

2020/03/27

**EMERGENCY MANAGEMENT (COVID 19) ORDER, 2020**

*Arrangement*

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**S.I. 2020 No.**

Emergency Management Act

CAP. 160A

**EMERGENCY MANAGEMENT (COVID 19) ORDER, 2020**

The Cabinet, in exercise of the powers conferred on it by section 28A(4) and (5) of the *Emergency Management Act*, makes the following Order:

**Citation**

1. This Order may be cited as the *Emergency Management (Covid 19) Order, 2020*.

**Definitions**

2. In this Order,

“child” means a person who is under the age of 18 years;

“Covid 19” means the 2019 novel Coronavirus (2019-nCoV);

“infected place” means a jurisdiction that has recorded cases of Covid 19;

“isolation” means the placement of a person infected with Covid 19 into an isolation station;

“isolation station” includes any hospital, house or place or any part of a hospital or place in which any person suffering from Covid 19 is isolated;

“public health officer” means Medical Officer of Health, Public Health Nurse or any other public health officer as authorised by the Chief Medical Officer;

“quarantine” means the separation of a person from other persons in such a manner as will prevent the direct or indirect conveyance or transmission of Covid 19 to another person;

“quarantine station” means a place where a person may be separated from other persons to prevent the direct or indirect conveyance or transmission of Covid 19 to another person;

“responsible adult” means

- (a) a parent of a child;
- (b) a member of the family of a child who has attained the age of 18 years, excluding the parent of the child; or
- (c) a custodian or a guardian of a child;

“screening requirements” means the requirements set out in paragraph 7.

### **Quarantine**

3.(1) Where a public health officer has reasonable grounds to believe that a person has been exposed to another person who is or may be infected with Covid 19, the public health officer shall order that person

- (a) to quarantine himself for 14 days; or
- (b) to be sent to a quarantine station

subject to any conditions that the public health officer sees fit.

(2) The Chief Medical Officer may overrule any decisions made by a public health officer pursuant subparagraph (1) and may substitute his decision therefor.

### **Detention of persons**

4.(1) Where a public health officer has reasonable grounds to believe that a person is or may be infected with Covid 19 and that person has arrived in Barbados on an aircraft or a ship from an infected place within a 14 day period immediately preceding the date of the person’s arrival in Barbados, the public health officer may, for the purposes of screening and assessment detain the person and impose on that person the restrictions and requirements set out in paragraph 5.

(2) The Chief Medical Officer may overrule any decisions made by a public health officer pursuant subparagraph (1) and may substitute his decision therefor.

**Imposition of restrictions and requirements**

5.(1) Where a person is detained pursuant to paragraph 4, the public health officer may

- (a) orally or in writing, impose on or in relation to that person one or more screening requirements to inform an assessment, of whether that person presents or could present a risk of infecting another person with Covid 19;
- (b) carry out an assessment of that person to determine whether that person presents or could present a risk of infecting another person with Covid 19.

(2) Where an assessment under subparagraph (1) has been conducted, the public health officer may orally or in writing, impose on or in relation to that person who is the subject of an assessment any restriction or requirement which the public health officer considers necessary for the purposes of removing or reducing the risk of infecting another person with Covid 19.

(3) A decision to impose a restriction or requirement under subparagraph (2) may only be taken if the public health officer considers, when taking the decision, that the restriction or requirement is proportionate to what is sought to be achieved by imposing it.

(4) A restriction or requirement imposed under subparagraph (2) by a public health officer may be varied, orally or in writing, by the public health officer.

(5) Where a restriction or requirement imposed under subparagraph (2) is imposed on or in relation to a child, a person who is a responsible adult in relation to the child shall ensure that the child complies with the restriction or requirement, insofar as that person is reasonably able to do so.

(6) This paragraph does not affect the exercise of any powers exercised pursuant to paragraph 6.

(7) The Chief Medical Officer may overrule any decisions made by a public health officer pursuant subparagraph (1) and (2) and may substitute his decision therefor.

**Isolation of persons suspected to be infected with Covid 19**

6.(1) A public health officer may require that a person be put in isolation where he

- (a) has reasonable grounds to believe that the person is, or may be, infected or contaminated with Covid 19; and
- (b) considers that it is necessary and proportionate to do so in order to reduce or remove the risk of the person infecting or contaminating others.

(2) Where a public health officer has reasonable grounds to believe that a person is or may be infected with Covid 19, the public health officer may detain the person pending the decision of the Chief Medical Officer.

(3) Where a public health officer decides that a person should be put in isolation, he may impose on or in relation to that person one or more screening requirements.

