The Official Gazette

PUBLISHED BY AUTHORITY

VOL. CLVI No. 74

Part A BRIDGETOWN, BARBADOS, 28TH JUNE, 2021

Contents

Act 2021-10: Companies (Economic Substance) (Amendment) Act, 2021.

_ _ _ _ _ _ _ _ _ _ _ _ _ _

S.I. 2021 No. 40: Emergency Management (COVID-19) Protocol Directive, 2021.

Printed and Published by
the Barbados Government Printing Department

BARBADOS

The Official Gazette Part A 28th June, 2021

Act 2021–10

COMPANIES (ECONOMIC SUBSTANCE) (AMENDMENT) ACT, 2021–10

Arrangement of Sections

1. Short title

2. Amendment of section 2 of Act 2019–43

BARBADOS

I assent
S. MASON
Governor-General
28th June, 2021.

2021–10

An Act to amend the *Companies (Economic Substance) Act, 2019* (Act 2019-43).

[Commencement: 28th June, 2021]

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Companies (Economic Substance) (Amendment) Act, 2021*.

Amendment of section 2 of Act 2019–43

2. ***Section 2 of the Companies (Economic Substance) Act, 2019 (Act 2019-43) is amended by deleting the definition "resident company" and substituting the following:***

" "resident company" for the purposes of this Act means

(a) a company, whether incorporated in Barbados or elsewhere, or a society with restricted liability organized in Barbados, or an association formed in Barbados, other than an association of underwriters, which is managed and controlled in Barbados;

(b) a company incorporated outside Barbados, that is registered in Barbados as an external company that is not regarded as a tax resident company in the jurisdiction of incorporation; or

(c) a company incorporated in Barbados as an entity but which is not tax resident in any other jurisdiction,

and includes a partnership formed in Barbados which is carrying on one or more relevant activities.".

BARBADOS

The Official Gazette Part A 28th June, 2021

Statutory Instrument

S.I. 2021 No. 40

Emergency Management (COVID-19) Order, 2021

S. I. 2021 No. 19

EMERGENCY MANAGEMENT (COVID-19) PROTOCOL DIRECTIVE, 2021

WHEREAS pursuant to paragraph 15 of the *Emergency Management (COVID-19) Order, 2021 (S.I. 2021 No. 19)* 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) Order, 2021*, hereby issues the following Directive:

1. This Directive may be cited as the *Emergency Management (COVID-19) Protocol Directive, 2021*.

2. The curfew imposed by the *Emergency Management (COVID-19) (Curfew) (No.11) Directive, 2021* (S.I. No.38) is discontinued with effect from Tuesday 29th June, 2021.

3. This Directive commences on Tuesday 29th June, 2021 and expires on Monday 19th July, 2021.

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

5. Subject to this Directive, all businesses and establishments are permitted to open daily with effect from Tuesday 29th June, 2021.

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 6 feet 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 COVID-19 Protocol Monitoring Unit hereinafter called "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) The owner or operator of

(a) a place of public entertainment within the meaning of the *Public Entertainment Act*, Cap. 85A;

(b) a pleasure craft or private boat,

who wishes to host an event for public entertainment shall first obtain the permission of the Unit.

(2) No person, including the owner or operator of a place of public entertainment or a vessel referred to in subparagraph (1) shall be allowed to enter such place or board such vessel, unless that person produces to a member of the Unit evidence that he or she

(a) has been fully inoculated against COVID-19; or

(b) has had a Polymerase Chain Reaction test also known as a PCR test in the preceding 24 hour period and that the result of that test was negative.

(3) Where the owner or operator of place of public entertainment or a vessel hosts an event referred to in this paragraph

(a) there shall be no more than 150 patrons and in the case of a vessel, that vessel shall remain moored at the dock; and

(b) a distance of at least 3 feet shall be maintained between patrons unless they are members of the same household.

9. For the purposes of paragraphs 7 and 8, every owner or operator of a pleasure craft or private boat, or a place of public entertainment within the meaning of the *Public Entertainments Act*, Cap. 85A shall maintain a written record of every person who boards the vessel or who enters the place of public entertainment, as the case may be.

