



BERMUDA

QUARANTINE (COVID-19) ORDER 2022

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SCHEDULE Offences and Penalties for the Quarantine penalty ticket

The Minister responsible for health, in exercise of the power conferred by section 9 of the Quarantine Act 2017, being of the opinion that a public health emergency exists and after having consulted with the Chief Medical Officer, makes the following Order:

PART 1 PRELIMINARY

Citation

- 1 This Order may be cited as the Quarantine (COVID-19) Order 2022.

Interpretation

- 2 In this Order—
 - “conveyance operator” has the meaning given in regulation 2 of the Quarantine (Maritime and Air) Regulations 2017;
 - “COVID-19 vaccination” means a full course of vaccination against the SARS - COV2 virus using a vaccine referred to in paragraph 6 that has been approved by a stringent regulatory body;
 - “Ministry of Health website” means the Ministry of Health uniform resource locator or internet address located at: www.gov.bm/coronavirus;
 - “passenger ship” has the meaning given in section 1 of the Passenger Ships and Other Vessels Act 1972;
 - “quarantine” means—

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- (a) staying in a place of quarantine as a Health Officer may determine, which may be—
 - (i) the house or accommodation in Bermuda at which the person to be quarantined resides; or
 - (ii) a place designated by a Health Officer as a place of quarantine;
- (b) complying during the period of quarantine with such health measures as a Health Officer may specify as necessary to limit or prevent the spread of COVID-19.

Application of statutory requirements

3 Any person who enters Bermuda and is landed in Bermuda shall comply with applicable requirements under the—

- (a) Quarantine Act 2017 and regulations and orders made under that Act;
- (b) Public Health Act 1949 and regulations and notices made under that Act.

Exceptions to requirements of Order

4 (1) The requirements of this Order shall not apply to a person who enters Bermuda and is landed in Bermuda, who is—

- (a) a child under the age of two years, subject to subparagraph (3);
- (b) subject to subparagraph (4), a crew member of—
 - (i) a cargo or commercial aircraft;
 - (ii) a cargo ship;
 - (iii) an aircraft operating for the purpose of giving medical attention, delivering medical supplies to Bermuda, or airlifting a patient to or from Bermuda, which crew shall be taken to include any medical personnel on the flight; or
 - (iv) a cruise ship.

(2) The requirements of this Order shall not apply to a ship in transit and the crew members of the ship.

(3) Where a parent or guardian having charge of a child under the age of two years is required to be placed under quarantine under this Order, the child shall also be required to be placed under quarantine together with the parent or guardian.

(4) The exception in subparagraph (1)(b) applies only with respect to a crew member—

- (a) who is staying in Bermuda for a period of less than 24 hours; and
- (b) who, throughout that period, shall be in quarantine in the room at the accommodation at which he is staying.

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(5) A crew member may continue to be exempt under subparagraph (4) if he is staying in Bermuda for a period longer than 24 hours only in the case where—

- (a) he remains in quarantine on the ship he is travelling on;
- (b) he does not take shore leave; and
- (c) he complies with health requirements as may be set out in guidance on the Ministry of Health website.

Responsibility for compliance by child or person under disability with requirements

5 Any person in charge of a minor child or person under disability, with whom he is travelling, shall be responsible for the compliance of such child or person with the requirements and provisions of this Order.

PART 2

COVID-19 VACCINATIONS

COVID-19 vaccinations

6 (1) Each person who intends to travel to Bermuda—

- (a) who is ordinarily resident in Bermuda may be required, as may be determined by the Quarantine Authority in consultation with the Chief Medical Officer, to provide proof of having obtained a COVID-19 vaccination as provided in subparagraph (3);
- (b) who is not ordinarily resident in Bermuda shall provide proof of having obtained a COVID-19 vaccination as provided in subparagraph (3).

(2) Subparagraph (1) does not apply to a minor child below the age of 12 years.

(3) The determination of the Quarantine Authority under subparagraph (1)(a) shall be made by notice set out on the Ministry of Health website.

(4) The COVID-19 vaccination that may be required under subparagraph (1) shall be a full course of such a vaccine as is approved by the Quarantine Authority in consultation with the Chief Medical Officer and as set out on the Ministry of Health website.

(5) In subparagraph (4), a full course of such a vaccine means a COVID-19 vaccine approved by the Quarantine Authority as provided in subparagraph (4) and administered in accordance with the manufacturer's recommendation or the recommendation of a stringent regulatory body, with at least 14 days having passed after the last dose.

