

# EMERGENCY POWERS (COVID 19 PANDEMIC) (MANAGEMENT AND RECOVERY) ORDER, 2021

## Arrangement of Orders

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**EMERGENCY POWERS (COVID 19 PANDEMIC)  
(MANAGEMENT AND RECOVERY) REGULATIONS, 2021**

**EMERGENCY POWERS (COVID 19 PANDEMIC)  
(MANAGEMENT AND RECOVERY) ORDER, 2021**

In exercise of the powers conferred on me by the Emergency Powers (Covid 19 Pandemic)(Management and Recovery) Regulations, 2021, I HEREBY make the following Order —

**PART I - PRELIMINARY**

**1. Citation.**

This Order may be cited as the Emergency Powers (Covid 19 Pandemic) (Management and Recovery) Order, 2021.

**2. Interpretation.**

In this Order —

**“COVID 19 diagnostic test”** means a RTPCR test or rapid antigen test;

**“COVID 19 Enforcement Unit”** means the unit designated to monitor compliance with and enforce COVID 19 protocols and comprises health officers and officers of the Royal Bahamas Police Force;

**“COVID 19 protocols”** means the protocols set forth in orders 4, 5 and 6;

**“fully vaccinated”** in relation to —

- (a) a person travelling inter-island, means that the person has received the required doses of the Covid 19 vaccine administered to him; and
- (b) a person travelling into The Bahamas, means that two weeks have elapsed since the person has received the required doses of the Covid 19 vaccine administered to him;

**“laboratory or medical facility”** includes testing administered by the laboratory or medical facility —

- (a) on premises other than those under the control of the laboratory or medical facility;
- (b) via a mobile laboratory or medical service; or
- (c) via a concierge service;



**“legal resident”** means any person who is permitted to reside in The Bahamas in accordance with the Immigration Act (*Ch. 191*) and includes a non-Bahamian who is an owner of a home in The Bahamas;

**“negative RTPCR COVID 19 molecular diagnostic test result”** means a result of a RTPCR COVID 19 molecular diagnostic test result indicating that a person is COVID 19 negative or COVID 19 is not detected;

**“public service”** includes a government agency or department; and

**“permanent secretary”** includes any director or head of a government agency or department;

**“rapid antigen test”** means a COVID 19 rapid antigen test;

**“religious organisation”** includes a church, synagogue, mosque, sanctuary or other premises which is utilised for the purpose of communal worship;

**“restaurant”** includes a mobile takeaway restaurant —

- (a) that has a valid business licence issued under the Business Licence Act, 2010 (*No. 25 of 2010*);
- (b) that meets aesthetic standards as approved by the Ministry of Works;
- (c) that has been granted written approval by the Commissioner of Police to occupy a location;
- (d) whose employees have valid food handlers certifications; and
- (e) that has been certified by the Ministry of Health;

**“RTPCR test”** means a RTPCR COVID 19 molecular diagnostic test;

**“school”** includes a tertiary institution, allied health and other training institutions and post secondary educational programmes and projects.

## **PART II – GENERAL PROVISIONS**

### **3. Application of Part.**

Unless otherwise stated, this Part shall apply to all islands of The Bahamas.

## COVID 19 PROTOCOLS

### 4. Physical distancing protocols.

- (1) Every person shall practice physical distancing between himself 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.

### 5. 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) Any person who is found not wearing a face mask in accordance with this order commits an offence and is liable on summary conviction to a fine of two hundred and fifty dollars or to a term of one month imprisonment or to both such fine and imprisonment.
- (3) 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.
- (4) A person is not required to wear a face mask while —
  - (a) exercising, but is required to have a face mask visibly in his possession and easily accessible;

- (b) on a beach, but must wear a face mask when approaching and after exiting the beach.
- (5) The requirement to wear a face mask is not satisfied by the wearing of a face shield in place of a face mask.

**6. Requirement to sanitise.**

Every establishment shall —

- (a) provide a hand sanitising station at every entry to that establishment;
- (b) ensure that every person who enters sanitises his hands;
- (c) regularly sanitise the premises provided that such sanitisation is done no less than twice a day; and
- (d) sanitise the premises, equipment and furniture in accordance with applicable protocols approved by the Ministry of Health.

**7. 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.

**8. Closure of business, office or construction site.**

Where ten per centum of the employees of any business or branch thereof, office or construction site have tested positive for Covid 19 —

- (a) that business or branch thereof, office or construction site shall be required to close;
- (b) all employees shall be required to quarantine for a period of fourteen days.

## BUSINESS AND OFFICE OPERATIONS

**9. Work remotely from home.**

- (1) This order shall apply to the islands specified in the *Second Schedule*.
- (2) All businesses and offices may continue their business operations by allowing their employees to work remotely from home utilising virtual means, unless those employees are permitted to work under Part IV.
- (3) Where a business is unable to have employees work remotely from home, or operate in accordance with the provisions of this Order, that business shall cease its operations.

**10. Public Service.**

- (1) This order shall apply to the islands specified in the *Second Schedule*.
- (2) All persons employed within the public service, unless specifically designated as essential workers in Part IV or designated by the permanent secretary of any Ministry as essential workers, shall work remotely from home.
- (3) All persons employed within the public service who are so designated as essential workers by the permanent secretary of the respective Ministry shall report to their place of work.

**11. Curbside and delivery service.**

A business, establishment or institution permitted to operate utilising curbside or delivery service shall do so in accordance with the protocol set forth in the *Third Schedule*.

**12. Diplomatic and consular offices.**

Notwithstanding any curfew imposed by this Order, a diplomatic or consular office inclusive of Operation Bahamas and Turks and Caicos (OPBAT) and Atlantic Undersea Test and Evaluation Center (AUTEC) shall be permitted to operate.

