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(Protocols) (No. 11) Directive, 2022.



BARBADOS

S.I. 2022 No. 72

Emergency Management (COVID-19) Order, 2022

S.I. 2022 No. 18

**EMERGENCY MANAGEMENT (COVID-19)
(PROTOCOLS) (NO. 11) DIRECTIVE, 2022**

WHEREAS pursuant to paragraph 15 of the *Emergency Management (COVID-19) Order, 2022*, (S.I. 2022 No. 18) 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, 2022*, hereby issues the following Directive:

1. This Directive may be cited as the *Emergency Management (COVID-19) (Protocols) (No. 11) Directive, 2022*.
2. The owner or operator of any business, establishment or organization
 - (a) shall 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) shall 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 3 feet is maintained between persons;
- (c) shall ensure that persons do not assemble otherwise than for the purpose of transacting business;
- (d) shall comply with such other protocols as may be established by the Chief Medical Officer and the COVID-19 Protocol Monitoring Unit, in this Directive referred to as “the Unit”; and
- (e) may provide hand sanitizing stations for staff and all persons who enter the business, establishment or organization.

3.(1) Any member of the Police Service 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 Service or the Unit, contravenes this Directive.

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

- (a) be in a public building; 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 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 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 which covers his nose, mouth, 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) 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 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 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.

(8) For the purposes of this Directive, “public building” includes a building, tent or other structure that is fully enclosed to which members of the public have a general or conditional right of access.

5. All persons shall

- (a) comply with the physical distancing protocols established by the Chief Medical Officer, unless they are members of the same household; and
- (b) comply with every condition specified by the Chief Medical Officer and the Unit.

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

7. No more than one person at a time shall visit

- (a) 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; or
- (b) 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.

8. Notwithstanding paragraph 2(e), hand sanitizing stations shall be provided at the following businesses, establishments and organizations:

- (a) health care institutions within the meaning of section 2 of the *Health Services Act*, Cap. 44;
- (b) nursing homes, private hospitals and senior citizen’s homes within the meaning of regulation 2 of the *Health Services (Private Hospitals, Nursing Homes, Senior Citizens’ Homes and Maternity Homes) Regulations, 2005 (S.I. 2005 No. 58)*;
- (c) every place where medical services and dental services are provided;
- (d) schools and educational institutions;

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- (e) all nurseries and day care facilities for children and adults;
 - (f) all ports of entry; and
 - (g) all prisons within the meaning of section 2 of the *Prisons Act*, Cap. 168.

9.(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.

10. 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.

11. 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

- (a) concerning any matter mentioned in paragraph 10; or
- (b) fails to comply with the travel protocols referred to in that paragraph, contravenes this Directive.

12. A person who

- (a) fails to answer any question; or
- (b) gives a false or misleading answer to any 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.

13. A person who is placed in quarantine or isolation contravenes this Directive if he

- (a) leaves the place in which he is quarantined or isolated without the consent of the Chief Medical Officer;
- (b) receives guests; or
- (c) fails to comply with the directions of the Chief Medical Officer.

14. 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 15, 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.

15. Any person who contravenes any provision of 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) Order, 2022* (S.I. 2022 No. 18).

16.(1) Notwithstanding the penalty specified in paragraph 15, where a person contravenes paragraph 4(1) or (2), a member of the Police Service shall

- (a) ask the person to give his name and address;

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- (b) serve personally upon the person, a fixed penalty notice in the form in the *Schedule*;
 - (c) inform the person that if he does not wish to be prosecuted for the alleged offence in court, he may pay to the clerk of the Magistrate's Court in the district in which the offence was committed, the fixed penalty of \$100 specified in the fixed penalty notice, within the time specified in the notice; and
 - (d) send a duplicate of the notice to the clerk of the Magistrate's Court referred to in subparagraph (c).
- (2) The fixed penalty notice shall be signed by the member of the Police Service and shall state the following:
- (a) the date, time and place of service of the notice;
 - (b) the provision of this Directive creating the offence alleged, and such particulars of the offence as are required under this Directive;
 - (c) the amount of the fixed penalty;
 - (d) the time within which the fixed penalty may be paid in accordance with paragraph 17(3); and
 - (e) the clerk of the Magistrate's Court to whom, and the address at or to which, the fixed penalty may be paid or remitted.
- (3) A person who refuses to answer or who gives a false name or a false address in answer to a question mentioned in subparagraph (1)(a) is guilty of an offence.
- 17.(1)** A person upon whom a fixed penalty notice is served may pay the fixed penalty in accordance with the notice.
- (2) Payment of the fixed penalty shall be
- (a) made to the clerk of the Magistrate's Court as stated in the notice; and