(6) In subparagraph (5) "stringent regulatory body" means one of the following medical regulatory bodies which are recognised by the Ministry of Health—

- (a) US Food and Drug Administration (FDA);
- (b) UK Medicines and Healthcare Products Regulatory Agency (MHRA);
- (c) European Medicines Agency;

- (d) Health Canada;
- (e) World Health Organisation (WHO).

PART 3
PRE-DEPARTURE REQUIREMENTS

Pre-departure requirements

7 (1) Each person who is not ordinarily resident in Bermuda and who intends to travel to Bermuda, whether or not the person intends to be landed in Bermuda shall, not less than 48 hours before departure for Bermuda—

- (a) apply for Travel Authorisation by completing the Travel Authorisation Form set out on the Ministry of Health website;
- (b) pay the Travel Authorisation fee, as provided in paragraph 9;
- (c) provide proof of either—
 - (i) having obtained a COVID-19 vaccination at least 14 days prior to the date of arrival in Bermuda, as provided in paragraph 6; or
 - (ii) having health insurance cover, as provided in paragraph 10, in the case where the person does not have proof of having obtained a COVID-19 vaccination as provided in paragraph 6;
- (d) provide personal health information as stated on the Travel Authorisation Form.

(2) Each person ordinarily resident in Bermuda who is returning to Bermuda shall, not less than 48 hours before departure for Bermuda—

- (a) apply for Travel Authorisation by completing the Travel Authorisation Form set out on the Ministry of Health website;
- (b) pay the Travel Authorisation fee, as provided in paragraph 9;
- (c) provide personal health information as stated on the Travel Authorisation Form;
- (d) attach to the Travel Authorisation Form proof of having obtained a COVID-19 vaccination at least 14 days prior to the date of arrival in Bermuda, as provided in paragraph 6, in the case of a person who is vaccinated.

(3) A person not ordinarily resident in Bermuda shall not be granted Travel Authorisation to depart for Bermuda if—

- (a) he has not complied with subparagraph (1);
- (b) the information he has provided on the Travel Authorisation Form indicates that he has symptoms of COVID-19 or of a communicable disease

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of the first or second category (as defined under section 66 of the Public Health Act 1949).

Conveyance operators to only board travellers with Travel Authorisation

8 (1) No conveyance operator departing for Bermuda shall permit any person who is not ordinarily resident in Bermuda to board a conveyance with the intention of travelling to, and landing in, Bermuda who is not in possession of a Travel Authorisation as required under paragraph 7(1).

(2) A conveyance operator that contravenes subparagraph (1) shall be responsible for the immediate repatriation, and the full costs of repatriation, of the person who is not in possession of a Travel Authorisation.

Travel Authorisation fee

9 (1) Each person applying for Travel Authorisation as provided under this Order, shall pay the fee set out in subparagraph (2) by electronically forwarding the applicable fee as directed on the Ministry of Health website at the time the person is submitting the Travel Authorisation Form.

(2) The fee referred to in subparagraph (1) is \$40 for each person two years and above who has completed the Travel Authorization form as required under paragraph 7.

(3) A person who fails to pay the Travel Authorization fee under subparagraph (2) commits an offence as provided in paragraph 22.

(4) This paragraph does not apply to a crew member of an aircraft, passenger ship or cargo ship.

Health insurance policy

10 (1) Each person who is not a resident of Bermuda and who intends to travel to, and be landed in, Bermuda—

(a) may be required, in the case of a person who is vaccinated in accordance with paragraph 6; or

(b) shall be required, in the case of a person who is not vaccinated in accordance with paragraph 6,

to provide evidence of the person's health insurance policy.

(2) The health insurance policy referred to in subparagraph (1) must include insurance coverage for—

(a) COVID-19 medical costs; and

(b) full hospitalization, doctors' visits and prescriptions.

(3) Each person referred to in subparagraph (1)(b) who is not vaccinated shall provide evidence of his health insurance policy when submitting the Travel Authorisation Form as provided under paragraph 7(1)(c)(ii).

PART 4

REQUIREMENTS FOR TRAVELLERS TO BERMUDA BY SEA

Travel Authorization requirements for person travelling on passenger ship

11 (1) A person travelling by sea on a passenger ship who intends to travel to Bermuda, whether or not the person intends to be landed in Bermuda shall, before arriving in Bermuda, apply to travel to Bermuda by sea by complying with requirements to—

- (a) apply for Travel Authorisation by completing the Travel Authorisation (By Sea) Form set out on the Ministry of Health website;
- (b) obtain a COVID-19 vaccination as provided under paragraph 6.