**13. Food distribution.**

- (1) The National Food Distribution Task Force shall be permitted to carry out the national food distribution programme.
- (2) A non governmental organisation or religious organisation shall —
  - (a) be permitted to distribute food; and
  - (b) provide the Commissioner of Police with a list of employees engaged in the distribution of food.
- (3) The National Food Task Force may operate for the packaging of food on Saturday and Sunday between the hours of 7:00 am and 1:00 pm.

**14. 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 a RTPCR COVID 19 diagnostic test 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).

**15. Restriction on visitation.**

No person shall visit or be permitted to visit —

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

**DOMESTIC AND INTERNATIONAL TRAVEL**

**16. Entry requirements for citizens, legal residents and visitors.**

A —

- (a) citizen or legal resident of The Bahamas who has obtained a travel health visa issued by the Government;
- (b) visitor who has —
  - (i) obtained a travel health visa issued by the Government; and
  - (ii) complied with all other legal requirements for entry,

shall be permitted to enter The Bahamas.



**17. Approval of voyage by sea or travel by air.**

- (1) The —
  - (a) Director-General of the Bahamas Civil Aviation Authority may permit a private or commercial flight; and
  - (b) Chairman of the Bahamas Maritime Authority may permit a commercial vessel,for the purpose of any travel into, within and out of The Bahamas.
- (2) For the avoidance of doubt —
  - (a) an approval granted under paragraph (1) —
    - (i) is made in respect of an aircraft or vessel; and
    - (ii) is not an approval for entry of a person into The Bahamas or approval for a person to travel inter-island; and
  - (b) the provisions of order 16 shall apply in respect of the approval of a person to enter The Bahamas and orders 18, 21 and 25 shall apply in respect of the approval of a person travelling inter island.
- (3) Entry into The Bahamas of any vessel or person, who has departed from Haiti, whether by direct transport routes or by transiting through another jurisdiction, and whether arriving by air or sea shall be prohibited until Friday the 11<sup>th</sup> day of June, 2021.

**18. Restriction of travel from island prior to lockdown.**

A person shall not be permitted to travel from an island between the giving of a notice of a lockdown and the time the lockdown is to take effect.

**19. Responsibility of airline and vessel operators.**

- (1) The operator of any aircraft or vessel shall —
  - (a) not permit any person to board that aircraft or vessel without the passenger first presenting —
    - (i) a travel health visa in accordance with order 20;
    - (ii) if applicable, a copy of the negative result of the RTPCR test which the person submitted to obtain the travel health visa;
    - (iii) written confirmation that the person is travelling for emergency purposes in accordance with order 21(2); or
    - (iv) written confirmation that the person is exempted by the Competent Authority from the requirement to obtain a travel health visa and undergo testing in accordance with order 21 or 25;

- (b) ensure that a passenger continues to wear his face mask throughout the journey.
- (2) An operator who permits a person to travel contrary to paragraph (1) commits an offence and is liable upon summary conviction to a fine of two thousand dollars and a fine of three hundred dollars in respect of each passenger in violation thereof and on a third conviction the vessel shall be impounded in addition to the fines.
- (3) An owner of a private plane or private vessel who permits a person to travel contrary to paragraph (1) commits an offence and is liable upon summary conviction to a fine of two thousand dollars and a fine of three hundred dollars in respect of each passenger in violation thereof and on a third conviction the vessel shall be impounded in addition to the fines.
- (4) The operator of any aircraft or vessel transporting persons shall be obligated to report to the Chief Medical Officer as soon as practicable but no later than upon arrival in The Bahamas, the details of any passenger exhibiting apparent symptoms of Covid 19.

## **20. Travel health visa.**

- (1) Except as otherwise provided in this Part, every person travelling into and within The Bahamas shall be required to obtain a travel health visa prior to arrival in The Bahamas or embarking upon inter-island travel.
- (2) An applicant for a travel health visa —
  - (a) who has been fully vaccinated against Covid 19, shall be required to submit, via the travel health visa portal, documentary evidence that he is fully vaccinated against Covid 19;
  - (b) who has not been fully vaccinated against Covid 19, shall be required —
    - (i) to undergo a RTPCR test administered by an accredited lab; and
    - (ii) to submit or cause to be submitted, via the travel health visa portal, results of the test if the result is negative, together with his contact information; and
  - (c) shall pay the fee as set out in the *Fifth Schedule*.
- (3) Notwithstanding paragraph (2), a member of an intergovernmental or regional organisation shall be issued a travel health visa provided that such person, prior to arrival in The Bahamas —
  - (a) undergo a RTPCR test administered by an accredited lab;
  - (b) if he is unable to obtain the results of that test within five days of the test, submit or cause to be submitted, via the travel health visa

- portal, together with his contact information, proof that the test was taken in his country of departure;
- (c) pay the fee as set out in the *Fifth Schedule*; and
  - (d) submit the negative test result before the expiry of a seven day period after the test was taken.
- (4) A travel health visa issued to a person —
- (a) referred to in paragraph (2)(a), shall be valid unless revoked;
  - (b) referred to in paragraph (2)(b) or (3), shall be valid for the same period of time as the validity of the RTPCR test upon which the travel health visa has been granted.
- (5) The holder of a travel health visa which is still valid in accordance with order 24 shall —
- (a) be permitted to embark upon multiple inter-island trips during the period of validity of that travel health visa; and
  - (b) not be required to obtain a new RTPCR test to return to the respective originating island.
- (6) No travel health visa is required for travel departing from The Bahamas to a foreign jurisdiction.

