



BERMUDA

EMERGENCY POWERS (COVID-19 SHELTER IN PLACE) AMENDMENT (NO. 2)
REGULATIONS 2020

BR 34 / 2020

His Excellency the Governor, in exercise of the power conferred by section 3 of the Emergency Powers Act 1963, makes the following Regulations:

Citation

1 These Regulations, which amend the Emergency Powers (COVID-19 Shelter in Place) Regulations 2020, may be cited as the Emergency Powers (COVID-19 Shelter in Place) Amendment (No 2) Regulations 2020.

Amends regulation 2

- 2 (1) Regulation 2 of the principal Regulations is amended as follows.
- (2) In the definition of “appropriate social distancing”—
- (a) delete “such further directions as are published” and substitute “additional guidance published”; and
 - (b) delete “(based on World Health Organization standards)”.
- (3) In the definition of “permitted business”—
- (a) delete paragraph (f) and substitute—
 - “(f) roadside sales by a licensed fisherman;”;
 - (b) after new paragraph (f), insert—
 - “(g) roadside sales by a registered commercial farmer;
 - (h) laundromat;

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- (i) pet shop;
- (j) hardware or paint store;
- (k) plant nursery;
- (l) shipping and freight company;
- (m) drinking water supplier.”.

Amends regulation 3

- 3 (1) Regulation 3 of the principal Regulations is amended as follows.
- (2) In paragraph (2)(a), delete the words from “subject to compliance with directions” to the end, and substitute “subject to Schedule 3;”.
- (3) After paragraph (2) insert—
- “(2A) Parents of a minor child who do not live together may also leave home during the curfew, between the hours of 7am and 7pm only, to take the child to stay for one or more nights at the home of the other parent to give effect to an agreement between the parents.
- (2B) In paragraph (2A), “parent” includes a step-parent, a person who has parental responsibility for a child and a person who has care of a child.”.
- (4) Paragraph (3) is revoked.

Amends regulation 9

- 4 (1) Regulation 9 of the principal Regulations is amended as follows.
- (2) In paragraph (1), after “curfew,” insert “unless otherwise provided by these Regulations,”.
- (3) Paragraph (1A) is revoked.
- (4) In paragraph (2), delete the words from “subject to compliance with directions” to the end, and substitute “subject to Schedule 4.”
- (5) In paragraph (3), delete “and sanitisation,” and substitute “, sanitisation, use of personal protective equipment and other precautions to be taken,”.
- (6) After paragraph (4) insert—
- “(4A) Permitted businesses shall be subject to the restrictions set out in Schedule 3.”.

Amends regulation 11

- 5 At the end of regulation 11(a) of the principal Regulations, after “3(2)(d)” insert “or by regulation 3(2A) (minor children only)”.

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Amends regulation 15

6 In regulation 15 of the principal Regulations, at the end insert—

“(5) No person shall resist, wilfully obstruct, or assault, an enforcement officer who is acting in the execution of his duty under these Regulations.”.

Amends regulation 16

7 In regulation 16 of the principal Regulations, delete “, or Ministerial directions published under regulations 3(2)(a) or 9,”.

Amends regulation 18

8 In regulation 18 of the principal Regulations, delete subsection (2) and substitute—

“(2) These Regulations shall cease to have effect at 6am on 2 May 2020, unless before that time they are extended for such period, as may be approved by resolution of both Houses of the Legislature and communicated to the Governor by message.”.

Amends Schedule 1

9 In Schedule 1 to the principal Regulations, at the end of paragraph 11 insert—

“(3) A written permission granted under this paragraph with an expiry date of 18 April 2020 shall be deemed to continue to be valid until 2 May 2020 (unless sooner revoked).”.

Amends Schedule 2

10 (1) Schedule 2 of the principal Regulations is amended as follows.

(2) In paragraph 6—

(a) in subparagraph (1), after “only” insert “, subject to Schedule 4”;

(b) in subparagraph (2), delete the words from “with the written permission” to the end, and substitute “subject to Schedule 4.”; and

(c) after that subparagraph, insert—

“(3) Persons not falling within subparagraph (1) or (2) who are approved in writing by the Minister of National Security to engage in delivery services of other items, subject to Schedule 4.”.

