

EMERGENCY POWERS (COVID 19) (NO. 5) ORDER, 2020

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EMERGENCY POWERS (COVID 19) REGULATIONS, 2020 (CHAPTER 34)

EMERGENCY POWERS (COVID 19) (NO. 5) ORDER, 2020

In exercise of the powers conferred on me by the Emergency Powers (Covid 19) Regulations, 2020, I HEREBY make the following Order for every island and cay in the Commonwealth of The Bahamas —

PART I - PRELIMINARY

1. Citation and commencement.

- (1) This Order may be cited as the Emergency Powers (Covid 19)(No. 5) Order, 2020.
- (2) This Order shall come into force on Monday the 22nd day of June, 2020.

PART II - COVID 19 PROTOCOLS

2. Curfew.

- (1) The curfew imposed under the Emergency Powers (Covid 19) (No. 4) Order, 2020 (*S.I. No. 88 of 2020*), is hereby revoked.
- (2) A curfew is hereby imposed extending from 10:00 p.m. to 5:00 a.m. with such exceptions as are permitted herein or as may be approved by the Commissioner of Police.
- (3) Every person shall remain confined to their place of residence (inclusive of their yard space) during the curfew to avoid contact outside of their family except essential workers.
- (4) For the purposes of this order, an "essential worker" includes essential officers of —
 - (a) The Royal Bahamas Police Force;
 - (b) The Royal Bahamas Defence Force;
 - (c) Fire Services;
 - (d) the Department of Correctional Services;
 - (e) the Ministry of Social Services;
 - (f) the Department of Environmental Health Services;
 - (g) the Department of Immigration;

- (h) the Customs Department;
 - (i) waste disposal and sanitation companies;
 - (j) any hospital, public health care or medical facility;
 - (k) essential officers of any water, electricity or other sector encompassing the provision of electronic communications including print and electronic media;
 - (l) Bahamas Civil Aviation Authority; and
 - (m) the Sandilands Rehabilitation Centre.
- (5) All essential workers shall at all times carry a government issued identification.

3. Physical distancing protocols.

- (1) Every person shall practice physical distancing between themselves and others who are not of the same household of no less than six feet whenever he is away from his residence.
- (2) Every business establishment must —
 - (a) ensure that all customers and staff maintain physical distancing between themselves and others of no less than six feet in or outside the business;
 - (b) determine the number of persons that may be permitted in the establishment at any one time by permitting one person for every thirty square feet of store space;
 - (c) have distance markers six feet apart, indicating where each customer must stand on a line at a check out point;
 - (d) have distance markers six feet apart on the outside of the establishment, indicating where customers must stand while waiting to enter the establishment.

4. Requirement to wear face mask.

- (1) Every person who leaves his residence shall, while away from his residence, wear a face mask, which fits securely to his face, covering his nose and mouth.
- (2) Every establishment or business shall —
 - (a) deny entry to any person not wearing a face mask described in paragraph (1);
 - (b) ensure that its employees are fitted with face masks described in paragraph (1) at all times when in the presence of other employees or customers;

- (c) ensure that its employees are allowed regular breaks outside of the presence of other employees or customers to permit the employee access to fresh air without wearing a face mask.
- (3) Effective Wednesday the 1st day of July, 2020, for the purposes of this order, "establishment or business" includes a taxi service or driver and a public or private bus driver or operator under order 21.

5. Requirement to carry government issued identification.

Every person who leaves his residence in accordance with the provisions of this order, shall carry with him a government issued identification and shall produce the same for inspection when required to do so by a peace officer.