**21. Exemption from requirement to obtain travel health visa.**

- (1) A person who is transiting through New Providence to a Family Island within a period of less than twenty-four hours shall not be required to obtain a further travel health visa.
- (2) A person travelling inter island —
- (a) in respect of an emergency which is evidenced by written confirmation from a health officer or the Royal Bahamas Police Force stating that the person has an emergency that requires inter island travel; or
  - (b) as the employee of an operator of an aircraft or a vessel transporting freight and passengers;
- shall not be required to obtain a travel health visa.
- (3) Any —
- (a) senior government official who is travelling for immediate government business; or
  - (b) diplomatic personnel,
- may be exempted by the Competent Authority in writing, from the requirement to —
- (i) obtain a travel health visa in accordance with order 20; and

- (ii) undergo the RTPCR test under order 20.
- (4) A person referred to in paragraph (3)(b), may be exempted by the Competent Authority in writing, from the requirement to undergo —
  - (a) mandatory quarantine imposed by this Order;
  - (b) secondary testing in accordance with order 27; or
  - (c) symptomatic testing in accordance with order 28.

## **22. Inter island travel.**

- (1) A person referred to in order 20, shall produce a copy of the negative result of the RTPCR test which the person submitted to obtain his travel health visa if asked to do so by an officer of the Royal Bahamas Police Force, Royal Bahamas Defence Force or the Covid 19 Enforcement Unit.
- (2) A person who travels inter-island and does not —
  - (a) wear his mask for the duration of the trip; or
  - (b) present to the carrier agent at the point of embarkation —
    - (i) a travel health visa; or
    - (ii) in the case of an emergency, a written confirmation from a health officer or the Royal Bahamas Police Force stating that the person has an emergency and is required to travel inter island;
  - (c) comply with a request made pursuant to paragraph (2),commits an offence and is liable upon summary conviction to a fine of one thousand dollars.

## **23. Entry by sea.**

- (1) Every port of entry in every Family Island shall be closed with the exception of any port of entry which is a public dock.
- (2) A person entering The Bahamas by sea must —
  - (a) comply with the requirements of order 16; and
  - (b) stop at the port of entry at the intended destination pursuant to paragraph (1), and deliver to the local authority his valid travel health visa and as applicable, a copy of the negative RTPCR test.

## **24. Validity of RTPCR test.**

- (1) The results of a RTPCR test shall be valid for a period of five days from the date on which the test was taken.
- (2) Notwithstanding paragraph (1) —

- (a) the results of a RTPCR test taken for the purposes of order 20(4) shall be valid for a period of seven days from the date on which the test was taken; and
- (b) a person travelling to The Bahamas on a commercial or personal vessel whose journey to The Bahamas extends beyond the period of validity of the test in paragraph (1), shall be granted a travel health visa upon application and permitted to enter The Bahamas provided the captain of that vessel can prove at the point of entry into The Bahamas that the vessel's travel to The Bahamas was direct with no prior stops to any other ports of call.

**25. Exemption from the requirement to undergo COVID 19 diagnostic tests.**

- (1) A person who is fully vaccinated shall be exempt from any requirement to undergo or submit a RTPCR test or rapid antigen test in accordance with this Order except order 28.
- (2) Notwithstanding order 20(2) a person who is not fully vaccinated and is —
  - (a) eleven years old or younger;
  - (b) a pilot or crew member of a commercial air operator who are required to overnight not more than one night in The Bahamas;
  - (c) travelling from any island except Grand Bahama or New Providence, to any other island;shall not be required to undergo a RTPCR test in order to obtain a travel health visa.

**26. Reporting of COVID 19 diagnostic test result.**

- (1) A laboratory or medical facility shall report to the Ministry of Health, in relation to each person to whom that laboratory or medical facility has administered a RTPCR test or a rapid antigen test, the information required by the Case Investigation Form issued by the Ministry of Health.
- (2) A report made pursuant to paragraph (1), in respect of the result of a RTPCR test, shall be made within twenty-four hours of receipt of the result.
- (3) Any person who fails without reasonable cause to comply with paragraph (2), commits an offence and shall be liable on summary conviction to a fine not exceeding twenty thousand dollars.
- (4) Where a person referred to in paragraph (3), commits a second offence of failing to comply with this order, the laboratory or medical facility may be ordered to close for a period of time not exceeding three months.



**27. Secondary testing.**

- (1) Any person who is not fully vaccinated against Covid 19 and —
  - (a) enters The Bahamas; or
  - (b) travels inter-island, from Grand Bahama or New Providence, shall on the fifth day after his arrival, be required to undergo a rapid antigen test and submit the results to the Ministry of Health online via the health travel website.
- (2) A person who has entered The Bahamas and is out to sea on the fifth day of his stay, shall be required to undergo a rapid antigen test at the first port of call thereafter and submit the results to the Ministry of Health online via the health travel website.
- (3) Where the rapid antigen test indicates a positive result, that person shall be required to undergo a RTPCR test and submit to mandatory quarantine until the results of the test is obtained.
- (4) Where the result of the test taken in accordance with paragraph (3) is positive, that person shall submit to mandatory quarantine for a period of fourteen days or for the duration of his stay in The Bahamas, if for a lesser period.
- (5) A person who fails to undergo a rapid antigen test under this order commits an offence and is liable to a fine of one thousand dollars or a term of one month imprisonment.

**28. Symptomatic testing.**

- (1) Any person who has entered The Bahamas, and within a fourteen day period from his entry, exhibits symptoms of Covid 19 shall be required to undergo a rapid antigen test.
- (2) Where the rapid antigen test of a symptomatic person reveals a positive result, that person shall be required to undergo a RTPCR test.
- (3) A person who refuses to undergo —
  - (a) a rapid antigen test in accordance with paragraph (1) ; or
  - (b) a RTPCR test in accordance with paragraph (2), commits an offence and is liable to a fine of one thousand dollars.

