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Content

S.I. 2021 No. 90: Emergency Management (COVID-19) (Curfew) (No. 23) Directive, 2021.

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Statutory Instrument

S.I. 2021 No. 90

Emergency Management (COVID-19) (No. 2) Order, 2021

S.I. 2021 No. 61

EMERGENCY MANAGEMENT (COVID-19) (CURFEW) (NO. 23) DIRECTIVE, 2021

WHEREAS pursuant to paragraph 15 of the *Emergency Management (COVID-19) (No. 2) Order, 2021* (S.I. 2021 No. 61) made under the *Emergency Management Act*, Cap. 160A, it is provided that the Prime Minister on the advice of the Chief Medical Officer may issue a directive requiring every person to observe such physical distancing and associated protocols in the interest of public health as may be specified;

AND WHEREAS a public health emergency exists in Barbados;

The Prime Minister, by virtue of the power and authority vested in her and on the advice of the Chief Medical Officer pursuant to paragraph 15 of the *Emergency Management (COVID-19) (No. 2) Order, 2021*, hereby issues the following Directive:

1. This Directive may be cited as the *Emergency Management (COVID-19) (Curfew) (No. 23) Directive, 2021*.

2.(1) A curfew is hereby imposed throughout Barbados

(a) from the 14th day of December, 2021 to the 24th day of December, 2021 from midnight to 5:00 a.m. every day; and

(b) from the 25th day of December, 2021 to the 29th day of December 2021 from midnight to 5:00 a.m. every day.

(2) There shall be no curfew from midnight on the 24th day of December, 2021 to 5:00 a.m. on the 25th of December, 2021.

3.(1) No person shall leave his residence during the curfew periods specified in paragraph 2, unless

(a) the person is an employee or member of an essential service; or

(b) the person has an emergency.

(2) Every employee or member of an essential service shall have on his person at all times, evidence of his employment by, or membership of, as the case may be, such a service.

(3) Any person who gives false or misleading information to a member of the Police Force, the Defence Force or a member of the COVID-19 Protocol Monitoring Unit, in this Directive referred to as "the Unit", as to his reason for leaving his residence between the hours specified in subparagraph (1) contravenes this Directive.

(4) The Attorney General may, on request made to him through *www.gov.bb*, grant an exemption to any person or business affected by subparagraph (1).

4. All businesses, establishments, organizations and persons shall comply with this Directive.

5.(1) Subject to this Directive, all businesses, establishments and organizations are permitted to open and operate daily.

(2) Notwithstanding subparagraph (1),

(a) night clubs shall be closed; and

(b) those restaurants commonly called fast-food restaurants are prohibited from providing in-house dining but may provide pick-up, drive through and delivery services,

for the duration of this Directive.

(3) No person shall consume food or drink inside a bar or a rum shop but may consume such items outdoors.

(4) Gyms, dance and exercise studios shall only operate in accordance with protocols issued by the Unit.

(5) The operators of businesses and establishments may permit their staff to work remotely where the operations can continue effectively if the staff work remotely.

(6) Subject to this subparagraph, meetings shall be held virtually whenever they can be efficiently and effectively conducted.

6.(1) The owner or operator of any business, establishment or organization shall

(a) ensure that

(i) the staff of the business, establishment or organization; and

(ii) all persons who enter the business, establishment or organization,

comply with the physical distancing protocols;

(b) provide hand sanitizing stations for staff and all persons who enter the business, establishment or organization;

(c) restrict the number of persons within and outside the business, establishment or organization at any one time in order to ensure that a physical distance of at least

(i) 6 feet, in the case of persons within a building; and

(ii) 3 feet, in the case of persons in any outdoor space,

is maintained between every person.

(d) ensure that persons do not assemble otherwise than for the purpose of transacting business; and

(e) comply with such other protocols as may be established by the Chief Medical Officer and the Unit.

(2) The owner or operator of any business, establishment or organization in which there are 25 or more employees shall designate an employee as a COVID-19 compliance officer.

7.(1) Subject to this Directive, pleasure craft and private boats are permitted to operate in the manner specified in this paragraph.

(2) Pleasure craft and private boats may be chartered for private cruises but shall carry no more than 50 per cent of their authorized number of passengers.

8.(1) Indoor cinemas are permitted to open and subject to a physical distance of at least 6 feet between patrons shall have no more than 100 patrons; and members of the same household may sit together.

(2) Drive-in cinemas are permitted to open and shall comply with the protocols specified by the Chief Medical Officer and the Unit.

9.(1) Any member of the Police Force or the Unit may enter any business, establishment or organization at any time during its hours of operation in order to ensure that the business, establishment or organization is in compliance with this Directive and for that purpose, may ask questions of the owner, operator, employees or patrons of the business, establishment or organization.

(2) An owner, operator or employee referred to in subparagraph (1) who

(a) denies entry to;

(b) fails to answer any question put to him by or gives a false or misleading answer to any such question to;

(c) assaults, insults, obstructs or uses threatening words or gestures to; or

(d) fails to comply with any instructions given to him by

a member of the Police Force or a member of the Unit, contravenes this Directive.

