VIRGIN ISLANDS

PUBLIC HEALTH (COVID-19 CONTROL AND SUPPRESSION MEASURES) (NO. 4) ORDER, 2021

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VIRGIN ISLANDS

STATUTORY INSTRUMENT 2021 NO. 64

PUBLIC HEALTH ORDINANCE
(Cap. 194)

Public Health (Covid-19 Control and Suppression Measures) (No. 4) Order, 2021

[Gazetted 6th July, 2021]

The Minister, in exercise of the powers conferred by sections 13, 14 and 15 of the Public Health Ordinance (Cap. 194) makes this Order.

Citation and commencement.

1. (1) This Order may be cited as the Public Health (Covid-19 Control and Suppression Measures) (No. 4) Order, 2021.

(2) This Order shall come into force on the 6th day of July, 2021.

Interpretation.

2. In this Order, unless the context otherwise requires,

"establishment" includes an office, business and organisation;

"face mask" includes any cloth or paper covering designed or made to be worn over the nose and mouth specifically and to provide the wearer protection against infections or air pollution, but excludes a face shield;

"face shield" means any plastic or other transparent material designed or made to be worn like a visor, which wraps around the sides of the wearer's face and extends from the forehead to below the chin area;

"gatherings" include

(a) weddings;

(b) funerals;

(c) faith-based and spiritual activities;

(d) sporting and recreational activities;

(e) cultural activities;

(f) commercial activities; and

(g) non-essential gatherings and events.

"school" has the meaning assigned by the Education Act; No. 10 of 2004

"virus" means the Covid-19 virus;

"vulnerable persons" mean the elderly, persons suffering a respiratory illness and persons with a chronic non communicable disease or any person who is otherwise immunocompromised.

3. These Orders are made for the purpose of protecting public health and for the prevention, control and suppression of the spread of the virus. Purpose of these Orders.

4. All gatherings, including the following Restrictions on assembly of persons.

(a) a faith-based service;

(b) a wedding ceremony;

(c) a funeral,

shall be limited to one person per sixty-four square feet and shall not exceed twenty five persons at any given time.

5. Except with the approval of the Minister for Health and Social Development, all businesses and/or workplaces shall restrict numbers to a limit of up to 65 persons at a time, per location, subject to adequate social distancing protocols being maintained in accordance with guidance from the Chief Environmental Health Officer. Restrictions on businesses and/ or workplaces.

6. Except with the approval of the Minister for Health and Social Development, all ferries shall restrict numbers to a limit of up to 65 persons at a time, subject to adequate social distancing protocols being maintained in accordance with guidance from the Chief Environmental Health Officer. Restrictions on Ferries.

7. All Restaurants, for in-house dining, shall be limited to one (1) person per 36 square feet to a maximum occupancy of 25 persons, all inclusive of staff and patrons. Restrictions on Restaurants.

Closure of Hairdressing salons, barber shops, gyms, bars, clubs and entertainment.

8. All hairdressing salons, barber shops, gyms, bars, clubs and entertainment establishments shall be closed.

Closure of schools.

9. **A**ll private and public schools, including pre-schools, child care centres, summer programmes and extra-curricular activities shall cease to conduct in-person activities, provided that all external or regional examinations may continue to be administered at public and private schools with the approval of the Ministry of Education, in consultation the Chief Environmental Health Officer and the Chief Medical Officer.

Closure of residential homes.

10. All facilities that serve as residential establishments, namely, the Adina Donovan Home for the Elderly, Virgin Gorda Elderly Home and Rainbow Children's Home, Safe Haven Transitional Centre and private residential facilities shall prohibit visits in and visits out of such institutions, with the exception of emergency situations as may be determined by the facility which may necessitate such a visit.

Physical distancing protocols and sanitisation measures.

11. (1) Every establishment shall put in place such physical distancing protocols and sanitisation measures as are specified in subsection (2) and shall ensure that all staff and customers adhere to such physical distancing protocols and sanitisation measures.