10.(1) Any member of the Police Force or the Unit may enter any business or establishment at any time during its hours of operation in order to ensure that

the business or establishment is in compliance with this Directive and for that purpose, may ask questions of the owner, operator, employees or patrons of the business or establishment.

(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

any member of the Police Force or the Unit contravenes this Directive.

11. No person shall host or attend

(a) a private party;

(b) a private banquet, ball, dance or reception;

(c) a social event known as

(i) "a bus crawl"; or

(ii) "a lime";

(d) a karaoke event;

(e) a picnic; or

(f) a bus or other vehicular excursion.

12.(1) Subject to this paragraph, all sporting activities are permitted.

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

(3) Sporting bodies or organizations shall submit a draft of their intended protocols to the Unit for the approval of the Unit and no such body shall resume

any sporting activity until the body or organization has received the written approval 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.

13.(1) Notwithstanding paragraph 11, the following events shall be permitted in the manner specified in this paragraph:

(a) a meeting of a fraternal society, private or social club or civic association or organization; and

(b) a graduation or prize giving ceremony;

may be attended by no more than 100 persons.

(2) The host or organizer of an event listed at subparagraph (1), shall comply with paragraph 6.

14.(1) Notwithstanding paragraph 11, summer camps are permitted.

(2) No person shall hold a summer camp unless he obtains the prior permission of the Unit.

15.(1) Notwithstanding paragraph 11, subparagraphs (2), (3), (4), (5) and (6) shall apply to places of religious worship, funeral services, wedding ceremonies and wedding receptions, as the case may be.

(2) Places of religious worship are permitted to open and a distance of at least 3 feet in all directions shall be maintained among all persons who attend places of religious worship.

(3) 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.

(4) Funeral services shall be attended by no more than 100 mourners, who shall remain 3 feet apart in every direction, two officiants and the funeral director and necessary staff.

(5) Wedding ceremonies shall be attended by the bride and bridegroom, 2 witnesses, the marriage officer and no more than 100 guests who shall, except the bride and bridegroom, remain 3 feet apart in every direction during the ceremony.

(6) Only seated dining may be provided at wedding receptions for the wedding party and no more than 100 guests, with 6 feet of separation between table set-ups.

(7) Dancing is prohibited at wedding receptions.

(8) Members of the same household may sit together at any event referred to in subparagraphs (2), (3), (4), (5) and (6).

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

17. 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.

18. A person who is in a public place shall

(a) wear a face mask as specified in paragraph 19;

(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.

19.(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 mouth, nose 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 or establishment, 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 or establishment, 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 Crown.

(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.

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

21. No person shall visit a prisoner or a ward of a Government Industrial School but, for the avoidance of doubt, may visit such a facility to transact business.

22. No more than one person at a time shall visit a patient in a hospital, nursing home, senior citizens' home or a facility for the treatment of persons with an addiction to, or a dependency on, a drug or a narcotic substance.

23.(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.

24.(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 putting down passengers and before taking 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 30, liable to have his licence or permit suspended.

25. Every 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.

26. A traveller to Barbados who gives false or misleading information on arrival in Barbados to the Chief Immigration Officer or the Chief Medical Officer concerning his accommodation in Barbados contravenes this Directive.

27. A person who is placed in quarantine

(a) shall not leave the room in which he is quarantined without the consent of the Chief Medical Officer;

(b) shall not receive guests; and

(c) shall obey the directions of the Chief Medical Officer.

28. The owner or operator of any business or establishment who fails to comply with this Directive is, in addition to the penalty provided by paragraph 30, liable to be ordered to cease to operate for the duration of this Directive.

29. Notwithstanding any provision of this Directive, the Prime Minister or Attorney General, acting on the advice of the Chief Medical Officer or the Unit, may direct the owner or operator of any business or establishment to cease to operate for the duration of this Directive.

30. Any person who contravenes

(a) this Directive or fails to comply with any condition specified by the Chief Medical Officer or the Unit; or

(b) any protocol approved by the Unit under paragraph 12(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 pursuant to paragraph 15(1) of the *Emergency Management (COVID-19) Order, 2021* (S.I. 2021 No. 19).

Made by the Prime Minister this 28th day of June, 2021.

MIA AMOR MOTTLEY
Prime Minister