10.(1) No person shall host or attend

(a) a fete;

(b) a graduation;

(c) a private party;

(d) a private banquet, ball or dance;

(e) a prize giving ceremony;

(f) a reception;

(g) a social event known as "a bus crawl";

(h) a karaoke event; or

(i) a bus or other vehicular excursion.

(2) For the avoidance of doubt, permission granted by the Unit under the *Emergency Management Protocol Directive, 2021* (S.I. 2021 No. 40) to the owner or operator of a place of public entertainment within the meaning of the *Public Entertainments Act*, Cap. 85A, to host an event is suspended for the duration of this Directive.

11.(1) All indoor sports, contact sports and team sports, including practice sessions of such sports, are prohibited.

(2) For the avoidance of doubt, non-contact outdoor sporting activities are permitted and there shall be no more than 20 participants.

(3) Competitive sporting events, including horse racing, may be held only with the prior permission of the Unit.

(4) Spectators are not permitted to attend any sporting activity; but support personnel essential for the conduct of the sporting activity may be present.

12.(1) Notwithstanding paragraph 10, a meeting of a fraternal society, private or social club or civic association or organization is permitted, and subject to subparagraph (2) may be attended by no more than 25 persons.

(2) The Unit may, upon application made by the person in charge of a society, club, association or organization referred to in subparagraph (1) certify the

number of persons, which number may exceed 25 persons, that a meeting place can safely accommodate in compliance with the protocols, in which case, the number of persons so certified shall be the maximum number of persons permitted to attend meetings held by such a society, club, association or organization at that meeting place.

(3) Notwithstanding paragraph 10, the following outdoor events shall be permitted and may be attended by no more than 30 persons:

(a) the social event known as "a lime"; and

(b) a picnic.

(4) Paragraph 6 shall apply to the host of an event listed at subparagraphs (1), (2) and (3) with the necessary modifications.

13.(1) Notwithstanding paragraph 10, subparagraphs (2), (3), (4), (5) and (6) shall apply to places of religious worship, funeral services, wedding ceremonies and wedding receptions, as the case requires.

(2) Places of religious worship are permitted to open for religious services and meetings.

(3) Religious services and meetings may be attended by such number of persons as the place of religious worship can accommodate where at least 6 feet of space in every direction is maintained among all persons, but in no case shall more than 25 persons attend such services or meetings.

(4) Sacraments and rituals of faith may be administered at places of religious worship and the following protocols shall be observed:

(a) communion shall be by individual servings of sacraments only; and

(b) officiants and participants in the sacrament of baptism, except the person who is being baptized, shall wear face masks and face shields.

(5) Funeral services shall be attended by no more than 25 mourners, who shall remain 6 feet apart in every direction, two officiants and the funeral director and necessary staff.

(6) Wedding ceremonies shall be attended by the bride and bridegroom, 2 witnesses, the marriage officer and no more than 25 guests who shall, except the bride and bridegroom, remain 6 feet apart in every direction during the ceremony.

(7) Only seated dining may be provided at wedding receptions for the wedding party and no more than 25 guests, with 6 feet of separation between table set-ups.

(8) Religious services, meetings, wedding ceremonies and funeral services shall not exceed 90 minutes.

(9) Dancing is prohibited at wedding receptions.

(10) Choir rehearsals are prohibited.

(11) Members of the same household may sit together at any event referred to in subparagraphs (3), (4), (5), (6), (7) and (8).

(12) Notwithstanding subparagraphs (3), (5) and (6), the Unit may, upon application made by the person in charge of a place of religious worship, certify such number of persons, which number may exceed 25 persons, that such a place can safely accommodate in compliance with the protocols, in which case, the number of persons so certified shall be the maximum number of persons permitted to attend religious services, meetings, funeral services or weddings at that place of religious worship.

14. Beaches and parks shall be open between the hours of 5:00 a.m. and 7:00 p.m. daily.

15.(1) Where persons exercise together outdoors, they shall maintain a physical distance of at least 6 feet between every person, unless they are members of the same household.

(2) Hiking in a group of more than 5 persons is prohibited.

(3) Aerobic and dance exercise classes shall be conducted outdoors.

16. A person who is in a public place shall

(a) wear a face mask as specified in paragraph 17;

(b) comply with the physical distancing protocols established by the Chief Medical Officer, unless they are members of the same household; and

(c) comply with every condition specified by the Chief Medical Officer and the Unit.

17.(1) No person shall, without reasonable explanation,

(a) be in a public building or public place; or

(b) travel on a public service vehicle or other public transport, whether as a driver, conductor or passenger,

unless he wears a face mask, face shield or face-covering which covers his nose, mouth and chin.

(2) Where the person referred to in subparagraph (1) is a child who is accompanied by an individual who has responsibility for the child, the individual shall provide and ensure that the child has and wears a face mask, face shield or face covering as required by subparagraph (1).

