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SCHEDULE - FIXED PENALTY OFFENCES

GRENADA

STATUTORY RULES AND ORDERS NO. 3 OF 2022

THE MINISTER IN EXERCISE OF THE POWERS CONFERRED ON HIM BY SECTION 60 OF THE PUBLIC HEALTH ACT, CHAPTER 263 HEREBY MAKES THE FOLLOWING REGULATIONS—

(Gazetted 14th January, 2022).

1. Citation. These Regulations may be cited as the

PUBLIC HEALTH (COVID-19) REGULATIONS, 2022.

2. Definitions.—(1) In these Regulations—

“coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

“COVID-19” means the Novel Coronavirus (2019-nCov), which is an infectious disease caused by a virus which, having emerged during 2019, was declared a global pandemic by the World Health Organisation on the 11th March, 2020;

“environmental health officer” means an environmental health officer employed or contracted by the Government and designated to discharge functions under these Regulations by Chief Medical Officer;

“environmental health warden” means an environmental health warden appointed under section 4 (3) of the Act;

“event or gathering” means a wedding, a funeral, any other service of a religious institution, a social activity or any other activity in which people who are not of the same household are present;

“healthcare professional” means—

- (a) a registered health practitioner;
- (b) a registered nurse; or
- (c) such other registered healthcare professional as may be designated by Order by the Minister;

“hiring car” has the meaning assigned under the Road Traffic Act, Chapter 289A;

“motor omnibus” has the meaning assigned under the Road Traffic Act, Chapter 289A;

“public health officer” means a registered health practitioner or registered nurse, employed or contracted by the Government;

“taxi” has the meaning assigned under the Road Traffic Act, Chapter 289A.

(2) For the purposes of these Regulations, a person is “potentially infectious” at any time if the person is, or may be, infected or contaminated with coronavirus, and there is a risk that the person might infect or contaminate others with coronavirus.

3. Application. These Regulations shall not apply in the individual case of a medical emergency.

4. Requirement to wear masks in public.—(1) No person shall, without reasonable excuse, be in a public space without wearing a face mask or face-covering in a manner that covers his or her mouth, nose and chin.

(2) No person shall, without reasonable excuse, be in a motor vehicle with another person outside of his or her household without wearing a face mask or face-covering in a manner that covers his or her mouth, nose and chin.

(3) Where the person under this regulation is a child accompanied by an individual who has responsibility for the child, the individual shall provide and ensure that the child has and wears the face mask or face-covering as required by this regulation.

(4) The owner or operator of any business, establishment or office which provides goods or services to the public shall ensure that a member of the public is not permitted entry to, or does not otherwise remain within, any enclosed space within the premises of the business, establishment or office, unless the member of the public is wearing a face mask or face-covering in a manner that covers his or her mouth, nose and chin.

(5) Subregulations (1) to (4) shall not apply to—

- (a) children under seven years of age;
- (b) those circumstances provided for in guidelines made by the Ministry of Health.

(6) For the purposes of subregulations (1) and (2), the circumstances in which a person has a reasonable excuse include where—

- (a) the person cannot put on, wear or remove a face mask or face-covering—
 - (i) because of any medical, physical or mental illness or impairment, or disability that inhibits his or her ability to wear a face mask or face-covering; or
 - (ii) without severe distress;
- (b) the person is travelling with, or providing assistance to, another person and such other person relies on lip-reading to communicate with the first person;
- (c) the person removes his or her face mask or face-covering to avoid harm or injury, or the risk of harm or injury, to himself or herself or others;
- (d) the person is travelling to avoid injury, or to escape a risk of harm, and does not have a face mask or face-covering with him or her;
- (e) if it is reasonably necessary for the person to eat or drink, the person removes his or her face mask or face-covering to eat or drink;
- (f) the person has to remove his or her face mask or face-covering to take medication;
- (g) a request is made of that person to remove his or her face mask or face-covering temporarily for security and identification purposes if necessary for the purpose of receiving services; or
- (h) the circumstances are provided for in guidelines issued by the Ministry of Health.

(7) An employee shall wear a face mask or face-covering when working in an enclosed public space.