(3) At the end insert—

“Pest control

8 Persons engaged in pest control, subject to the supervision of the Chief Environmental Health Officer.

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Alcohol and tobacco wholesalers

9 Persons engaged in the wholesale distribution to permitted businesses of alcohol and tobacco products (on Mondays, Tuesdays and Saturdays only).”.

Inserts Schedule 3

11 After Schedule 2 of the principal Regulations, insert—

“SCHEDULE 3
PERMITTED BUSINESS RESTRICTIONS

Grocery stores and gas stations

1 (1) Visits to a permitted business which is a retail grocery store or gas station shall be restricted as follows—

- (a) Mondays and Thursdays shall be for persons whose surnames begin with the letters A to F only;
- (b) Tuesdays and Fridays shall be for persons whose surnames begin with the letters G to Q only;
- (c) Wednesdays and Saturdays shall be for persons whose surnames begin with the letters R to Z only;
- (d) Sundays shall be reserved for—
 - (i) persons aged 55 years and over (other than persons falling within Schedules 1 and 2); and
 - (ii) disabled persons,
who may also shop on their relevant day in accordance with subparagraphs (a) to (c).

(2) Persons falling within Schedules 1 and 2 may visit a grocery store or gas station on any day except Sundays, regardless of surname.

Fishermen and farmers

2 (1) A licensed fisherman may sell fresh local fish roadside between the hours of 7am to 2pm, Monday to Saturday only, subject to the supervision of the Minister of Home Affairs.

(2) A registered commercial farmer may sell fresh local produce roadside between the hours of 7am to 2pm, Monday to Saturday only, subject to the supervision of the Minister of Home Affairs.

(3) Visits to a roadside stall shall be restricted as follows—

- (a) Mondays and Thursdays shall be for persons whose surnames begin with the letters A to F only;

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- (b) Tuesdays and Fridays shall be for persons whose surnames begin with the letters G to Q only;
- (c) Wednesdays and Saturdays shall be for persons whose surnames begin with the letters R to Z only.

(4) The reference to “supervision” by the Minister of Home Affairs includes ordering the fisherman or farmer to close the stall if not in compliance with this paragraph; and the fisherman or farmer shall forthwith comply with that order, and shall continue to comply until otherwise directed by the Minister.

Laundromats

3 The owner or operator of a laundromat shall only operate during the curfew with the written permission of the Minister of National Security, and shall ensure compliance with the following conditions—

- (a) only customers who are members of one same household to be allowed in the laundromat at any one time, by appointment only;
- (b) a wash and fold service may be provided, so long as customers are not permitted to enter the premises during the drop-off or collection of their laundry.

Pet shops

4 (1) The owner or operator of a pet shop shall only operate during the curfew with the written permission of the Minister of National Security, between the hours of 9am to 5pm, Monday to Wednesday only.

(2) Visits to a pet shop shall be restricted as follows—

- (a) Mondays shall be for persons whose surnames begin with the letters A to F only;
- (b) Tuesdays shall be for persons whose surnames begin with the letters G to Q only;
- (c) Wednesdays shall be for persons whose surnames begin with the letters R to Z only.

Hardware or paint stores

5 (1) The owner or operator of a hardware or paint store shall only operate during the curfew with the written permission of the Minister of National Security, and shall ensure compliance with the following conditions—

- (a) customers shall not be permitted to enter the store;
- (b) collection of pre-paid goods permitted from 9am to 5pm, Monday to Wednesday only.

(2) Visits to a hardware or paint store shall be restricted as follows—

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- (a) Mondays shall be for persons whose surnames begin with the letters A to F only;
- (b) Tuesdays shall be for persons whose surnames begin with the letters G to Q only;
- (c) Wednesdays shall be for persons whose surnames begin with the letters R to Z only.

Plant nurseries

6 (1) The owner or operator of a plant nursery shall only operate during the curfew with the written permission of the Minister of National Security, and shall ensure compliance with the following conditions—

- (a) customers shall not be permitted to enter the nursery;
 - (b) collection of pre-paid goods permitted from 9am to 5pm, Monday to Wednesday only.
- (2) Visits to a plant nursery shall be restricted as follows—
- (a) Mondays shall be for persons whose surnames begin with the letters A to F only;
 - (b) Tuesdays shall be for persons whose surnames begin with the letters G to Q only;
 - (c) Wednesdays shall be for persons whose surnames begin with the letters R to Z only.