PART III - PUBLIC AND PRIVATE BUSINESSES AND INSTITUTIONS

6. Public Service.

- (1) Subject to paragraph (3), all persons employed within the public service and any government operated statutory body shall return to work on Monday 29th day of June, 2020 in accordance with paragraph (2).
- (2) Where the physical structure or layout of an office does not allow for adequate physical distancing in accordance with order 3, the permanent secretary or department head of that office shall cause to be prepared and implemented, a two month rotating schedule for the attendance of persons employed.
- (3) Any person who is employed within the public service and who has a comorbidity or compromised health, shall upon the submission of a medical certificate to the relevant permanent secretary or department head, be permitted to work remotely for a period of two months.
- (4) Notwithstanding paragraph (3), a person to whom paragraph (3) refers may be subjected to a medical examination by a medical practitioner appointed by the Competent Authority.

7. Businesses and institutions.

- (1) Subject to this order, any establishment, business, institution or agency is permitted to operate between the hours of 5:00 am to 8:00 pm daily.
- (2) Every establishment or business permitted to operate under this Order —
 - (a) shall do so, subject to orders 3 and 4; and
 - (b) may do so, utilizing the curbside pickup and delivery protocol as set out in Part A of the *Schedule*.

8. Prohibited businesses.

For the avoidance of doubt, the following businesses shall remain closed —

- (a) bars, discotheques, cinemas, cultural and entertainment facilities; and
- (b) gyms and spas subject to order 11.

9. Restaurants and food vendors.

- (1) A restaurant may, in accordance with this order, resume operations between the hours of 5:00 am and 8:00 pm daily.
- (2) A restaurant may resume indoor dining provided that —
 - (a) the maximum seating of a restaurant shall be fifty percent of the maximum occupancy of that restaurant with a minimum of thirty square feet per person;
 - (b) seating shall be arranged in accordance with physical distancing protocols in accordance with order 3;
 - (c) staff shall wear masks in accordance with order 4;
 - (d) patrons shall be required to wear masks upon entry and exit;
 - (d) staff shall sanitise tables, chairs and other implements used by patrons after each use.
- (3) A restaurant that is unable to resume operations in accordance with paragraph (2) shall only operate utilizing —
 - (a) curbside pickup or delivery in accordance with the protocol set out in Part A of the *Schedule*;
 - (b) drive thru;
 - (c) take away; or
 - (d) outdoor dining.
- (4) Restaurants and food vendors located at Arawak Cay shall only be permitted to resume operations in accordance with paragraph (3).

10. Roadside vendors.

Roadside vendors of food and beverages shall operate subject to standard guidelines as approved by the Ministry of Health.

11. Salons, barbershops, spas and gyms.

- (1) A hair stylist, barber or other cosmetologist may resume operations between the hours of 5:00 am and 8:00 pm daily, subject to being certified by the Ministry of Health to resume work.

- (2) Effective Wednesday the 1st day of July, 2020, a gym or a spa may resume operations between the hours of 5:00 am and 8:00 pm daily subject to health and safety protocols as approved by the Ministry of Health.

PART IV – RELIGIOUS, EDUCATIONAL AND OTHER EVENTS AND ACTIVITIES

12. Religious instruction.

A church or other place of religious instruction may continue services in accordance with the protocols established by The Bahamas Christian Council and approved by the Ministry of Health.

13. Schools and other educational institutions.

- (1) All schools and educational institutions, unless permitted to open under paragraphs (3) or (4), shall remain closed.
- (2) Paragraph (1) does not prohibit schools and educational institutions from operating by electronic or virtual means.
- (3) Any school at which a national exam is being hosted shall be permitted to open for the purposes of making the necessary preparations for the sitting of that exam and for the administration of that national exam provided that —
- (a) all persons in attendance at that school wear face masks in accordance with order 4;
 - (b) the premises are sanitised; and
 - (c) the physical distancing protocols under order 3, and any guidelines or notices issued by the Competent Authority or the Ministry of Education are adhered to.
- (4) Preschools and infant daycare centres are permitted to open provided that —
- (a) all employees wear face masks;
 - (b) the premises are sanitised; and
 - (c) the preschool or infant daycare centre adheres to any guidelines or notices issued by the Competent Authority or the Ministry of Education.