**29. Quarantine.**

- (1) A person required to submit to mandatory quarantine must do so at a government identified facility or any other appropriate facility as determined by the Ministry of Health, at his own expense, for a period of fourteen days or for the duration of stay, if for a lesser period; and

- (2) Notwithstanding paragraph (1), a visitor under mandatory quarantine, may, subject to protocols established by the Ministry of Health, and at his own expense, travel outside of the jurisdiction on a non-commercial aircraft or vessel.
- (3) For the purposes of this Order, a hotel room is an appropriate facility for quarantine.

**30. Condition of entry - monitoring.**

- (1) As a condition of entry into The Bahamas, a person referred to in order 16 agrees to monitoring by —
  - (a) the Ministry of Health;
  - (b) self-reporting in completing a daily health questionnaire for a period of fourteen days or the duration of that person's stay if less than fourteen days;
  - (c) the COVID 19 Enforcement Unit;
  - (d) the Royal Bahamas Police Force.
- (2) A —
  - (a) citizen or legal resident who refuses to be monitored in accordance with paragraph (1)(a), shall be required to submit to mandatory quarantine, at his own expense, at a government identified facility;
  - (b) visitor who refuses to be monitored shall be deported at his own expense, at the earliest opportunity and until such deportation, be placed in mandatory quarantine at a government identified facility.
- (3) This order shall apply to persons travelling inter-island from New Providence or Grand Bahama.

## **PART III – MEASURES RELATING TO FIRST SCHEDULE ISLANDS**

**31. Application of Part.**

Unless otherwise expressly provided, this Part shall apply to all of the islands specified in the *First Schedule*.

**32. Businesses and institutions.**

A business, agency, establishment or institution shall be permitted to operate.

**33. Religious instruction.**

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

**34. Educational instruction.**

- (1) A school is permitted to open provided that the Covid 19 protocols under order 4, 5, 6 and 7, and any guidelines issued by the Competent Authority or the Ministry of Education are adhered to.
- (2) A person is permitted to operate a home school programme provided that no more than five students are in attendance unless permission for the attendance of more than five students has been granted by the Ministry of Education.
- (3) A preschool or infant daycare centre shall be permitted to open provided that the preschool or infant daycare centre adheres to any guidelines or notices issued by the Competent Authority or the Ministry of Education.

**35. Salons, barbershops, and spas.**

- (1) A hair stylist, barber or other cosmetologist may operate subject to being certified by the Ministry of Health to operate.
- (2) The operator of a salon, barbershop or spa shall ensure that at any time, the occupancy of the salon, barbershop or spa does not exceed one patron per service provider.

**36. Restaurants.**

A restaurant shall be permitted to operate utilising inside and outside 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 is arranged in accordance with physical distancing protocols in accordance with order 4;
- (c) staff wear masks in accordance with order 5;
- (d) patrons wear masks upon entry and exit;
- (e) staff sanitise tables, chairs and other implements used by patrons after each use.

**37. Social gathering.**

- (1) A person may host or attend a social gathering of not more than twenty persons at a private residence or facility.
- (2) A person who hosts or attends a social gathering contrary to this order commits an offence and is liable upon summary conviction —
  - (a) in the case of a host, to a fine of two thousand dollars and three hundred dollars for each person in attendance; and
  - (b) in the case of an attendee, to a fine of three hundred dollars.

**38. Weddings and receptions.**

- (1) A wedding may be held in a church, a facility, or outdoors provided that —
  - (a) the number of attendees inclusive of officiants is limited in accordance with the physical distancing protocols provided in order 4; and
  - (b) all attendees wear masks in accordance with order 5.
- (2) A person may host or attend a wedding reception in all islands listed in the *First Schedule* subject to adherence to the physical distancing protocols in accordance with order 4 and order 36(1)(a) and all other COVID 19 protocols.

**39. Funerals, burials and repasts.**

- (1) A funeral may be held in a church or other religious facility —
  - (a) provided that the number of attendees is limited in accordance with the physical distancing protocol order 4; and
  - (b) subject to any protocols issued by the Bahamas Christian Council and approved by the Ministry of Health.
- (2) A funeral may be conducted at a graveside burial provided that the number of attendees shall be limited to not more than forty persons exclusive of officiants and funeral service workers.
- (3) A person may host a repast at a private residence or facility with no more than twenty persons in attendance in all islands listed in the *First Schedule*.

**40. Beaches and parks.**

Subject to order 44, all public and private beaches and parks shall be open.

## ADDITIONAL PROVISIONS FOR CERTAIN FIRST SCHEDULE ISLANDS

### 41. Curfew for Grand Bahama.

A curfew is hereby imposed for the island of Grand Bahama, extending Monday through Sunday between the hours of 11:00 pm and 5:00 am.

### 42. Weddings in Grand Bahama.

- (1) A wedding may be held in a church, a facility, or outdoors provided that —
  - (a) the number of attendees inclusive of officiants is limited in accordance with the physical distancing protocols provided in order 4; and
  - (b) all attendees wear masks in accordance with order 5.
- (2) No person shall host or attend a wedding reception in Grand Bahama.

### 43. Funerals and burials in Grand Bahama.

- (1) A funeral may be held in a church or other religious facility —
  - (a) provided that the number of attendees is limited in accordance with the physical distancing protocol order 4; and
  - (b) subject to any protocols issued by the Bahamas Christian Council and approved by the Ministry of Health.
- (2) A funeral may be conducted at a graveside burial provided that the number of attendees shall be limited to not more than forty persons exclusive of officiants and funeral service workers.
- (3) No person may host a repast in Grand Bahama.

### 44. Beaches and parks in Grand Bahama.

All public and private beaches and parks shall be open provided that there shall be no greater than five persons in a group.

## PART IV – MEASURES RELATING TO SECOND SCHEDULE ISLANDS

### 45. Application of Part.

Unless otherwise expressly provides, this Part shall apply to all islands specified in the *Second Schedule*.