(3) The owner or operator of any business, establishment or organization, which provides goods or services to the public, shall ensure that no member of the public is permitted to enter, or, having entered, to remain within any enclosed space of the business, establishment or organization unless the person is wearing a face mask, face shield or face covering which covers his mouth, nose and chin.

(4) Subparagraph (3) binds the State.

(5) Subparagraphs (1) to (3) shall not apply to children under 5 years of age.

(6) Subparagraph (1) does not apply to persons travelling in a private vehicle.

(7) Notwithstanding subparagraph (1)*(a)*, a person may, if he is required to speak and is physically distanced from other persons present, remove his mask only for the duration of the speech.

(8) For the purposes of subparagraph (1), a person has a reasonable explanation

(a) where the person cannot put on, wear or remove a face mask, face shield or face covering by reason of any medical, physical or mental illness or disability;

(b) where the person is travelling with or providing assistance to another person and the other person relies on lip-reading to communicate with the first person;

(c) where the person is eating, drinking, taking medication or exercising;

(d) where a request is made of the person to remove his face mask, face shield or face covering temporarily for security and identification purposes; or

(e) in such other circumstances as may be provided for in such protocols as the Chief Medical Officer may determine.

(9) For the purposes of this Directive, "public building" or "public place" includes a building or a place to which members of the public have a general or conditional right of access.

18. No person shall visit any place of quarantine or an isolation station.

19.(1) No person shall visit a prisoner or a ward of a Government Industrial School.

(2) A person may visit a prison or a Government Industrial School to transact business.

20.(1) No more than one person at a time shall visit a patient in a hospital, or a facility for the treatment of persons with an addiction to, or a dependency on, a drug or a narcotic substance.

(2) No person may visit a patient in a nursing home, senior citizens' home, a geriatric hospital or a district hospital but may visit such an institution to deliver care packages and transact business.

21.(1) No person shall transmit a video recording or an audio recording of any person or in any way make known to the public the identity of any person

(a) who has been tested for COVID-19 or the result of any such test; or

(b) who is in quarantine or in an isolation station.

(2) It is a defence for the person who is charged with an offence under subparagraph (1) if he proves that he had obtained the prior consent of the person who is the subject of the act.

22.(1) A public service vehicle shall carry no more than 75 per cent of its authorized number of sitting passengers and shall carry no standing passengers.

(2) The windows of public service vehicles shall remain open throughout the journey, except during inclement weather.

(3) Subparagraph (2) does not apply to those public service vehicles whose windows are sealed by the manufacturer.

(4) The owner or driver of a public service vehicle shall ensure that the vehicle is sanitized after setting down passengers and before picking up new passengers at the following motor omnibus depots and terminals:

(a) Mangrove Bus Depot;

(b) Oistins Bus Depot;

(c) Constitution Road Terminal;

(d) Fairchild Street Terminal;

(e) Princess Alice Terminal; and

(f) Speightstown Terminal.

(5) An owner or driver of a public service vehicle who fails to comply with any provision of this paragraph is, in addition to the penalty provided by paragraph 28, liable to have his licence or permit suspended.

23. A traveller to Barbados shall

(a) give details of his accommodation in Barbados to the Chief Immigration Officer and to the Chief Medical Officer;

(b) comply with this Directive; and

(c) comply with the Travel Protocols for entry into Barbados and the Health and Safety Protocols for the Tourism Sector established by the Chief Medical Officer for the Ministry of Tourism.

24. A traveller to Barbados who gives false or misleading information or submits a false document on arrival in Barbados to the Chief Immigration Officer or the Chief Medical Officer concerning

(a) his accommodation in Barbados;

(b) whether he has been tested for COVID-19 and the result of such test; or

(c) whether he has been fully vaccinated against COVID-19,

contravenes this Directive.

25. A person who

(a) fails to answer any question; or

(b) gives a false or misleading answer to any such question

put to him by a doctor, a nurse, a member of the Unit or any other person authorized by the Chief Medical Officer who is seeking information for the purpose of tracing any other person who has been exposed to a person who is or may be infected with COVID-19, contravenes this Directive.

26. A person who is placed in quarantine contravenes this Directive if he

(a) leaves the place in which he is quarantined without the consent of the Chief Medical Officer;

(b) receives guests; or

(c) fails to comply with the directions of the Chief Medical Officer.

27. The owner or operator of any business, establishment or organization who fails to comply with this Directive is, in addition to the penalty provided by paragraph 28, liable to be ordered by the Prime Minister or Attorney General, acting on the advice of the Chief Medical Officer or the Unit, to cease to operate for the duration of this Directive.

28. Any person who contravenes this Directive or fails to comply with any protocol specified by the Chief Medical Officer or the Unit 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 pursuant to paragraph 15(1) of the *Emergency Management (COVID-19) (No. 2) Order, 2021* (S.I. 2021 No. 61).

29. This Directive shall come into effect on the 14th day of December, 2021 and shall cease to have effect on the 29th day of December, 2021.

Made by the Prime Minister this 13th day of December, 2021.

MIA AMOR MOTTLEY
Prime Minister