(4) The Chief Medical Officer may overrule any decisions made by a public health officer pursuant subparagraph (1) or (3) and may substitute his decision therefor.

**Screening requirements**

7.(1) The screening requirements under this Order stipulate that a person shall

- (a) answer questions about his health or other relevant circumstances, including travel history and information about other individuals with whom the person may have had contact;

- (b)* produce any documents which may assist a public health officer in assessing the person's health;
  - (c)* allow a public health officer, or such person designated by the public health officer to take a biological sample from the person, including a sample of the person's respiratory secretions or blood, by appropriate means including by swabbing the person's nasopharyngeal cavity; and
  - (d)* provide sufficient information to enable the person to be immediately contacted by a public health officer during such period as the public health officer may specify.
- (2) Where the screening requirements set out in subparagraph (1) apply to a child, the public health officer shall ensure that the child is accompanied by a responsible adult and the responsible adult shall
  - (a)* ensure that the child answers questions referred to in subparagraph (1) *(a)* accurately;
  - (b)* answer the questions if the child is unable to do so or cannot reliably do so;
  - (c)* produce any documents, required under subparagraph (1)*(b)*, on the child's behalf;
  - (d)* allow the public health officer to take a biological sample from the child, including a sample of the child's respiratory secretions or blood, by appropriate means including by swabbing the child's nasopharyngeal cavity; and
  - (e)* provide information under subparagraph (1)*(d)* to the public health officer as required.
- (3) A person who misleads a public health officer by
  - (a)* giving false answers in response to a question posed;
  - (b)* providing false information in response to a request for information;
  - (c)* producing fraudulent documents required

pursuant to subparagraph (1) that person is guilty of an offence and is liable on summary conviction to a fine of \$50 000 or to imprisonment for a term of one year or to both.

- (4) A responsible adult who misleads a public health officer by
- (a) giving false answers in response to a question posed;
  - (b) providing false information in response to a request for information;
  - (c) producing fraudulent documents required

pursuant to subparagraph (2), that responsible adult is guilty of an offence and is liable on summary conviction to a fine of \$50 000 or to imprisonment for a term of one year or to both.

#### **Power to requisition land or buildings**

**8.(1)** An authorised person may, by notice in writing in the form set out in the *First Schedule*, requisition any lands or buildings.

(2) Any lands or buildings requisitioned by any person by virtue of subparagraph (1) may be used for such purposes and in such manner as the person thinks fit and in so far as it appears to him to be necessary or expedient in pursuance of this Order, he may

- (a) do or authorise to be done, anything that a person having an interest in the lands or buildings would be entitled to do by virtue of that interest; and
- (b) prohibit or restrict
  - (i) the exercise of any right of way over the lands;
  - (ii) entry into the buildings; or
  - (iii) any other right relating to the lands or buildings enjoyed by any person, whether by virtue of an interest in the lands or buildings or otherwise.



- (3) The owner or occupier of any lands or buildings shall, if requested by an authorised person, furnish the person with such information as he requires.
- (4) An authorised person may enter upon
- (a) any lands or into any buildings to make an enquiry or to inspect the lands or buildings for the purpose of determining their suitability for requisitioning; and
  - (b) lands or into any buildings for the purpose of serving a requisition notice.
- (5) An owner or occupier of any lands or buildings who refuses to give any information or who knowingly gives any false information to a person requesting information pursuant to subparagraph (3) is guilty of an offence and is liable on summary conviction to a fine of \$50 000 or to imprisonment for a term of one year or to both.
- (6) An owner or occupier of any lands or buildings who fails to comply with a requisition notice is guilty of an offence and is liable on summary conviction to a fine of \$50 000 or to imprisonment for a term of one year or to both.
- (7) An authorised person may serve a requisition notice by depositing it on any part of the lands, premises or buildings to which the notice refers, if the owner or occupier of the lands, premises or buildings refuses to accept the service.
- (8) An authorised person may pursuant to subparagraph (7) use reasonable force to effect a requisition and may call upon a member of the Royal Barbados Police Force or a member of the Defence Force to assist him.
- (9) A person who
- (a) fails to comply with subparagraph (2)(b);
  - (b) obstructs, hinders or interferes with a person, authorised by this Order to requisition, or enter upon any lands or into any buildings; or
  - (c) prevents, or resists the service of a requisition notice

is guilty of an offence and is liable on summary conviction to a fine of \$50 000 or to imprisonment for a term of one year or to both.