**46. Permitted activities.**

- (1) The businesses listed in paragraph (2) may operate on the islands specified in the *Second Schedule*, Mondays through Saturdays between the hours of 6:00 am and 9:00 pm.
- (2) Pursuant to paragraph (1), the following businesses may operate —
  - (a) a grocery store;
  - (b) a pharmacy;
  - (c) a gas station;
  - (d) a water depot;
  - (e) a dental practice;
  - (f) the Central Bank, with essential employees only;
  - (g) a commercial bank or credit union, provided that all non-client facing operations are conducted remotely, unless such operations cannot be conducted remotely;
  - (h) an international bank, trust company or financial institutions may operate provided that the office is not permitted to open for more than eight hours in any working day, with ten essential staff members or more as may be approved in writing by the Competent Authority;
  - (i) financial services, for the purposes of a transaction that cannot be carried out remotely and limited to only Senior Officer 1 and Senior Officer 2, together with not more than ten employees;
  - (j) insurance agents, brokers and companies, with no more than ten essential employees;
  - (k) a law firm, with no more than ten persons inclusive of partner and associate attorneys in attendance;
  - (l) a real estate agent or broker, with no more than five persons in attendance;
  - (m) an architect, engineer or surveyor, with no more than five persons in attendance;
  - (n) money transmission services, provided that all non-client facing operations are conducted remotely, unless such operations cannot be conducted remotely;
  - (o) the essential workers of a pool maintenance or landscape service provider;
  - (p) a retail bakery, water and ice production company;
  - (q) a news vendor provided that the vendor remains stationary;

- (r) a laundromat, subject to protocols approved by the Ministry of Health including —
    - (i) fifty percent occupancy;
    - (ii) a control person at each entrance ensuring sanitisation as persons enter;
    - (iii) no congregating of persons inside or outside of the laundromat;
  - (s) a dry cleaning or laundry service;
  - (t) a retail business;
  - (u) a beauty salon or barbershop, in accordance with paragraph (3);
  - (v) a gym or outdoor fitness club, subject to protocols approved by the Ministry of Health;
  - (w) a gaming house operator;
  - (x) a cinema, provided that such operation is conducted outdoors;
  - (y) a museum or historical society, provided that the museum or historical society operates at no more than fifty percent capacity;
  - (z) a wholesaler or manufacturer.
- (3) A salon or barbershop permitted to operate under paragraph (2)(u) shall do so subject to —
- (a) being certified by the Ministry of Health to resume work; and
  - (b) the operator of a salon or barbershop shall ensure that —
    - (i) orders 3, 4 and 5 are strictly adhered to by employees and patrons; and
    - (ii) at any time, the occupancy of the salon or barbershop shall not exceed one patron per service provider.
- (4) A private medical facility, may operate daily —
- (i) between the hours of 6:00 am and 9:00 pm;
  - (ii) between the hours of 9:00 pm and 5:00 am for the provision of emergency care only.
- (5) A —
- (a) gas station;
  - (b) grocery store;
  - (c) laundromat;
  - (d) pharmacy; and
  - (e) gaming house operator,
- shall be permitted to operate on Sundays between the hours of 6:00 am and 9:00 pm.

- (6) A marina shall be permitted to operate daily.
- (7) Every business permitted to operate under this order shall —
  - (a) unless otherwise specified, operate in store or with client-facing services;
  - (b) operate in accordance with any industry specific guidelines approved by the Ministry of Health.
- (8) Each household shall designate one person to carry out shopping for essential item or seeking essential services as specified in this Part.

**47. Prohibited businesses and activities.**

- (1) The following are not permitted to operate or be held —
  - (a) a bar, indoor cinema, nightclub, and any cultural or entertainment facility;
  - (b) a regatta, festival, fair, play, performance art and other cultural or entertainment event;
  - (c) the occasional sale of prepared meals commonly known as a cook out, steak out or souse out;
  - (d) a spa; and
  - (e) a craft or straw market vendor, and a jet ski operator.
- (2) Where a business or person operates contrary to this order, that business or person and any person who patronizes that business commits an offence and is liable upon summary conviction—
  - (a) in the case of the business or person, to a fine of two thousand dollars and three hundred dollars for each person in attendance; and
  - (b) in the case of a person who patronizes the business, to a fine of three hundred dollars.

**48. Religious instruction.**

A worship service may be conducted daily, between the hours of 6:00 am and 9:00 pm, in accordance with the protocols established by The Bahamas Christian Council and approved by the Ministry of Health.

**49. Educational instruction.**

A school, preschool or day care centre —

- (a) shall be permitted to operate virtually provided that a teacher shall be permitted to attend the premises for the purposes of performing tasks necessary for the conduct of virtual learning; or

- (b) may be permitted to operate with face to face instruction —
  - (i) provided it has been authorised by the Ministry of Education after consultation with the Ministry of Health; and
  - (ii) subject to conditions as may be imposed by the Ministry of Education;
- (c) shall operate in accordance with any guidelines or protocols issued or approved by the Competent Authority, the Ministry of Education or the Ministry of Health.

#### **50. Weddings.**

- (1) A wedding may be held —
  - (a) in a religious facility, provided that the number of attendees shall be limited to one third of the capacity of that religious facility;
  - (b) outdoors,subject to the adherence to the Covid 19 protocols and protocols issued by the Bahamas Christian Council and approved by the Ministry of Health.
- (2) No person shall host or attend a wedding reception.

#### **51. Funerals.**

- (1) A funeral may be held in a church or other religious facility —
  - (a) provided that the number of attendees is limited in accordance with the physical distancing protocol order 4; and
  - (b) subject to any protocols issued by the Bahamas Christian Council and approved by the Ministry of Health.
- (2) A funeral may be conducted at a graveside burial provided that the number of attendees shall be limited to not more than forty persons exclusive of officiants and funeral service workers.
- (3) No person may host a repast.
- (4) This order shall apply to all islands specified in the *Second Schedule* except New Providence.