(2) For the purposes of subsection (1), every establishment shall

(a) ensure that staff and customers maintain physical distance of not less than six feet away from each other, inside and outside the establishment;

(b) restrict the number of persons inside the establishment so that persons can maintain a physical distance of not less than six feet apart;

(c) provide and maintain hand sanitisation facilities equipped with

(i) handwashing stations which have liquid soap, running water, and single-use towels or electric hand dryers; or

(ii) hand sanitiser dispensers filled with alcohol-based hand sanitiser;

(d) ensure that employees with acute respiratory illness symptoms and employees sick with flu-like symptoms not permitted in the establishment;

(e) ensure that shared workplace equipment and furniture are sanitised regularly;

(f) provide information and training to employees on proper hygiene for the purposes of this section;

(g) where possible, allow for flexible work hours or other flexible work arrangements to increase physical distance among employees;

(h) any other protocols or measures as may be specified for the purposes of this section.

Face masks or face shield to be worn in public.

12. (1) Subject to this section, every person shall wear a face mask, at all times when in a public place, including at any establishment, gatherings and on public transportation.

(2) Subsection (1) shall not apply where a person is

(a) in open air settings and maintains a physical distance of not less than six feet from any other person who may be nearby;

(b) driving alone, or is with members of his or her household;

(c) obtaining services at a healthcare facility, including hospitals, medical or dental clinics, pharmacies, elderly facilities, facilities providing veterinary care or similar services for animals, and is directed by an employee at the healthcare facility to remove his or her face mask or face shield;

(d) is consuming food or drinks;

(e) in an assigned office, which consists of an enclosed room and is not shared by other persons;

(f) at an assigned office space and physical distancing protocols specified to in section 6 are being adhered to; or

(g) required to remove the mask or face shield in order to ascertain his or her identity or for security purposes.

(3) A face shield may be worn instead of a face mask by the following persons:

(a) a child twelve years and under, who may have difficulty wearing a face mask for a prolonged period;

(b) a person who has a health conditions which may cause breathing or medical difficulties if the person wears a face mask for a prolonged period;

(c) a person who has intellectual and developmental disabilities;

(d) a person who care for those who rely on lip reading to communicate;

(e) a person who is speaking to a group in a classroom or lecture-style setting;

(f) a person delivering a television broadcasts, in a safe and controlled environment where the physical distancing protocols and sanitisation measures specified in section 6 are being adhered to throughout the recording or filming process.

(4) Every establishment including offices, businesses and organisations shall ensure that all staff and customers wear a face mask or face shield, as the case may be, when inside, or in line, to access goods or services at the establishment and shall ensure that the measures specified in subsection (5) are adhered to.

(5) For the purposes of subsection (4), every establishment shall ensure that all staff wear a face mask when

(a) physical distancing protocols cannot in a particular circumstance be adhered to;

(b) providing goods or services in an enclosed location;

(c) performing work off-site, such as delivery services; or

(d) working in any space where food is prepared or packaged for sale or distribution to others.

13. (1) A police officer or an Environmental Health Officer may visit any establishment or public place to ensure compliance with these Orders or any guidelines issued pursuant to section 20 and shall enforce these Orders in accordance with subsection (2). Penalties.

(2) Where a police officer or an Environmental Health Officer reasonably believes that a person or an establishment is contravening or has contravened these Orders, the officer shall

(a) in the case of an individual,

(i) for the first breach, issue a fixed penalty notice requiring the person to pay a fine of one hundred dollars and to attend such mandatory training as may be specified in the notice; and

(ii) for any subsequent breach, issue a fixed penalty notice requiring the person to pay a fine of two hundred dollars;

(b) in the case of an establishment,

(i) for the first breach,

(A) issue a fixed penalty notice requiring the owner or operators to pay a fine of one thousand dollars; and

(B) a notice for temporary closure, subject to such mandatory training and to implementation of such corrective measures as may be specified in the notice;

(iii) for a second breach,

(A) issue a fixed penalty notice requiring the owner or operators to pay a fine of two thousand dollars; and

(B) order the immediate closure of the establishment and the revocation of the Environmental Health Certificate.

(3) A fixed penalty imposed under this section shall be paid to the Magistrate's Court.

(4) A fixed penalty notice issued under this section shall

(a) set out the particulars of the offence;

(b) specify the period within which the penalty it to be paid;

(c) specify the amount of the fine;

(d) specify that payments shall be made to the Magistrate's Court.

(5) If the fine is paid, no proceedings shall be brought against the person served with the notice.

Vessels and ferries permitted to operate and prohibitions.