14. Social gatherings in homes and private facilities.

- (1) Subject to paragraphs (3) and (4), no person shall host or attend —

- (a) a private party which includes any person from outside of the immediate household of the occupant;
 - (b) a banquet, ball or reception;
 - (c) any social event;
 - (d) a meeting of a fraternal society, private or social club or civic association or organization.
- (2) Subject to paragraph (4), a wedding, funeral or graduation ceremony which hosts —
- (a) a total of ten persons inclusive of any officiants shall be permitted;
 - (b) eleven to thirty persons inclusive of any officiants in attendance, shall be permitted upon the written approval of the Competent Authority.
- (3) Effective Wednesday the 1st day of July, 2020, a person may host or attend a social gathering of not more than twenty persons at a private residence or facility.
- (4) Paragraphs (1) and (2) shall expire at 12:00 am on Wednesday the 1st day of July, 2020.

15. Funerals, burials and repasts.

- (1) This order shall come into force on Wednesday 1st day of July, 2020.
- (2) A funeral service may be held in a church or other religious facility provided that the number of attendees is limited in accordance with the physical distancing protocol under order 3 and other protocols issued by the Bahamas Christian Council and approved by the Ministry of Health.
- (3) Notwithstanding paragraph (2), a burial at a graveside may be held with no more than thirty persons inclusive of officiants and funeral service workers and shall be subject to physical distancing and the requirement to wear masks in accordance with order 3 and 4, respectively.
- (4) A funeral repast may be hosted in accordance with order 14(3).

16. Wedding ceremonies and receptions.

- (1) This order shall come into force on Wednesday 1st day of July, 2020.
- (2) Subject to the requirements of order 4, a wedding ceremony may be held —
 - (a) in a church or a facility, provided that the number of attendees inclusive of officiants is limited in accordance with the physical distancing protocols provided in order 3; and
 - (b) outdoors, subject to physical distancing protocols provided in order 3.

- (3) A person may host or attend a wedding reception in accordance with the occupancy and physical distancing requirements provided in order 9(2)(a).

17. Exercise and sporting activities.

- (1) No person shall host or attend a recreational or competitive sporting event.
- (2) Notwithstanding paragraph (1), the training of professional and elite athletes shall be permitted.
- (3) A person may engage in outdoor exercise, whether alone or together with family members of the same residence, between the hours of 5:00 a.m. to 10:00 p.m., provided that such person must ensure at all times to distance himself at least six feet from any other person.
- (4) Effective Wednesday the 1st day of July, 2020, a person may host or attend an outdoor group exercise activity subject to health and safety protocols approved by the Ministry of Health.

18. Public beaches and parks.

- (1) Subject to paragraph (2), all public beaches and parks shall be permitted to open except those situate in the islands of —
 - (a) Bimini;
 - (b) Grand Bahama;
 - (c) New Providence; and
 - (d) Paradise Island.
- (2) Effective Monday the 29th day of June, 2020, all public beaches and parks inclusive of those situate in the islands specified in paragraph (1) shall be permitted to open subject to physical distancing protocols and provided that there shall be no greater than five persons in a group.

19. Fishing.

Subsistence or commercial fishing with more than two persons aboard a vessel shall be permitted.

PART V – DOMESTIC AND INTERNATIONAL TRAVEL

20. Domestic travel.

- (1) A person may travel by aircraft, passenger ferry or mailboat from any Family Island to another Family Island in accordance with any notice or announcement made by the Competent Authority.

- (2) All passengers travelling inter island shall be required to wear face masks in accordance with order 4.
- (3) The operator of any aircraft, passenger ferry or mailboat carrying persons inter island shall deny the boarding of any person who is not wearing a face mask and shall ensure that travellers continue to wear their face mask throughout the journey.

21. Public transportation and taxi service.

- (1) Subject to paragraph (2), no person shall offer for hire or seek to travel on any public bus transportation.
- (2) Effective Wednesday the 1st day of July, 2020 —
 - (a) taxi services may resume operations;
 - (b) private and public bus services may resume operations, provided that such service shall be operated at fifty percent occupancy, subject to guidelines issued by the Ministry of Tourism and approved by the Ministry of Health.