(10) In this paragraph, “authorised person” means Prime Minister or the Minister with responsibility for the Police on the advice of the Chief Fire Officer, Chief Medical Officer, any Gazetted Police Officer or any Officer of the Barbados Defence Force.

### **Power to requisition transport**

9.(1) An authorised person may by notice in writing set out in the *Second Schedule* requisition any form of transport, if in his opinion, it is necessary or expedient for the safety of the public or for the maintenance of supplies and essential services.

(2) An authorised person may requisition such quantities of petrol, diesel or lubricating oil as he considers necessary for use in any form of transport

- (a) from the owner of the transport;
- (b) from the owner of any garage;
- (c) from the owner of any petrol pump; or
- (d) from any company owning bulk stores of petrol or oil.

(3) An authorised person may

- (a) enter upon any lands or premises to serve a requisition or to effect a requisition;
- (b) deposit a requisition on any part of the premises or on any property of the person on whom the requisition is made, if the person refuses to accept it; or
- (c) use such force as is necessary to effect the requisition and call upon any member of the Police Force or any member of the Barbados Defence Force to assist the authorised person.

- (4) A person who
- (a) refuses or fails, without lawful excuse, to comply with a requisition;
  - (b) obstructs any authorised person in effecting a requisition;
  - (c) resists or prevents the service of a requisition; or
  - (d) obstructs the entry of any authorised person on any lands or premises for the purpose of serving a requisition or effecting a requisition,

is guilty of an offence and is liable on summary conviction to a fine of \$500 000 or to imprisonment for a term of one year or to both.

- (5) In this paragraph,

“authorised person” means the Prime Minister or the Minister with responsibility for the Police on the advice of the Chief Fire Officer, Chief Medical Officer, any Gazetted Police Officer or any Officer of the Barbados Defence Force;

“essential services” has the meaning assigned to it in paragraph 15(3);

“form of transport” means any aircraft, ship, motor vehicle, tractor, or any animal drawn vehicle or bicycle;

“requisition” means, in respect of any form of transport, to take possession of the form of transport to be placed at the disposal of the authorised person requisitioning it.

### **Power to requisition supplies**

**10.** The Prime Minister on the advice of the Chief Medical Officer may, by notice in the form set out in the *Third Schedule*, requisition medicines, drugs, dressings, personal protective equipment, medical and surgical appliances, equipment, tools and surgical instruments for the maintenance of supplies and essential services in order to manage the public health emergency caused by Covid 19.

**Miscellaneous controls**

**11.(1)** The Prime Minister by virtue of this Order may give a directive to maintain, control or regulate the supply of goods or services so as to

- (a)* secure a sufficiency of those goods and services that are essential to the well-being of the community, provide for the equitable distribution of those goods and services and ensure the availability of those goods and services at fair prices;
- (b)* regulate exports and imports in a manner calculated to serve the interests of the community;
- (c)* ensure generally that the resources available to the community are used in a manner calculated to serve the interests of the community;
- (d)* prohibit the importation or exportation of goods or of any class or description of goods from or to any country;
- (e)* prohibit the importation or exportation of goods or of any class or description of goods from or to any country except under the authority of the Prime Minister;
- (f)* regulate the distribution, purchase or sale of goods or of any class or description of goods;
- (g)* control and regulate the prices at which goods or any class or description of goods may be sold, whether by wholesale or retail;
- (h)* control and regulate the production of vegetables and the keeping of livestock.

**(2)** A person who fails to comply with a directive referred to in subparagraph (1) is guilty of an offence and is liable on summary conviction to a fine of \$100 000 or to imprisonment for a term of one year or to both.

**Power to waive fees**

**12.** The Chief Medical Officer, in consultation with the Minister of Finance, may by virtue of this Order waive or vary the payment of any fees for the testing and medical services rendered at any public hospital or health care facility in relation to Covid 19.

**Reporting requirements**

**13.** The Chief Medical Officer shall report to the Prime Minister for the duration of the public health emergency at a time determined by the Prime Minister.

**Imposed physical distancing**

**14.(1)** The Prime Minister on the advice of the Chief Medical Officer may by virtue of this Order direct

- (a) the prohibition of events in Barbados or a particular area in Barbados;
- (b) the prohibition of the assembly of two or more persons in a public place in any area specified;
- (c) direct an individual to confine himself to his residence or to a particular area

in the interest of public health.

