

Public Health (COVID-19 Prevention, Containment and Treatment)
(Amendment) Regulations, 2020 (No. 3)

IT is hereby notified that the Minister of Health and Child Care has, in terms of section 68 of the Public Health Act [*Chapter 15:17*], made the following regulations:—

1. These regulations may be cited as the Public Health (COVID-19 Prevention, Containment and Treatment) (Amendment) Regulations, 2020 (No. 3).

2. The Public Health (COVID-19 Prevention, Containment and Treatment) Regulations, 2020, published in Statutory Instrument 77 of 2020 (“the principal regulations”) are amended by the insertion after section 7 of the following section—

“Special provision for Part IIIB exempted persons under SI 83 of 2020

7A. (1) This section has effect during the period that the declaration of a formidable epidemic disease under these regulations is in force, notwithstanding the expiry of the national lockdown under the Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) Order, 2020, published in Statutory Instrument 83 of 2020 (hereinafter called the “lockdown order”).

(2) Any term to which a definition is or has been assigned by the lockdown order shall have the same meaning when used in this section.

(3) Within 14 working days of resuming work for the first time since the 7th May, 2020, Part IIIB exempted persons (including employers of such persons) must cause themselves and their employees to be screened and tested for the COVID-19 disease, whether by use of the rapid results diagnostic test or other test approved by the Minister of Health, and (in the case of employers of Part IIIB exempted persons) to keep in custody for the period during which the declaration of a formidable epidemic disease is in force under these regulations documentary proof that such screening and testing has taken place in relation to each individual subjected to the test.

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(4) Every employer or operator in a business or industry in the formal commercial and industrial sector is deemed for the purpose of subsection (3) to have opened on the day after the promulgation of the Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 7), unless the employer or operator in question proves to the satisfaction of an enforcement officer that the business or industry opened on a later day, in which event the employer or operator in question is afforded a period of 14 days from such opening to comply with subsection (3).

(5) Enforcement officers may (by further order of the Minister notified in writing to the enforcement officers or by General Notice in the *Gazette* or in such manner as the Minister thinks necessary for bringing it to the attention of all persons who, in his or her opinion, ought to have notice thereof) require every person referred to in subsection (3) who has undergone screening and testing as mandated by that subsection to again submit to such screening and testing at intervals of not less than 30 working days from the last time such screening and testing took place, and this section shall apply to such re-screening and re-testing.

(6) Employers of the persons referred to in subsection (3) may arrange with enforcement officers for the testing contemplated by subsection (3) or (5) to take place at an agreed time at the workplace or at any other place agreed between them, for which purpose they may contact the Ministry of Health Call Centre or the Ministry of Information Call Centre.

(7) Persons deemed or purporting to be employers or employees of, or engaged in, an essential service for the purpose of Part IIIB of the lockdown order shall comply with any direction of an enforcement officer—

- (a) to submit to screening and testing for the COVID-19 disease;
- (b) at all times to observe the social distancing rule at the workplace, to avoid physical contact with each other, to wear protective masks and to make available for use by employees and other persons hand sanitising liquid;

- (c) to disperse and return home where any business or industry is not found to be a formal business or industry.

(8) An owner, employer or operator of a business in the formal commercial and industrial sector exempted by Part IIIB of the lockdown order shall ensure that its employees shall, on entry to the workplace, have their hands sanitised and their temperatures checked.

(9) An enforcement officer shall at any time during normal working hours have the right of access to any land or premises where Part IIIB exempted persons are present or employed—

- (a) to demand that the documentary proof referred to in subsection (3) be exhibited to him or her showing that the Part IIIB exempted persons concerned have undergone the screening and testing required by that subsection (in the case of a business or industry that has been open for more than fourteen working days);
- (b) where the proof mentioned in paragraph (a) is not exhibited to the enforcement officer—
 - (i) order the business or industry employing the Part IIIB exempted persons to be closed and the persons thereat to disperse within the hour; and
 - (ii) notify in writing the employer concerned or the person in charge at the workplace that the business or industry is not to reopen unless and until all the Part IIIB exempted persons concerned are screened and tested for the COVID-19 disease and the documentary proof required by this section is kept for exhibition to an enforcement officer;
- (c) to ensure that the appropriate provisions of this section are otherwise being complied with.

(10) Any—

- (a) person who fails to comply with subsection (8) or with an order of an enforcement officer given under this section, or who hinders or obstructs an enforcement officer from having the access referred to in subsection (9), shall be guilty of an offence and liable to a fine not exceeding level 12 or to imprisonment for a period not exceeding one year to both such fine and such imprisonment; or
- (b) employer or operator in a business or industry in the formal commercial and industrial sector who, having re-opened for business after being ordered to close under subsection (9)(b)(i), fails to screen and test themselves and their employees for the COVID-19 disease, or fails to exhibit to an enforcement officer on demand the documentary proof referred to in subsection (2) showing that such screening and testing has taken place;

shall be guilty of an offence and liable to fine not exceeding level 12 or to imprisonment for a period not exceeding one year to both such fine and such imprisonment.

(11) While the lockdown order is in force, prosecutions for contraventions of this section that are identical to those contained in Part IIIB of the lockdown order shall be charged in terms of that order.

(12) In this section “Part IIIB exempted persons” means persons deemed to be engaged in an essential service by virtue of Part IIIB of the lockdown order.”.