22. Restriction on international travel.

- (1) This order and Part B of the *Schedule* shall expire at 12:00 am on Wednesday the 1st day of July, 2020.
- (2) For the purposes of preventing, controlling and suppressing the spread of Covid 19 —
 - (a) no aircraft shall be permitted to bring any passengers into The Bahamas;
 - (b) all ports of entry shall be closed to regional and international seafaring and private boating;
 - (c) except with the prior written permission of the Bahamas Maritime Authority, no regional or international commercial vessel shall berth at any port; and
 - (d) no visitor shall be permitted to enter and disembark for any reason, including transiting through The Bahamas.
- (3) The restriction contained in paragraph (1) does not apply to —
 - (a) outgoing flights or outgoing ships, as the case may be;
 - (b) cargo flights or cargo ships, as the case may be;
 - (c) commercial courier flights;
 - (d) emergency medical flights;
 - (e) emergency flights approved by the Bahamas Civil Aviation Authority;

- (f) aircrafts, without any incoming passengers, operating for the sole purpose of evacuating persons from The Bahamas, provided that the pilot stays with the aircraft at all times while in The Bahamas; and
 - (g) incoming flights for the purpose of returning citizens and legal residents of The Bahamas in accordance with the protocol set forth in Part B of the *Schedule*.
- (4) Notwithstanding paragraph (1)(d), a person aboard a pleasure craft which has been anchored offshore in Bahamian waters for at least fourteen days, shall be permitted to disembark at a port in The Bahamas to conduct routine business, and while in The Bahamas, shall adhere to the requirements of physical distancing and wearing of face masks pursuant to orders 3 and 4, respectively.

23. International travel.

- (1) This order shall come into force effective Wednesday the 1st day of July, 2020.
- (2) A—
 - (a) citizen of The Bahamas;
 - (b) legal resident of The Bahamas; or
 - (c) visitor;shall be permitted to enter The Bahamas subject to this order.
- (3) Subject to paragraph (4), a person referred to in paragraph (2) —
 - (a) shall be required —
 - (i) to undergo a RTPCR COVID 19 molecular diagnostic test administered by an accredited lab, prior to returning to The Bahamas; and
 - (ii) to submit or cause to be submitted to the Chief Medical Officer at the Ministry of Health, the results of the test together with his contact information;
 - (b) may be required to undergo a RTPCR COVID 19 molecular diagnostic test administered by the Ministry of Health upon arrival.
- (4) A person referred to in paragraph (2) who has departed from The Bahamas and is returning after a period of seventy-two hours or less shall not be required to undergo a RTPCR COVID 19 molecular diagnostic test in accordance with paragraph (3) but may be subject to quarantine for up to fourteen days as determined by the Ministry of Health.
- (5) The results of a RTPCR COVID 19 molecular diagnostic test shall be valid for a period of ten days from the date on which the test was taken.
- (6) Any —

- (a) aircraft or airline; or
 - (b) vessel,
- proposing to travel for the of return a person referred to in paragraph (2), is required to apply to the Director General of The Bahamas Civil Aviation Authority or the Director of The Bahamas Maritime Authority for the necessary approvals prior to departure.
- (7) No person shall be permitted to board an aircraft or vessel referred to under paragraph (6) without first presenting —
- (a) the test results referred to in paragraph (3)(a)(ii) which are valid in accordance with paragraph (5); or
 - (b) verification from the Ministry of Health that the person has been authorized for the test to be administered in accordance with paragraph (3)(b) or other conditions of entry; or
 - (c) verification that the person is returning to The Bahamas after being abroad for a period of seventy-two hours or less in accordance with paragraph (4).
- (8) The personnel aboard any aircraft or vessel transporting persons in accordance with this order shall be obligated to report to the Chief Medical Officer as soon as practicable but no later than immediately after arrival in The Bahamas, the details of any passenger exhibiting symptoms of Covid 19.
- (9) Based on the results of a person's RTPCR Covid 19 molecular diagnostic test or any symptoms that person may be exhibiting, that person may be —
- (a) monitored by the Ministry of Health;
 - (b) required to be isolated or quarantined;
 - (c) refused entry into The Bahamas; and
 - (d) removed from The Bahamas.