(2) Where the Prime Minister on the advice of the Chief Medical Officer orders the confinement of individuals pursuant to subparagraph (1), he may

- (a) require the closure of all educational or religious institutions in the area so specified;
- (b) require the closure of any business or organization that caters to the general public in the area so specified, unless permitted otherwise by this Order;
- (c) prohibit the visitation by persons at all residential care establishments;

- (d) prohibit the visitation by persons at all correctional facilities;
  - (e) permit the travel of persons to a grocery store, gas station, pharmacy, doctor, hospital or such other place as the Prime Minister on the advice of the Chief Medical Officer may direct.
- (3) Subparagraph 1(c) shall not prohibit a person from going outdoors within the enclosed yard space of that person's residence.
- (4) The Prime Minister on the advice of the Chief Medical Officer may by virtue of this Order issue guidelines on physical distancing which shall have the force of law.

### **Curfew**

**15.(1)** The Prime Minister on the advice of the Chief Medical Officer may by virtue of this Order issue a directive requiring every person within any area specified in the directive to remain indoors between such hours as may be specified, and any person who, is or remains outdoors between such hours, without reasonable explanation, is guilty of an offence and is liable on summary conviction to a fine of \$50 000 or to imprisonment for a term of one year or to both.

- (2) Subparagraph (1) shall not apply to persons who are delivering essential services.
- (3) In this paragraph, “essential services” means
- (a) medical professionals, paramedical professionals, nurses, staff of pharmaceutical agencies, staff of hospitals, clinics and pharmacies, persons employed or engaged as care-givers, veterinary services, law enforcement officers, defence force officers, customs officers, prison services, security services, disaster management services and fire fighting services;
  - (b) the provision of electricity, telecommunications, media and broadcasting services;

- (c) the provision of transport services whether by aircraft, ship, motor vehicle or public service vehicle;
- (d) the operation of an airport or seaport;
- (e) the collection, storage, purification or distribution of water for use by the public or any section of the public;
- (f) the collection, storage, treatment and disposal of sewage, garbage or refuse;
- (g) the removal, handling or burial of deceased persons or disposal of dead animals.

(4) The Prime Minister or the Minister with responsibility for the Police may by virtue of this Order issue a directive requiring a person who is not delivering essential services to be exempt from a directive issued pursuant to subparagraph (1).

**Restriction of access to any area**

**16.(1)** The Prime Minister on the advice of the Chief Medical Officer may by virtue of this Order prohibit a person from residing in or entering any area where that person is suspected of acting or of having acted, or of being about to act, in a manner prejudicial to

- (a) public safety;
- (b) the supply or distribution of an essential service referred to in paragraph 15(3); or
- (c) the preservation of the peace.

(2) A person who contravenes subparagraph (1) is guilty of an offence and is liable on summary conviction to a fine of \$50 000 or to imprisonment for a term of one year or to both.

**Obstruction**

**17.** A person who obstructs the Chief Medical Officer, a public health officer, a member of the Royal Barbados Police Force, a member of the Defence Force, or a fire service officer acting in the course of his duty or exercising any powers or performing any duties conferred or imposed on him by this Order is guilty of an offence and is liable on summary conviction to a fine of \$50 000 or to imprisonment for a term of one year or to both.



**FIRST SCHEDULE**

*(Paragraph 8)*

REQUISITION OF LANDS OR BUILDINGS

In accordance with the above-named Order, I .....

.....  
*(name)*

call upon you .....

.....  
*(name)*

of .....

.....  
*(address)*

to hand over to me the possession of the lands or buildings set out below:  
 (Description of lands or buildings and where situate)

Possession surrendered

.....  
*Signature of Owner or Occupier*

.....  
*Signature of Person Requisitioning*

No. of Requisition .....

Date .....

Time .....

Note: To be made out in duplicate, one copy to be handed to the owner and one copy to be retained by the person requisitioning.

**SECOND SCHEDULE**

*(Paragraph 9)*

**REQUISITION OF TRANSPORT**

In accordance with the above-named order, I .....

.....  
*(Name of Office)*

.....  
call upon you .....  
of ....., to deliver to me:

Number	Description
Deliver as above	Received as above

.....  
*Signature of Owner*

.....  
*Signature of Person Requisitioning*

No. of Requisition ..... Date ..... Time .....

Note: To be made out in duplicate, one copy to be handed to the owner and one copy to be retained by the person requisitioning.

**THIRD SCHEDULE**

*(Paragraph 10)*

REQUISITION OF SUPPLIES

In accordance with the above-named Order, I .....  
*(name)*

call upon you .....  
*(name)*

of .....  
*(address)*

to deliver to me, the items set out below:

(Number)

(Description)

Deliver as above

Taken over as above

.....  
*Signature of Owner*

.....  
*Signature of Person Requisitioning*

Made by the Cabinet this            day of            , 2020.

Secretary to the Cabinet