a public health penalty ticket is issued under the Public Health (COVID-19) Penalties Regulations 2021, for an offence as provided under paragraph

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(1), who fails to pay the penalty specified in the ticket within the period of 28 days or within an extended period of time, as may be granted under section 107I of the Public Health Act 1949, is liable, on conviction of the offence specified in the ticket, to the fines provided in regulation 3(2) of these Regulations.

(4) A public health penalty ticket referred to in this regulation shall be issued by a police officer, as provided under Part VA of the Public Health Act 1949.

Section 107B(4) of the Public Health Act 1949

5 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.

Revocation of Public Health (COVID-19 Emergency Powers) Regulations 2022

6 (1) The Public Health (COVID-19 Emergency Powers) Regulations 2022 are revoked.

(2) For the avoidance of doubt, paragraph (1) shall not affect the prosecution of a person for an offence under the revoked Regulations which was committed before the commencement of these Regulations.

Commencement

7 These Regulations shall come into effect at 6am on 3 October 2022.

Made this 1st day of October 2022

Governor

[Operative Date: 03 October 2022]