#### **52. Operation of hotels.**

- (1) A hotel shall operate subject to the following conditions —
  - (a) a guest under quarantine shall not be permitted to leave the premises except as permitted by this Order;
  - (b) a guest of the hotel or resort shall remain on the premises of that hotel during the curfew imposed under order 62;
  - (c) a nightclub or spa is prohibited from operation.

- (2) Subject to order 47, a business or commercial activity in a hotel or resort shall be permitted to operate and shall not be restricted to the hours of operation specified in order 62.
- (3) A casino shall be permitted to operate subject to protocols approved by the Ministry of Health.
- (4) A restaurant in a hotel —
  - (a) shall not offer buffet style service; and
  - (b) may operate utilising indoor dining or room service.
- (5) A person, who is not a current guest at a hotel or other commercial accommodation situate in an island specified in the *Second Schedule* shall be required to —
  - (a) where he is fully vaccinated, submit documentary evidence of his vaccination;
  - (b) where he is not fully vaccinated, submit a negative RTPCR test result or a negative rapid antigen test result,in order to check in as guest or utilise any indoor facility on the hotel premises including restaurants, casinos, etc.
- (6) A person, who is not a guest at a hotel or other commercial accommodation situate in an island specified in the *Second Schedule*, shall not be required to submit —
  - (a) evidence that he is fully vaccinated; or
  - (b) a negative RTPCR test result or a negative rapid antigen test result,in order to utilise any outdoor facility on the hotel premises including restaurants, casinos, etc. provided that the person does not enter the hotel or other commercial accommodation in order to access the outdoor facility.
- (7) For the purposes of this order “other commercial accommodation” includes accommodation offered for let on platforms including AirBnb, Homeaway or VRBO.

**53. Tourism attractions, excursions, etc.**

- (1) Excursions are permitted to operate provided that they met the health, safety and operations protocols established by the Ministry of Health and Ministry of Tourism.
- (2) Charters are permitted to operate provided orders 17, 19 and 22 are complied with.
- (3) Any other touristic facility, attraction or excursion is prohibited from operation.

**54. Restaurants.**

- (1) A restaurant may operate on Monday through Saturday between the hours of 6:00 am and 9:00 pm utilising —
  - (a) curbside pickup or delivery;
  - (b) drive thru;
  - (c) take away;
  - (d) outdoor dining; or
  - (e) indoor dining, subject to paragraph (3).
- (2) A restaurant may operate on Sundays, between the hours of 6:00 am and 9:00 pm utilising, drive thru, take away and outdoor dining only.
- (3) A restaurant may operate utilising indoor dining provided that all patrons dining inside are fully vaccinated and provide documentary evidence of such vaccination.
- (4) A restaurant permitted to operate under this order shall ensure that all employees and patrons adhere to the COVID 19 protocols.

**55. Fishing, hunting and harvesting of crabs.**

The following activities shall be permitted —

- (a) fishing with no more than two persons in the vessel between the hours of 5:00 am and 6:00pm;
- (b) commercial fishing including trap setting and fishing for crawfish beyond the curfew hours set in order 46;
- (c) harvesting of crabs beyond the hours of curfew set out in order 46; and
- (d) wild bird hunting.

**56. Social gatherings.**

- (1) No person shall host or attend a gathering in a private residence or facility except for a wedding in accordance with order 50.
- (2) A person who hosts or attends a social gathering contrary to this order, commits an offence and is liable upon summary conviction —
  - (a) in the case of a host, to a fine of two thousand dollars and three hundred dollars for each person in attendance; and
  - (b) in the case of an attendee, to a fine of three hundred dollars.



**57. Beaches and parks.**

All public and private beaches and parks shall be open provided that there shall be no greater than five persons in a group.

**58. Exercise.**

A person is permitted to exercise outdoors with a group of no more than ten persons.

**59. Construction.**

(1) Construction shall be permitted —

- (a) on Monday to Friday between the hours of 6:00 am and 9:00 pm;
- (b) on Saturday, between the hours of 6:00 am and 5:00 pm;
- (c) in Abaco, on Saturday and Sunday between the hours of 6:00 am and 6:00 pm for the purposes of construction related to hurricane recovery,

subject to the Covid 19 protocols in orders 4 to 6 and protocols established by the Bahamas Construction Association as approved by the Ministry of Health.

(2) A construction company may apply in writing to the Competent Authority for permission to operate on Sunday between the hours of 6:00 am and 9:00 pm.

**60. Exemptions.**

The Competent Authority, may by letter, in exceptional circumstances and in consultation with public health professionals, exempt a business or class of business to which this Part applies from any restriction imposed by this Part.

## ADDITIONAL PROVISIONS FOR CERTAIN SECOND SCHEDULE ISLANDS

**61. Construction in Abaco.**

Construction shall be permitted in Abaco, on Saturday and Sunday between the hours of 6:00 am and 6:00 pm for the purposes of construction related to hurricane recovery, subject to the Covid 19 protocols in orders 4 to 6 and protocols established by the Bahamas Construction Association as approved by the Ministry of Health.

**62. Curfew for New Providence.**

A curfew is hereby imposed for the island of New Providence, extending Monday through Sunday between the hours of 10:00 pm and 5:00 am.