- (b) accompanied by the notice, which shall be completed by the person in the manner prescribed.
- (3) A fixed penalty is payable within 14 days from the date of the fixed penalty notice.
- (4) Where a person upon whom a fixed penalty notice is served fails to pay the fixed penalty within the time specified in the notice, the duplicate sent to the Magistrate's Court under paragraph 16(1)(d) shall constitute a charge brought against the person named therein and the person shall be dealt with according to law and shall be liable to the penalty specified in paragraph 15.
- (5) Where the fixed penalty is paid in accordance with the fixed penalty notice, no person shall be liable to be prosecuted for the offence for which the notice was served and any information laid before the Magistrate shall be null and void.
- 18.** In any proceedings for an offence specified in paragraph 4(1) or (2), a certificate that payment of the fixed penalty was or was not made to the clerk of the Magistrate's Court by the date specified in the fixed penalty notice shall, if the certificate purports to be signed by the clerk, be sufficient evidence of the facts stated, unless the contrary is proved.
- 19.** This Directive shall come into effect on the 16th day of August, 2022 and shall cease to have effect on the 30th day of August, 2022.

SCHEDULE

(Paragraph 16(1)(b))



Emergency Management (COVID-19) Order, 2022
S.I. 2022 No. 18

NOTICE OF FIXED PENALTY

Section A

Serial No.: _____

Take notice that, I, _____,
(Name of member of the Police Service) _____ *(Rank)* _____ *(Number)*,
have reason to believe that you have committed the offence herein. The fixed penalty for the
offence is one hundred dollars (\$100).

If this amount is paid to the Clerk of the Magistrate's Court for District _____ within fourteen
(14) days from the date of this notice, that is to say, not later than _____
Date/Month/Year

no proceedings will be taken against you and any liability to conviction for the offence will be
discharged. The offence carries a maximum fine of \$50,000.

In paying the fixed penalty, the following conditions shall be observed:

1. The payment of the fixed penalty shall be accompanied by this notice.
2. Where payment of the fixed penalty is made otherwise than in accordance with the *Emergency Management (COVID-19) (Protocols) (No.) Directive, 2022* the Clerk shall as soon as practicable after payment return the amount paid to the sender, and thereafter proceedings in respect of the alleged offence shall commence.

Schedule - (Cont'd)

3. Payment of the fixed penalty shall be made or remitted to the Clerk of the Magistrate's Court for District _____ .

This notice was given at _____

On _____ 20____, at _____ a.m. / p.m.
(state date) (state time)

PARTICULARS OF OFFENCE

At _____ a.m. / p.m. on the _____ day of _____, 20____ you,

_____ of _____
(name) (address)

at / in _____ a public place/ public building
(place apprehended)

situate at _____ / being on board _____
(place) (description of vehicle)

a public service vehicle / other public transport did fail to wear a face mask that covered your nose, mouth and chin, / being the parent / guardian / individual with responsibility for

_____, a minor over the age of 5 years who was not
(name of minor)

wearing a face mask that covered his / her nose, mouth and chin, contrary to paragraphs _____

and _____ of the *Emergency Management (COVID-19) (Protocols) (No.) Directive, 2022.*

Signature of member the Police Service

Schedule - (Cont'd)

Instructions to Offender

If before the end of **FOURTEEN (14) DAYS** from the above date, the sum of \$100.00 (being the fixed penalty for the offence) is paid to the Clerk of the Magistrate's Court for District_____, no proceedings for the offence will be taken and any liability to conviction for the offence will be discharged.

Cash should be paid to the Clerk. Cheques, postal orders or money orders may be sent by post and made payable to the Clerk of the Magistrate's Court for District_____. A receipt for the payment will be given. Part payment will not be accepted by the Clerk.

The person paying the fixed penalty must forward with the remittance, Section B of this notice or identify this notice by quoting its serial number.

If the fixed penalty is not paid, further action may be taken.

Schedule - (Concl'd)

Section B

Serial No.(of notice) _____

To: Clerk of the Magistrate's Court for District _____.

I enclosed the sum of \$100.00 as payment of the fixed penalty for the offence mentioned in Section A of this notice.

Name: _____

Address: _____

(Signature)

(Date)

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

MIA AMOR MOTTLEY
Prime Minister