(2) A person referred to in subparagraph (1) who is not ordinarily resident in Bermuda and who does not have proof of obtaining a COVID-19 vaccination as provided in paragraph 6 shall apply to travel to Bermuda by sea—

- (a) by completing the Travel Authorisation (By Sea) Form set out on the Ministry of Health website;
- (b) by complying with the requirements to have health insurance cover as provided under paragraphs 7(1)(c)(ii) and 10.

Travel Authorization requirements for passengers of pleasure crafts and superyachts

12 (1) This paragraph applies to a person who intends to travel by sea to Bermuda, whether or not the person intends to be landed in Bermuda, who is a passenger of a pleasure craft or superyacht.

(2) A person referred to in subparagraph (1) shall, before arriving in Bermuda, apply to travel to Bermuda by sea by complying with requirements to—

- (a) apply for Travel Authorisation by completing the Travel Authorisation (Mariners) Form set out on the Ministry of Health website;
- (b) obtain a COVID-19 vaccination as provided under paragraph 6.

(3) A person referred to in subparagraph (1) who is not ordinarily resident in Bermuda and who does not have proof of obtaining a COVID-19 vaccination as provided in paragraph 6 shall apply to travel to Bermuda by sea—

- (a) by completing the Travel Authorisation (Mariners) Form set out on the Ministry of Health website; and
- (b) by complying with the requirements to have health insurance cover as provided under paragraphs 7(1)(c)(ii) and 10.

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PART 5

GENERAL QUARANTINE REQUIREMENTS FOR TRAVELLERS TO BERMUDA

Mandatory quarantine for travellers arriving from specified countries

13 (1) This paragraph applies to a person who enters Bermuda by commercial aircraft, private jet or ship—

- (a) from a country specified by the Quarantine Authority on the Ministry of Health website; or
- (b) who has travelled through such country referred to in subparagraph (a) within the last 14 days prior to his arrival in Bermuda.

(2) Subject to subparagraph (4), a person to whom this paragraph applies shall be placed in isolation—

- (a) for a period not exceeding 14 days;
- (b) at the house or accommodation in Bermuda at which the person is residing.

(3) A person quarantined as required under subparagraph (2) shall bear the cost for accommodation and board at the place of quarantine.

(4) A person under quarantine as provided in subparagraph (2) shall not depart from the place of quarantine during the period of quarantine, except for the purpose of attending at an official place of testing for COVID-19 as directed by a Health Officer.

(5) Where the person receives the additional negative COVID-19 test result on or after the 14th day, he shall be released from quarantine and be provided with a written notification of his test results.

Quarantine for traveller without Travel Authorization

14 Each person ordinarily resident in Bermuda who arrives in Bermuda without a Travel Authorization completed with information as required under paragraph 7(2) shall—

- (a) be placed in quarantine for a period not exceeding four days at his house or accommodation in Bermuda at which he is residing; and
- (b) be released from quarantine if he receives a negative result for the COVID-19 NAAT test conducted on the fourth day after his arrival in Bermuda.

Minor child to have similar testing, quarantine and insurance as parent or guardian

15 (1) Where a person to whom paragraphs 13, or 14, is applicable—

- (a) is travelling with a minor child under the age of 12 years; or
- (b) shall, after the person's arrival in Bermuda, be residing in the same house or accommodation in Bermuda as a minor child,

the minor child shall comply with the requirements of subparagraph (2).

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- (2) A minor child referred to in subparagraph (1) shall—
- (a) undergo the same COVID-19 testing imposed on the person;
 - (b) be placed in quarantine, if the person is placed in quarantine, for the applicable period the person is placed in quarantine;
 - (c) have health insurance cover as provided in paragraph 10.

PART 6

QUARANTINE PENALTY TICKET

Interpretation

16 In this Part—

“the Act” means the Quarantine Act 2017;

“offence” has the meaning assigned to it in section 11A of the Act, and in this Order includes an offence specified in paragraph 20(a);

“penalty” has the meaning assigned to it in section 11A of the Act, and in this Order includes a penalty specified in paragraph 20(b);

“quarantine penalty ticket” or “ticket” has the meaning assigned to it in section 11A of the Act, and in this Order is a ticket referred to in paragraph 17.

Form and application of quarantine penalty ticket

17 (1) In accordance with section 11C(3) of the Act, a quarantine penalty ticket shall contain information as provided in paragraphs 18 and 19 of this Order and be in the form as set out under the “Publications and Forms” section on the website: www.bermudapolice.bm/.