**63. Essential services and activities in New Providence.**

Notwithstanding a curfew imposed under order 62, the following agencies, businesses, establishments, undertakings or activities shall be permitted to operate in New Providence during the hours of curfew —

- (a) a public health medical facility including a hospital or clinic;
- (b) the Public Hospital Authority and its agencies;
- (c) a quarantine centre or facility;
- (d) the National Food Distribution Task Force or any food distribution centre, for the packaging of food only;
- (e) the National Emergency Management Agency;
- (f) a hotel with guests subject to order 52;
- (g) The Royal Bahamas Police Force;
- (h) The Royal Bahamas Defence Force;
- (i) Fire Services;
- (j) Operation Bahamas Turks and Caicos (OPBAT);
- (k) the Department of Correctional Services;
- (l) the Department of Immigration;
- (m) the Customs Department;
- (n) the Judiciary (essential workers only);
- (o) the Bahamas Civil Aviation Authority (air traffic controllers);
- (p) a humane society;
- (q) waste disposal and sanitation services;
- (r) a business licensed to provide security guard services;
- (s) a business that provides veterinarian emergency services;
- (t) essential workers, including contractors or subcontractors, in any public or privately owned utility provider of water, electricity or electronic communications, including the print and electronic news media;
- (u) ports of entry, container ports, freight forwarders and private terminals for the conduct, where applicable, of basic port maintenance services (inclusive of garbage removal), domestic trade, imports and exports of containerised freight, and the import, treatment, bunkering and export of oil products;

- (v) any public or privately owned terminal and ancillary or support services for the receipt of imported wholesale petroleum products for domestic consumption, for the purpose of the storage and onward delivery of the same to any public or private entity for utility or retail distribution throughout The Bahamas over land or by barges;
- (w) a business engaged in inter-island transportation of freight; and
- (x) home visits conducted by a healthcare worker to members of the general public for the purpose of providing medical or therapeutic care;
- (y) a farmer or caretaker shall be permitted to maintain crops and animals —
  - (i) on Monday through Friday between the hours of 5:00 am and 6:00 pm;
  - (ii) on Saturday and Sunday between the hours of 7:00 am and 1:00 pm; and
- (z) a retail or wholesale grocer or manufacturer for the restocking of goods and cleaning of premises on Sunday.

**64. Funerals in New Providence.**

- (1) A graveside service or internment may be held with a maximum of forty persons exclusive of the officiant and mortuary workers.
- (2) No person shall host or attend a memorial service, funeral or cremation service in a funeral home or chapel or a funeral repast.

**65. Restaurants in Eleuthera and Exuma.**

- (1) A restaurant may operate on Monday through Saturday between the hours of 6:00 am and 9:00 pm utilising —
  - (a) curbside pickup or delivery;
  - (b) drive thru;
  - (c) take away; or
  - (d) indoor and outdoor dining.
- (2) A restaurant may operate on Sundays, between the hours of 6:00 am and 9:00 pm utilising, drive thru, take away and outdoor dining only.
- (3) A restaurant permitted to operate under this order shall ensure that all employees and patrons adhere to the COVID 19 protocols.

## **PART V – MISCELLANEOUS**

### **66. Application of Part.**

This Part shall apply to all the islands of The Bahamas.

### **67. Emergency during curfew.**

Where a person incurs an emergency during any curfew imposed by this Order or under the Emergency Powers (Covid 19 Pandemic)(Management and Recovery) Order, 2021, he shall inform the Commissioner of Police, by contacting the nearest police station, of such emergency where that emergency requires him to breach the curfew.

### **68. Public transportation.**

A —

- (a) taxi service may operate; or
- (b) private and public bus service may operate, 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.

### **69. 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.

### **70. Failure to enforce requirements.**

- (1) Any owner, manager or operator of any establishment or business who —
  - (a) allows the entry of any person not wearing a mask; or
  - (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 of persons in the establishment or business is limited in accordance with this Order;
    - (iii) sanitisation measures in accordance with order 6 are carried out;

- (iv) persons within the establishment comply with physical distancing under order 4;  
commits an offence and is liable upon summary conviction to a fine of one thousand dollars.
- (2) Any owner, manager or operator or supervisor of a construction site who fails to ensure the compliance with the protocols established by the Bahamas Construction Association and approved by the Ministry of Health commits an offence and is liable upon summary conviction to a fine of one thousand dollars.
- (3) Where a person referred to in paragraph (1) or (2) commits —
  - (a) a second offence, that person shall be liable upon summary conviction to a fine of two thousand dollars or the closure of a business for a period of fourteen day or to such fine and closure of the business;
  - (b) a third or subsequent offence —
    - (i) that person shall be liable upon summary conviction to a fine of ten thousand dollars;
    - (ii) the establishment or business may be ordered to close temporarily; or
    - (iii) to both such fine and temporary closure.
- (4) For the purposes of this order, “establishment or business” includes a school, or public or private transportation for hire.

#### **71. Falsified results.**

Any person who —

- (a) purports to utilise or rely on a falsified result of a Covid 19 diagnostic test; or
- (b) undergoes a RTPCR test prior to his departure from The Bahamas and presents the results of that test on his return to The Bahamas as though the test had been carried out in another jurisdiction,

commits an offence and upon summary conviction is liable to a fine not exceeding four thousand dollars or to two years imprisonment or to both such fine and imprisonment.

#### **72. Falsified vaccination records.**

Any person who purports to utilise or rely on a falsified vaccination record commits an offence and upon summary conviction is liable to a fine not exceeding ten thousand dollars or to two years imprisonment or to both such fine and imprisonment.

**73. General offence and penalty.**

- (1) Any person, company or organisation who contravenes any order herein commits an offence.
- (2) Any offence for which no penalty is otherwise provided, is liable upon summary conviction to a fine not exceeding twenty thousand dollars or to a term of imprisonment not exceeding eighteen months or to both.