PART VI - PROVISION OF CARE AND VISITATION

24. Provision of care in homes and residential care facilities.

- (1) Any person desirous of —
 - (a) conducting home visits for the purpose of providing medical, therapeutic or other patient care;
 - (b) providing care in a residential care establishment or facility, must submit to the Chief Medical Officer —
 - (i) a valid government issued identification;

- (ii) a current residential address, telephone number and other contact information;
 - (iii) evidence of training and certification to provide medical or therapeutic care;
 - (iv) details regarding the care to be provided and contact information for current patients or clients, and undergo infection control protocol training provided by the Ministry of Health prior to providing any care.
- (2) A person referred to in paragraph (1), may be required by the Chief Medical Officer to undergo Covid 19 testing from time to time.
 - (3) Upon satisfaction of meeting the requirements of paragraph (1), the Chief Medical Officer may issue a letter authorising a person referred to in paragraph (1), to provide medical, therapeutic or other patient care by home visit or in a residential care establishment or facility.
 - (4) No person shall permit a healthcare worker or caregiver to enter his home or a residential care establishment facility unless that healthcare worker or caregiver produces a letter of authorisation issued by the Chief Medical Officer in accordance with paragraph (3).

25. Restriction on visitation.

No person shall visit or be permitted to visit —

- (a) any place of quarantine or isolation station;
- (b) a patient in a hospital or residential care establishment or facility;
- (c) a detainee in a correctional facility.

PART VII – MISCELLANEOUS

26. Power to stop vehicles.

- (1) The Royal Bahamas Police Force shall have powers to stop any vehicle and inquire as to the purposes for which that vehicle is being utilized and to arrest anyone found in violation of this Order.
- (2) For the purposes of this Order, “vehicle” includes a motor vehicle or motor bike.

27. Littering.

- (1) No person shall dump on or otherwise deposit or leave any litter in any public place or open space.

- (2) For the purposes of this order, "litter" means anything whatsoever, including dust, dirt, oddments, leavings, waste paper, cigarette ends, bottles (whether empty or not), derelict vehicles, derelict vessels and any dead animal or carrion.

28. Failure to enforce requirements.

- (1) Effective Wednesday the 1st day of July, 2020, any owner, manager or operator of any establishment or business who —
- (a) allows the entry of any person not wearing a mask;
 - (b) fails to ensure that —
 - (i) all persons within the establishment or business wears a mask while within the establishment or business; or
 - (ii) the number persons in the establishment or business is limited in accordance with this Order,
- commits an offence and is liable upon summary conviction to a fine not exceeding ten thousand dollars.
- (2) Where a person referred to in paragraph (1) commits a second offence as provided in paragraph (1), that person shall be liable upon summary conviction to a fine not exceeding ten thousand dollars.
- (3) Where a person referred to in paragraph (1) commits a third offence as provided in paragraph (1), the establishment or business may be ordered to close temporarily.
- (4) For the purposes of this order "establishment or business" includes public or private transportation for hire.

29. Fraudulent documents.

The provisions of the Penal Code (*Ch. 84*) shall apply where a person submits a false or fraudulent document in compliance with any order hereunder.

30. General penalty.

Any person, company or organization who contravenes any order given herein for which no penalty is provided, is liable upon summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding eighteen months or to both.

31. Guidelines.

The Competent Authority may issue guidelines to provide for further clarification on these Orders.

32. Revocation of S.I. No. 88 of 2020.

The Emergency Powers (Covid 19)(No. 4) Order, 2020 is hereby revoked.