14. (1) A person who operates a vessel is permitted to operate the vessel within the territorial waters

(a) between the hours of 5:01 a.m. to 10:59 p.m. daily; and

(b) within navigational limits to define the northern and southern boundaries of the BVI Exclusive Zone, including a marine corridor for transit to Jost Van Dyke from Nanny Cay along the southern coastline around Frenchman's Cay and around the point onto Steel Point as follows:

(i) Northern Boundary - a straight line from the western most tip of Jost Van Dyke to the westernmost tip of Anegada;

(ii) Eastern Boundary - a straight line drawn from the easternmost tip of Anegada to Pajaros Point Virgin Gorda;

(iii) Southern Eastern Boundary - a straight line drawn from Pajaros Point to southernmost point of Ginger Island;

(iv) Southern Boundary - a straight line from the southernmost point of Ginger Island touching the southernmost tip of Peter Island and ending at point A (18.29 degrees north 64.63 degrees west).

(v) The southern boundary continues north from point A (18.29 degrees north 64.63 degrees west) to point B (18.365 degrees north 64.63 degrees west), continuing westward from point B to the easternmost point of Little Thatch. A line from the easternmost

point of Little Thatch to the easternmost tip of Great Thatch closes off the southern boundary; and

(vi) Western Boundary - a straight line from the easternmost point of Great Thatch to the westernmost point of Jost Van Dyke.

(2) A person operating a vessel may subject to subsection (1), be permitted to operate the vessel within the territorial waters up to 11;00 p.m daily, for the purpose of transporting persons intra-island to be quarantined.

(3) Subject to subsections (1) and (2), a person who operates a vessel is prohibited from operating the vessel

(a) within the maritime exclusion zones; and

(b) across the territorial borders.

(4) Notwithstanding the restrictions under subsection (3), a person operating a vessel may be permitted to move

(a) through the maritime exclusion zone and outside the navigational limits under subsection (1)(b), once a pre-clearance is obtained from the Joint Task Force prior to transit; and

(b) across the territorial borders, where authorised by the Governor in consultation with the Minister of Health and Social Development.

(5) For the purposes of this section a person operating a vessel fitted with Automatic Identification system technology shall be required to use such technology while navigating within the territorial waters, especially in the exclusion zone to allow for easy identification by law enforcement.

(6) A person who operates a ferry is permitted to operate such ferry between the hours of 5:00 a.m. to 11:00 p.m. daily.

Approved vessels for essential safety or maintenance repair.

15. The Governor may, after consultation with the Minister of Health and Social Development, grant approval to a person to operate a vessel for the purpose of essential safety or maintenance repair.

Approval of Cruise Liners for technical calls or warm lay ups.

16. A person operating a Cruise Liner may be permitted to make technical calls or warm lay ups to the Territory, subject to compliance with the protocols established by the BVI Ports Authority and endorsed by the Health Emergency Operations Centre.

Domestic Air travel service to operate.

17. A person operating a domestic air travel service may be permitted to operate such service, provided that the service is operated in accordance with existing social distancing protocols.

Entry of small vessels and water taxis.

18. (1) Subject to subsections (2) and (3) and to such guidelines as may be issued, a person operating a private or commercially registered small vessel may be permitted to enter the Territory for the purpose of sailing or anchoring in Territorial waters.

(2) A foreign-based small vessel shall not be permitted to

(a) enter the Territory with paying passengers on board; or

(b) conduct commercial activity while in the Territory.

(3) A small vessel shall not conduct daytrips to the Territory, unless that vessel is a pre-authorised water taxi.

(4) A person may be permitted to operate a locally based Water Taxis subject to this Order and to such guidelines as may be issued.

(5) For the purposes of this section "small vessel" means a vessel that is under 78 feet length overall."

Freight courier or Charter Company traveling between the Territory and USVI to operate.

19. A person operating a Freight courier or a Charter Company traveling between the Territory and the USVI may be permitted to operate such courier or company subject to

(a) strict adherence to the requirements as provided under this Order; and

(b) fortnightly testing.

Guidelines.

20. Further guidelines may be issued, on the recommendation of the Health Emergency Operation Centre, to supplement these Orders and such guidelines shall be published on the Government's website at www.bvi.gov.vg/covid-19.

Order to cease to apply.

21. This Order shall cease to apply on the 20th day of July, 2021 unless extended by the Minister for such further period as may be specified.

Revocation of S.I. No. 36 of 2021.

22. The Public Health (Covid-19 Control and Suppression Measures) (No. 3) Order, 2021 is revoked.

Made by the Minister this 6th day of July, 2021.

(Sgd.) Carvin Malone,
Minister for Health and Social Development.