**74. Issue of notice.**

- (1) Notwithstanding anything to the contrary in this or any other Order where a peace officer finds any person or has reason to believe that any person ("the alleged offender") is committing or has committed an offence under this Order he may then and there serve upon the alleged offender the prescribed notice in writing charging him with the commission of the offence.
- (2) The peace officer shall at the time of such service notify the alleged offender —
  - (a) of his requirement to appear before a magistrate on the day specified in connection with the charge; and
  - (b) that he has the opportunity of having his appearance before a magistrate waived and of having no conviction recorded against him should he, the alleged offender, sign the notice in the appropriate place in acknowledgement of his guilt and return it to the magistrate's clerk specified in the notice together with the sum mentioned in the notice in payment of the fixed penalty.
- (3) Notwithstanding anything to the contrary in any law, the alleged offender who signs the notice and pays the fixed penalty before the expiration of fourteen days following the date of the notice shall be treated for all purposes in law as a person who has not committed or been charged with or prosecuted for or convicted of or sentenced for the offence in respect of which payment was made.
- (4) Subject to paragraph (7), where a person is served a notice under paragraph (1) in respect of an offence no proceedings shall be taken against the alleged offender for that offence until the end of fourteen days following the date of the notice.
- (5) Payment of the fixed penalty shall be made to the clerk of the Magistrate's Court specified in the notice and the admission of guilt and the sum paid shall, subject to paragraph (3), be dealt with by the magistrate of that court in the same manner as an adjudication by him in court upon the admission of an offence punishable on summary conviction and for which no conviction is recorded.



- (6) In any proceedings, a certificate that payment of the fixed penalty was or was not paid to the relevant magistrate's clerk by the date specified in the certificate shall, if the certificate purports to be signed by the magistrate's clerk be sufficient evidence of the facts stated therein, unless the contrary is proved.
- (7) For the purposes of this section, the fixed penalty shall be —
  - (a) for the offence of not wearing a mask in accordance with order 5, two hundred and fifty dollars; and
  - (b) for all other offences, five hundred dollars.
- (8) In any proceedings for an offence to which paragraph (1) applies, no reference shall be made about the conviction of the alleged offender to the giving of any notice under this section or to the payment or non-payment of the fixed penalty unless in the course of the proceedings or in some document which is before the Court in connection with the proceedings reference has been made by or on behalf of the alleged offender to the giving of such a notice or as the case may be to such a payment or non-payment.
- (9) A notice issued to a person under paragraph (1), shall for the purposes of this Order or any other law, be deemed to be a summons issued to that person by the magistrate or the Magistrate's court specified in the notice for the appearance of that person in the event where he does not sign the notice in acknowledgement of his guilt and make payment of the fixed penalty.
- (10) For the purposes of this section the notice shall be in the form in the *Fourth Schedule*.

## **75. Guidelines.**

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

**FIRST SCHEDULE**

(order 3, 31, and 66)

Acklins	Grand Bahama
Andros	Grand Cay
Berry Islands	Green Turtle Cay
Bimini	Long Cay
Cat Island	Long Island
Chub Cay	Man-O-War Cay
Crooked Island	Ragged Island
Elbow Cay	Rum Cay
Exuma Cays	San Salvador
Inagua	Spanish Wells
Mayaguana	

For the avoidance of doubt, a reference to an island above includes the reference to a surrounding island or cay unless otherwise specified.

**SECOND SCHEDULE**

(order 3, 9, 45 and 66)

Abaco

(excluding Green Turtle Cay, Grand Cay, Man-O-War Cay and Elbow Cay)

Eleuthera (including Harbour Island)

Great Exuma

Little Exuma

New Providence (including Rose Island)

Paradise Island

For the avoidance of doubt, a reference to an island above includes the reference to a surrounding island or cay unless otherwise specified.

### **THIRD SCHEDULE**

(Orders 11, 46, and 54)

#### **DELIVERY AND CURBSIDE CRITERIA AND PROTOCOLS**

##### **DELIVERY**

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

- (a) utilise 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 utilising 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 conducting 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.

**FOURTH SCHEDULE**

(order 74)

Form

Royal Bahamas Police Force

**NOTICE OFFERING WAIVER OF APPEARANCE BEFORE MAGISTRATE  
AVAILABLE**

TO: (Offender)

.....of.....

.....

Driver's Licence No .....

National Insurance No .....

(or)

Passport No.....Country of Issue .....

Take Notice that

I, .....  
(number, rank and name of police officer) have reason to believe that the offence of  
(name offence and give particulars) has been committed by you  
.....

You may waive your obligation to appear before the Magistrate and have no conviction  
for the offence recorded if you sign this notice in the appropriate place below admitting  
guilt of the offence and returning the signed notice together with the fixed penalty of  
\$..... before the ..... day of ..... 20 ..... to  
the clerk of the Magistrate's Court # ..... situated  
at .....

Failure to return the signed notice together with the above sum in payment of the fixed  
penalty in the manner and within the time specified above will result in your trial for  
the above offence before the Magistrate of the aforementioned Magistrate's Court  
at ..... o'clock in the morning/afternoon of .. 20 ..... and for  
which trial you are hereby requested to attend before the Magistrate at that time.

Signature of Officer .....

I admit to the above offence and make the payment of the sum of \$ .....

Signature of Offender .....

Date:.....20.....

**FIFTH SCHEDULE**

(order 20(2)(c))

**Fees For Travel Health Visa To Enter The Bahamas**

**For Fully Vaccinated Persons**

Citizens or Residents	\$10.00
Visitors from North America (USA and Canada)	\$40.00
Visitors from the Rest of the World	\$50.00

**For Persons Applying With A RTPCR test**

Citizens or Residents	\$40.00
Visitors from North America (under 5 days' stay)	\$40.00
Visitors from North America (over 5 days' stay)	\$60.00
Visitors from the Rest of the World	\$70.00

**Fees For Travel Health Visa For Inter-island Travel**

For a Fully Vaccinated Person	Nil
For a Non-Vaccinated Person	\$25.00

Note: No fee is payable for a child 11 years or younger or by the pilot or crew of a commercial air operator in respect of a travel health visa.

Made this 16th day of May, 2021

  
**PRIME MINISTER**