Shipping and freight companies

7 (1) A shipping and freight company shall only operate during the curfew with the written permission of the Minister of National Security, and shall ensure compliance with the following conditions—

- (a) customers shall not be permitted to enter the premises;
 - (b) collection of goods by customers permitted from 9am to 5pm, Monday to Wednesday only, by appointment confirmed in writing to the customer.
- (2) Visits to a shipping and freight company shall be restricted as follows—
- (a) Mondays shall be for persons whose surnames begin with the letters A to F only;
 - (b) Tuesdays shall be for persons whose surnames begin with the letters G to Q only;
 - (c) Wednesdays shall be for persons whose surnames begin with the letters R to Z only.

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Drinking water suppliers

8 A supplier of bottled drinking water shall only operate during the curfew with the written permission of the Minister of National Security, and shall ensure compliance with the following conditions—

- (a) customers shall not be permitted to enter the premises;
- (b) collection of large bottled water containers (3 gallons or more) by customers permitted from 9am to 5pm, Monday to Wednesday only.

Revocation of Ministerial permission

9 If a permitted business given written permission to operate by the Minister of National Security for the purposes of this Schedule is not in compliance with the relevant paragraphs of this Schedule, the Minister may order the owner or operator to close the business, and the owner or operator shall forthwith comply with that order, and shall continue to comply until otherwise directed by the Minister.”.

Inserts Schedule 4

12 After new Schedule 3 to the principal Regulations, insert—

“SCHEDULE 4
REGULATION OF DELIVERIES

Application

1 (1) This Schedule applies in relation to all deliveries permitted by regulation 9(2) or by paragraph 6 of Schedule 2.

(2) The Minister of National Security may publish further directions regarding deliveries on the website www.gov.bm/coronavirus.

Requirement for Ministerial permission

2 (1) A person seeking permission to make deliveries permitted by regulation 9(2) or by paragraph 6 of Schedule 2 shall apply to the Minister of National Security, with such information as the Minister may require.

(2) Only persons granted the written permission of the Minister of National Security may make deliveries.

Restricted times deliveries

3 (1) Deliveries shall be made between the hours of 9am to 6pm only.

(2) Subparagraph (1) does not apply to a persons engaged in courier and delivery services on behalf of Government Departments, or urgent deliveries for other essential services.

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Delivery protocols

4 (1) A person making a delivery shall telephone ahead to ensure that the delivery can be received.

(2) A person making a delivery to a private residence shall not enter a customer's home, but shall—

(a) leave the goods outside the customer's door; and

(b) telephone or otherwise inform the customer that the delivery has been made.

(3) A person making a delivery shall not require a customer to sign for receipt of a delivery.

Delivery of groceries

5 (1) A person making a delivery of groceries shall ensure compliance with applicable provisions of the Public Health Act 1949 and the Public Health (Food) Regulations 1950.

(2) In particular, a person making a delivery of groceries shall ensure that fresh, raw, and ready to eat foods are separately wrapped, and that all foods are protected from contamination by dust, dirt or flies (as required by regulation 9 of the Public Health (Food) Regulations 1950).

Additional health precautions

6 (1) A person making a delivery shall maintain appropriate social distancing at all times.

(2) A person making a delivery shall comply with all further directions of the Minister of Health regarding cleaning, sanitisation, use of personal protective equipment and other precautions to be taken before, during and after deliveries, as published on the website www.gov.bm/coronavirus.

Revocation of Ministerial permission

7 If a person given written permission to make deliveries is not in compliance with this Schedule or with Ministerial directions issued under paragraphs 1 or 6, the Minister of National Security may order the person to cease making deliveries; and the person shall forthwith comply with that order, and shall continue to comply until otherwise directed by the Minister.”.

Commencement

13 These Regulations shall come into effect on 20 April 2020.

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Made this 19th day of April 2020

Governor

[Operative Date: 20 April 2020]