(8) Subregulation (1) does not apply to a person on a beach, river or public park, if he or she maintains physical distancing of no less than six feet (6 ft.) to any person outside of his or her household.

5. Physical distancing and sanitisation protocols for businesses.—(1) Every business, establishment or office shall—

- (a) ensure that all customers and staff maintain physical distancing of no less than six feet (6 ft.) in or outside their business, establishment or office;
- (b) determine the number of persons that may be permitted in the business, establishment or office at any one time by permitting one person for every thirty square feet (30 sq. ft.) of store space;
- (c) place prominent distance markers six feet (6 ft.) apart, indicating where each customer must stand on a line at a checkout point; and
- (d) place distance markers six feet (6 ft.) apart on the outside of the business, establishment or office, indicating where customers must stand while waiting to enter the business, establishment or office.

(2) Every business, establishment or office, including operators of motor omnibuses, hiring cars and taxis, shall administer or ensure sanitisation of the hands of every person upon entry into the establishment or business.

(3) Employees of a hospital or health care, medical, residential care establishment or facility and members of the Royal Grenada Police Force shall take reasonable steps to comply with the requirements under subregulations (1) and (2), unless it is reasonably impracticable.

(4) Notwithstanding subregulation (1), the following institutions may operate by maintaining physical distancing of no less than three feet (3 ft.)—

- (a) an educational institution;
- (b) the West Indies Associated States Supreme Court.

6. Business and institutional operations.—(1) All businesses, establishments and offices may commence, continue or resume their business operations, except the businesses, establishments and offices as may be prescribed from time to time by Order by the Minister.

(2) Notwithstanding subregulation (1), every business, establishment or office shall operate in accordance with—

- (a) regulation 5 and every protocol established by the Cabinet or the Minister in respect of the industry of the business, establishment or office; and
- (b) any condition imposed upon the business, establishment or office pursuant to regulations made pursuant to the Emergency Powers Act, Chapter 88 in response to the COVID-19 pandemic—
 - (i) whether or not as a condition to an exemption to operate; and
 - (ii) whether imposed individually or upon a category of businesses, establishments or offices, until the condition has been discharged in writing.

(3) Educational institutions may only operate as authorised by the Minister for Education which may include operations remotely by utilising virtual means.

(4) For the avoidance of doubt, any business, establishment or office may commence, continue or resume their business operations remotely by utilising virtual means.

7. Restriction on events or gatherings.—(1) No person shall host or attend any event or gathering of any description

- (a) hosting more than the number of persons that the venue can accommodate in compliance with the physical distancing protocol in accordance with regulation 5; or
- (b) in contravention of an Order under subregulation (2).

(2) The Minister may, in consultation with the Chief Medical Officer, for the purpose of—

- (a) preventing, protecting against, delaying or otherwise controlling the incidence or transmission of coronavirus; or
- (b) facilitating the most appropriate deployment of medical or emergency personnel and resources,

by Order published in the *Gazette* prohibit, or impose requirements or restrictions in relation to, the holding of an event or gathering.

(3) An Order under subregulation (2) may be made in respect of—

- (a) a specified event or gathering; or
- (b) events or gatherings of a specified description.

(4) An Order under subregulation (2) may only have the effect of imposing prohibitions, requirements or restrictions on—

- (a) the owner or occupier of premises for an event or gathering to which the Order relates;
- (b) the organiser or promoter of such an event or gathering.

(5) An Order under subregulation (2) may, among other things, impose requirements about informing persons who may be planning to attend an event or gathering of its prohibition or any requirements or restrictions imposed in relation to the holding of it.

(6) An Order under subregulation (2) may grant an exemption from the application of specified provisions of these Regulations, if the Minister in consultation with the Chief Medical Officer is satisfied that the risk is mitigated.

(7) For the purposes of subregulation (3), events or gatherings may be described—

- (a) by reference to a number of people attending the event or gathering;
- (b) by reference to a requirement for medical or emergency services to attend the event or gathering; or
- (c) in any other way as the Minister may deem appropriate.

(8) The Minister may vary or revoke to any extent an Order made under subregulation (1) in the same manner as the Order was made.