SCHEDULE

PART A

(Order 7(6) and 9(3))

DELIVERY AND CURBSIDE CRITERIA AND PROTOCOLS

DELIVERY

A business resuming operations via delivery should meet the following criteria and protocols at a minimum —

- (a) utilize gloves and other protocols in handling and delivery of goods;
- (b) upon arrival at the customer's destination, the delivery person shall call, text or email the customer to announce delivery of the goods;
- (c) ensure that there is no person-to-person contact utilizing practices such as —
 - (i) leaving the delivery outside the door with the driver waiting an effective distance away from the door;
 - (ii) waiting at an effective distance away from the door to make a visual confirmation that the parcel has been received; and
 - (iii) taking an image of the customer collecting the package, as an additional precaution and to confirm receipt.

CURBSIDE PICKUP

A business resuming operations via curbside pick-up should meet the following criteria —

- (a) the customer shall place an order remotely, either through an online store, social media page, app or telephone;
- (b) the business shall issue an invoice to the customer and the customer shall pay by electronic or digital platform, or in cash at the time of pick up via placing the cash in an envelope in a secure bin provided by the business which must be sanitized after every use;
- (c) the business shall schedule a same day or other day pick up;
- (d) all orders shall be filled in store by essential staff, who must practise Covid 19 safety and physical distancing protocols;

- (e) staff must wear personal protection equipment while filling orders;
- (f) the customer will call the store when they are outside;
- (g) a member of staff of the business shall place the goods in the trunk of the customer's vehicle, if possible, while continuing to practice physical distancing at all times;
- (h) all customers are encouraged to remain in their vehicles.

PART B

(Order 22(2)(g))

PROTOCOL FOR THE RETURN OF CITIZENS AND LEGAL RESIDENTS OF THE BAHAMAS

- (1) Any —
 - (a) citizen of The Bahamas;
 - (b) legal resident of The Bahamas; or
 - (c) home owner qualifying for economic permanent residency;
 - (d) the immediate family member or significant person, as approved by the Director, of any person referred to in paragraph (a), (b) or (c),shall be permitted entry into The Bahamas by international air travel to New Providence or Grand Bahama subject to the satisfaction of this protocol.
- (2) A person referred to in paragraph (1) who is desirous of returning to The Bahamas must make contact and register with the Bahamas Embassy or Consulate nearest to him.
- (3) A person referred to in paragraph (1), —
 - (a) shall be required —
 - (i) to undergo a RTPCR COVID 19 molecular diagnostic test administered by an accredited lab, prior to returning to The Bahamas; and
 - (ii) to submit or cause to be submitted to the Chief Medical Officer at the Ministry of Health, the results of the test together with his contact information;
 - (b) may be required to undergo a RTPCR COVID 19 molecular diagnostic test administered by the Ministry of Health upon arrival.
- (4) Any —
 - (a) aircraft or airline; or
 - (b) vessel,

proposing to travel to New Providence or Grand Bahama to return a person referred to in paragraph (1), is required to apply to the Director General of The Bahamas Civil Aviation Authority or the Director of The Bahamas Maritime Authority for the necessary approvals prior to departure.

- (5) No aircraft or vessel referred to under paragraph (4) shall permit any person to board the aircraft or vessel without first being presented with —
- (a) the test results referred to in paragraph (3)(a); or
 - (b) verification from the Ministry of Health that the person has been authorized for the test to be administered in accordance with paragraph (3)(b).
- (7) The personnel aboard any aircraft or vessel returning persons in accordance with this order shall be obligated to report to the Chief Medical Officer as soon as practicable but no later than immediately after arrival in The Bahamas, the details of any passenger exhibiting symptoms of Covid 19.
- (8) Based on the results of a person's RTPCR Covid 19 molecular diagnostic test or any symptoms that person may be exhibiting, that person may be —
- (a) monitored by the Ministry of Health;
 - (b) required to be isolated or quarantined;
 - (c) refused entry into The Bahamas; and
 - (d) removed from The Bahamas.

Made this 24th day of June, 2020


PRIME MINISTER