(2) The quarantine penalty ticket shall apply to an offence referred to under paragraph 22 of this Order and listed in Part 1 of column 1 of the Schedule.

Procedure for issue and delivery of quarantine penalty ticket

18 (1) A police officer who has determined, pursuant to section 11E of the Act, to issue a quarantine penalty ticket to any person shall ascertain the identity of such person by requesting the name, address and date of birth of the person.

(2) A police officer issuing a quarantine penalty ticket shall—

- (a) complete the ticket and affix his signature on the summons portion of the ticket; and
- (b) deliver the summons portion of the ticket personally to the person to whom the quarantine penalty ticket has been issued.

(3) The police officer shall request the person to whom a quarantine penalty ticket has been issued to enter his signature on the information portion of the ticket and such signature shall be sufficient proof of receipt of the quarantine penalty ticket by that person.

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(4) The police officer shall direct the person to whom a quarantine penalty ticket has been issued regarding the following information on the ticket—

- (a) the date by which the penalty is to be paid and the address of the magistrates' court where payment is to be made; and
- (b) the requirement for the person to attend the magistrates' court on a date and time as stated in the quarantine penalty ticket, with respect to a person who does not pay the penalty within 28 days after receiving the ticket or within an extended period of time as may be granted under section 11G of the Act.

Information of the offence

19 (1) In accordance with section 11C of the Act, the information portion of the quarantine penalty ticket shall be accompanied by a notification, as provided in that section, to the person to whom the quarantine penalty ticket has been issued.

(2) The information portion of a quarantine penalty ticket shall further—

- (a) give reasonably detailed information or particulars of the circumstances alleged to constitute the offence;
- (b) state that proceedings will not be instituted for the offence if payment of the penalty is made within a period of 28 days from the date of issue of the quarantine penalty ticket;
- (c) specify the amount of the penalty.

(3) Every quarantine penalty ticket information shall be—

- (a) signed by the police officer issuing the ticket;
- (b) signed by the informant and sworn before a justice of the peace.

(4) A quarantine penalty ticket information need not be sworn to before the summons portion is delivered and the informant need not be the same person who issued the summons.

List of offences, descriptions and penalties

20 For the purposes of this Order and with respect to the Schedule—

- (a) a quarantine penalty ticket may be issued for the offence of breach of this Order as provided in column 1 of Part 1;
- (b) the penalty for breach of the offence under subparagraph (a) is the amount set out in column 2 of Part 1;
- (c) the offence under subparagraph (a) for which a quarantine penalty ticket may be issued includes the offences that are contrary to the provisions of this Order, as listed in column 1 of Part 2;
- (d) the description of an offence that is contrary to a provision listed in column 1 of Part 2 is the description set out in column 2 of Part 2.

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Deposit of quarantine penalty ticket with the court

21 Where a police officer has issued a quarantine penalty ticket, he shall deposit with the court the information portion of the ticket.

Offences

22 Any person who—

- (a) fails to complete, or gives false information when completing, the Travel Authorisation Form under paragraph 7;
- (b) fails to comply with the requirement to pay the Travel Authorisation fee under paragraph 9;
- (c) refuses to, or without reasonable excuse omits, to comply with a requirement to quarantine as directed by a Health Officer or other person acting under such authority;
- (d) otherwise, without reasonable excuse, contravenes the provisions of this Order,

commits an offence under section 11 of the Quarantine Act 2017 and is liable to the penalty under that section.

Revocation of Order and Savings

23 (1) The Quarantine (COVID-19) (No. 3) Order 2020 is hereby revoked.

(2) Where under the Order referred to in subparagraph (1), a determination, designation or decision was made—

- (a) by the Quarantine Authority, such determination, designation or decision shall continue to have force as if made by the Quarantine Authority under this Order;
- (b) by a Public Health Officer, Health Officer or medical practitioner, such determination, designation or decision shall continue to have force as if made by the Public Health Officer, Health Officer or medical practitioner under this Order.

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SCHEDULE

(paragraph 20)

OFFENCES AND PENALTIES FOR THE QUARANTINE PENALTY TICKET

PART 1

Description of offence	Penalty
Breach of the Quarantine (COVID-19) Order 2022	\$500

PART 2

Paragraph	Description of offence
paragraph 7	Failure to complete, or giving false information when completing, Travel Authorisation Form
paragraph 9	Failure to comply with the requirement to pay the Travel Authorisation fee

Made this 24th day of October 2022

Quarantine Authority

Minister of Health

[Operative Date: 24 October 2022]