8. Power to close premises or impose restrictions on persons entering or remaining on them.—(1) The Minister may, in consultation with the Chief Medical Officer, for the purpose of—

- (a) preventing, protecting against, delaying or otherwise controlling the incidence or transmission of coronavirus or COVID-19; or
- (b) facilitating the most appropriate deployment of medical or emergency personnel and resources,

by Order published in the *Gazette*, impose prohibitions, requirements or restrictions in relation to the entry into, departure from, or location of persons in, premises.

(2) An Order under subregulation (1) may be made in respect of—

- (a) specified premises; or
- (b) premises of a specified description.

(3) An Order under subregulation (1) may only have the effect of imposing prohibitions, requirements or restrictions on—

- (a) the owner or occupier of premises to which the direction relates;
- (b) any other person involved in managing entry into, or departure from, such premises or the location of persons on them.

(4) An Order under subregulation (1) may, among other things, impose requirements for the purpose of—

- (a) closing the premises;
- (b) restricting entry into the premises; and
- (c) securing restrictions in relation to the location of persons on the premises.

(5) An Order under subregulation (1) may impose prohibitions, requirements or restrictions by reference to—

- (a) the number of persons on the premises;
- (b) the size of the premises;
- (c) the purpose for which a person is on the premises;
- (d) the facilities in the premises;
- (e) a period of time.

(6) Where the Order imposes prohibitions, requirements or restrictions on a person specified by name, the Order shall be served on that person not less than two calendar days before publication in the *Gazette*.

(7) The Minister may vary or revoke to any extent an Order made under subregulation (1) in the same manner as the Order was made.

9. Power to impose restrictions on travel in motor vehicles.—(1) The Minister may, in consultation with the Chief Medical Officer, for the purpose of—

- (a) preventing, protecting against, delaying or otherwise controlling the incidence or transmission of coronavirus or COVID-19; or
- (b) facilitating the most appropriate deployment of medical or emergency personnel and resources,

by Order published in the *Gazette*, impose prohibitions, requirements or restrictions in relation to travel in motor vehicles and the operation of motor omnibuses, hiring cars and taxis.

(2) The Minister may vary or revoke to any extent an Order made under subregulation (1) in the same manner as the Order was made.

10. Powers of public health officers and environmental health officers for screening and assessment, and of healthcare professionals.—(1) Where a public health officer or environmental health officer has reasonable grounds to suspect that a person is potentially infectious, the public health officer or environmental health officer may, subject to subregulation (2)—

- (a) direct the person to go immediately to a place specified in the direction which is suitable for screening and assessment; or

- (b) where the person fails to comply with a direction under paragraph (a), request a police officer to remove the person to a place suitable for screening and assessment.

(2) Where a public health officer or environmental health officer exercises the powers conferred by this regulation, the public health officer or environmental health officer shall inform that person—

- (a) of the reason for directing or removing him or her; and
- (b) that it is an offence—
 - (i) in a case where a person is directed, to fail without reasonable excuse to comply with the direction; or
 - (ii) in a case where a person is removed by a police officer, to abscond.

(3) A direction imposed on a person under this regulation may be enforced by a police officer to remove the person to a place suitable for screening and assessment.

(4) Where a healthcare professional, other than a public health officer, has reasonable grounds to suspect that a person is potentially infectious, the healthcare professional shall immediately—

- (a) inform the person of that fact; and
- (b) make a report to the Chief Medical Officer.

11. Powers of public health officers and environmental health officers at screening and assessment places.—(1) Where—

- (a) a person is at a place suitable for screening and assessment; and
- (b) a public health officer or environmental health officer has reasonable grounds to suspect that the person is potentially infectious,

the public health officer or environmental health officer may require the person to remain at the place for screening and assessment purposes for a period not exceeding five calendar days.

(2) Where a public health officer or environmental health officer requires a person to remain at a place under this regulation, the public health officer or environmental health officer shall inform that person—

- (a) of the reason for imposing the requirement;
- (b) of the maximum period the person may be required to remain there; and
- (c) that it is an offence to fail to comply with the requirement.

(3) A requirement imposed on a person under this regulation may be enforced by a police officer to keep the person at the place.

(4) A public health officer or environmental health officer may—

- (a) require the person to be screened and assessed; and
- (b) impose other requirements on the person in connection with his or her screening and assessment.

(5) Requirements under subregulation (4) (a) may in particular include requirements on a person—

- (a) at such times as the public health officer or environmental health officer may specify to allow a healthcare professional to take a biological sample by appropriate means; and
- (b) to answer questions and provide information about his or her health or other relevant matters, including his or her travel history and other individuals with whom he or she may have had physical contact.

(6) Requirements under subregulation (4) (b) may include requirements on a person—

- (a) to produce any documents which may assist in his or her assessment;
- (b) to provide details by which he or she may be contacted during such subsequent period as the public health officer or environmental health officer may specify.

(7) If a public health officer or environmental health officer considers it appropriate for the purposes of screening or assessing the person, the public health officer or environmental health officer may—

- (a) direct the person to go immediately to another place which is specified in the direction and is suitable for those purposes; or

- (b) request a police officer to remove the person to another place suitable for those purposes.

(8) Where a public health officer or environmental health officer exercises the powers conferred by this regulation, the public health officer or environmental health officer shall inform that person—

- (a) of the reason for directing or removing him or her; and
- (b) that it is an offence—
 - (i) in a case where a person is directed, to fail without reasonable excuse to comply with the direction; or
 - (ii) in a case where a person is removed by a police officer, to abscond.

(9) Where the powers in regulation 10 are exercised in relation to a person in a place to direct him or her to go to, or remove him or her to, another place, this regulation shall apply in relation to that person afresh in that other place.

12. Powers exercisable after assessment.—(1) This regulation applies where—

- (a) a person has been screened and assessed by a public health officer or environmental health officer, under regulation 11 or otherwise, and—
 - (i) the screening confirmed that the person is infected or contaminated with coronavirus; or
 - (ii) the screening was inconclusive; or
- (b) a person has been assessed by a public health officer or environmental health officer, under regulation 11 or otherwise, and the public health officer or environmental health officer has reasonable grounds to suspect that the person is potentially infectious.

(2) Requirements under this regulation may include requirements—

- (a) to provide information to the public health officer or any specified person;
- (b) to provide details by which the person may be contacted during a specified period;

- (c) to go for the purposes of further screening and assessment to a specified place suitable for those purposes and do anything that may be required under regulation 11 (1);
- (d) to remain at a specified place, which may be a place suitable for screening and assessment, for a specified period;
- (e) to remain at a specified place in isolation from others for a specified period;
- (f) to install on all mobile devices as far as possible and, for the duration of a specified period, to comply with the instructions of the surveillance mobile application designated by the Minister.

(3) Restrictions on a person under this regulation may include restrictions, for a specified period, on—

- (a) the person's movements or travel;
- (b) the person's activities, including his or her work or business activities; and
- (c) the person's contact with other persons or with other specified persons.

(4) Where a public health officer imposes a requirement or restriction on a person under this regulation, the public health officer shall inform the person—

- (a) of the reason for doing so; and
- (b) that it is an offence to fail to comply with the requirement or restriction.

(5) In deciding whether to impose a requirement referred to in subregulation (2) (d) or (e) the public health officer must have regard to a person's wellbeing and personal circumstances.

(6) A public health officer may vary or revoke a requirement or restriction imposed on a person, but may only extend the period to which a requirement referred to in subregulation (2) (d) or (e) or a restriction relates in accordance with regulation 11.

13. Powers exercisable at a specified place for screening and assessment or isolation.—(1) The period specified in relation to any restriction under regulation 12 shall not exceed 14 days.

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(2) After the imposition of a requirement to remain or a restriction under regulation 12, a public health officer shall—

- (a) assess the person within five calendar days; and
- (b) in the light of that assessment, reconsider which requirements or restrictions are necessary and proportionate to impose on that person under regulation 12.

(3) The public health officer may, following reconsideration under regulation (2)—

- (a) revoke the requirement to remain or the restriction or specify a different period not exceeding 14 days in relation to it; or
- (b) substitute a different requirement or restriction under regulation 12.

(4) If under subregulation (3) the public health officer revokes the requirement to remain or the restriction, the Chief Medical Officer may, if satisfied that the person is potentially infectious, re-impose the requirement or restriction for the period originally specified.

(5) If before the end of the period specified in relation to a requirement to remain or restriction under regulation 12 (3) or subregulation (3) (a)—

- (a) a public health officer reasonably suspects that the person will be potentially infectious at the end of that period; and
- (b) the public health officer considers that the requirement or restriction is still necessary and proportionate,

the officer may extend the period for a further period to be specified.

(6) Except in the case of a requirement referred to in regulation 12 (2) (e), the further period specified under subregulation (5) may not exceed 14 days.

(7) If upon a review, the public health officer considers that the person is no longer potentially infectious, the officer shall revoke the requirement to remain or the restriction.

(8) If upon a review—

- (a) subregulation (7) does not apply; but

- (b) the public health officer considers that the requirement to remain or the restriction is no longer necessary and proportionate,

the public health officer may substitute a different requirement or restriction under regulation 12, which may not apply beyond the end of the further period specified under subregulation (5).

14. Penalty.—(1) A person who contravenes or fails to comply with these Regulations, or any direction for the purposes of these Regulations, shall be guilty of an offence and, on summary conviction, liable to a fine not exceeding ten thousand dollars and to imprisonment for a term not exceeding twelve months.

(2) Without prejudice to subregulation (1), a person who commits an offence is liable on service of a fixed penalty notice by a police officer or environmental health warden, if the person so chooses, to a fixed penalty in accordance with the Schedule.

15. Repeal of Public Health (COVID-19) Regulations, 2020. The Public Health (COVID-19) Regulations, 2020, SRO No. 59 of 2020 and the Public Health (COVID-19) (Restrictions on Religious Institutions) Order, 2020, SRO No. 64 of 2020 are hereby repealed.

SCHEDULE

FIXED PENALTY OFFENCES

(regulation 14 (2))

	Offence	Regulation	Fixed Penalty
1	Failure to wear a face mask or face-covering in public space, without reasonable excuse	regulation 4 (1)	\$100
2	Failure to wear a face mask or face-covering in motor vehicle with a person outside of household, without reasonable excuse	regulation 4 (2)	\$100
3	Adult failing to ensure that a child wears a face mask or face-covering in public space	regulation 4 (3)	\$50
4	Business owner or operator failing to ensure that patrons wear a face mask or face-covering in public space	regulation 4 (4)	\$500

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5	Employee failing to wear a face mask or face-covering in public space	regulation 4 (7)	\$200
6	Business failing to comply with physical distancing protocol under regulation 5	regulation 5	\$5,000
7	Business failing to comply with sanitisation protocol under regulation 5	regulation 5	\$5,000
8	Educational institution failing to comply with physical distancing protocol under regulation 5 (4)	regulation 5 (4)	\$1,000
9	Business operating contrary to Order under regulation 6 (1)	regulation 6 (1)	\$2,000
10	Education institution operating contrary to authorisation of the Minister for Education	regulation 6 (3)	\$1,000
11	Hosting an overcrowded event or gathering	regulation 7 (1)	\$5,000
12	Attending an overcrowded event or gathering	regulation 7 (1)	\$500
13	Hosting an event or gathering contrary to regulation 7 (2)	regulation 7 (1) and (2)	\$5,000
14	Attending an event or gathering contrary to regulation 7 (2)	regulation 7 (1) and (2)	\$500
15	Contravention of restriction Order under regulation 8 by owner or person in charge of premises	regulation 8	\$3,000
16	Contravention of restriction Order under regulation 9 by owner or person in charge of motor vehicle	regulation 8	\$500
17	Contravention of restriction Order under regulation 9 by passenger in motor vehicle	regulation 8	\$100
18	Failure to comply with the direction of public health officer or environmental health officer, without reasonable excuse	regulation 10 (1) (a) or 11 (7) (a)	\$200
19	Contravention of a requirement under regulation 12 by infected person	regulation 12	\$500
20	Contravention of a restriction under regulation 12 by infected person	regulation 12	\$500

Made by the Minister this 13th day of January, 2022.

NICKOLAS STEELE
Minister with responsibility for Health.

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